

Report Item No: 1

APPLICATION No:	EPF/2381/12
SITE ADDRESS:	Fifteen (formerly The Wheatsheaf PH) 15 York Hill Loughton Essex IG10 1RL
PARISH:	Loughton
WARD:	Loughton St Johns Loughton St Marys
APPLICANT:	Mr James Smith
DESCRIPTION OF PROPOSAL:	Retrospective application for retention of existing terrace and picket fence and wall, to the front of the pub.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544104

CONDITIONS

- 1 Other than that which is not audible at the boundary of any residential property, no amplified music or other amplified sound shall be played on the terrace hereby approved.

This application is before this Committee because the recommendation for approval is contrary to a) more than two objections received from neighbours which are material to the planning merits of the proposal, and b) 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 (f) and (g).

Description of Site:

A two storey public house lying on the east side of York Hill some 50m away from its junction with the High Road. The pub is not listed but it does lie in the York Hill Conservation Area.

Description of Proposal:

Retrospective application for retention of existing terrace and picket fence and wall, to the front of the pub.

The terrace is formed on an area of land 4m in depth and 8m in width abutting the front elevation of the pub. The terrace was formed by levelling the land, which involved raising it by not more

than 300mm, and enclosing it by a low white painted rendered wall with a picket fence over contained by regularly spaced piers. The piers are a maximum of 1.7m high and the design of the enclosure as a whole is very similar to that enclosing a previously approved adjacent terrace.

Relevant History:

EPF/1339/11 Approval for retention of extended raised patio (to side of pub) together with alterations including rendering of brickwork to match front of pub, black railings to be replaced with white picket fence, removal of large red umbrella and erection of wooden pergola.

EPF/733/12 An application to change the use of a beer garden on the opposite side of the road to a car park was withdrawn (in part because of objections received from the town council and 27 neighbours concerned at noise and disturbance from cars manoeuvring, unsightly development detracting from the character of the conservation area, and highway safety issues.

Policies Applied:

DBE9 – Loss of amenity.
ST4 – Road safety.
ST6 – Vehicle parking.
HC6 – Character and appearance of conservation areas.
HC7 – Development within conservation areas.
National Planning Policy Framework.

Summary of Representations:

LOUGHTON TOWN COUNCIL – The Committee objected to the retrospective application that would increase the congested parking and blocking of York Hill from loss of parking at the premises, in addition to the noise nuisance created by patrons using the outdoor seating area that would disturb adjacent residents.

LOUGHTON RESIDENTS ASSOCIATION PLANS GROUP – object – York Hill is in a conservation area, and has a severe parking problem. Several spaces were lost when the terrace and fence were installed, creating extra problems for residents – these spaces should be reinstated.

NEIGHBOURS – 21 properties consulted and 5 replies received:-.

HILL'S AMENITY SOCIETY – object – the removal of the car space has caused considerable parking problems, the pub parking is now dangerous causing access problems for cars using York Hill and surrounding roads. Some cars are left overnight and customers using cabs cause a noise nuisance. The pub has become a form of nightclub used by people who are not local.

32, YORK HILL – object – the replacement of parking spaces by outside seating has created unacceptable parking on both sides of the road. This often blocks the pavement on the garden side of the property leaving pedestrians with no choice but to walk in the road – at night in particular this can be dangerous. This on street parking has caused difficulty for cars going up and down York Hill. The increase in clientele to the pub means car parking spaces that are there are not available to residents, and an increased clientele has increased noise nuisance and associated use of bad language.

YORK HOUSE, 18B, YORK HILL – object – the new terrace has resulted in many more people being seated in front of the pub , particularly in summer creating noise problems and complaints to the Councils Environment and neighbourhood team. This terrace should be removed since visitors

now park on both sides of York Hill, and taxis picking up pub patrons block the entire road. We have to ask the pub/patrons to move cars that are blocking mine and my neighbour's driveways. The change of use of this area, and resulting parking and blocking of the road, impedes emergency access along York Hill, and has increased safety hazards for both cars and pedestrians.

WOODBURY HOLLOW, WOODBURY HILL – the terrace has caused the loss of car parking spaces and at night, particularly on Fridays and Saturdays, traffic chaos ensues due to car parking on both sides of the road causing traffic jams and queues. The pavement on the opposite side of the road is often unusable by pedestrians forcing them to walk in the busy road. Passage by emergency vehicles is blocked which could result in loss of life. This retrospective application should be rejected but the common sense way forward, to avoid rejecting the application, would be for the Council to introduce double yellow lines on both side of the road thereby preventing cars from parking on either side of the road.

9, ASHLEY GROVE, STAPLES ROAD – object to loss of parking spaces in a congested area- York Hill is the only access to a number of residential roads and the Staples Road School - hence this section of York Hill is used on a regular basis by cars and pedestrians. The footpath opposite the pub is regularly parked on by patrons of the pub forcing pedestrians to walk in the road. Taxis called to the pub often block the road and residents find it very difficult to find car parking spaces.

EFDC CONSERVATION OFFICER – The appearance of the terrace with its white rendered plinth wall and white picket fence on top matches materials used on the existing pub and frontage, and picket fencing is particularly characteristic of the York Hill Conservation area. However, the loss of off street car parking, and increase in parking on the road, would cause harm to the character and appearance of the conservation area.

Issues and Considerations:

The main planning issues raised by the proposal are design and impact on living conditions. Having regard to the objections raised this report will also discuss parking, intensification of the use of the premises and the scope for exercising planning control in relation to those matters.

Design:

In this application the development that requires planning permission is the raising of a front area (of former parking space for three to four cars) by between 10 to 30 cm ie an engineering operation, together with the provision of a picket fence with plinth wall along the frontage to this raised area. This picket fence, painted white, along with the roughcast plinth wall, also painted white, relates well to the rest of the pub frontage and is an appropriate front enclosure in this conservation area. The raising of the front area to create a raised terrace is also an acceptable engineering operation.

Living Conditions:

The activity facilitated by the terrace would be limited by the opening hours of the pub. There is potential for amplified music or other sound to be played at the terrace which could cause harm to the amenities of neighbouring residents. As with the adjacent terrace, a planning condition can be used to prohibit this in the interests of safeguarding their amenities and it is proposed to impose the same condition that was applied on planning permission EPF/1339/11. No other conditions controlling the use of the adjacent terrace were imposed on that permission so it would not be appropriate to treat this terrace differently. A distance of only 2.5m separates them.

