

AREA PLANS SUB-COMMITTEE SOUTH

30 October 2013

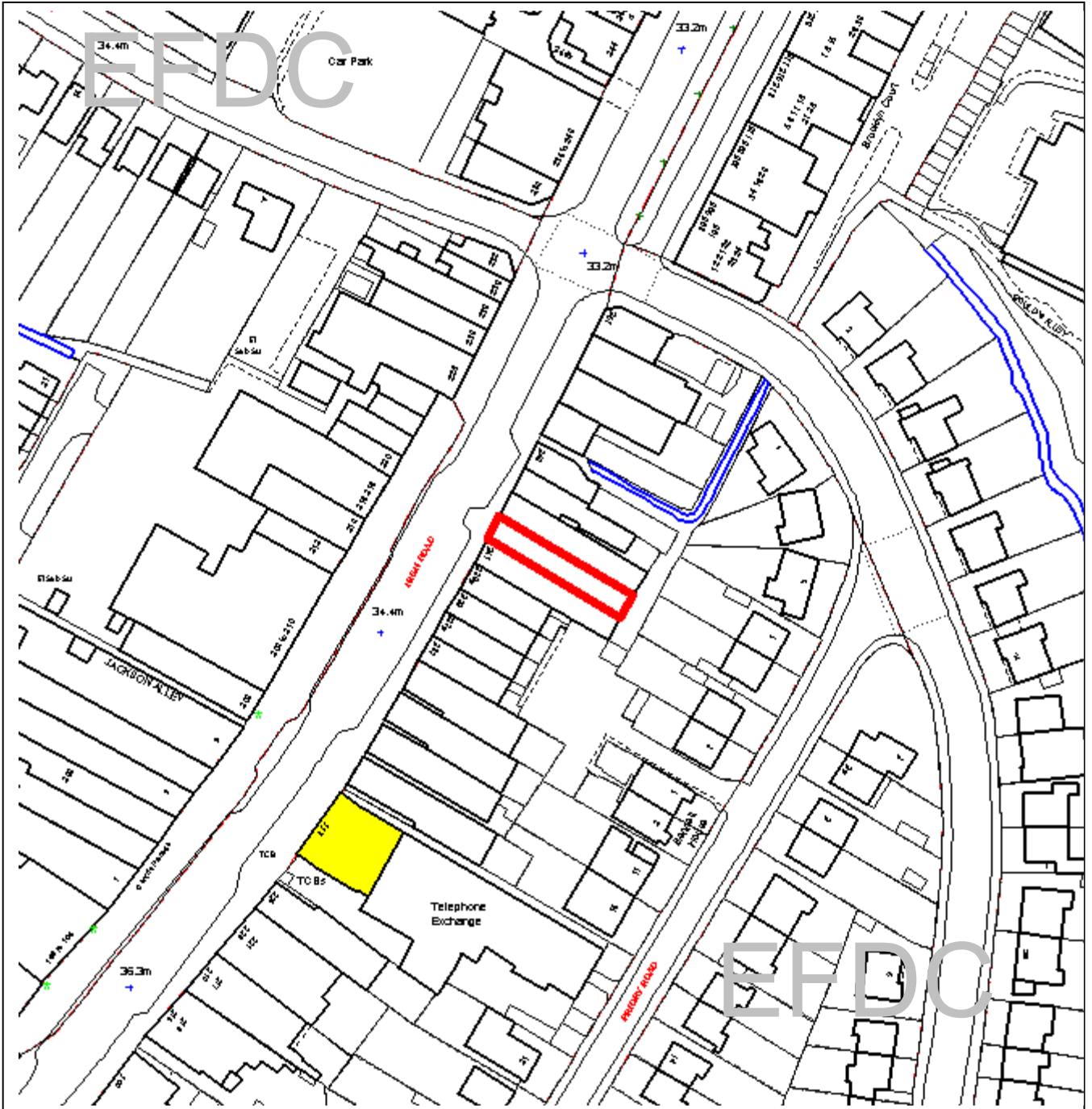
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Epping Forest District Council

AGENDA ITEM NUMBER 1



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Application Number:	EPF/0168/13
Site Name:	243 High Road, Loughton IG10 1AD
Scale of Plot:	1/1250

Report Item No: 1

APPLICATION No:	EPF/0168/13
SITE ADDRESS:	243 High Road Loughton Essex IG10 1AD
PARISH:	Loughton
WARD:	Loughton St Marys
APPLICANT:	Ms Francesca Manuel
DESCRIPTION OF PROPOSAL:	Change of use from Use Class A1 (vacant travel agents) to class A3 (coffee shop)
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=545297

CONDITIONS

- 1 The coffee shop use hereby approved shall only be open to customers in the hours of 8am to 5.30 pm Mondays to Fridays, 8.30am to 5.30 pm on Saturdays, and 10am to 4pm on Sundays.
- 2 The glass shopfront to this shop shall be permanently retained and any window display shall be an appropriate one for a shopping parade.

This application is before this Committee since it is an application contrary to the provisions of the adopted Local Plan and Alterations, but it is recommended for approval. (pursuant to the 'constitution, part three: planning directorate – delegation of council function, schedule 1, appendix A.(a)).

Description of Site

A ground floor shop premises in a terrace of shops with 2 floors of residential/offices over. The shop lies within the 'key' retail shopping frontage along Loughton High Road. The property is not listed nor does it lie within a conservation area.

Description of Proposal:

Retrospective application for continued use as an A3 coffee shop.

Relevant History:

None.

Policies Applied:

TC3 - Town centre function.

DBE9 – Loss of amenity.

TC3 is generally compliant with the NPPF, with the latter being less proscriptive e.g. it does not quote percentages of non retail uses that are acceptable in primary frontages. DBE9 is compliant with the NPPF.

Summary of Representations:

LOUGHTON TOWN COUNCIL – The Committee deplored this retrospective application but in the special circumstances of this case, namely that the retail unit had been unlet for some 4 years, the Committee had no objection to the change of use. They did request conditions be imposed to a) limit the opening hours to those stated in the application, b) to prohibit use of the forecourt/pavement for the stationing of chairs and tables, and c) to restrict the type of food served to cakes, light snacks, but no cooked meals.

