

Report Item No: 1

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:	Erection of play equipment (retrospective application)
RECOMMENDED DECISION:	Refuse Permission

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

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

REASON FOR REFUSAL

- 1 The play equipment results in a significant detrimental impact on neighbouring amenity due to the high level of the equipment and often continuous amount of noise produced from the activity on the play equipment; furthermore the play equipment is such that overlooking to neighbouring gardens is possible further detracting from a reasonable expected level of amenity. 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))

Background:

This application was on the agenda for the Sub-Committee on 21 November 2012 when the decision was taken to defer the application to the next Sub-Committee to allow for a full assessment of the need for planning permission for the use and the play equipment in order to ensure the planning application only relates to development that requires planning permission. The Planning Officer advised the Sub-Committee that his professional opinion is that the use as a play area does not require planning permission but the erection of the play equipment may require permission.

As a consequence this application is now reported back to the Sub-Committee with an amended report detailing that it is only the erection of the play equipment that requires planning permission. The assessment within this report therefore only deals with the consequences of the equipment.

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 erection of play equipment, which following investigation by Environmental Services is fixed to the ground for health and safety reasons.

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

RP5A - Adverse environmental impacts

DBE 1 – Design

DBE2 - Amenity

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. However, following investigation by Planning and Environmental Services it is not considered that the use has changed beyond that which is ancillary to the use of the premises as a coffee shop. It is acknowledged that some organised activities have been carried out within the rear garden, however these have not been frequent and the Council has no evidence to suggest these have continued.

Furthermore, as there is no alternative access to the rear garden of the premises, any users of the play equipment to the rear have to go through the coffee shop and there is an expectation that any users of (or parents of users) of this rear area will also be purchasing coffee and therefore the current use of this area is considered ancillary to the main use as an A3 cafe.

However, the play equipment is fixed to the ground and has to be fixed to the ground for health and safety purposes. That, together with an intention that the equipment remains in place, gives it a sufficient degree of permanency that the equipment is classed as a permanent structure. Since it is not permitted development it requires planning permission. The applicant has agreed to a change to the description of the works to only include the 'erection of play equipment (retrospective application)'.

Planning Merits:

The main issue that arises with this application is the impact on neighbouring amenity.

The play equipment is located to the rear of the site which abuts residential gardens and is of a similar scale and design to that found in domestic gardens and its overall appearance is considered generally acceptable.

However, although the play equipment and size of area is of a domestic nature, it is located within a commercial setting and it is this element that sets it apart from a domestic use. As a commercial site, it has a high intensification of use as 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. Due to this continual use the noise from the play equipment is such that it has a detrimental impact on neighbouring amenity. 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). Any noise from the hall is partly contained by the fact the children are inside and in any event it is not considered acceptable to permit a further detrimental use on the basis that another use may have a similar impact on amenity.

Along with the noise issue, due to the height of the play structure the main 'tree house' element is above the height of the fence and children using this element can clearly see into neighbouring gardens resulting in a further loss of amenity to neighbouring properties due to an unacceptable level of overlooking.

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 planning proposal on the grounds that the noise from the play equipment 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).

The Environment and Neighbourhoods Officer has investigated possible solutions to 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.

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 list 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. Although the petition clearly shows a high level of support, and that the play equipment is very popular with customers, these customers only come to the coffee shop for short periods whereas the surrounding neighbours have a constant nuisance from the play equipment.

Conclusion:

The play equipment causes an unacceptable loss of amenity to neighbouring properties due to noise and loss of privacy 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:

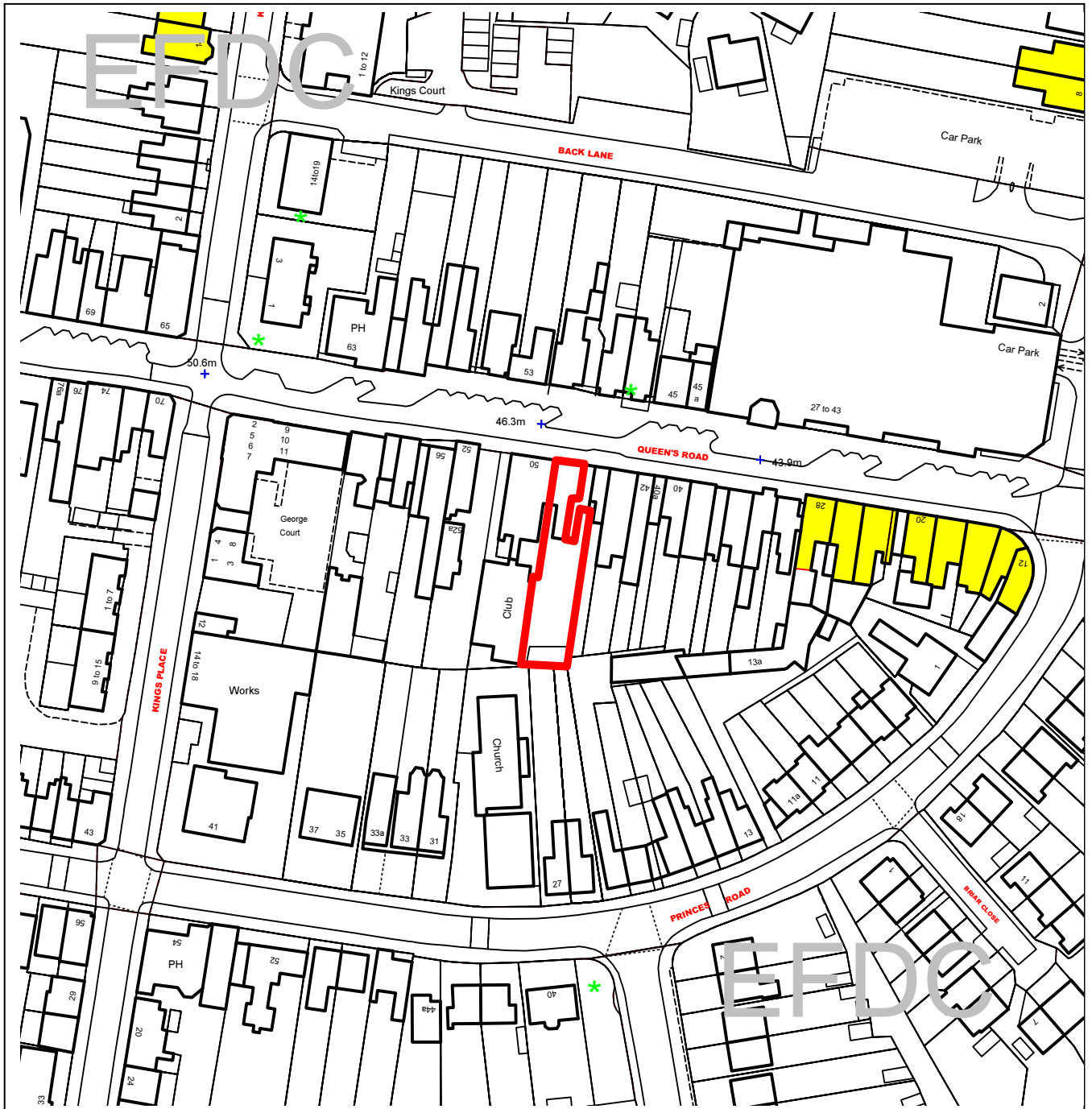
***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371***

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

Report Item No: 2

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 and Procedural Matters:

This application was first considered by this Sub-Committee on 19 September 2012 when it was resolved to refuse to grant planning permission contrary to Officer recommendation. It is true to say some confusion arose following the debate as to what had been agreed. The minute ultimately reflected that 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. This is where the confusion has arisen as by deferring a final decision the refusal could not be said to be a final decision. Certainly there was no mechanism agreed to allow officers to determine the highway issue and as such a report back to the committee was inevitable.

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 alone. 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 of 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 decision to grant 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, was reported back to the Sub-Committee on 21 November 2012 for it to make its final decision. However, Members deferred making a decision on this application in order to gain legal advice on whether the Sub-Committee had made a decision on the application when it considered the application at its meeting on 19 September

2012 and, if it had, whether it was then open to the Sub-Committee to subsequently consider the application afresh and make a new decision on it. Members also requested legal advice on whether the applicant could amend his application following the Sub-Committee's consideration of the application on 19 September.

The advice of the Council's Solicitor has been sought and is set out below.

"From a review of the webcast of the 19th Sept. meeting I would conclude that the intention of the committee was to refuse the application. However, the need to consider the highway implications and how that would impact on the decision led to the minuted and agreed decision to reserve final judgement. As such the refusal had not crystallized.

In any event, I do not believe the facts are so clear that a court would interfere with the process. No Decision Notice was issued, no challenge made and no objection to the minutes was raised such that I conclude the application was still live- both in law and in practice. It follows that it was therefore both capable of amendment and further consideration.

At the subsequent meeting the amended application was clearly granted but the decision would have been unsafe by virtue of the failure to consult objectors further. The decision to grant was not issued and I conclude that also was correct. I further conclude that the application remains live. Members must consider the matter afresh, with all parties consulted on the appropriate plans/proposals and a clear decision taken on the planning merits of the case.

The applicant and objectors are entitled to expect that the Local Planning Authority will make and issue a decision on the planning application having regard to the planning merits of the proposed development. In my view it has not done this as yet, but by doing so the prospect of a successful challenge to the procedural aspects of the decision would be minimal.

In giving this advice I acknowledge the understandable frustration of the parties and the understandable confusion the decision making process has caused."

The procedural difficulties the Sub-Committee wished to have resolved when they decided to defer considering the application from the November meeting, albeit important, can have no impact on the merits of the development, which must be decided upon an assessment of its planning merits. Therefore the apparent refusal and grant on the two previous occasions must be disregarded. Consequently, the Officer's report on the planning merits of the application that was included on the November agenda is reproduced below.