Other matters:

In this case the terrace and its enclosure are on land that was previously used as a parking area sufficient for 3 cars having regard to the dimensions for parking spaces specified in the adopted Vehicle Parking Standards. However, there is no implemented planning permission for any development at the application site which gives the Council the power to enforce the retention of the parking spaces. Moreover, a change of use of land within the curtilage of a pub from car parking to a seated terrace is not a material change of use requiring planning permission – since both uses are ancillary to the primary and authorised use of the whole site as a public house.

Clearly a difficulty raised by this application and in dealing with the comments received is that naturally all correspondents feel that the 'change of use' from parking to an outside seated terrace does require planning permission, and their comments all relate to this loss of parking and associated problems. In this context it is noted that the character of this pub has changed in recent years from being a traditional public house with a significant 'walk up' trade to a themed pub with more car borne trade. It is acknowledged that the loss of 3 car spaces at the front, and their replacement with outside seating has caused more on street parking, and also created more external noise from customers in a narrow road with houses opposite. However, it is also noted that there are still some off street car spaces to the front and to the side of the pub and it is perhaps the changed nature of the pub that contributes most to the parking, access, and noise problems referred to by objectors. As mentioned above in the history section an application was submitted by the pub in 2012 to change the little used beer garden across the road to a car park - but this led to many strong objections and the application was withdrawn.

Should planning permission be refused and the developer removes the terrace and enclosure, it would be open to him to take up a fall back position of marking out the area of the terrace as an outdoor seating area and prohibiting its use for parking cars. That would not require planning permission and there is a reasonable prospect of the developer taking up the fall back position since it could be implemented at little cost. Since no planning permission would be required to implement the fall back position it would not be subject to any condition prohibiting the playing of amplified music or other sound.

Conclusion:

It is to be regretted that this application to regularise works carried out has increased expectation among local residents and amenity groups that the Council can exercise planning control over both the loss of 3 car spaces, and provision of outside tables and chairs. However this is not the case and should planning permission be refused the developer has the option of an easy to implement fall back position over which the Council would have no control.

In design terms the raised area, together with its plinth wall and picket fenced surround, is an acceptable development that respects the design of the pub and preserves the character and appearance of the Conservation Area. Indeed, its appearance is considered to be more attractive than the fall back position open to the developer. Moreover, by granting planning permission the Council is able to impose an appropriate planning condition in order to safeguard the living conditions of neighbours, which would not be applicable to the fall back position. For these reasons it is recommended that conditional planning permission be granted.

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

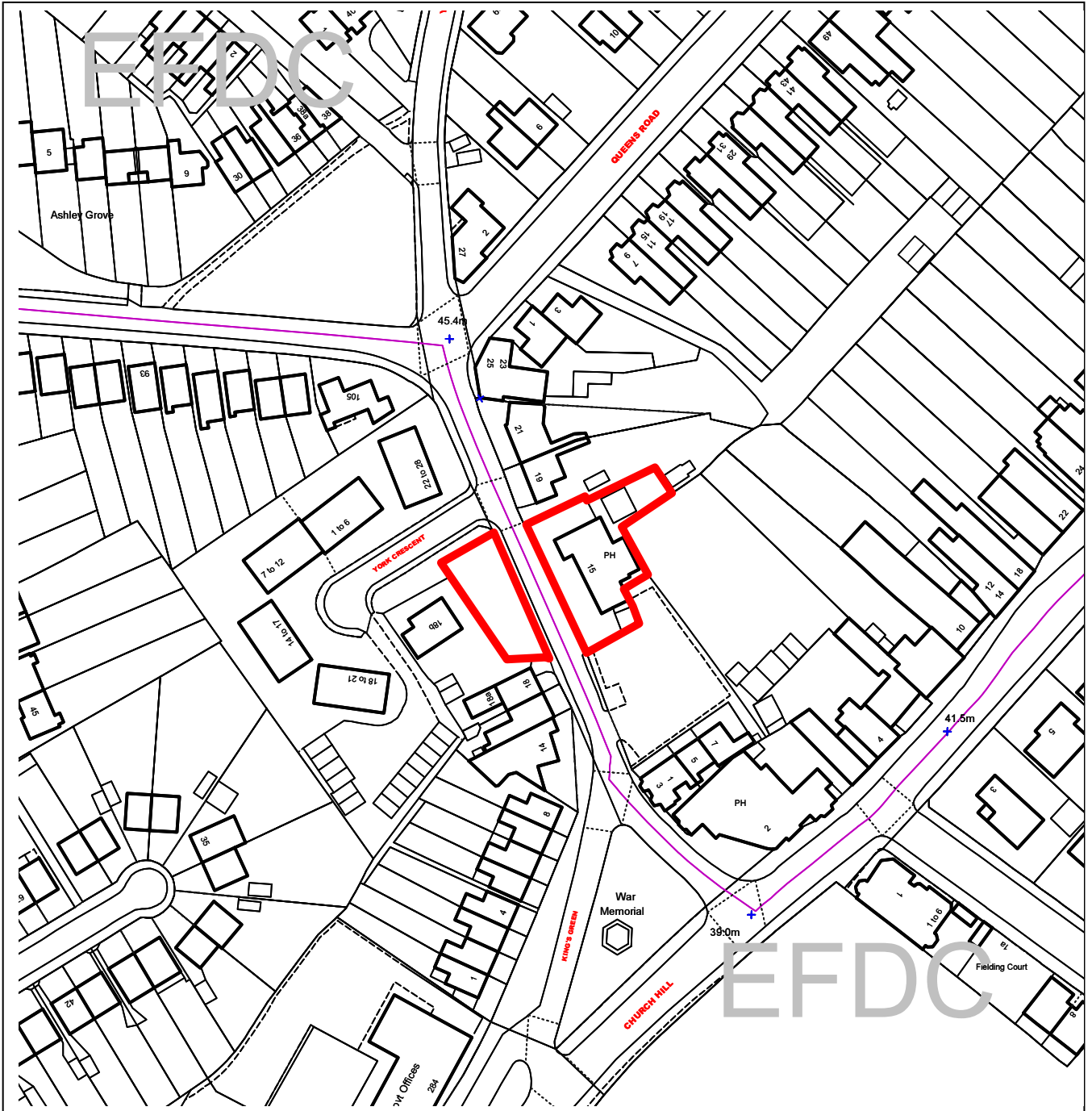
***Planning Application Case Officer: David Baker
Direct Line Telephone Number: 01992 564514***

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



Epping Forest District Council

Area Planning Sub-Committee South



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	1
Application Number:	EPF/2381/12
Site Name:	Fifteen (formerly The Wheatsheaf PH), 15 York Hill, Loughton, IG10 1RL
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0055/13
SITE ADDRESS:	78 Sedley Rise Loughton Essex IG10 1LT
PARISH:	Loughton
WARD:	Loughton St Johns
APPLICANT:	Mrs J Mangan
DESCRIPTION OF PROPOSAL:	Rear single storey extension, first floor rear and side extension, and erection of outbuilding at the foot of rear garden.
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=544790

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The outbuilding hereby approved shall only be used for domestic purposes ancillary to the single family dwelling on the site, and it shall not be used as primary living accommodation, for example, as a living room, kitchen, or bedroom.