NEIGHBOURS – 10 properties consulted and one reply received:-

15, PRIORY ROAD - object - Loughton is losing diversity of shops and I cannot see the need for another cafe which will take trade away from current café businesses that are well run. Also concerned that this use will end up as another late night take away causing litter problems etc. Please respect the local plan.

Issues and Considerations:

The shop unit was previously a travel agents but had been vacant for some time before the current use, 'Caffe Latte' commenced in Jan 2013. This application for continued use stems from enforcement investigations, with the shop proprietor indicating that advice given to them was that their coffee shop use did not require planning permission.

The Local Plan states that a total of 30% non retail frontage is acceptable in a key frontage, but the figure currently stands above this at 33%. Consequently this application is contrary to this policy and could be refused permission on this basis.

However, there are a number of factors which mitigate against a refusal in this case.

Firstly, the shop was previously in use as a travel agents and hence was not a 'typical' retail use. Also it remained vacant for a long period prior to the current Café Latte use commencing in January 2013.

Secondly, it has long been accepted that a daytime coffee shop does not detract from the vitality of a shopping high street – indeed it can make shopping areas more attractive and encourage more footfall in a parade.

Thirdly, the local plan policy dates back to 1998 when the economic dynamic operating in shopping centres was very different from today where large numbers of shops in shopping centres and parades lie vacant or under used. Indeed, in an effort to stimulate new business in shopping high streets the Government introduced on 30th May this year a new permitted development provision that allows a range of 'flexible' uses to set up in shop premises for 2 years without the grant of planning permission. This "notification" provision allows for the change of use of a shop to an A3 café or restaurant use for up to 2 years – and therefore had this change of use to a coffee shop occurred on 30th May 2013 or after, then planning permission would not have been required. Although this 'temporary' planning permission lasts for just 2 years clearly there would have to be exceptional grounds to refuse planning permission for an A3 use after its 2 year use period has lapsed.

In the light of the above factors the Local Plan policy on key frontage can be seen to be somewhat dated, and given that the proposed use operates in the daytime it would not be prudent or expedient to refuse planning permission on grounds that it would introduce a dead frontage into a daytime shopping parade.

In addition, the current Café Latte use gives employment to 2 full time employees and 6 part time employees, and it is likely that most of these jobs are filled by people living in the Loughton area.

Comments on representations received:-

The Town Council do not object to the coffee shop use but request conditions to be applied. The proposed hours of use specified on the application forms are 8am to 5.30pm Mondays to Fridays, 8.30am to 5.30pm on Saturdays, and 10am to 4pm on Sundays. It is reasonable to impose a condition specifying these hours - and in particular restricting use to daytime hours only means that an A3 restaurant use, relying heavily on evening and night time trade, and which could be closed during part of the day thus creating a dead frontage, could not be established in this premises without a fresh planning approval being obtained. The pavement outside the coffee shop is public highway, and hence any proposal to use part of the pavement for tables and chairs would require planning permission – and given this control, to impose a condition on this issue would not be expedient. Finally, the Town Council's request for a condition to be added controlling what food is served is unreasonable, and would be impractical to enforce.

In respect of the objection from a resident in Priory Road there is some sympathy with the point that another coffee shop/café is not required in a High Road well served by such businesses. However, planning controls cannot be used to restrict competition, and hence a refusal on the basis that similar uses already occur elsewhere in the High Road could not be justified.

Conclusions:

For the reasons outlined above it is appropriate to set aside the provisions of local plan policy TC3 in this instance, and conditional planning permission 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:

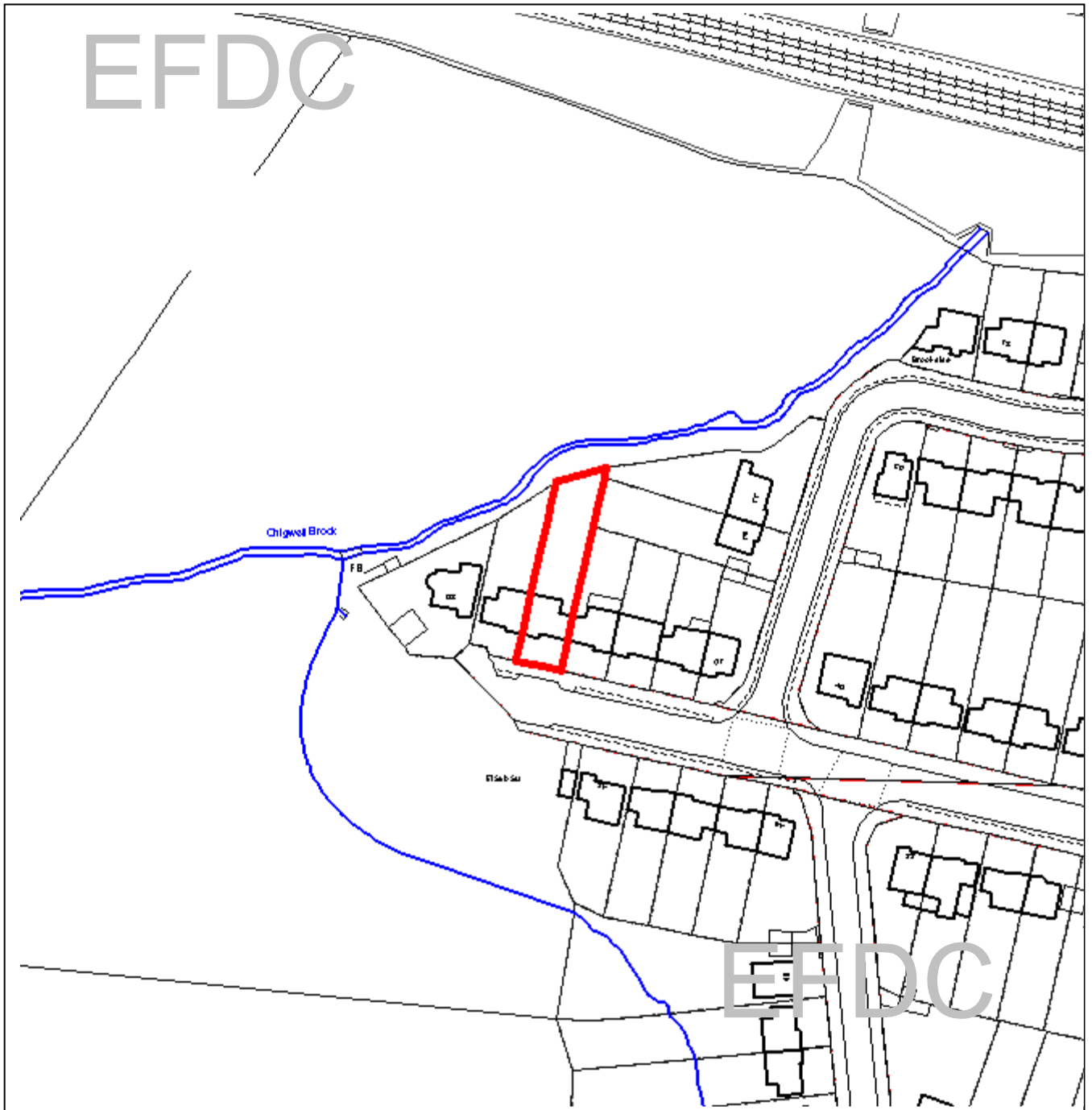
***Planning Application Case Officer: David Baker
Direct Line Telephone Number: 01992 564514***