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 Councils 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:

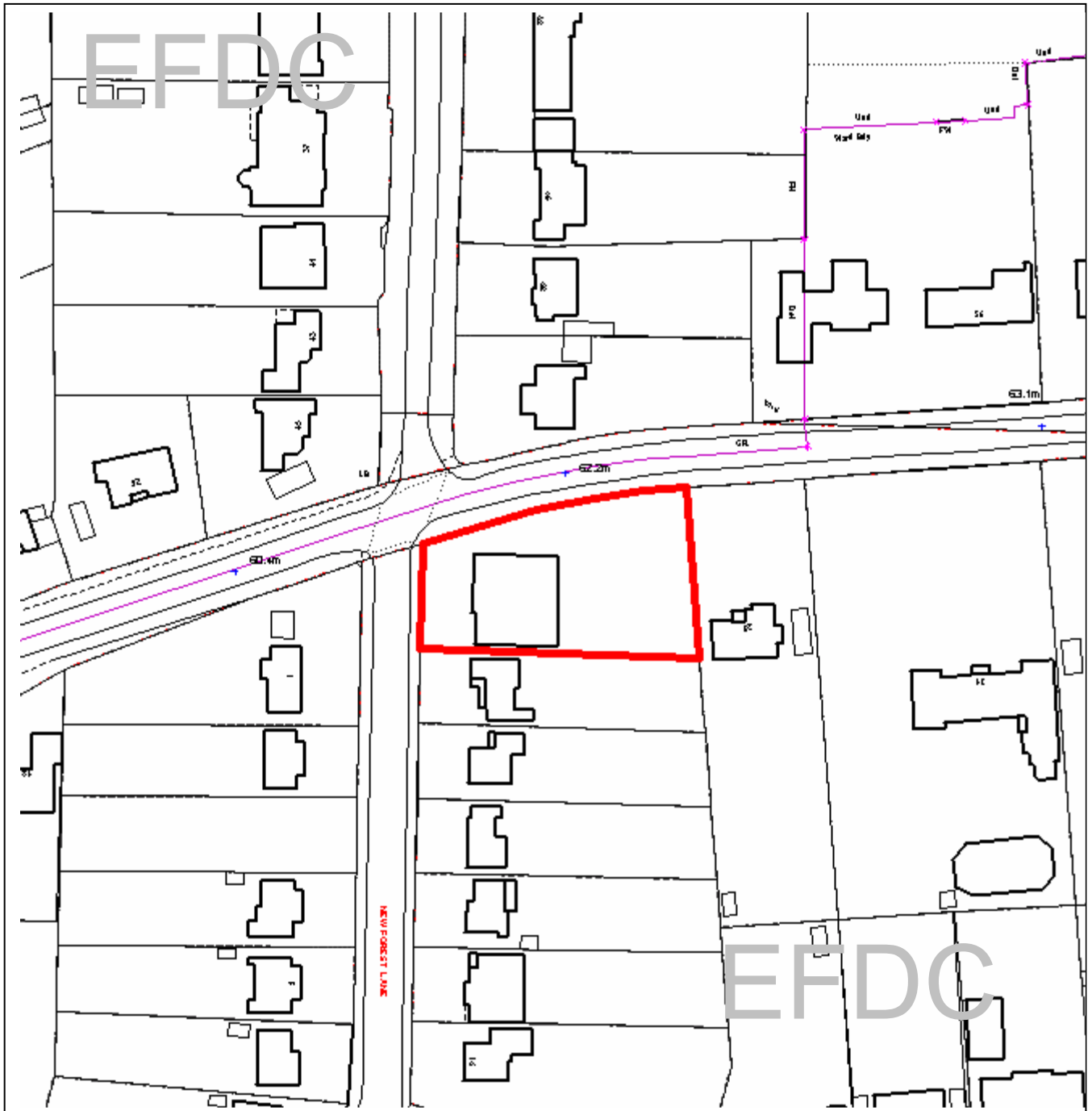
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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

Report Item No: 3

APPLICATION No:	EPF/1951/12
SITE ADDRESS:	Jennikings Garden Centre 212 Manor Road Chigwell Essex IG7 4JX
PARISH:	Chigwell
WARD:	Grange Hill
APPLICANT:	Mr Graham Kauders
DESCRIPTION OF PROPOSAL:	Minor Material amendment to design of residential development (21 flats) approved under EPF/2361/09
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=542320

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: Site Location Plan; CMEF/09/01/A; CMEF/03/03/B; CMEF/09/04/B; CMEF/09/05/B; CMEF/09/06/A; CMEF/09/07/A as amended by PL-001; 15-100 rev.G; 15-101 rev.D; 15-102 rev.B; 15-103 rev.B; PL-200 rev.A; PL-210 rev.A; PL-230 rev.A.
- 4 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 5 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.

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

monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

- 10 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 11 Prior to the first occupation of the development hereby approved, 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 Prior to first occupation of the development hereby approved, the proposed window opening(s) identified on the approved drawings CMEF/09/04 revB and CMEF/09/05 Rev. B (the bathroom and kitchen/living area windows serving flats D101, D102, D201 and D202 on plan nos 15-101 rev.D and 15-102 rev.B) 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.
- 13 No dwelling hereby approved shall be occupied until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 14 Prior to the first occupation of the development hereby approved, details of external lighting within the development shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details. No additional external lighting shall be installed within the development at any time thereafter without the prior written consent of the Local Planning Authority.
- 15 The cycle and refuse stores hereby approved shall be constructed and made available for use prior to the first occupation of any dwelling within the development.

- 16 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents (staff) and visitors vehicles.
- 17 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

Subject to the completion, within 16 weeks, of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the obligations of the agreement made in respect of the previous planning permission (EPF/2361/09) in respect of this proposed amended development. Authority to refuse planning permission should the agreement not be completed within 16 weeks is delegated to the Director of Planning and Economic Development.

This application is before this Committee since it is an application for major commercial and other developments, (e.g. developments of significant scale and/or wide concern) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(c))

Description of Site:

The application site is situated on the north-west side of Manor Road opposite Grange Hill Underground Station. It is situated within the Metropolitan Green Belt and was formerly occupied by part of the Jennykings Garden Centre. It was hard surfaced with a number of buildings occupying the site and an area of car parking to the front. There was an electricity sub station at the rear of the site.

The site is bounded by Manor Road to the south, Froghall Lane to the east and an adjacent development site to the north and west. Although the site has previously had direct vehicle access onto Manor Road, the proposed development would be accessed via the estate road of the adjacent development site.

The area of land to the south of the site falls within the administrative area of London Borough of Redbridge, and the row of cottages opposite (195-209 Manor Road) are Grade II listed.

Description of Proposal:

This application seeks a minor material amendment to planning permission EPF/2631/09, which permitted a development comprising 21 flats. This application relates to alterations to the block of flats which will contain the affordable housing (as the block to contain the market housing is now

under separate ownership) and also includes the communal open space, car parking, refuse and cycle stores etc.

Relevant History:

EPF/2361/09. Redevelopment of land formerly in use as a garden centre to provide 21 flats 80% of which will be affordable housing. (Revised application). Approved 16/08/2012.

Also relevant is the outline planning application (EPF/1399/09) for the residential development of the adjacent site and the current application seeking reserved matters approval for the erection of 68 dwellings (EPF/1161/12).

Policies Applied:

Adopted Local Plan and Alterations

HC12 – Development Affecting the Setting of a Listed Building
GB2A – Development in the Green Belt
GB7A – Conspicuous Development
GB16 – Affordable Housing
H2A – Previously Developed Land
H3A – Housing Density
H4A – Dwelling Mix
H5A – Provision for Affordable Housing
H6A – Site Thresholds for Affordable Housing
H7A – Levels of Affordable Housing
CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP4 – Energy Conservation
CP5 – Sustainable Building
CP6 – Achieving Sustainable Urban Development Patterns
CP7 – Urban Form and Quality
CP8 – Sustainable Economic Development
DBE1 – Design of New Buildings
DBE2 – Impact of New Buildings
DBE5 – Design and Layout
DBE6 – Residential Car Parking
DBE7 – Public Open Space
DBE8 – Amenity Space Provision
ST1 – Location of Development
ST2 – Accessibility of Development
ST4 – Highways Considerations
ST6 – Car Parking Standards
LL11 – Landscaping Schemes
E4A – Protection of Employment Sites

Also relevant are the policies and planning principles contained within the National Planning Policy Framework ('The Framework').

Summary of Representations:

Notification of this application was sent to Chigwell Parish Council and to 41 neighbouring properties.

The following representations have been received to date:

CHIGWELL PARISH COUNCIL. Objection. The Council strongly objects to this application as it is of poor design, poor amenity for the flats, inappropriate difference in affordable and non-affordable design will have a major impact on the street scene and is not a minor amendment.

LONDON BOROUGH OF REDBRIDGE. No objection.

Issues and Considerations:

The principle of the proposed development has already been agreed through the approval of the previous planning application. Accordingly what remains to be considered through the determination of this planning application is the suitability of the revised design and layout of the development, including provision for parking and amenity space. Some additional information is also provided in respect of planning conditions imposed on the original planning permission.

Design of Development

The design of the proposed dwelling would loosely accord with the building heights (in terms of the number of storeys) as per the approved development.

The notable changes to the design of the development by comparison with the approved scheme are the materials proposed (The materials selected by the Housing Association undertaking the Development include a mix of facing brick and the use of timber cladding on lift shafts). Previously (and continuing in the case of the market housing within the site) the palette of materials also included the use of render. However, render is not a preferred material of the Housing Association.

Other changes to the design of the development include the use of gabled roofs rather than hipped roofs, simplified elevations and the insertion of larger windows. Juliet balcony features would be retained on some of the flats within the development.

Officers consider that the revisions to the blocks within the development improve their design. However, the design must be considered within the context of the whole development and consideration must be given to the compatibility of the revised design in relation to the unchanged block of market housing within the site and also in relation to the concurrent planning application which seeks reserved matters of the adjacent site – as the four blocks within this run of development will be viewed as a section of street scene.