This application is before this Committee because the recommendation for approval is 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 (f) and (g)).

Description of Proposal:

Rear single storey extension first floor rear and side extension, and erection of outbuilding at the foot of the rear garden.

Description of Site:

Two storey semi detached house located on a steep slope from front to rear. The property is not listed nor does it lie in a conservation area. Ash Green, an area of Epping Forest, lies to the rear of the house.

Relevant History:

A side extension, and loft conversion were approved in 1997 and 1989 respectively.

Policies Applied:

DBE9 – Loss of amenity.
DBE10ST4 – Road safety.
HC5 – Epping Forest
National Planning Policy Framework.

Summary of Representations:

LOUGHTON TOWN COUNCIL – The Committee questioned the effect of the proposed extensions on the amenities of the neighbour at no.76 Sedley Rise. Members objected to the inappropriate size and siting of the proposed outbuilding next to Ash Green, part of Epping Forest, a site of special scientific interest which could set a precedent.

NEIGHBOURS – 2 properties consulted and no replies received.

Issues and Considerations:

The proposed outbuilding at the foot of the garden will be 2.4m to eaves and 3.5m to ridge, and will be 6.6m wide by 3m in depth. This outbuilding, to which the Town Council objects, is to be positioned 1m in from the side boundaries, and 1m in from the rear boundary with Epping Forest. This rear boundary is formed by an attractive 3.5m high hedge which will be retained, and the side boundaries to the rear of the site also comprise of 2/2.5m hedges. Perhaps not surprisingly, there are other similar outbuildings and sheds at the foot of neighbouring gardens. In this physical context the proposed outbuilding will have a very limited impact on local amenity, and would have a negligible impact on the character and function of the adjoining Forest, which also stands on higher ground. For these reasons the objection of the Town Council is not shared in this instance.

The proposed extensions are fairly modest in size and depth of projection, and have not elicited any objections from neighbours. The first floor rear extension, of 2.7m, will be the most conspicuous but will be positioned 3m from the side boundary with no.80, and 2.3m from the side boundary with no.76. These distances from the side boundaries will limit the impact on these neighbouring properties, and no.80 has a 3m depth extension at its rear which reduces any overbearing nature this first floor extension could have had. Finally there are other examples of this form of first floor extension at nos. 84 and 66.

The proposed first floor extension is small containing a shower and WC. It will be sited within the area enclosed by the flank walls on nos. 78 and 76, and will be sited 1m from the side boundary. It will have a very small impact on the appearance of the house and on the amenity of residents of no.76. Similarly the ground floor extension which, will project 3m rearwards close to a 2.3m high fence with no.76, will have a limited impact on this neighbour at no.76.

Conclusion:

The proposed outbuilding is not particularly large, it is set in from hedges on the boundaries, and is similar to other outbuildings located discreetly at the foot of other rear gardens. The proposed extensions to the house are also fairly modest. For these reasons, and the others set out in this report, it is recommended that conditional planning permission be granted.

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

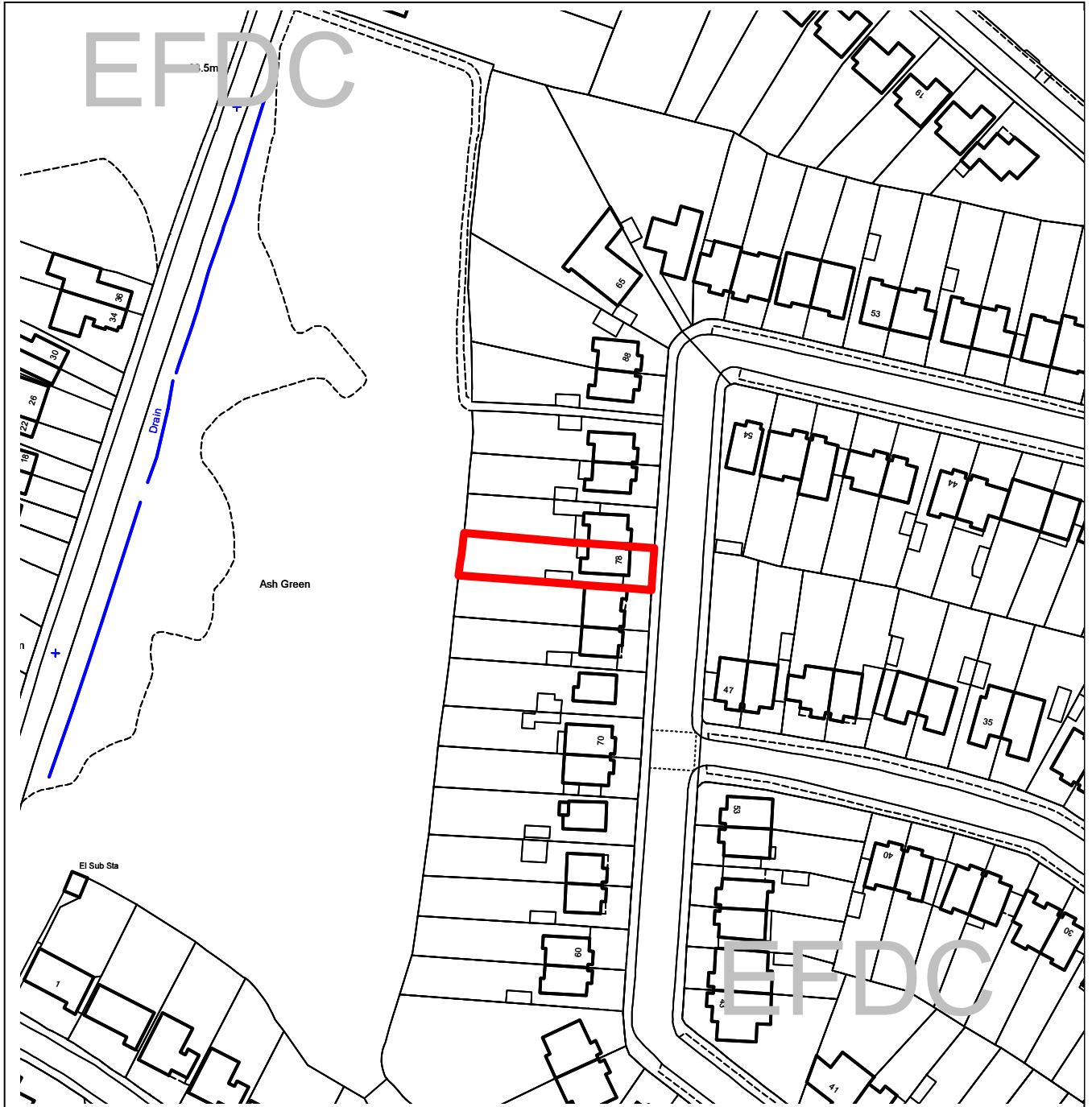
***Planning Application Case Officer: David Baker
Direct Line Telephone Number: 01992 564514***