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



Epping Forest District Council

AGENDA ITEM NUMBER 2



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Application Number:	EPF/1608/13
Site Name:	59 Chigwell Park Drive, Chigwell IG7 5AZ
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/1608/13
SITE ADDRESS:	59 Chigwell Park Drive Chigwell Essex IG7 5AZ
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	Mr S Bithal
DESCRIPTION OF PROPOSAL:	Part double, part single storey rear extension, two storey side extension, roof extension, rear dormer window in a loft conversion and two roof lights in front elevation. (Revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=552312

CONDITIONS

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

This application is before this Committee since the recommendation 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

Chigwell Park Drive forms part of the built up area of Chigwell. The existing dwelling is a mid terraced property situated within a long plot. The surrounding area is characterised by terraced housing, some of which benefit from single storey extensions and rear dormer windows. The adjacent neighbour at 61 Chigwell Park Drive benefits from a 5m deep single storey conservatory.

Description of proposal

The single storey rear element will adjoin the neighbouring property of 61 Chigwell Park Drive and will be 3.9m in width, 5m in depth, have an eaves height of 2.5m and a maximum height of 3.5m. The two storey element will adjoin the neighbours of 57 Chigwell Park Drive and will be 4.5m wide, 5m deep, have an eaves height of 5m and a maximum height of 7m.

The property is also being extended to the side 1.5m in width at two storeys over an existing single storey element. The eaves of this element will be the same as the existing roof. The roof then pitches in to form a gable roof structure reaching a ridge height equal to the existing building. Two skylights are also proposed in the roof of the front elevation.

The application also includes a roof extension resulting in a gable end. A rear dormer window in a loft conversion is also proposed. It will be 5.9m wide, 2.5m high and 3m in depth.

Relevant History

EPF/0028/13 – Certificate of lawful development for a proposed hip to gable roof with rear dormers and front roof lights in a loft conversion – Lawful

EPF/1020/13 - Part double, part single storey rear extension, two storey side extension, roof extension, rear dormer window in a loft conversion and two roof lights in front elevation - Refused for the following reason – *'The introduction of the unusual gabled roof of which no similar examples exist within the street scene would appear as a discordant feature along Chigwell Park Drive that fails to complement the existing building, contrary to policy DBE10 of the Adopted Local Plan and Alterations which are consistent with policies contained within the National Planning Policy Framework'*.

Policies Applied

CP2 – Protecting the Quality of the Rural and Built Environment

DBE10 – Design of Residential Extensions

DBE9 – Impact on amenity

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to the relevant policies in existing plans according to the degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight

Consultation carried out and summary of representations received

5 Neighbours consulted – No comments received

Chigwell Parish Council – OBJECTION – The loft is of a poor design, overtly bulky and of overbearing impact. Also the Council has noted that the plans are exactly the same as those provided on the original application, despite this application being described as revised.

Epping Forest District Council planning officers have noted that the change to the application is the gabled roof structure which replaces the gabled design on EPF/1020/13

Issues and considerations

This is a revised application from EPF/1020/13 which was refused due to the design of the roof. This has been amended but everything else from the original scheme remains unchanged. The main issues to consider when assessing this application are the effects of the proposed development on the amenities of neighbours and the design in regards to the existing building and its setting.

Neighbour Amenity

The neighbouring property of number 55 Chigwell Park Rise has a rear dormer window in a loft conversion. Although the added windows of this proposal will give more opportunity for potential

overlooking, it will not excessively worsen the current situation and is therefore compliant with policy DBE9 of the adopted local plan and alterations.

The proposed front facing sky lights are not dissimilar to other houses on Chigwell Park Drive. Moreover they will not cause any loss of privacy so are therefore acceptable from an amenity perspective.

The 5m deep two storey element of the proposal constitutes a large addition to this property. There is very little screening between the houses, which are located relatively close together. However the level of the land slopes rather significantly from west to east, reducing the dominant feel of the development on the neighbours of 57 Chigwell Park Drive. Furthermore the nearest window on this property serves a bathroom and is therefore obscured. The neighbours at 61 Chigwell Park Drive do not have a window that falls within 45 degrees of the proposed extension as the two storey element is recessed 4m from the shared boundary. As such there will not be a significant loss of light appreciation or outlook to the neighbours

The single storey element to the rear extension will not lead to a significant impact on the living conditions of the neighbours as it will adjoin an extant single storey extension next door.

The neighbour at 61 Chigwell Park Drive benefits from a single storey conservatory structure which is 5m in depth. The proposed development will be flush with this and will not increase the footprint down the rear garden. Therefore the impact on outlook will be sufficiently low.