As a result of the changes to 'Block A' which fronts Manor Road, elements of the design (for example, traditional roof forms, the use of complementary materials as secured by planning conditions and the retention of the Juliet balcony feature, Officers consider that the design will complement the adjacent previously approved block. On the adjacent side of the access road will be the frontage of the adjacent development site. As proposed through the current reserved matters application, this will consist of a two storey apartment block, set slightly back from the building line of this application site, but comprising a front gable with ground and first floor French windows with balconies and a receded two storey side projection. In relation to this 'street scene' it is considered that the alterations proposed through this planning application would not only complement the existing approved redevelopment within the same site, but would also provide a better transition along this frontage serving to better integrate the two separate application sites. This assessment is subject to the careful and sympathetic matching of materials across the different developments and land owners. This may be achieved through the imposition of planning conditions on all consents.

Following an amendment to the originally submitted plans, the layout of individual flats within the development is such that habitable rooms would not overlook neighbouring dwellings within either this site or the adjacent development. Where there are non-habitable rooms within this proposal which are served by windows which may overlook neighbouring properties, planning conditions may reasonably be imposed to prevent unacceptable overlooking.

Layout of development

In addition to the changes to the design of buildings within the development, alterations are also proposed to the layout. The footprint of the amended blocks has slightly reduced, in accordance with the Housing Association's requirements.

Other, more significant, alterations to the layout of the development include the provision of additional car parking spaces (as previously approved, the development of 21 flats was served by 20 parking spaces – now 27 are proposed), the provision of enlarged facilities for refuse and cycle storage (previously totalling a footprint of 55.5m², increased to 60.7m² following revisions) and the resultant decrease in the area of meaningful amenity space (i.e. the area contained between the blocks of dwellings and adjacent to the car parking spaces) from approximately 325m² previously to approximately 215m² now proposed.

This is a high density development site and the principle of providing 21 flats has already been accepted by the approval of the earlier planning application. Accordingly, it must be considered whether the slight increase in refuse and cycle storage and the additional parking justifies accepting a reduction to the amount of amenity space provided within the development.

The size of the refuse storage area has been enlarged following comments from the Council's Environment and Street Scene Directorate regarding the space necessary to accommodate the required number of bins and recycling facilities for the development. The increase in cycle storage is to provide a facility to the standards required if the development is to be awarded the Code for Sustainable Homes Level 4 – which the Applicant is seeking. This is a worthy aspiration which is consistent with policies within the Local Plan and The Framework which encourage sustainable buildings and development. The provision of additional parking spaces within the development is also considered to be of benefit – their layout is such that they would not be used as general visitor bays, but would provide for five of the flats to have a second parking spaces.

The area of amenity space that would be retained within this revised layout is would be such that it would continue to be directly and readily accessible from the flats and of a size shape and nature that would enable reasonable use. It is considered that it would accord with the requirements set out in policy DBE6 of the Local Plan.

In light of the above, it is the balanced opinion of Officers that the benefits arising from the improved provision of facilities within the site outweighs any harm arising from the reduced amenity space area.

Other Matters

The Applicant has advised that they are keen to implement this development and, if approval is given, would like to commence works on site quickly. Accordingly the Applicant has undertaken discussions with Planning Officers regarding the conditions imposed on the original planning permission.

As a result of those discussions, Officers recommend variations to the planning conditions imposed originally in relation to the erection of screen walls and fences, the submission of hard and soft landscaping plans and details of lighting to allow these matters to be agreed prior to the

first occupation of the development, rather than prior to the commencement of the entire development.

Other conditions do remain which will require attention prior to the commencement of the development – these include the approval of the materials, site levels, contaminated land studies and the submission of a Construction Method Statement – as in these cases Officers believe that the information is necessary prior to works being undertaken. However, the Applicant is presently undertaking work in respect of these planning conditions and if acceptable details are provided prior to the committee meeting, Members will be advised if any alteration to these conditions is necessary as a result of that work.

Conclusion:

In light of the above appraisal, it is considered that the alterations to the approved scheme would result in a development of acceptable appearance which would both complement and integrate with the approved dwellings to the east and the proposed development to the west. The revised site layout is acceptable 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:

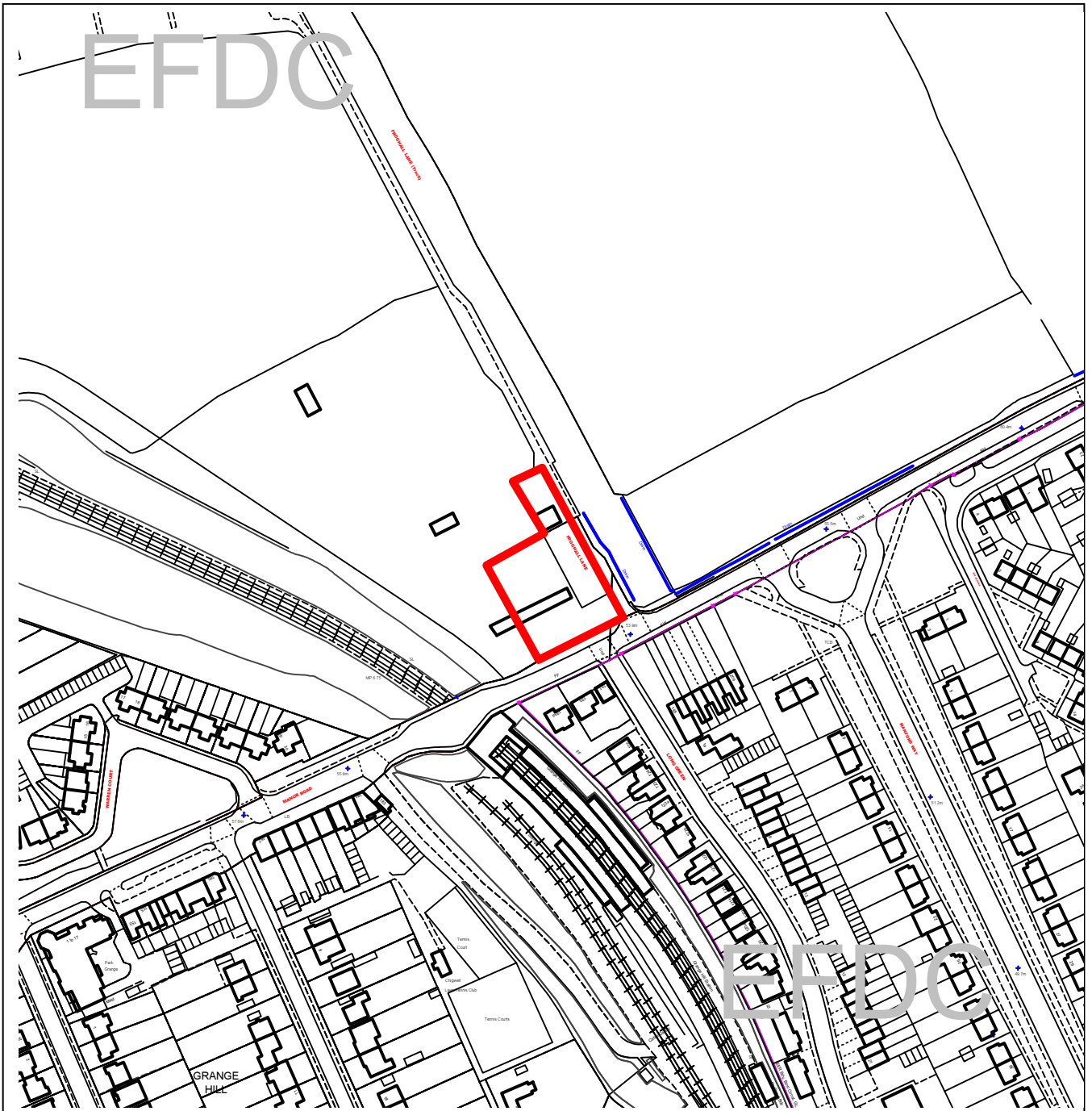
***Planning Application Case Officer: Mrs Katie Smith
Direct Line Telephone Number: (01992) 564109***

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:	3
Application Number:	EPF/1951/12
Site Name:	Jennikings Garden Centre, 212 Manor Road, Chigwell, IG7 4JX
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/1785/12
SITE ADDRESS:	152 - 154 Daneley Court Nursing Home Queens Road Buckhurst Hill Essex IG9 5BJ
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Mr Malcolm Wallace
DESCRIPTION OF PROPOSAL:	Demolition of existing nursing home and the erection of 14 apartments and associated car parking spaces, amenity space, bin and cycle stores, foul and surface water drainage and landscaping.
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=541531

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: 1411 - LOC, 1411 - E001, 1411 - E002, 1411 - P001 revision J, 1411 - P001 revision J (showing line of vision), 1411 - P002 Revision J and 1411 - P003 Revision D
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 4 Prior to the occupation of the building hereby approved, the proposed private drive shall be constructed to a minimum width of 5m for at least the first 6m from the back of the carriageway and provided within an appropriate dropped kerb crossing of the foot way.
- 5 Prior to commencement details shall be submitted to and approved in writing by the Local Planning Authority for the reinstatement to full height of the footway and redundant dropped kerbs to the front of the development. The approved scheme of works shall be implemented prior to first occupation of the development.

- 6 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
- 7 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 operation and shall be retained at all times.
- 8 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 9 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.
- 10 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 11 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out.

A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

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

- 16 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.
- 17 Prior to the commencement of development hereby approved, details showing the location of one bird and one bat nesting box to be installed within the site shall be submitted to the Local Planning Authority for approval in writing. The nesting boxes shall then be installed in accordance with the approved details and prior to the first occupation of the building hereby approved.
- 18 Prior to first occupation of the development hereby approved, the proposed window openings as shown on plan no: 1411 - P002 Rev J as obscure glazed 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. Thereafter they shall be permanently retained in that condition.
- 19 Prior to first occupation of the development hereby approved, the proposed privacy screens as shown on plan nos: 1411 - P002 Rev J and 1411 - P003 Rev shall be installed and thereafter shall be permanently retained.