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



Epping Forest District Council

Area Planning Sub-Committee South



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDCC licence No.100018534

Agenda Item Number:	2
Application Number:	EPF/0055/13
Site Name:	78 Sedley Rise, Loughton, IG10 1LT
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0233/13
SITE ADDRESS:	44 Kenilworth Gardens Loughton Essex IG10 3AF
PARISH:	Loughton
WARD:	Loughton Roding
APPLICANT:	Miss Mine Remzi
DESCRIPTION OF PROPOSAL:	Proposed replacement of redundant former garages with one single storey, 1 bed bungalow.
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=545553

REASON FOR REFUSAL

- 1 The application site is within Flood Risk Zone 2 and largely within Flood Risk Zone 3, however no Flood Risk Assessment has been submitted with the application. In the absence of a Flood Risk Assessment the proposal does not include demonstrably appropriate flood prevention measures, does not demonstrate the development would be appropriately flood resistant and does not demonstrate any residual risk can be safely managed. The proposal is therefore contrary to criterion (vii) of Local Plan and Alterations Policy U2A and to the provisions of the NPPF as set out in paragraphs 100 to 103.

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

Description of Site:

Disused garage court comprising 6 garages on the western side of Kenilworth Gardens between its junctions with Avondale Drive and Southern Drive within what was originally the rear part of the rear garden of 47 Avondale Drive. The site has a 17m frontage to Kenilworth Gardens and a width of 8m. The site is entirely hard surfaced and the garages are flat roofed structures approximately 2.5m high. They are arranged in blocks of 3 at the northern and southern end of the site with a gated access to a turning area separating them directly off Kenilworth Gardens.

A narrow private alley providing access to rear gardens of properties on Avondale Drive and Southern Drive from Kenilworth Gardens separates the site from the rear garden boundary of 54 Southern Drive.

The locality is characterised by short terraces of two-storey houses with rear gardens typically 25m in length, as at 54 Southern Drive. The rear garden of 47 Avondale Drive is only 9m in length as a consequence of the development of the garage site in the 1970's. Opposite the site is a substantial garage with hipped roof, some 4m high, in the rear garden of 45 Avondale Drive. Otherwise, this part of Kenilworth Gardens is entirely enclosed by the side garden boundary fences of houses fronting Avondale Drive and Southern Drive.

The development is entirely within Flood Risk Zone 2 and largely within Flood Risk Zone 3. It is not within a Flood Risk Assessment Zone shown on the proposals map of the Local Plan.

Description of Proposal:

It is proposed to redevelop the application site to provide a one-bedroom bungalow and courtyard providing a parking space and small private amenity area.

The bungalow would be sited at the northern end of the application site abutting the site boundary with the alley separating the site from 54 Southern Drive. It would be set back 1m from the boundary with the footway with its rear wall adjacent to the site boundary with the rear part of the back garden of 49 Avondale Drive. A distance of 15.6m would separate it from the rear elevation of 47 Avondale Drive.

The bungalow would have a footprint of some 6.5m by 10.3m. It would have a hipped roof with a flat top. Its eaves height would be 2.3m and its ridge height would be 4.35m. The front elevation would comprise equally spaced openings; a central entrance door with canopy porch flanked by a pair of windows. A 1m wide landscaped strip would be enclosed by 1m high railings.

The parking and amenity area would be enclosed by a solid 1.8m high fence and automatic sliding gate. The outside walls of the garages would be retained on the site boundaries with 47 and 49 Avondale Drive. A new section of wall would be built between the retained garage walls on the boundary with 49 Avondale Drive in order to create a uniform boundary treatment.

Relevant History:

EPF/0278/76	Erection of three garages.	Approved
EPF/1221/76	Erection of three garages.	Approved
EPF/1221/76A	Details of garages.	Approved

Policies Applied:

CP2	Quality of Rural and Built Environment
CP3	New Development
CP7	Urban Form and Quality
H2A	Previously Developed Land
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE8	Private Amenity Space
DBE9	Loss of Amenity
ST4	Road Safety
ST6	Vehicle Parking
U2A	Development in Flood Risk Areas
National Planning Policy Framework	

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 20

Site notice posted: No, not required

Responses received: Response received from the occupants of 7 neighbouring properties:

1 AVONDALE COURT, AVONDALE DRIVE (Cllr Stephen Murray): Objection

1. The development is to the rear of properties
2. The proposal will have an overbearing impact on the locality, homes and gardens of residents due to its size and proximity to neighbouring property.
3. The development would set a precedent for other similar development.

47 AVONDALE DRIVE: Objection

1. The proposal will not blend into the area. It is not in accordance with the scale of a permitted development outbuilding.
2. The building will encroach on three gardens and residents do not want someone living on a street which does not have any other houses.
3. The building will emit cooking smells onto adjacent properties.
4. The roof of the building will block out light from adjacent properties.
5. The building will cause a lack of privacy to adjoining properties.
6. The building could hinder the sale of adjacent properties
7. The development would be a breach of the terms of restrictive covenant on the deeds to the property.

49 AVONDALE DRIVE: Objection

Points 1-6 made by 47 Avondale Drive repeated. Attention drawn to the objection of Cllr Stephen Murray.

51 AVONDALE DRIVE: Objection

1. The construction is larger than any outbuilding of the properties in the area and does not blend in with the neighbouring homes
2. The building will invade on the privacy of the neighbouring families
3. The proposed construction would set a dangerous precedent and could lead to the sale of garden portions for the development of similar properties
4. The proposed construction will have a negative impact in the value of the adjoining properties and hinder future sales

54 SOUTHERN DRIVE: Objection

1. The bungalow would overlook our and surrounding properties causing harm to privacy.
2. A bungalow with a pitched roof would block sunlight to our house and garden.
3. Potential cooking smells are a concern.
4. Existing drainage is often being repaired and cannot cope with additional development.
5. If permission is given that will open the way for allowing bungalows in back gardens generally.