This proposal as a whole is a balanced issue in terms of neighbour amenity. On balance the proposal complies with policy DBE9 of the adopted local plan and alterations.

Design

Sky lights are not an uncommon feature on Chigwell Park Drive and therefore will not appear incongruous in the street scene. On their own, they do not require planning permission. Similarly, the rear dormer window is of a conventional design that would not appear bulky within the locality.

The development at two storeys to the side increases the overall frontage of the property by 1.5m which constitutes a modest addition to this property which respects the existing building and its setting.

The application introduces a new gable roof which has the benefit of a certificate of lawful development. The rear extension combined with the rear dormer window seems to be a clumsy and cramped design. However the bulk and massing of this development is somewhat offset as it will not be a visible feature along Chigwell Park Drive.

Therefore overall the proposal complies with the policies DBE10 and CP2 of the Adopted Local Plan and Alterations.

Conclusion

The proposed dormer window is of a conventional design that will not cause any significant adverse impacts on the living conditions of neighbours.

The side extension constitutes a proportionate addition to this property. The combination of the rear dormer and rear extension is on balance acceptable. The roof extension is conventional and respects the existing building and its setting.

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: James Rogers
Direct Line Telephone Number: 01992 564103**

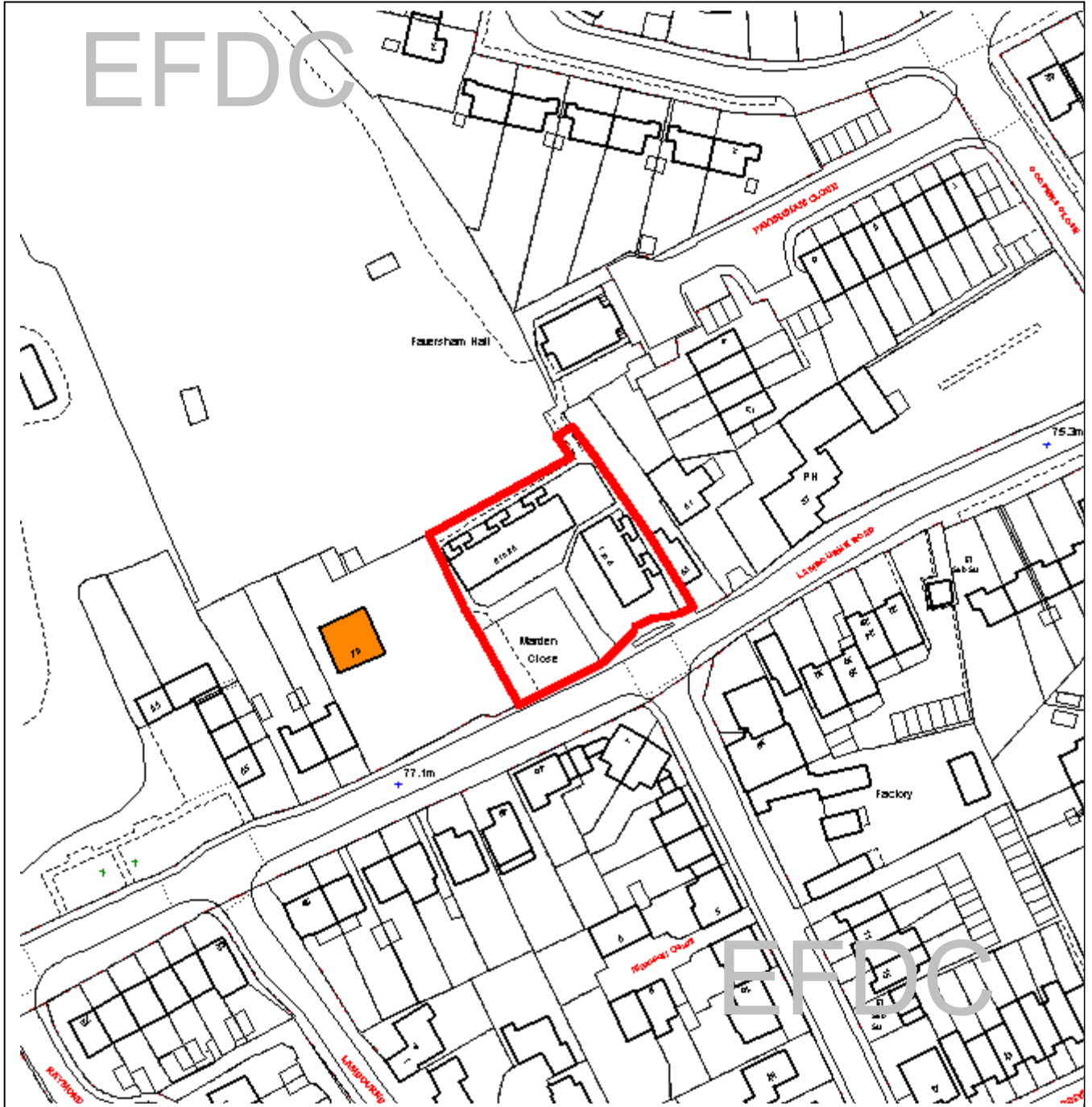
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Epping Forest District Council

AGENDA ITEM NUMBER 3



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Application Number:	EPF/1645/13
Site Name:	Marden Close, Lambourne Road Chigwell, IG7 6ER
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/1645/13
SITE ADDRESS:	Marden Close Lambourne Road Chigwell Essex IG7 6ER
PARISH:	Chigwell
WARD:	Chigwell Row
APPLICANT:	Housing Services
DESCRIPTION OF PROPOSAL:	Change of use of 2 two storey blocks from twenty bedsits to ten one bedroom flats, external alterations to elevations and improved car park for 12 cars and new landscaping.
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=552491

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No development shall 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.
- 3 The car parking layout hereby approved shall be retained on a permanent basis, and shall not be altered without the prior written consent of the Local Planning Authority.
- 4 The development hereby permitted will be completed strictly in accordance with 11 approved drawings numbered 612/030/PL01; /PL02; /PL03/A; /PL04; /PL05; /PL06; /PL07/A as revised; /PL08A; /PL09; /PL10; /PL11.