Subject to the completion, within 14 weeks of this decision, of an agreement under S106 of the Town & Country Planning Act 1990 in respect of a contribution of £38,211 towards education provision within the locality. Authority to refuse planning permission should the agreement not be completed within 14 weeks is delegated to the Director of Planning and Economic Development.

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))

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 two and a half storey wide fronted building which has three prominent gables located on the south side of Queens Road. The building is on the edge of the more residential part of Queens Road and was previously used as a Nursing Home but has stood empty for some time. The property to the west appears as part of the building, but is in fact a detached residential building outside of the application site. To the east of the site is a semi-detached dwelling house which is separated from the application site by the existing vehicle access. The site slopes down from west to east. Queens Road has a mix of residential houses, flats and commercial properties, however there is a relatively strong character due to the age of many of the properties with many Victorian properties with attractive detailing. The site is not within the Metropolitan Green Belt or a Conservation Area.

Description of Proposal:

The application seeks consent for the demolition of the existing nursing home and the erection of 14 apartments and associated car parking spaces, amenity space, bin and cycle stores, foul and surface water drainage and landscaping. The building will be 25.9m wide, 18.2m deep with a maximum height of 12.3m. The building will have two gables at either end to both the front and rear elevation with Juliet balconies to the front and balconies and a communal terrace at second floor to the rear.

Relevant History:

Various applications with regards to the nursing home, none relevant to this application.

Policies Applied:

Epping Forest District Local Plan and Alterations

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP4 – Energy Conservation
CP5 – Sustainable Building
CP6 – Achieving Sustainable Urban Development Patterns
CP7 – Urban Form and Quality
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE3 - Design in Urban Areas
DBE6 – Car Parking in New Development
DBE8 – Private Amenity Space
DBE9 – Excessive Loss of Amenity to Neighbouring Properties
ST1 – Location of Development
ST2 – Accessibility of Development
ST4 – Road Safety
ST6 – Vehicle Parking
H2A – Previously Developed Land
H3A – Housing Density
H4A – Dwelling Mix
LL11 – Landscaping Schemes
RP4 – Contaminated Land

NPPF

Summary of Representations:

BUCKHURST HILL PARISH COUNCIL – No objection in principle to the development, concerns as to density and lack of amenity space, as the development is on Queens Road would like a contribution to the Parish for local facilities

NEIGHBOURS

47 neighbours were consulted and a site notice erected:

157B PRINCES ROAD – Strong Objection – 22 windows and doors and 8 balconies will ruin privacy.

129 QUEENS ROAD - Objection – Limited parking despite public transport, harm to businesses, concern over noise and disruption during building works

147 PRINCES ROAD – Objection – roof terrace will have an effect on noise, no planting shown by parking space No. 10 and this is where property will be overlooked. Thanked the developer for moving bin store.

133 QUEENS ROAD – Objection – Loss of privacy from front windows and entrance, building line will come forward, disruption from build, insufficient parking

148 QUEENS ROAD – Objection – Loss of privacy from balconies, and rooms within the eaves, insufficient parking

150 QUEENS ROAD – Objection – Loss of privacy from volume of windows along side of building and from balconies to the rear, increase in size of building compared to existing, insufficient parking

157 PRINCES ROAD – Objection – Loss of privacy and lack of parking provision

Issues and Considerations:

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

- The principle of the development
- Potential impact on the character and appearance of the area
- Amenity
- Amenity Space Provision
- Parking and road safety
- Trees and landscaping issues

Principle of Development

The principle of development is considered acceptable in this location which is on the edge of a residential area and replaces albeit a commercial residential building with solely a residential building. This is considered an acceptable type of development in this mainly residential location. The proposal also offers a mix of flat sizes, with 2 x 3 bed, 10 x 2 bed and 2 x 1 bed apartments which is considered to comply with policy H4A and as this development would result in the reuse of previously developed land this is also in accordance with policy H2A.

Impact on the Appearance of the Area

As stated above, a residential use at this site fits into the character of this part of Buckhurst Hill. The overall design of the proposal is considered acceptable, particularly as the proposal is in general fairly similar in design to the existing building in terms of the prominent gables and dormer additions within the roof slope. This design is considered to complement the built form of the surrounding area. The proposal has included some detailing influenced by the existing building and surrounding architecture and these details include barge boards, arched windows, decorative lintels and decorative brickwork.

The proposed building is slightly narrower than the existing by 1.5m and this provides a far better separation between buildings particularly with No. 156, the property that presently appears almost attached. The proposal follows broadly the same building line as the existing and generally is considered an appropriate and acceptable addition to the streetscene.

Although the building is deeper than surrounding neighbouring properties, it is not significantly deeper and is considered to be generally in proportion with the size of the site and the surrounding character of the area.

Amenity

Several neighbours have raised objections to the scheme with particular emphasis on loss of privacy and the applicants have submitted a written response to the neighbour representations received. It is not considered that there will be a significant loss of amenity to those properties to the front of the site as any overlooking will be to the front more public areas of these properties and it is not considered that the number of windows has increased significantly from the previous nursing home. Although Juliet balconies are proposed to the front, it is not possible to step out onto these balconies and therefore this element of the proposal is considered acceptable.

It is acknowledged that there are additional windows proposed to the rear above that which currently exists. Since the total depth of the building at ground, first and second floor would be deeper than existing therefore these windows would be closer to the rear boundary of the site. However, it is not considered there will be a significant loss of amenity above that which may already exist from surrounding property windows and there is a distance of some 60m to the properties at the rear. The Essex Design Guides suggests a minimum of 25m between the backs of properties and 35m where flats are proposed. Clearly at 60m this proposal far exceeds this suggested minimum.

The addition of the balconies has raised concern from the neighbours, but as stated above the properties to the rear are some distance away and with regards to side views these will be limited due to the addition of privacy screens to the sides of the balconies.

The rear terrace area at second floor level is slightly unusual as it can be accessed by all the flats and is an amenity area for the proposal. Views will be possible to surrounding properties, however as with the distances stated above these will be longer views and will be screened at the side by the proposed gable projections. Although noise from this area has been raised by some neighbours as an issue, it is considered that, as the applicants have stated, it would be very unlikely for all 14 flats to use this area at one time. On that basis, the potential for excessive noise is not considered a significant issue.

The proposed side facing windows towards No. 150 are in the main clear glass. Two upper level windows, one serving a bedroom and one (a rooflight) serving a lounge could potentially offer views across the rear garden of 150 at an oblique angle. To mitigate this potential the windows concerned are proposed to be obscure glazed. That is considered necessary to safeguard the privacy of 150 and can reasonably be conditioned to ensure that the windows remain obscure glazed. Concern has also been raised with regards to the possible loss of privacy from the mezzanine studies in apartment 13 and 14, however these are high level rooflights and due to the angle of the roof, overlooking is considered minimal from these windows.

With regards to the other adjacent property to the site, No. 156, it is considered that the proposal will be an improvement to the amenity of any occupier of No. 156 as the formation of a 1m gap between the two buildings can only be an improvement to the poor, existing outlook from this property.

Amenity Space Provision

The proposed amenity space for the future occupiers of the flats does fall below that suggested by policy DBE8, which for flats is a communal area of 25m² per a flat. All, bar four of the flats have access to a private balcony, and all flats have access to the second floor terrace area. Although the proposal provides less than the suggested amenity provision, this is only a guideline and a relaxation of this can be acceptable in certain cases. In this case, amenity areas have been provided to a degree and the site is also within walking distance of forest land and good transport links exist to access other public amenity facilities. With regard to these circumstances the proposed provision of amenity space is deemed acceptable.

Parking and Highway Issues

Essex County Council Highways have no objection to this scheme subject to various conditions. Queens Road is a one-way 20mph traffic calmed, unclassified road and as such there are no efficiency or capacity issues associated with the proposal. The existing nursing home use would have had a comparable level of vehicle movements with this proposal and the nursing home operated on this site without significant issue for many years. In addition the access is to be widened so that vehicles can pass without blocking the through route down Queen's Road.

The Highway Officer considers the parking provision to be acceptable given the accessible location of the development and the comprehensive parking restrictions in place on the surrounding road. Although the neighbours have raised objections to the level of parking proposed (1 space has been provided for every flat plus two visitor parking spaces) it is considered that Queens Road is a sustainable location and therefore a reduction in parking spaces (2 spaces are required for a 2 bed or more dwelling) is considered acceptable in this location. The Essex Parking Standards does allow for a reduction in parking space provision 'if there is development within an urban area that has good links to sustainable transport'. Buckhurst Hill Station is a short walk away to the east and two bus routes operate within walking distance from the site. Coupled with this many shops, services and facilities are within walking distance from the development site.

Initially the Highways Officer had concerns with regards to the provision of cycle parking as this was located behind the bin store and fell well below the suggested provision. Revised plans have been received since first submission which have revised the bin store and cycle parking area and now 10 cycle parking areas have been provided with a separate access to the bin store which is a much improved layout.

Trees and Landscaping

The site currently has little landscaping except for a group of conifers to the rear boundary which are to be removed as part of the application and a group of trees which are to be retained in the north east corner, however there is little room on the site for any large landscaping areas. Notwithstanding this, small areas of landscaping are proposed to the front and within the car parking area and this is considered a welcome addition. The Tree and Landscape Officer has no objection to the proposal subject to a condition to ensure the protection of the existing trees towards the rear of the site and on neighbouring land and a condition to secure an appropriate hard and soft landscaping scheme.

The application was also accompanied by an Ecological Appraisal to which the Countrycare Manager raises no objection as the site was found to be unsuitable for any protected species. This is subject to a condition to ensure bird and bat boxes are installed as per the recommendations made within the appraisal.

Other Issues

Refuse Storage/Collection:

The refuse area is located within the proposed building accessible before the gated entrance, located a maximum of 14m from the road edge and the amount of bin storage is in agreement with the Waste Management Officer and therefore the size and location is considered acceptable.