56 SOUTHERN DRIVE: Objection

1. The building would affect light into our home, especially out back room and rear garden.
2. The development would put more pressure on an already overloaded sewage system.
3. The site was originally part of someones garden. If the development is approved it will be a precedent for other similar development in back gardens.
4. The development is not in keeping with the character of the locality.
5. The development could hinder sales of neighbouring properties

58 SOUTHERN DRIVE: Objection

1. The development would put more pressure on an already overloaded sewage system.
2. The close proximity of the development will put off potential buyers should we ever wish to sell.

Loughton Town Council: Objection

“The Committee OBJECTED to this application as the proposal was considered an inappropriate infilling and overdevelopment of the site that would allow almost no private amenity space. The proposed bungalow, situated halfway down a residential rear garden, would have a detrimental visual impact and cause loss of amenity to neighbouring residents from loss of light, noise and disturbance, much more so than from the existing garages. The proposal would also set a precedent.”

Environment Agency: Objection

The site is within Flood Zones 2 and 3 and no Flood Risk Assessment has been submitted with the application. Para 103, footnote 20 of the NPPF requires applicants to submit a FRA in these circumstances. In the absence of a FRA, we object to this application and recommend refusal of planning permission until a satisfactory FRA has been submitted. In the absence of a FRA the flood risk resulting from the proposed development is unknown. Any development in Flood Zone 3 could displace flood water, increasing the risk of flooding elsewhere. Moreover, the proposed bungalow is particularly at risk in this location since it would contain sleeping accommodation at ground floor.

EFDC Land Drainage: No objection

The site does not fall within a EFDC flood risk assessment zone. The site is within EA flood zones 2 and 3 but due to the minor nature of the development consultation with the EA is not required. The proposed development will cause no increase in surface water runoff, therefore a FRA is not required.

Main Issues and Considerations:

The Director of Planning and Economic Development finds it appropriate for the decision on this application to be made by Members since, although Officers recommend planning permission be refused, the recommended reason for refusal does not include any of the objections raised by neighbours and Loughton Town Council.

The main issues raised by this proposal are the consequences for flood risk, living conditions of neighbours, the character and appearance of the locality and highway safety. This report will also discuss the potential for any consent to amount to a precedent. Objections made on the basis of impact on the sewerage system, property values and the ability of neighbours to sell their houses are no planning matters and therefore will not be discussed. In relation to consequences for the sewerage system, that is a matter for Thames Water. The Building Regulations will separately impose requirements on any developer in relation to the disposal of sewerage. Having regard to the use of the garage block for keeping motor vehicles and associated maintenance and the presence of infilled ground in the locality there is potential for ground contamination therefore any consent given for the proposed dwelling house should be the subject of standard conditions that seek to mitigate that potential and safeguard human health.

Flood Risk:

The application site is situated entirely within Flood Zone 2. The western two garages of the northern garage block are outside of Flood Zone 3, but the remainder of the site is within it.

It is very unlikely the development would result in a materially greater degree of flood risk within the locality given the fact the site is presently entirely hard surfaced and the proposed building would have a very similar site coverage to the existing garages. The application site is nonetheless in Flood Risk Zones where, having regard to footnote 20 of the NPPF, proposals for vulnerable development such as residential development should be accompanied by a site specific flood risk assessment.

The advice of the EA and the Council's Land Drainage Team are contradictory, although the advice set out in paragraph 103 of the NPPF is clear. The paragraph also sets out an exception test. In this case it is clear the proposed dwelling would be located in the part of the site where flood risk is lowest. On that basis and given the specific circumstances of the site described in the preceding paragraph, it is found the first strand of the exception test is satisfied. Accordingly, the applicant has not been requested to submit information demonstrating the proposal would not increase the risk of flooding elsewhere.

The second strand of the exception test requires the development to be appropriately flood resistant and that any residual risk can be safely managed. No information demonstrating this was submitted with the application therefore the applicant was requested to provide it in an email sent on 12 March. No response has been received. Accordingly, the exception test set out in paragraph 103 of the NPPF has not been met.

In the absence of a Flood Risk Assessment the proposal does not include demonstrably appropriate flood prevention measures, does not demonstrate the development would be appropriately flood resistant and does not demonstrate any residual risk can be safely managed. The proposal is therefore contrary to criterion (vii) of Local Plan and Alterations Policy U2A and to the provisions of the NPPF as set out in paragraphs 100 to 103.

As set out in the Environment Agency's advice, the above objection could be overcome by submitting a Flood Risk Assessment properly dealing with the matters set out in the preceding paragraph.

Living Conditions:

The proposal is of a scale that its siting would not cause any excessive harm to the amenities enjoyed by the occupants of nos. 54 to 58 Southern Drive. The building would be seen from those houses beyond the depth of their gardens and the width of a private alley separating them from the site and the rear gardens of properties fronting Avondale Drive – a minimum of 26m. That distance is more than adequate to mitigate any visual impact.

The distance separating the proposed house from the rear elevation of 47 Avondale Drive would be 15.6m. Given the height of the proposal would be 4.35m and the existing garage wall on the site boundary with the rear garden of 47 Avondale Drive would be retained, the proposal would not have an excessive adverse impact on the visual amenities of 47. The development would largely be appreciated from the first floor of no 47 which would overlook the site rather than the rear garden. The proposal would not cause any loss of light to 47 Avondale Drive or give rise to any overlooking of it.

As indicated above, the relationship of the proposal to the rear elevation of 47 Avondale Drive is such that the private amenity area and lounge patio doors of the proposal would be overlooked from the first floor of 47. That potential for overlooking is mitigated by the retained garage wall on the boundary, slight elevated position of the site in relation to the rear garden of 47 (some 200mm) and the distance separating the southern flank of the proposed house from the rear elevation of 47. The private amenity area would remain adequately private and the any overlooking would be restricted to the top part of the patio doors.

The proposed house would appear overbearing when seen from the rear garden of 49 Avondale Drive. The degree to which it would be likely to appear more overbearing than the existing garages is adequately mitigated by the hipped design of the roof and its termination in a crown. However, it is not clear whether the wall height of the house would actually have to be higher in order to make it adequately flood resistant. Should the wall height increase the balance of this assessment is likely to change. This should be made clear in an informative on any decision issued since the consequence of an increase in wall height would be likely to be a house that appeared excessively overbearing when seen from 49 Avondale Drive.