This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more, and which is recommended for approval. (pursuant to the 'constitution, part three: planning directorate – delegation of council function, schedule 1, appendix A.(d)).

Description of Site

Two two-storey Council owned blocks containing 20 vacant bedsit units located in the urban settlement of Chigwell Row on the north side of Lambourne Road opposite its junction with Sunnymede. This rectangular site contains a car park at the front. The property is not listed nor does it lie within a conservation area.

Description of Proposal:

Change of use of two two-storey blocks from 20 bedsits to ten one-bedroom flats, external alterations to elevations, and improved car park for 12 cars and new landscaping.

Relevant History:

None.

Policies Applied:

CP6 – Achieving sustainable urban development patterns.

CP7 – Urban form and quality

DBE9 – Loss of amenity.

ST6 – Vehicle parking.

The first 3 policies above are compliant with the NPPF, and the fourth one is generally compliant.

Summary of Representations:

CHIGWELL PARISH COUNCIL – Support the application.

NEIGHBOURS – 12 properties consulted and one reply received:-.

79, LAMBOURNE ROAD – I am pleased that Marden Close will be put back to proper use again. However, the site and some neighbouring properties, including mine, is infected with Japanese knotweed. Marden Close used to be cleared of this on a regular basis but not in recent years – I still treat it on my land but it is a bit of a losing battle. I would request a condition be added to any planning permission requiring a programme be implemented to treat this weed during construction and thereafter.

ESSEX CC HIGHWAYS – No objections.

Issues and Considerations:

The site is Council owned and the application has been made on behalf of the Housing Services Directorate and its partner the East Thames Housing Group.

The application is in general terms a straightforward one that does not give rise to contentious planning issues. Each pair of vacant bedsits in the two blocks will be converted to a generously sized one bedroom flat, and refuse facilities and cycle stores will be provided in the existing rear 'outhouses'. The original car parking layout has been amended slightly so as to provide up to date car parking bay sizes, and the provision of 12 spaces for 10 one bed flats is an appropriate provision. Alterations to the elevations will improve the appearance of these low rise blocks, and with new planting proposed the appearance of this site as a whole will be enhanced.

Comments on representations received:-

Standard condition No.69 is proposed to be added to any consent - this will require details to be submitted of how any invasive weed on the site will be eradicated and or controlled, and these details will require to be implemented before the development is substantially completed.

Conclusions:

This is a welcome scheme that provides for the reinstatement of vacant accommodation to provide 10 much needed one bedroom flats. Conditional planning approval 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:

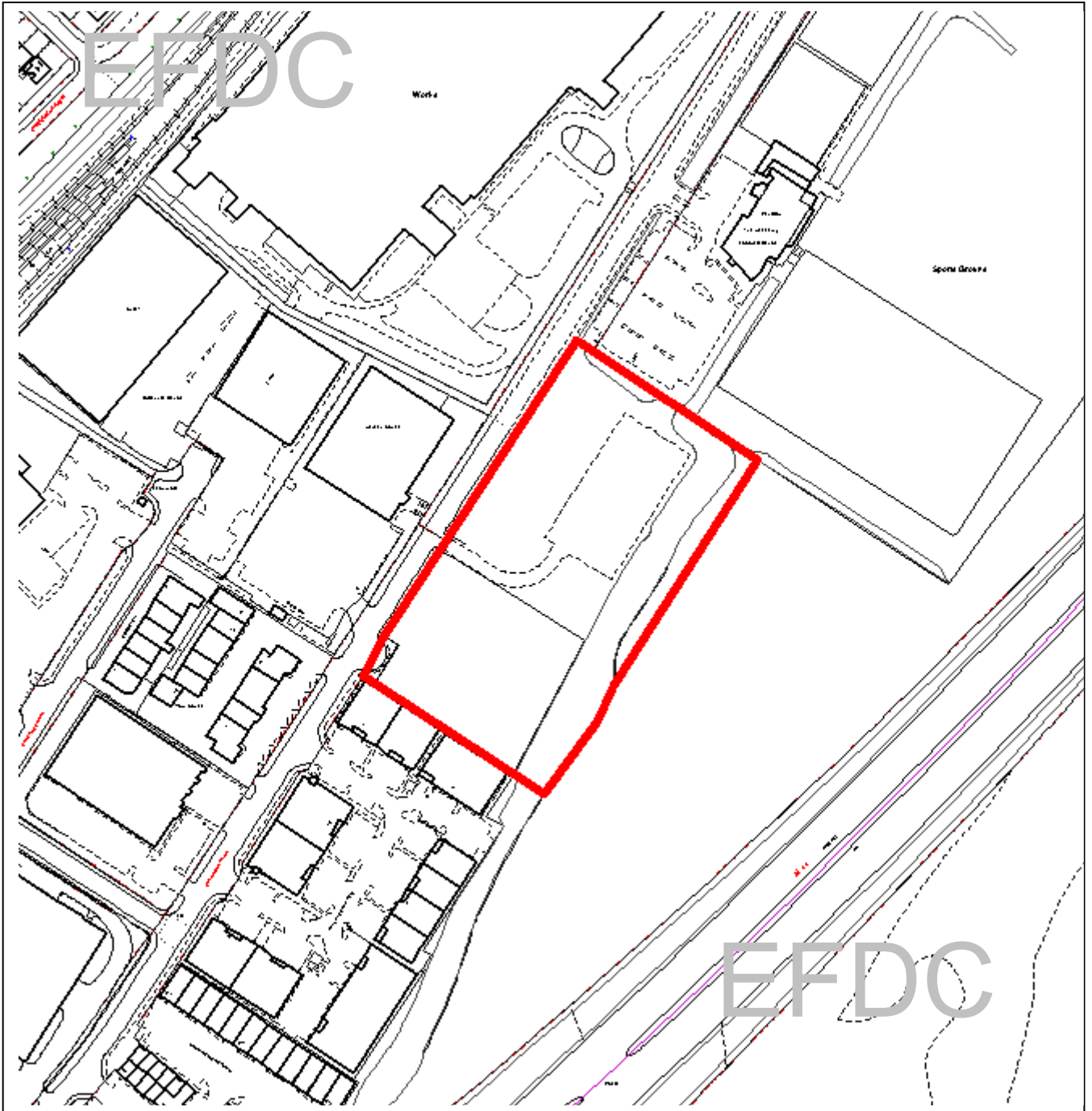
***Planning Application Case Officer: David Baker
Direct Line Telephone Number: 01992 564514***