Contamination:

The application was accompanied by a Phase 1 Desktop Study, however the Council's Contaminated Land Officer has concerns with the contents of the study and considers that it

requires additional information, this can be covered by condition to ensure a phased contaminated land investigation and mitigation if necessary.

Education Contribution:

Comments from Essex County Council Education Authority have been received in relation to the development. Action is needed to address the need for additional places at the two local Primary Schools (St. Johns and Buckhurst Hill) by 2017 and 2014 respectively and at the local Secondary School (Roding Valley High) by 2018, and this proposed development will only add pressure to this need. On the basis of the formula outlined in the Education Contribution Guidelines Supplement a contribution of £38,211 is requested. The applicant's agent has confirmed by email that the applicant's solicitors are in the process of agreeing the content of the legal agreement with the Council's Legal team.

Conclusion:

Notwithstanding the amenity and parking concerns from neighbours and the lower than suggested parking and amenity provision, the proposal is considered an acceptable design, providing a good mix of dwelling sizes, located in a sustainable location with good access to open space and therefore the application is on balance considered acceptable and approval subject to a Section 106 agreement for an education contribution 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:	4
Application Number:	EPF/1785/12
Site Name:	152 - 154 Daneley Court Nursing Home Queens Road, Buckhurst Hill, IG9 5BJ
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/1512/12
SITE ADDRESS:	82 Princes Road Buckhurst Hill Essex IG9 5DZ
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Mr R Comerford
DESCRIPTION OF PROPOSAL:	Proposed two storey side and rear extension.
RECOMMENDED DECISION:	Refuse Permission (Householder)

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=539906

REASON FOR REFUSAL

- 1 By reason of the proximity of the side elevation to the boundary with 80 Princes Road the proposal would have an excessively over-dominant relationship with that house to the detriment of the character and appearance of the locality. It is therefore contrary to Local Plans and Alterations policy DBE 10, which is consistent with the National Planning Policy Framework.

This application is before this Committee since it has been 'called in' by Councillor Chambers (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(h))

Description of Site:

No 82 Princes Road is a two-storey end of terrace house with part width rear projection matching that of attached house (84) together with a conservatory on the flank of the rear projection.

Land falls to the east and south. The detached neighbour (80) is a much lower building that forms one of a pair of modest semi-detached houses. Its front wall aligns with that of the neighbouring terrace. To the rear it has a substantial flat roofed single-storey rear extension on the boundary with the application site that continues beyond the rear projection to no. 82. No. 80 has a centrally positioned first floor rear window set well away from the site boundary with 82.

No. 78 has a long established two-storey rear extension with blank western flank that projects a considerable distance from the first floor rear elevation of the pair of semi-detached houses

Description of Proposal:

Proposed two storey side extension, part two storey, part single-storey rear extension and raised patio.

It is proposed to enlarge the house to the site boundary with 80 Princes Road at ground floor, continuing to a point 1m beyond the rear wall of the existing extension to no. 80 and wrapping around the existing two-storey projection to abut the boundary with the attached property. The front elevation of the extension would be set back 1.3m rear of the front elevation of the house and 0.5m rear of the front wall of no 80.

At first floor the house would be enlarged to the side of the main house and the existing two-storey rear addition. The flank wall would abut the boundary with 80 and continue on that alignment to the first floor rear wall of 80. Thereafter it would step in 1m further from the boundary and continue 3.7m rearwards before being set in a further 1m from the boundary and continuing 1.2m rearwards to align with the rear wall of the existing rear addition.

The rear patio would be 1.1m in depth and set a similar distance from the boundary with 80 Princes Road. A 1.8m high obscure glazed privacy screen would be erected on the eastern edge of the patio and steps beyond it leading down to the garden level.

The proposal has been amended in the course of considering the application such that it is now identical to a proposal the subject of application ref EPF/1510/10, which was refused planning permission by Officers under delegated powers on 12 October 2012. The originally submitted proposal showed the first floor of the proposed side extension set 500mm from the site boundary with 80 Princes Road where it is adjacent to the first floor of no. 80. It also showed the proposed single-storey rear extension would not project beyond the rear elevation of a single-storey extension to 80 Princes Road. The patio proposed in the original submission is of the same dimensions and design as the amended proposal.

Relevant History:

EPF/0102/12	Proposed two storey side and rear and single storey side and rear extension. Refused on design grounds. Appeal submitted but withdrawn
EPF/0103/12	Two storey side and rear extension including garden summerhouse at rear. Refused on design grounds and on the basis of harm to the living conditions of 80 Princes Road
EPF/0567/12	Proposed two storey side extension, part two storey rear extension and raised patio. Approved
EPF/1045/12	Two storey side and rear extension. Refused on the basis of harm to the living conditions of 80 Princes Road. Appeal submitted and decision pending.
EPF/1510/10	Proposed two storey side and rear extension. Refused for the following reason:

By reason of the proximity of the side elevation to the boundary with 80 Princes Road the proposal would have an excessively over-dominant relationship with that house to the detriment of the character and appearance of the locality. It is therefore contrary to Local Plans and Alterations policy DBE 10, which is consistent with the National Planning Policy Framework.

Policies Applied:

CP2	Quality of Rural and Built Environment
DBE9	Loss of Amenity
DBE10	Residential Extensions

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 2
Site notice posted. No, not required:

Responses received: One letter of support received from the occupant of 86 Princes Road. The letter takes the form of a completed questionnaire with the comment *"With this option, it will match the other end of the terrace, and retain the architectural integrity."*

BUCKHURST HILL PARISH COUNCIL: In relation to the originally submitted proposal the Parish Council comments *"NO OBJECTION provided that the materials used are in keeping with the existing street scene."* In relation to refused application EPF/1510/12, which proposed an identical development to the amended proposal, the Parish Council commented *"OBJECTION – Impact on both neighbours in terms of line of sight."*

Main Issues and Considerations:

The design of the proposed addition would echo that of the main house with the roof contained behind a substantial parapet when seen from the front elevation. That design together with the setback rear of the front elevation complements that of the existing house.

The set back 500mm rear of the front elevation of 80 Princes road assists in achieving a design solution that respects No 80. However, by constructing the addition on the boundary with 80 it would have an excessively over-dominant relation to it which would be emphasised by the change in levels between the two properties. That extension would tower above the much smaller house at 80 Princes Road at a point where it abuts its flank. The resulting discordant relationship would be harmful to the street scene and cause excessive harm to the character and appearance of the locality.

To the rear the proposed additions would complement the design of the existing house.

The stepped arrangement of the rear part of the rear/side addition at first floor level taking the addition away from the boundary with 80 Princes Road would avoid a potentially excessive overbearing impact when seen from the first floor rear window of 80 Princes Road. The proposal would appear somewhat overbearing and impact on light when seen from the adjacent first floor rear elevation window of 80 Princes Road, but the impact is not so severe that it warrants withholding planning permission. The arrangement is in any event similar to that approved under planning permission EPF/0567/12. Windows in the first floor flank would serve a bathroom and hall therefore they can reasonably be required to be obscure glazed to avoid any potential for excessive overlooking. Due to the close alignment of the hall window with the rear of 80 the potential for overlooking from that window is very limited in any event.

The projection of the proposed rear extension beyond the rear wall of the addition to 80 Princes Road would appear somewhat overbearing when seen from the lower garden level of No. 80. That would be exacerbated by the continuation of a proposed 1.8m high privacy screen some 2.2m beyond the rear of the extension, although that would be set away from the common boundary. However, the degree to which the addition would appear overbearing is not so harmful that it warrants withholding planning permission.

The provision of a privacy screen on the edge of the patio and steps rear of the proposed extension is essential to prevent excessive overlooking of the most private part of the rear garden of 80 Princes Road. Its provision should be a requirement of a condition on any consent given.

Conclusion:

By reason of the proximity of the side elevation to the boundary with 80 Princes Road the proposal would have an excessively over-dominant relationship with that house to the detriment of the character and appearance of the locality. It is therefore contrary to Local Plans and Alterations policy DBE 10, which is consistent with the National Planning Policy Framework, and it is recommended that planning permission be refused.

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

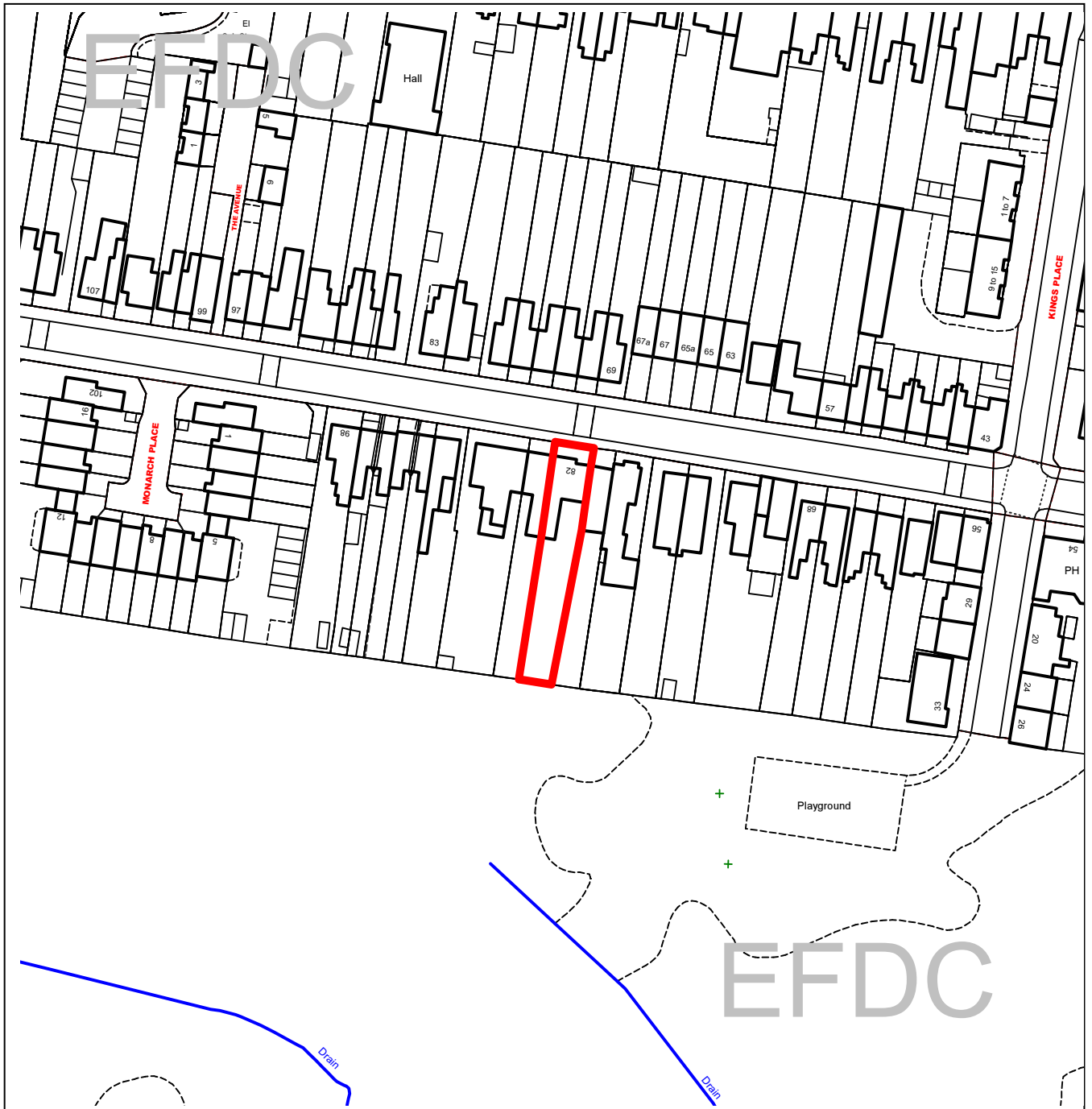
**Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018**