Concerns about the impact of cooking odours appear to be overstated and, in any event, if necessary the potential impact can reasonably be controlled through the imposition of an appropriate planning condition controlling the position of any extract outlet.

The very small area of private amenity space for the proposal is mitigated by its good degree of privacy and the fact that the site is within 200m of playing fields and 300m of informal public open space/parkland.

Character and appearance:

Although the proposal would amount to the reuse of previously developed land in a residential area for residential purposes, the proposed house would not be consistent with the character and appearance of the locality. However, it would replace an existing development which is also not consistent with that character. The house would be more prominent than the existing garages and thereby emphasise the inconsistency. However, the existing garages are redundant and their appearance is harmful to the character of the locality. There is no reasonable prospect that they would be refurbished and reused as garages due to their small size and they are not needed to deal with any parking difficulty in the locality. Unless an acceptable alternative use for the site is found or an acceptable redevelopment of it takes place it is likely the existing harm caused by the site will persist and may well be compounded since the site could become a security risk.

An alternative use for employment purposes could be harmful to the living conditions of neighbours and would certainly be inconsistent with the character of the locality. In terms of use, residential is most likely to be compatible with local character provided the intensity of the use is low. The existing buildings could not be reused for any residential use and there does not appear to be any reasonable prospect of the site being cleared and returned to use as a part of the rear garden of 47 Avondale Drive, the preferred use in terms of compatibility with the character of the locality.

In the circumstances, the redevelopment of the site for the proposed dwelling is the least harmful outcome, provided the form of the development has an acceptable impact on the living conditions of neighbours, a matter discussed above, and is of an acceptable detailed design.

The proposed house would be of an appropriate scale, with a good relationship to the street. It would be a simple design that is appropriate to its scale and setting. The use of solid automatic gates to give privacy to the private amenity/parking area is also acceptable subject to the use of suitable material and a suitable detailed design. These matters, together with that of the external finishes of the house and details of railings enclosing a landscaped area between the house and footway can all be secured by condition.

On balance, therefore, the proposed development is found to be acceptable in terms of its impact on the character and appearance of the locality.

Highway Safety:

Informal verbal advice from an Officer at the Highway Authority is the access arrangements to the site are satisfactory and as a consequence the proposal would not be harmful to the interests of highway safety.

Potential for a Precedent to be Set:

Concern is raised in respect of the potential of a grant of consent to act as a precedent. The weight that could be attached to such a decision would depend on the degree of similarity between this site and another site. A good deal of weight could be attached in circumstances where the other site has very similar circumstances, e.g. disused garages with a frontage to the street within a residential area. No significant weight could be attached in respect of land that is a rear garden of a house, even if it did have good frontage to the street. It is therefore found the grant of consent would not act as any general precedent for similar proposals.

Other Matters:

The matter of a restrictive covenant on the title to the property has been raised by an objector, who claims it would have the effect of preventing the development taking place even if planning permission were granted. Whether that is the case or not is not a matter for the Local Planning Authority to decide and, most importantly, is not a ground for refusing planning permission. It is a private law matter and not a material planning consideration. Consequently no weight should be given to that particular ground of objection.

Conclusion:

The principle of redeveloping the site to provide a small-scale single dwelling is found to be acceptable. The proposal would, on balance, be acceptable in terms of its impact on the character and appearance of the locality. The proposal would give its occupants a good standard of living accommodation and would be acceptable in highway safety terms. While the proposal would not harm the living conditions of properties on Southern Drive or those of 47 Avondale Drive, there is the possibility the house could appear excessively overbearing when seen from the rear garden of 49 Avondale Drive. That is because the house has not been designed to be appropriately flood resistant and any modification to achieve that could raise wall heights to an extent that it would be harmful to the visual amenities of 49 Avondale Drive. Furthermore, the proposal is not accompanied by a Flood Risk Assessment demonstrating the proposal includes appropriate flood prevention measures, that it would be appropriately flood resistant and that any residual risk can be safely managed.

The proposal is therefore contrary to criterion (vii) of Local Plan and Alterations Policy U2A and to the provisions of the NPPF as set out in paragraphs 100 to 103. It is also potentially contrary to Local Plan and Alterations policies DBE2 and DBE9, since any necessary alterations to achieve flood resistance may cause harm to the visual amenities of neighbours.

Way Forward:

The objection to the proposal in respect of the absence of a FRA can be addressed by the submission of a FRA demonstrating the house would include appropriate flood prevention measures, that it would be appropriately flood resistant and that any residual risk can be safely managed. A house designed in accordance with the FRA may need to be redesigned internally in order to ensure the wall height, eaves height and overall roof height are not greater than presently proposed in order to safeguard the amenities of the occupants of neighbouring houses.

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:

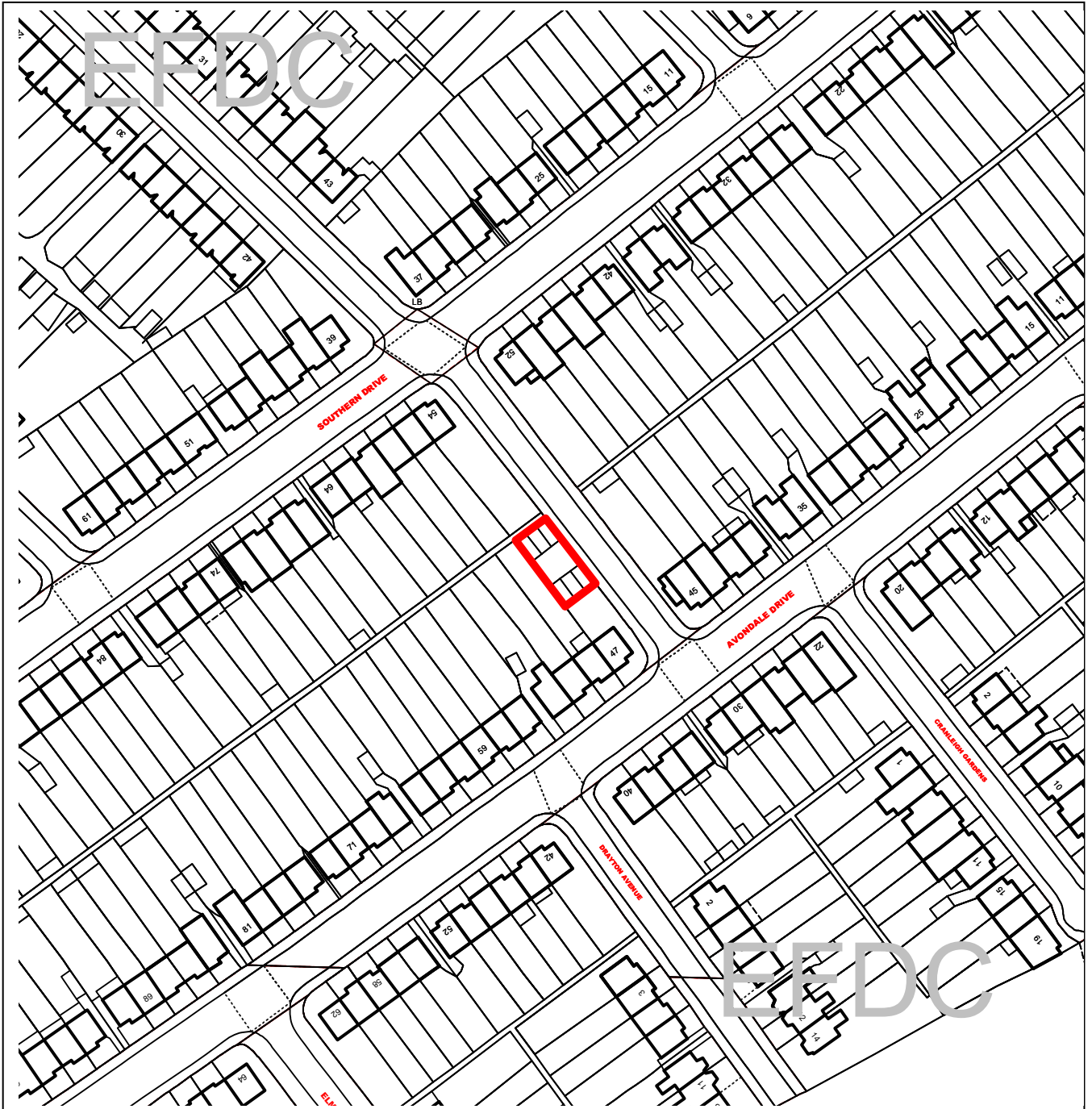
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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