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



Epping Forest District Council

AGENDA ITEM NUMBER 4



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Application Number:	EPF/1716/13
Site Name:	Former Bank of England Sports Ground, Langston Road, Loughton
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/1716/13
SITE ADDRESS:	Former Bank of England Sports Ground Langston Road Loughton Essex
PARISH:	Loughton
WARD:	Loughton Broadway
APPLICANT:	Linor Ltd
DESCRIPTION OF PROPOSAL:	Erection of Data Centre Building, associated parking, landscaping and substation.
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=552830

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: AO.200, A.202, A.203, AO.204, AO.206, AO.208, SK.01
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 5 No development 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 an 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.

- 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 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 8 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 9 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

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

- 10 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval in writing. The approved monitoring and maintenance programme shall be implemented.
- 11 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 12 Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) "Proposed Data Centre, Langston Road, Loughton, Project Ref: 29010/001" dated August 2013 has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include a restriction in run-off and surface water storage on site as outlined in the FRA.
- 13 Notwithstanding the Flood Risk Assessment (FRA) "Proposed Data Centre, Langston Road, Loughton, Project Ref: 29010/001" dated August 2013 submitted with the planning application, a further FRA is required to be submitted and approved in writing by the Local Planning Authority containing further details of the proposed discharge rate and the retaining wall proposed along the embankment, within the site.
- 14 Prior to the first occupation of the development the new vehicular access shall be implemented as shown in principle on approved drawing no.AO.202, unless otherwise agreed in writing by the Local Planning Authority.
- 15 Prior to the first occupation of the development details of the re-instatement of the redundant vehicular access shall be submitted to and approved in writing by the Local Planning Authority, to include full reconstruction of the footway with full height kerbing. The approved details shall then be implemented.

- 16 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.

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

Description of Site:

The application site is an area of approximately 1.54 hectares. The site, which has an existing access onto Langston Road, is presently used for the purposes of open storage of construction materials and scaffolding on its current hardsurfaced site. Prior to 2008, it was previously part of the former Bank of England sports ground.

To the north side of the site is a car park serving the former Britannia Club building, on the site now occupied by The Academy as a sport and recreational facility. On the opposite side of Langston Road is the Bank of England building, west of the site. Immediately south of the site are business units serving Prospect Business Park. To the east, the area of land between here and the M11 motorway is open grassed land at a lower level, down slope of an embankment. There is some vegetation along here on the neighbouring site.

The site is located outside of, but adjacent to, the Metropolitan Green Belt, at the northern end of a business park serviced by Langston Road off the A1168 Chigwell Lane.

Description of Proposal:

This application seeks planning permission for the erection of a predominantly two storey, rectangular shaped building required for the purposes of housing a data centre.

With regard to the physical development of the site, the building proposes just over 13,000 square metres of gross internal floorspace on two floors, measuring 130 metres across the wider length of the site fronting Langston Road and 51 metres in depth. It would have a part sloping and part flat roof finish with a parapet running around the edge to a height of approximately 10.5 metres high, screening the roof of the two storey data hall and the rear single storey, which has an external plant deck of generators and chillers above, enclosed with an acoustic screen. It would be set back from the rear boundary of the site by approximately 11 metres and 15 metres from the front site boundary to Langston Road. The proposal will appear as a modern warehouse/office building clad in a mix of dark and light grey panels, trimmed with orange cladding panels and have a glazed panel finish at the southern side front entrance.

An electric sub-station is proposed to be housed within a separate building on the southern boundary in the rear part of the site. This is required by the utility board to serve the proposal.

40 car parking spaces and 10 motorcycle spaces would be provided behind a retained front boundary of existing shrubs and additional planting, served by a re-positioned vehicular access on the western front corner of the site. Part of the rear embankment at its northern extremity will be levelled to allow access to the rear building frontage and loading areas, behind a proposed retaining wall.

Relevant History:

EPF/0021/07. Temporary car park. Approved 13/03/07.

EPF/2290/07 Erection of 2 Data Centres and external plant compound – Approved 2008

Policies Applied:

Adopted Local Plan and Alterations

DBE1 – Design of new buildings

DBE3 – Design in Urban Areas

GB7A – Conspicuous Development

ST01 – Location of development

ST02 – Accessibility of Development

ST03 – Transport Assessments

ST04 – Road safety

ST06 – Vehicle parking

CP01 – 09 (Inclusive) – Core Policies for sustainable new development

The above policies form part of the Council's 1998 Local Plan. Following the publication of the National Planning Policy Framework, 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:

TOWN COUNCIL – Object, considered inappropriate development for the Green Belt. Members regretted the loss of the sports facility and disliked the monolithic and unattractive building proposed. It would provide little employment benefit

Issues and Considerations:

The main issues in this case are:

1. The acceptability of the use of the site;
2. The impact of the development on the character and appearance of the area;
3. The impact of the development on the adjacent green belt;
4. Flood risk;
5. The acceptability of existing and proposed site landscaping; and
6. Highways and parking arrangements.

1. *The acceptability of the use*

The site is in an area designated on the local plan map for employment purposes. The NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose (paragraph 22). Little weight can be afforded to former policies E1, E2 and E3 because they state specific uses other than business, general industry or warehousing will not be permitted.

However, the proposal comprises elements of Class B1 (business) and B8 (warehouse and storage) use, which given the nature of other business uses and employment environment on this Business Park would be suitable in this location. The proposed building's operations involves some long term storage and archiving of electronic data with computer mainframe cabinets for both public and private sector industries but primarily for the high powered simultaneous processing of financial transactions, 24 hours a day, 7 days a week.

Data centres house large numbers of IT equipment, which contains electronic data that enables business transactions to take place. The applicant advises that in order to perform the function of simultaneous transactions, the site needs to be located within 40 miles of the City of London, which enables electronic transactions to take place almost simultaneously, which is critical given that valuations of transactions fluctuate by the second.