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/1512/12
Site Name:	82 Princes Road, Buckhurst Hill IG9 5DZ
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/1771/12
SITE ADDRESS:	Land adjoining Rest Harrow The Kennels Millers Lane Chigwell Essex IG7 6DG
PARISH:	Chigwell
WARD:	Chigwell Row
APPLICANT:	Mr Roger Farthing
DESCRIPTION OF PROPOSAL:	Demolish existing Kennels and build a new 2 bedroom house. Change of use of land to residential. (Revised application)
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=541451

REASON FOR REFUSAL

- 1 The proposed house is inappropriate development in the Green Belt, which is by definition harmful to it. Moreover, by reason of its size and siting it would appear conspicuous and cause considerable harm to the openness of the Green Belt. No very special circumstances that would outweigh all the harm caused by the development have been demonstrated. The proposals are therefore contrary to Local Plan and Alterations Policies GB2A and GB7A, which are consistent with the National Planning Policy Framework.
- 2 By reason of its poor roof design comprising of a crown roof associated with a steep pitch below, the design of the house would appear contrived and give it a poor appearance that seriously detracts from its architectural integrity. In addition to its harm to the open character of the locality referred to in the first reason for refusal of planning permission, the proposed house would consequently be harmful to the visual amenities of the locality. The proposal is therefore contrary to policy DBE1 of the Local Plan and Alterations, which is consistent with the National Planning Policy Framework.
- 3 The site is situated in a rural and unsustainable location, isolated from public transport or local facilities, therefore encouraging dependence on private car use which is contrary to the aims and objectives of policies CP1, CP2, CP3, and ST1 of the Adopted Local Plan and Alterations. The policies are consistent with those contained within the national Planning Policy Framework.

This application is before this Committee since the recommendation is for refusal contrary to a favourable recommendation 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 comprises a plot of land located on the north-eastern side of Millers Lane, adjacent to residential properties 'Rest Harrow', which is a single storey building containing two dwellings. A large fence marks the frontage of the current site, which is presently vacant and unkempt. The site was previously used as kennels. The surrounding area is predominantly open fields with Willow Park Farm opposite the site to the south. The land has a gentle slope downwards to the east.

There is a dilapidated single storey building within the plot. The building is not listed nor is the site within a Conservation area. The whole site however, is within the Metropolitan Green Belt.

Description of Proposal:

This application seeks planning permission to demolish the existing kennel building and to replace this with a detached dwelling in a different location within the site.

The building will be a chalet style bungalow and it will be 14.9m deep by 8.5 m wide. Its eaves height will be 2.4m and ridge height 6.7m at the top of a crown roof. There is an inconsistency in drawings since the roof plan shows a dual pitched roof with a single ridge rather than a crown roof. A very similar proposal refused planning permission within the last year that had a single ridged roof had a ridge height of 7.5m.

The accommodation would be spread across two storeys, with the first floor accommodation provided within its roof.

Also proposed is the change of use of the land that will see the entire site used as residential curtilage.

The existing access off Millers Lane will be altered and the entry and egress will be formed slightly west from its present point of entry.

Relevant History:

There have been various applications for extensions to Rest Harrow and in connection with the kennels. The most relevant and relevant applications are as follows;

EPF/2601/11 Demolish existing kennels and build a new two bedroom house. Change of use of land to residential. Refused on the basis of the loss of an employment site, harm to the Green Belt and poor sustainability in terms of its location.

EPF/0168/06 Outline application for the erection of a single storey dwelling to replace existing kennels. Refused

EPF/0491/75 Erection of 1 No. isolated kennel. Approved

EPF/1034/92 Retention of use as two dwellings. Refused.

CHI/0077/74 Erection of kennels. Approved.

Policies Applied:

CP1 – Achieving sustainable design objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Developments
DBE1 – Design of New Buildings
DBE4 – Design in the Green belt
DBE9 – Amenity of Neighbouring Properties
DBE8 – Private Amenity Space
GB2A – Development in the Green Belt
GB7A – Conspicuous Development
H2A – Previously developed land
E4A – Protection of Employment Sites
E4B – Alternative Uses for Employment Sites
ST4 – Road Safety
ST6 – Vehicle Parking
LL1/ LL2 – Rural Landscape Character, Appearance and Use
LL10 – Retained Landscaping
LL11 – Landscaping Schemes

NPPF

Summary of Representations:

Notification of this application was sent to Chigwell Parish Council and to 8 neighbouring residents. It was also advertised by the display of a site notice

Responses received:

- No response was received from neighbours.
- CHIGWELL PARISH COUNCIL – No objection. Despite the proposal being in the Green Belt land there are very special circumstances. The revised proposal will be 8 sq metres smaller than the original proposal. This new design is more sympathetic to its surroundings. The removal of the commercial premises will be beneficial to the Green Belt. The proposed development will result in a significant noise reduction, and there are numerous letters of support from neighbours.

Issues and Considerations:

The proposed house is all but identical to that proposed under application EPF/2601/12. The main issues to be considered when assessing its merits are the appropriateness of the proposed development in the Green Belt, consequences for the character and openness of the Green Belt, whether there is justification for the loss of an employment site and whether very special circumstances exist that outweigh any harm identified. In addition, consideration will be given to the impact on amenities of the occupiers of neighbouring dwellings and any impact to the interests of parking and highway safety.

Green Belt

The site is located within the Metropolitan Green Belt. The Council policy clearly states there is a presumption against new buildings except for the use of agriculture and other appropriate uses. This is consistent with the NPPF which seeks to resist inappropriate development and preserve the openness of the Green Belt. New dwellings are inappropriate development and can only be allowed in very special circumstances.

The proposal is to erect a new, detached two-storey dwelling, which is clearly deemed inappropriate development in the Green Belt. Despite there being Willow Park Farm house to the south and two properties 1 and 2 Rest Harrow, the area has a strong rural and open character.

The applicant has also cited 'very special circumstances' because the site already accommodates a large kennel building and replacing it with the new dwelling would serve to tidy up the site and bring it back into use. The statement also argues that there is a reduction in the footprint from the present built form of 112.5sqm to 104 sqm, some 8sqm reduction. The claimed 8sqm reduction in floor area is a negligible amount and does not result in a more open aspect overall.

The fact that the dwelling will replace an existing derelict kennel building does not amount to very special circumstances.

The proposed house would be clearly visible from the road and from the surrounding countryside. The roof brings the overall height of the building to at least 6.4m. Therefore, the new building would be higher than the properties at Rest Harrow. That height would be mitigated to some extent by the lower land level of the site in relation to Rest Harrow. However, the proposed house would nonetheless appear as a conspicuous building that would be harmful to the openness of the Green Belt.

Despite the argument in the applicant's supporting statement that the site would become more open along its front boundary, if this proposal were to be approved, it is reasonable to expect robust means of enclosure of private garden areas to ensure privacy for future occupiers. As a consequence much of the boundary would be likely to be enclosed. The partial removal of boundary treatment at some points would in any event be outweighed by the impact of the house on openness. The proposal certainly would not result in any improvement in openness and, in fact, the opposite would be the case.

In their statement, it is also suggested that the openness of the Green Belt can be safeguarded by removing permitted development rights for the site in respect of new outbuildings and hard surfaces. Whilst this can be secured by planning condition, it does not prevent encroachment into the residential curtilage by domestic paraphernalia. This would see the future occupiers using the garden for domestic paraphernalia such as play equipment, washing lines, garden furniture, etc. The removal of permitted development rights would clearly not compensate for the impact of the development in the first place.

Therefore, the argument put forward in their statement does not amount to very special circumstances to allow for inappropriate development of this site.

Employment site

It is accepted that the site is presently vacant and has been so for an undefined length of time. While there is no supporting evidence submitted with the application that demonstrates the length of time this site has been left vacant aerial photographs demonstrate it has been in a derelict condition for at least 12 years. It may therefore be appropriate to permit a reuse of this site that would not be for employment purposes. Policy E4B sets out a preference for community uses where there is an identified community need. In this case there is no such identified need.