Epping Forest District Council

Area Planning Sub-Committee South



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	3
Application Number:	EPF/0233/13
Site Name:	44 Kenilworth Gardens, Loughton, IG10 3AF
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/0307/13
SITE ADDRESS:	38 Chigwell Lane Loughton Essex IG10 3NY
PARISH:	Loughton
WARD:	Loughton Alderton
APPLICANT:	Mr Baljit Virk
DESCRIPTION OF PROPOSAL:	Change of use and conversion of part of an existing office (Use Class B1/B2) to a new cafe (Use Class A3) with indoor seating for 22 and outside seating area for 10. Including new cladding to front elevation.
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=545833

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: 1403_0001, 1403_0002 A, 1403_003, 1403_0110, 1403_0200, 1403_0250 A and 1403_1000 A
- 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 The cafe (A3) use hereby permitted shall not be open to customers / members outside the hours of 8am to 6pm Monday to Sunday (including Bank/Public Holidays).
- 5 No access shall be formed or signage erected for the cafe hereby approved on the Oakwood Hill elevation of the building with the application site.

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 is part of a three storey industrial unit located within the Oakwood Hill Industrial site. The application site itself fronts onto Chigwell Lane, but at present there is no access from Chigwell Lane into the application site as it is behind a wall and railings. There is a wide grass verge and pavement to the front of the application site between the site and the road. The site is designated as an employment area (part of the Oakwood Hill/Langston Road site). The nearest residential properties are some 20m to the north of the site. The site is not within the Metropolitan Green Belt or a Conservation Area.

Description of Proposal:

This application seeks planning permission for the change of use and conversion of part of an existing office (use class B1/B2) to create a new café (use class A3) with indoor and outdoor seating areas. The proposal also includes new cladding to the front (Chigwell Lane) facing elevation and a new pedestrian entrance fronting Chigwell Lane. The café will have an area of approximately 63m². The existing building has a current footprint of over 1000m².

Relevant History:

EPF/0308/13 – New fascia signage – Concurrent application

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 - Protecting the Quality of the Rural and Built Environment

CP7 – Urban Form and Quality

DBE1, 3 - Design

DBE 2, 9 – Amenity

ST4 – Highway Safety

ST6 – Vehicle Parking

E1 – Employment Areas

E2 – Redevelopment of existing employment premise

E4B – Alternative uses for Employment Areas

Summary of Representations:

LOUGHTON TOWN COUNCIL: The Committee OBJECTED to the loss of amenity to the resident's of the Railway Cottages at nos. 30-36 Chigwell Lane. Members were also concerned that if people sought to park on the grass verge outside, this would pose a highway danger to road users of the busy and highly congested A1168 entry road into Loughton. Fencing would have to be conditioned to prevent this. Members also considered the site unsuitable for outdoor seating owing to the potential pollution from the passing, but often heavily congested traffic on Chigwell Lane.

NEIGHBOURS

6 neighbours were consulted and a site notice erected:

LOUGHTON RESIDENT'S ASSOCIATION – Object to application – There is no parking for customers; the opening hours are inappropriate for the location; adverse effect on traders in The Broadway and it introduces a non-industrial use into the industrial estate setting a dangerous precedent. Request bollards or fencing to prevent parking on the grass verges.

1,2 & 8 OAKWOOD HILL INDUSTRIAL (NEOPOST TECHNOLOGIES LTD) – Concern that café will bring a further requirement for parking to Oakwood Hill Industrial Estate, concern that access will be from Oakwood Hill with signage on Oakwood Hill.

Issues and Considerations:

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

- Principle of the change of use within the Employment Area
- Character and Appearance
- Highways
- Amenity

Principle of the change of use

The café is a very small part of a larger building which will remain as an employment use, and in size is not considered much larger than an ancillary café to a business use albeit that this café will be opened to the Public. The proposal will be located in an under used office and will not involve any loss of employment to the existing business, but will employ 5 new staff (in part time and full time) positions. It is not considered that this modest change of use will have a detrimental impact on the employment area, particularly as it is a use that can be classed as ancillary to the surrounding employment uses and will generate additional employment.

It is not considered that the proposal will lead to an undesirable precedent being set with regards to any loss of employment uses because as stated above this is a modest change in floor area and due to the location of the application site fronting onto Chigwell Lane, this will be difficult for many other units within this industrial estate to replicate.

Character and Appearance

The Oakwood Hill Industrial Estate has remained static in appearance for some years compared to Langston Road on the opposite side of the road, which has had several new, modern buildings fronting onto Chigwell Lane. It is considered that this proposal is a welcome improvement to the Oakwood Hill Industrial Estate, with the proposed cladding particularly modernising the appearance of this side of Chigwell Lane and the proposed external changes are considered a welcome, if modern enhancement to this building and this part of the Oakwood Hill Industrial Estate.