The proposal would involve the creation of a new business with additional employment. A maximum of 50 people will be employed on a shift basis, due to the 24 hour operation, and therefore there will be job opportunities for local skilled and unskilled employment. Paragraph 19 of the NPPF states that the planning system should do everything it can to support sustainable economic growth. It therefore is an economically appropriate use, in a sustainable transport location served by public transport and the M11 that conforms in principle to the NPPF. Furthermore, the principle of a data centre development on the site was accepted in the 2008 planning permission and in at least two other locations on the estate. There is no sport facility on the site, but there is on the site to the north, so its loss is not a planning consideration in this case.

The principle of the development therefore conforms to the NPPF.

2. Impact on character and appearance

It is considered that the design of the buildings would enhance this part of Langston Road, which appears somewhat tired and dated in relation to the southern end close to Chigwell Lane. The appearance of the existing site is poor and requires a suitable built form of development to complement this part of this Business Park. There is a variety of buildings along this road ranging from the predominantly brick built Bank of England building on the opposite side of Langston Road to the predominantly clad business units next door at The Prospect Business Park. Whilst the building is large in terms of its massing, so are other buildings along this part of the estate. In footprint and height terms it extends along the same area of the previous planning permission which was considered acceptable.

The concerns of Loughton Town Council have been taken into consideration and both National and Local planning policies see good design as a key aspect of sustainable development. The building would be of similar scale and height to neighbouring buildings and its contemporary design and elevational treatment will enhance this part of the estate. It therefore complies with local plan policies DBE1 and DBE3 and the NPPF.

3. Impact on the Green Belt

Policy GB7A of the local plan states that the Council will refuse planning permission for development conspicuous from within or beyond the green belt which would have an excessive adverse impact of the openness, rural character or visual amenities of the green belt. In this instance, it is considered that the development would read in relation to neighbouring solid appearance buildings as seen from the green belt in close and distant views and to traffic moving along the M11. There is some vegetation screening along the rear boundary and in conclusion, as with the previous data centre planning permission, it would not appear overly conspicuous to the extent that it would have an excessively adverse impact on the green belt.

4. Flood Risk

The proposed building is in a low probability at risk of flooding (Flood Zone 1), with the rear eastern embankment boundary close to a Flood Zone 2 "medium probability". The Environment Agency have advised that they are satisfied with the Flood Risk Assessment that

has been provided by the applicant and subject to the imposition of a surface water drainage condition they raise no objection to the development. The ground floor level will be raised by 800mm above the ground floor slab, so in the unlikely event of a flood, the occupants would not be affected. On this basis, it is concluded that the development would not give rise to any flooding issues.

5. Site landscaping

There is a substantial hedge around the front and southern boundaries of the site that are shown to be retained. Just outside the northern boundary, there is a hedge screen located in The Academy site. All the retained trees and hedges will need protection during the course of development and this may be dealt with by the imposition of a planning condition. There is some additional indicative landscaping shown at the front of the site, the details of which can be conditioned. Some shrub planting will be removed from the eastern rear boundary, but this is of no real quality or visual importance.

6. Highway and parking matters

The existing access would be re-sited and the parking provided would satisfy the demand for this development. Given this was a site for the parking of 220 vehicles and the previous car parking (which was ancillary to the sports ground) had 94 parking spaces, it is not therefore considered that there would be any intensification in the use of this access and its continued use is considered to be acceptable. Essex County Highway Officers have raised no objection subject to relevant conditions regarding reconstruction of the footway where the current access is and control measures to prevent the discharge of surface water from the site onto the highway.

The applicant has indicated within the Design and Access Statement that they intend to prepare a Green Travel Plan for the occupiers of the site. It is considered that this would be beneficial and could be secured by a planning condition.

Conclusion

In light of the above appraisal, it is considered that the proposed development would be an acceptable use of the land on this business park, as concluded by this committee previously in 2008. The contemporary design of the buildings is such that it is considered that it would enhance the appearance of this part of Langston Road and it would not appear overly conspicuous when viewed from the adjacent green belt. There are no adverse flooding, highways, parking or landscaping issues arising from the proposed development.

It would utilise an area of brownfield land which behind the front vegetation screen is under utilised and of poor appearance. The NPPF contains a presumption in favour of sustainable development and promotes economic growth. The proposal would provide new jobs, but crucially it will not be a major employer in terms of numbers that would put undue traffic pressure on the Langston Road/ Chigwell Lane traffic light junction to the south. The use of the site therefore succeeds in balancing economic need and prevention of further traffic congestion at this junction. The application is therefore recommended for approval.

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: Nigel Richardson
Direct Line Telephone Number: 01992 564110***

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



Epping Forest District Council

AGENDA ITEM NUMBER 5



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Application Number:	EPF/1752/13
Site Name:	1 Palace Gardens, Buckhurst Hill IG9 5PQ
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/1752/13
SITE ADDRESS:	1 Palace Gardens Buckhurst Hill Essex IG9 5PQ
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Mr Sunil Kumar Mohareer
DESCRIPTION OF PROPOSAL:	Raising of roof and loft conversion with rear dormer and front roof lights.
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=552974

CONDITIONS

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

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than four 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 before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site:

The application site is a detached bungalow built in the late 1980's located on the south side of Palace Gardens close to its junction with Roebuck Lane within the built up area of Buckhurst Hill.

The bungalow is in an elevated position with steps up to it from the road. Vehicular access is via a drive off Palace Gardens that is shared with No 2, a similar bungalow that faces the application site from the east. No 2 is also at an elevated position in relation to the road but it is at a slightly lower level than the application site. West of the application site at higher level fronting Roebuck

Lane is Carinya, a wide fronted bungalow with a 12m deep back garden. A distance of 13m separates the rear wall of Carinya from the flank wall of 1 Palace Gardens. Carinya has a rear facing dormer window that looks onto the site. Immediately south of Carinya is a further bungalow, The Fossils, with a back garden 10m in depth. Opposite the site is a pair of two-storey detached houses, nos 9 and 11 Palace Gardens.