There is no evidence to demonstrate whether an alternative employment use has been sought for this site. The supporting statement argues that the special circumstances in this case for the loss of an employment site include the fall in net income and decline in viability given the economic nature for kennelling purposes. In addition, due to the limited size of the plot, it makes it difficult to market.

However, it is not unusual to find unused employment sites within the Green Belt. The circumstances of this site are not demonstrably so unique that they could not be repeated on any other similar site. The benefits of developing the site for housing do not of themselves amount to proper justification for inappropriate development harmful to the Green Belt. Any approval on this basis would amount to a material consideration of some weight in favour of a similar proposal for giving consent to residential reuse of commercial premises within the Green Belt.

Therefore, while there may be justification for the loss of the employment site, that material consideration cannot amount to a very special circumstance.

Sustainable development

The site is in a relatively remote location not well served by public transport or within convenient walking distance of services. Consequently future occupiers will be heavily reliant on private car use. Encouraging a new residential development in such a remote location would be contrary to the provisions of the Council's policies that encourage sustainable patterns of development in the more urban areas. A rural area such as this fails to achieve sustainable development objectives.

Design of new buildings and impact on the character and appearance of the area

The immediate property 'Rest Harrow' is a pair of bungalows with shallow roofs. Although the proposed building is narrow in plan form from the front, due to its extremely high pitch, the roof would be expected to be extraordinarily high. However, the proposal reduces its expected height by forming a crown roof. That would appear contrived and give the house a poor appearance harming its architectural integrity. It amounts to poor design that, notwithstanding its harm to the open character of the locality, would of itself be harmful to the visual amenities of the locality.

The design of the proposed new dwelling would therefore be out of keeping within the locality. It would not complement the aesthetics of the surrounding rural countryside and it does not fit in within its surroundings.

Neighbouring Amenity

In considering neighbouring occupiers amenity, the proposed new dwelling is adequately set back from neighbouring properties and will not result in overlooking, loss of light or privacy. It is considered that there would be no loss of amenity to neighbouring occupiers.

The proposed private garden areas that form the curtilage for this new dwelling would give rise to a significant level of amenity space that would be more than adequate for the future occupants of the proposed dwelling.

Parking and Highway safety

The garage size does not comply with the garage size contained within the Adopted Parking standard. Notwithstanding the limited size of the garage there appears to be adequate off street parking at the front to allow off street parking for up to three cars. On that basis there is no objection to the proposal on parking and highway safety grounds.

Other Matters

Impact on Trees and Landscaping - No tree or landscape concerns with this proposal.

Contaminated Land – due to the previous use of the site as Kennels and the presence of an in-filled pond, there is potential for contaminants to be present on the site. Accordingly, the

submission of a phased contaminated land survey should be required by the use of planning conditions, along with any mitigation methods considered necessary should approval be granted.

Conclusion:

This application is unacceptable because it will result in the erection of a new residential dwelling within the Green Belt. The special circumstances that have been put forward in this case have been given consideration but are not considered sufficient to outweigh the harm caused by the proposal.

In light of the above appraisal, it is considered that this new dwelling is at odds with National Planning Policy and contravenes this Council's Green Belt policies. The overall height, size and design of the building, is also unacceptable in its rural context because it would cause further harm to the openness of the Green Belt. Moreover, the crown roof solution is also poor and not acceptable.

The harm that would be caused by the proposed development cannot be mitigated by the use of planning conditions. On this basis, the proposal fails to accord with Local Plan policies and it is therefore recommended that planning permission be refused.

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

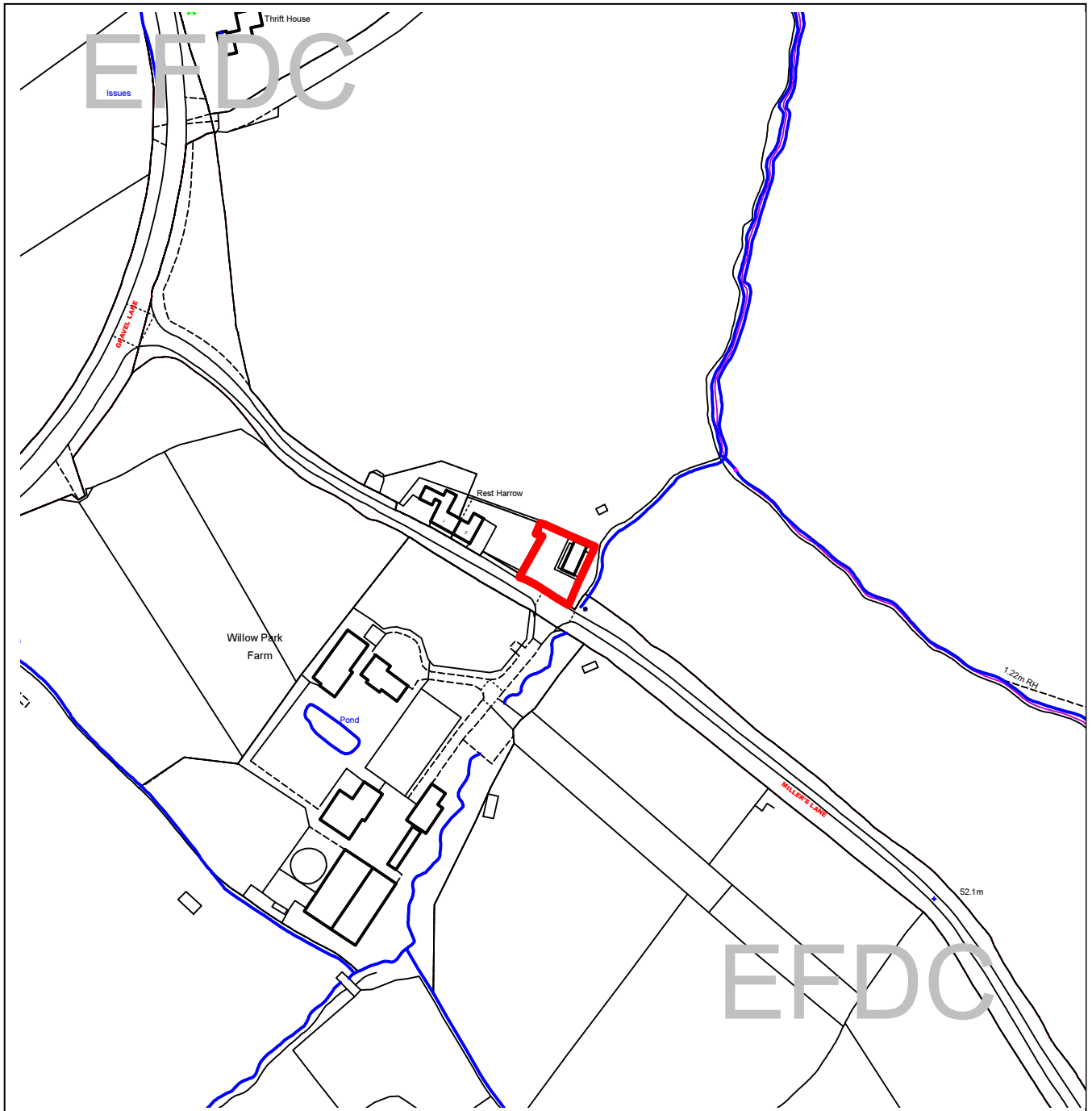
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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:	6
Application Number:	EPF/1771/12
Site Name:	Land adjoining Rest Harrow, The Kennels, Millers Lane, Chigwell, IG7 6DG
Scale of Plot:	1/2500

Report Item No: 7

APPLICATION No:	EPF/2045/12
SITE ADDRESS:	Land to rear of 108 Palmerston Road Buckhurst Hill Essex IG9 5LG
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Bellstar Properties Ltd
DESCRIPTION OF PROPOSAL:	Extension of time limit to implement planning permission reference EPF/0828/09 allowed on appeal (Construction of two flats, in same footprint as approved detached dwelling, EPF/2286/08)
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=542720

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: 3/5579/9/A; 3/5579/10/A; 3/5579/11.
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 4 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.
- 5 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 6 No development shall commence until a survey by a competent person has been carried out to establish the presence or otherwise of Japanese Knotweed and submitted to the Local Planning Authority. The survey should also note any knotweed adjoining the site. If Japanese Knotweed is confirmed, full details of a scheme for its eradication and/or control programme suitable for the site shall be

submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the substantial completion of the development hereby approved.

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 fronts the north side of Westbury Lane and is situated between the rear garden of 110 Palmerston Road to the west, which backs onto Westbury Lane, and Oak House to the east. At 8m it has a similar width to the rear garden of 110 Palmerston Road. The frontages of neighbouring houses on the north side of Westbury Lane are typically some 10m wide.

The site is enclosed by close-boarded fencing. A painted hoarding encloses the road frontage. Land levels fall gently from the road to the rear of the site. There are no significant trees on the site.

The rear garden of 110 Palmerston Road has a low garage adjacent to Westbury Road. West of the garage, adjacent to the boundary of that site with 1b Westbury Lane, is a preserved tree that appears prominent when seen from Westbury Lane and Queens Road. 1b Westbury Lane is a two-storey house with a gabled roof as is Oak House. Neither have any windows to habitable rooms in their flanks. 1b is situated some 8m from the site while Oak House is set approximately 1m from the site boundary.

The application site is in a residential area situated a very short walk from a local shopping area at the western end of Queens Road and some 900m from the Buckhurst Hill District shopping area and Buckhurst Hill Underground Station. It is also conveniently situated in relation to bus routes. The site is not in a Conservation Area.

Description of Proposal:

It is proposed to extend the time limit for implementing a planning permission given on 25 January 2010 for the construction of two flats, ref EPF/0828/09. The permission was given on appeal.

The proposed building would align with the front and rear walls of Oak House, be situated approximately 1m from the site boundary with that property and on the boundary with the rear garden of 110 Palmerston Road. The west facing flank would abut the rear part of the garage in that garden.