Highways

The proposal does not include any additional parking provision, and the existing parking for the existing use of 38 Chigwell Lane will remain as is and not for café customer parking. Given the location of the café within an Industrial Estate, opposite another industrial estate (Langston Road) (both presumably the main intended market) and some 250m from Debden Tube station, the site is considered of a sustainable nature and one where additional car parking in this case is not considered a requirement.

Essex County Council Highways were consulted on the application and have raised no objection as the proposal is not contrary to Highway policy. Both the LRA and the Town Council have requested some sort of preventative measure along the grass verge adjacent to Chigwell Lane to avoid parking, however the Highways Officer has not raised this as an issue, particularly as stated

above the intended market is not customers who will travel to the site by car and given the extent of bollards/fencing required it would not be proportionate to the size of the development, and would appear unreasonable to condition this. In addition the grassed area to the front of the proposed café is within 250m of the Debden Underground Station and parking does not currently appear to be a problem in this area from commuter parking and therefore it seems unlikely that this area would be used for parking.

Amenity

Since first submission the proposed opening times have been altered following discussion with Officers and the time proposed is now 8am to 6pm Monday to Sunday, rather than 8am to Midnight. It is considered that these proposed opening times are far more in keeping with the opening and active times at the Industrial Estate and therefore will not result in an isolated, late night use which may be detrimental to the amenity of the neighbours to the north of the site on Chigwell Lane and attract additional vehicle movements.

Other Matters

Impact on The Broadway

The proposal is for one café, located close to but separate from The Broadway. The Broadway provides a wide mix of shops, cafes and services and is anchored by the existing Sainsbury's store. It provides a valuable community service and it is not considered that one additional café nearby will be so detrimental to this service to justify a refusal.

Comments on Representations Received

The neighbouring business at 1, 2 and 8 Oakwood Hill has raised concerns with regards to access to the café from Oakwood Hill, with particular concern regarding parking. The café fronts Chigwell Lane and this is where the entrance will be, therefore from Oakwood Hill Industrial Estate any potential customer will have to use the existing pedestrian footpath. No signage is proposed to the Oakwood Hill side of the property and this can be conditioned as such to mitigate against any parking specifically for the café on the Oakwood Hill Industrial Estate.

Conclusion:

In light of the above appraisal, particularly the limited impact on the employment area the proposal is on balance considered an acceptable form of development and approval with conditions 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:

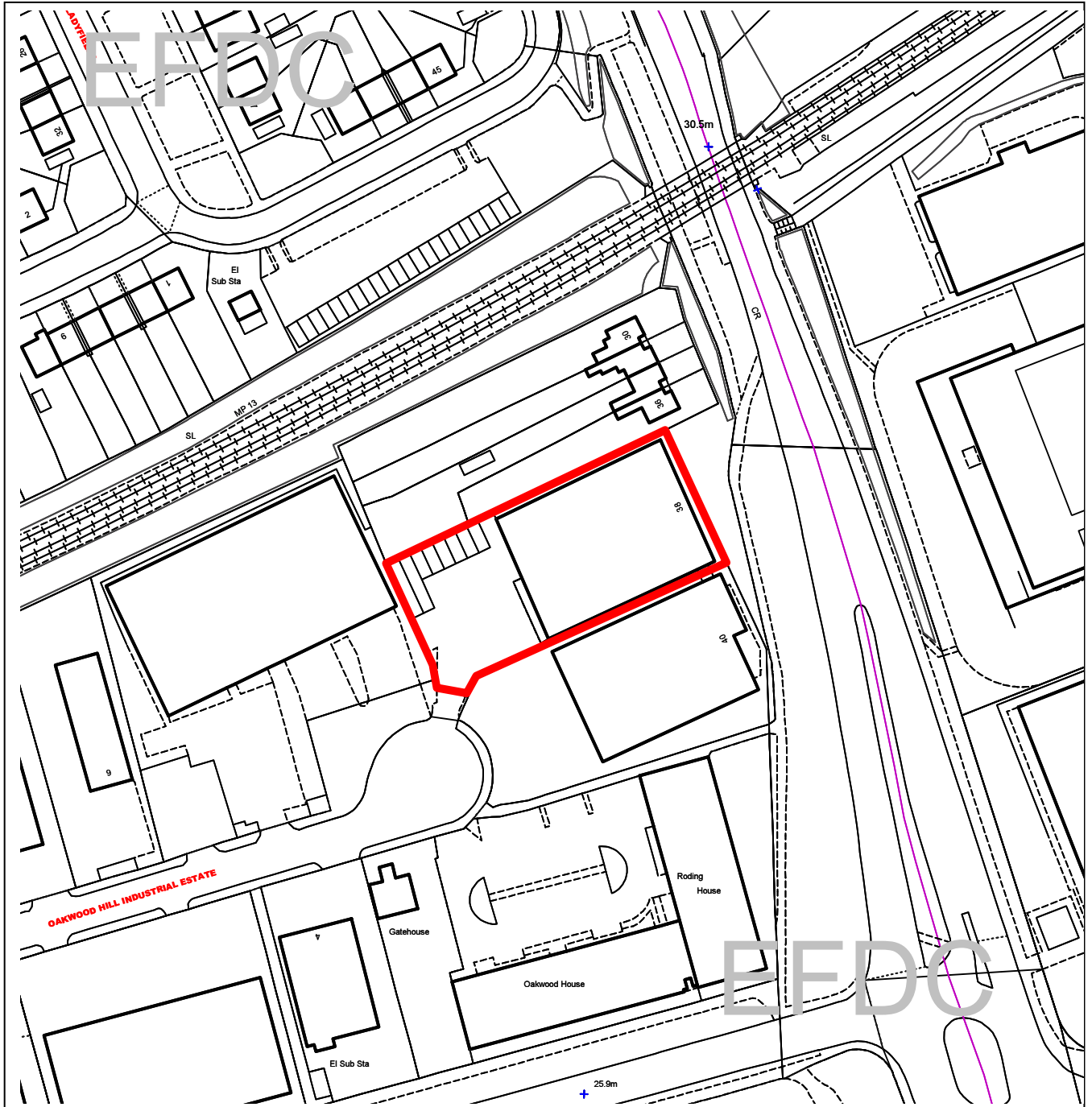
***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371***

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



Epping Forest District Council

Area Planning Sub-Committee South



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	4
Application Number:	EPF/0307/13
Site Name:	38 Chigwell Lane, Loughton, IG10 3NY
Scale of Plot:	1/1250