There are protected trees to the front and rear of the site, although smaller bushes have been cleared from the front of the site since the previous applications, although the protected trees remain in situ. The site is relatively small and the property has a very small rear garden. The site is not within the Metropolitan Green Belt or a Conservation Area.

Description of Proposal:

It is proposed to raise the roof of the bungalow and construct a flat roof dormer to the rear. The ridge height will be raised from 5m to 5.8m. The dormer measures 6.4m in width, 2m in height and 2.6m in depth and is centrally located within the roof slope. The raising of the ridge and rear dormer are to facilitate 2 bedrooms and a bathroom within the roof slope. The proposal also includes 4 roof lights to the front roof slope.

Relevant History:

EPF/0538/84 - Outline application for the erection of 2 detached bungalows – App/Con
EPF/0958/88 - Two detached bungalows and garages – App/Con
EPF/0399/90 - Retention of two detached bungalows and garages as erected but including elevational alterations – App/Con
EPF/0638/97 - Single storey side extension – App/Con
EPF/0866/13 – Certificate of lawful development for a proposed rear dormer window – Not lawful (Property does not benefit from permitted development rights for extensions or alterations)
EPF/0798/13 – Raising of roof (ridge) height – App/Con (Approved by Committee South 7th August 2013)

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment
DBE9 - Impact on amenity
DBE10 - Extensions to dwellings

The above policies are compliant with the National Planning Policy Framework (NPPF).

Summary of Representations:

BUCKHURST HILL PARISH COUNCIL: OBJECTION – Loss of amenity to the neighbouring properties, which would be overlooked; overdevelopment of the site

Neighbours: 13 neighbours consulted: the following responses received:

CARINYA, ROEBUCK LANE – OBJECTION as per previous scale of development, loss of light, privacy

2 PALACE GARDENS – STRONG OBJECTION – overshadowing, vegetation has been lost to the front area, loss of privacy from rooflights, dominant roof area, loss of light, loss of outlook, out of scale with No. 2, overdevelopment

THE FOSSILS, ROEBUCK LANE – OBJECTION loss of privacy, visual impact of increase in height, traffic congestion, drainage

11 PALACE GARDENS – OBJECTION impact on light, privacy and outlook, domineering position in the road, traffic congestion

43 PALMERSTON ROAD – OBJECTION - Scale of development, loss of light and sunlight, loss of privacy, road safety, drainage

9 PALACE GARDENS – STRONG OBJECTION to raised height, loss of light and privacy, overbearing

6 THE MEADWAY – OBJECTION – loss of privacy and overdevelopment

41A PALMERSTON ROAD – OBJECTION – Loss of privacy, not in keeping with surroundings

Issues and Considerations:

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

- Impact of the proposal on the neighbouring properties
- Acceptability of the design

Although this proposal is for both the raising of the roof and the rear dormer, the roof can be raised as this was granted planning permission by EPF/0798/13. As the roof has not yet been raised, and the construction of the dormer is reliant on the raising of the roof this application is for both elements.

Amenity

The closest properties to the application site are 2 Palace Gardens and Carinya, however these are both located to the side of No.1. Therefore although there may be some additional shadow cast at the beginning and end of the day due to the raising of the roof and rear dormer it is not considered to such a degree that would amount to an excessive loss of light. In terms of loss of privacy to both of these neighbouring properties, as they are situated to the flanks of No. 2, loss of privacy is also not considered a significant issue given that views to the side from either the rear dormer windows or front facing rooflights will be difficult.

With regards to neighbours to the rear of the site including The Fossils and Rosemount on Roebuck Lane and the properties on Palmerston Road the nearest of these properties is some 20m away which is considered an acceptable distance to avoid any undue loss of privacy to these properties. It is clear that No. 1 Palace Gardens has a very small rear garden, however the back to back distances between properties is more than adequate.

It is appreciated that with the addition of the first floor accommodation and installation of new windows, there may be a perception of overlooking, this is again not considered so significant to justify a refusal. Additionally, given the distances it is not considered loss of light or outlook is a significant issue given this minimum distance.

Objections have also been received relating to overlooking of properties to the front of No. 1 Palace Gardens. Although new rooflights are proposed these are at a high level, will be angled up and if any overlooking is possible this will only be to the front, more public areas of Palace Gardens and again is not considered a significant issue.

Design

The principle of the increase in the ridge height has been accepted with the previous approval EPF/0798/13. It was considered that as a consequence of the increase in height and pitch of the roof the proposal will add additional bulk to the house at roof level thereby altering the proportions of the house such that the roof would become a more dominant feature. However it was considered that due to the vegetation and the elevated position, the change in proportions of the house would not be so significant that the proposal would fail to complement it or that the relationship with no 2 Palace Gardens would be discordant.

Since this approval, the area to the front of the site has been cleared of the lower, more shrub/bush plants, however the protected trees remain and are still considered to afford an acceptable level of screening to allow for the relatively modest increase in height. In any event the previous raising of the ridge permission is still extant and can therefore still be implemented regardless of the changes to the site.

With regards to the rear dormer it is of a relatively standard design, but is well proportioned within the proposed rear roof slope and is centrally located within the roof.

The Parish Council and some of the neighbours have commented that this application is overdevelopment of the site. While the site is compact, it would not result in the house having any additional ground area, although it is appreciated there is some additional bulk at roof height. In the circumstances, and having regard to its acceptability in design terms for the reasons set out above the proposal is not found to amount to overdevelopment of the site.

Other Matters:

Although permitted development rights were removed from this property and therefore planning permission is required, the purpose of removal of permitted development rights is to ensure that the Council have control over any future development. This is to ensure that any development that would otherwise be permitted can be thoroughly assessed against planning policies given the specific circumstances of a site. The removal of permitted development rights was not for the purpose of preventing development regardless of its merits so it does not mean that any application will be automatically refused.

Conclusion:

Although the site is compact, the proposed raising of the roof and rear dormer is considered an acceptable design and one that will not have undue impact on the amenity of neighbouring properties and on balance, given the discussion above, the proposal is recommended for approval.

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