The building would be two-storeys and have an L shaped plan with gabled roof. A gabled projection would dominate the front elevation. A one bedroom flat would be provided on the ground floor and a two bedroom flat on the upper floors. The front projection would contain a communal entrance and stairs to the first floor. A single off-street parking space would be provided in the front garden.

Relevant History:

Although consent has previously been given to erect a house of the same design and siting on the site, planning permission EPF/2286/08, that permission has lapsed and cannot be implemented.

The only consent of relevance to this proposal is that for which this application seeks to extend the implementation period, ref EPF/0828/09.

The District Council refused to grant planning permission for the proposed flats for the following reason:

“The proposal provides inadequate off street parking for the nature and location of the development such that it will result in increased on street parking to the detriment of the character, setting and townscape of the urban environment, contrary to policies CP2 and ST6 of the Adopted Local Plan and Alterations.”

That decision was examined at appeal and the Planning Inspector found that although the flats could be occupied by more people using cars than a single dwelling, the urban environment would not be materially diminished by the additional parking that could arise from the proposed development, and the character and appearance of the area would not be harmed as a result. On that basis the appeal was allowed and planning permission granted.

Policies Applied:

CP1	Achieving Sustainable Development
CP3	New Development
CP6	Achieving Sustainable Urban Development
CP7	Urban Form and Quality
ST4	Road Safety
ST6	Vehicle Parking
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE6	Car Parking
DBE9	Loss of Amenity
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
LL11	Landscaping Schemes

NPPF

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 10
Site notice posted. Yes, fixed to hoarding on site boundary.
Responses received:

1b WESTBURY LANE: Objection

“As the direct neighbour and as per our previous comments to this proposed construction. We adamantly contested the proposed plans to erect 2 flats on the land to the rear of 108 Palmerston Road due to the amount of cars and parking requirements needed to enable this development to meet local neighbours current parking and access needs. The road at the top of Westbury Lane is narrow where this building is proposed and the amount of vehicles that would require parking for a building comprising of two flats is not within the current plans or available on the street outside the development. The national average household is two cars so with two flats four cars would have to be minimum requirement for parking. If a house was built here it could be planned with off street parking and would not unduly affect the surrounding area.”

OAK HOUSE, WESTBURY LANE: Objection

“We object to the construction of two flats on the grounds that it is likely to cause further parking congestion at the top of Westbury Lane. The top of the lane does not have designated parking bays and this causes congestion further down the lane. If a multi-occupation dwelling is built, it is likely there will be more cars associated with that property than would be the case with the original 3-bedroom house that was initially proposed (and which we do not object to). In addition, the majority of the lane comprises single family dwellings, so we consider the addition of flats is not in keeping with the character of the lane. We also wish to reiterate there is Japanese Knotweed on the property and we are concerned that it may well invade our property if it is not dealt with in the appropriate manner. Finally, we note there was a tree preservation order in place covering the horse chestnut that was removed from the property on the grounds of disease and we understand that a suitable tree was required to be planted to replace the chestnut. We trust a suitable tree will be planted and maintained in due course.”

6 THE MEADWAY: Strong Objection

“We object to a time extension for this development as parking circumstances have changed considerably in the intervening period. Many new developments have recently been approved for the top of Queens Road and many new shops and restaurants have opened in the vicinity. Buckhurst Hill Parish Council is also in the process of considering moving to Buckhurst Hill library and increasing opening hours from 3 to 6 days a week. This will also create more pressure on parking. It is inappropriate in these circumstances to allow 2 flats to be built with only a single parking space.”

BUCKHURST HILL PARISH COUNCIL: Objection

“Area has changed eg other developments, traffic increase and parking issue still exists”

Main Issues and Considerations:

The proposed building would be of traditional design that would complement the street scene. It would not cause harm to the living conditions of neighbours.

The consequences of the development for the character and appearance of the area were assessed by the Planning Inspector with particular reference to vehicle parking when she considered the appeal against the refusal of application EPF/0828/09. When assessing the merits of this proposal the only matter to consider is whether there have been any material changes in circumstances of such weight that a planning permission should be refused.

The objection on the basis that many new developments have recently been approved at the top of Queens Road and many new shops and restaurants have been opened in the vicinity is an exaggeration not supported by the facts.

Since January 2010, when planning permission was originally granted for the development no new dwellings or commercial development have been approved in Westbury Lane, while in Princes Road a single two bedroom dwelling has been approved. In Queen's Road one new dwelling (a flat) has been approved and consent has been given to use 2 shops and one warehouse for other uses (an extension to a nursery and two small gymnasiums). A small number of additional flats were allowed at Buckhurst Hill House, but that site has adequate off-street parking provision for the development. One change of use of a shop to a restaurant has been approved.

Furthermore, notwithstanding the policies set out in the National Planning Policy Framework, there has been no material change in planning policy that would support a different assessment of the merits of the proposal. Indeed, the policies of the Framework weigh more heavily in favour of

granting planning permission. On the facts, therefore, no changes in the planning context which could warrant a different assessment of proposal have taken place since planning permission was originally granted.

In relation to the comment that a tree should be planted on the site in connection with the development, the provision of such a tree would not be workable since the approved development makes no allowance for it. The Tree and Landscaping Team of the Council points out the Planning Inspector did not include any tree or landscape conditions on the consent for the development and therefore concludes there is no justification for taking a different view to the Inspector now.

An immediate neighbour has drawn the case officer's attention to the presence of Japanese Knotweed on the site. It has not been possible to identify this from recent photographs of the site but the informal advice of the Tree and Landscape Team is it would nonetheless be prudent to include the standard condition relating to the control of invasive plant species on any consent given. That is necessary in the interests of biodiversity and the amenities of the locality.

Conclusion:

Having regard to the details of the proposal, the recent planning history of the locality and the policy change brought about by the introduction of the National Planning Policy Framework, it is clear there are no grounds for withholding consent for an extension of time to implement the planning permission for the 2 flats. On that basis it is recommended that consent be granted subject to the original conditions imposed, which deal with materials and boundary treatment, and an additional condition dealing with possible Japanese Knotweed on the site.

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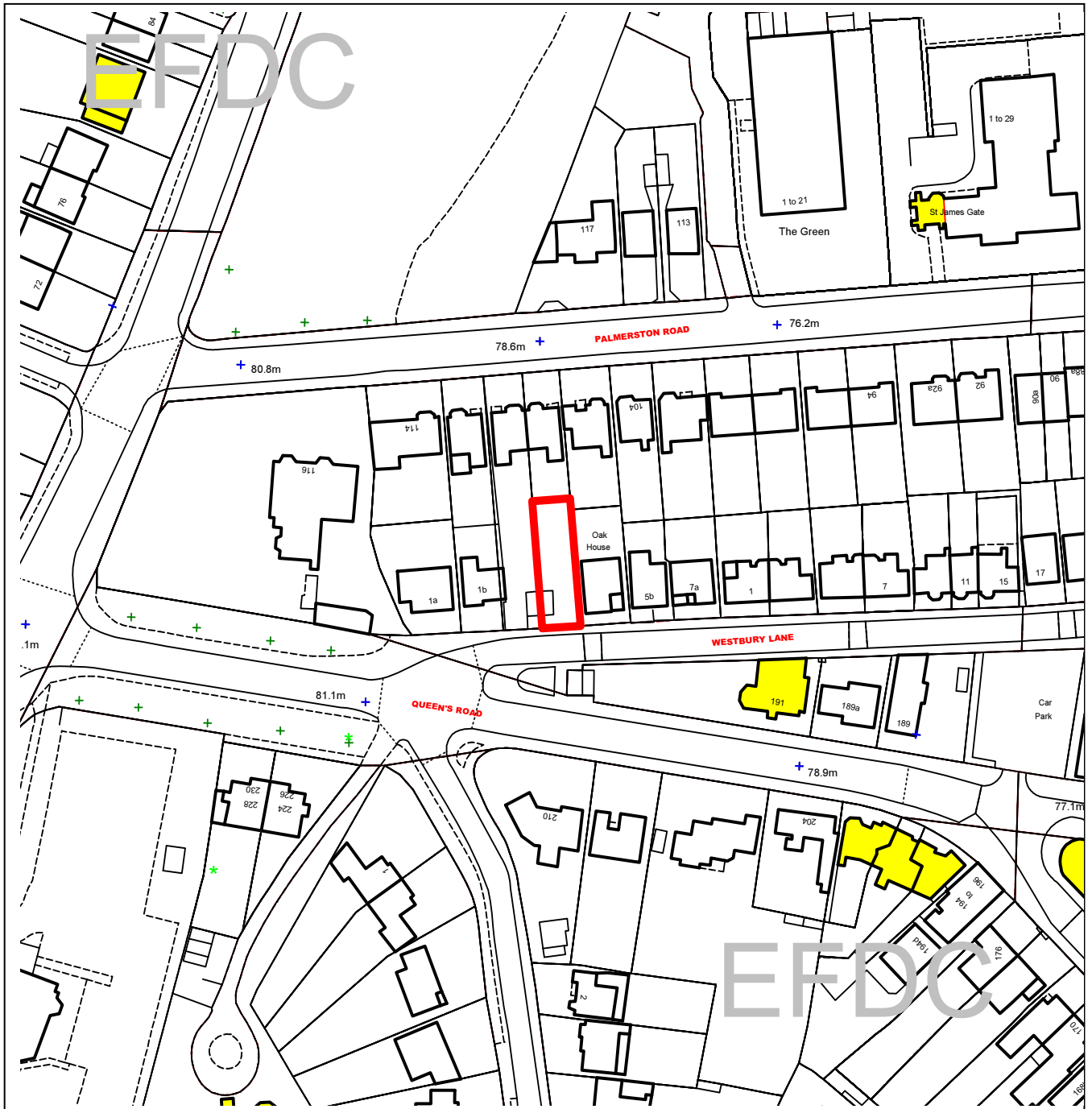
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Agenda Item Number:	7
Application Number:	EPF/2045/12
Site Name:	Land to rear of 108 Palmerston Road Buckhurst Hill, IG9 5LG
Scale of Plot:	1/1250