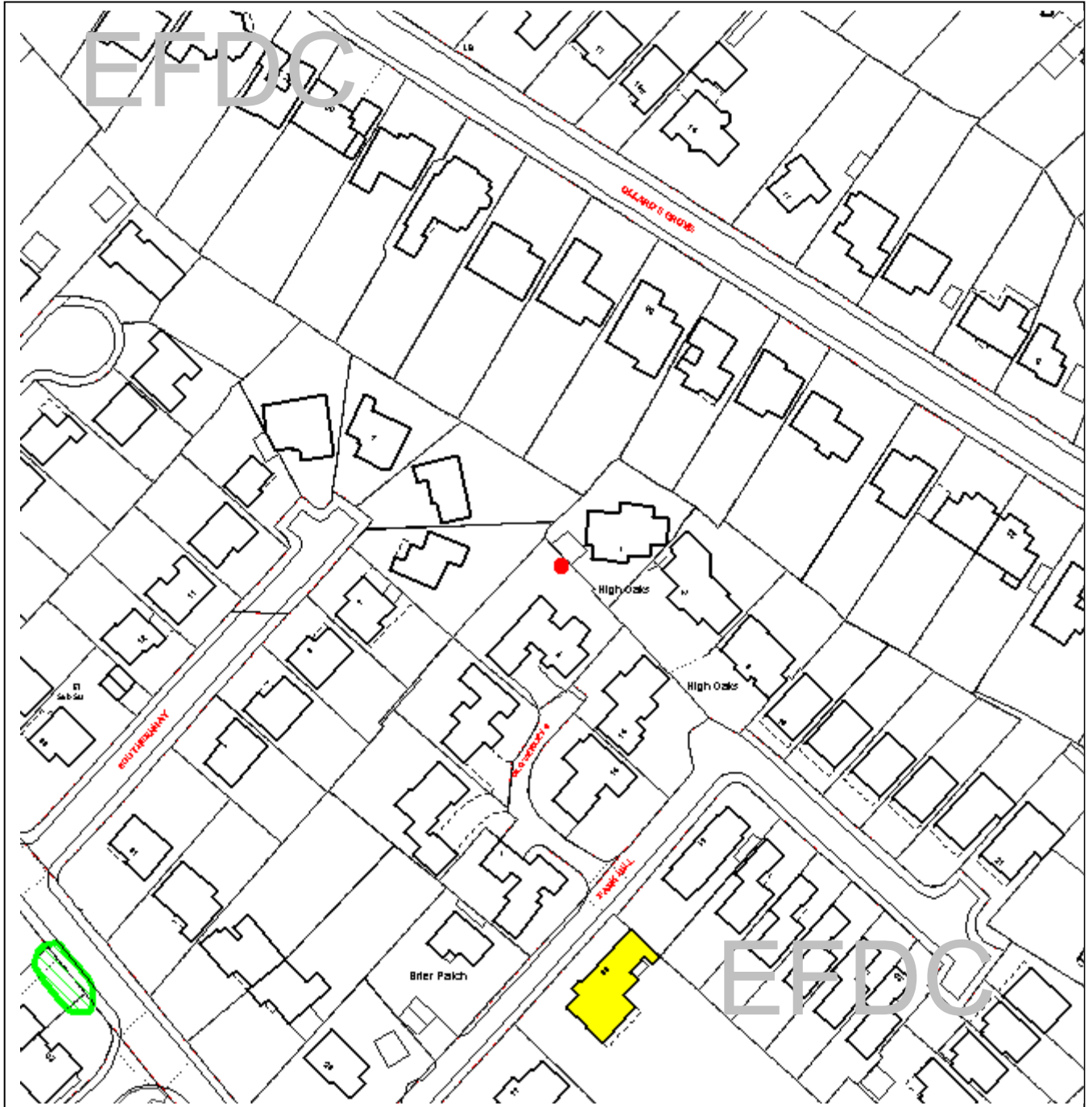




Epping Forest District Council

AGENDA ITEM NUMBER 1



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| | |
|---------------------|---|
| Application Number: | EPF/2396/13 |
| Site Name: | 4 Cloverleys, Park Hill Loughton, IG10 4EH |
| Scale of Plot: | 1/1250 |

Report Item No: 1

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/2396/13 |
| SITE ADDRESS: | 4 Cloverleys Park Hill Loughton Essex IG10 4EH |
| PARISH: | Loughton |
| WARD: | Loughton Forest |
| APPLICANT: | Dr Sumeeta Dhir |
| DESCRIPTION OF PROPOSAL: | TPO/EPF/14/85 T1 - Sycamore - Fell. |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=556720

CONDITIONS

- 1 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.

This application is before this Committee because any application to fell preserved trees falls outside the scope of delegated powers

Description of Site:

The tree stands about 11 metres tall, close to a more dominant 15 metre tall oak. Both trees are in the rear corner of this modern house but only the oak can be seen above the roofline from this well treed cul-de-sac. Conifer hedging and other trees in neighbouring properties further screen views of the subject tree from nearby roads.

Description of Proposal:

T2. Sycamore – Fell

Relevant History:

TRE/EPF/0590/13 was granted permission to add a loft conversion to the existing dwelling.

Relevant Policies:

LL9: Felling of preserved trees.

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

Summary of Representations

LOUGHTON TOWN COUNCIL objects to the felling of any significant tree. If, however, the council arborist deems this application acceptable then the Committee was willing to waive their objection.

Issues and Considerations:

Introduction

The tree was assessed as part of a tree report produced in support of the application to extend the house. A recommendation to remove the tree was made based on its close proximity to the oak and the potential structural issues associated with this.

Application

The applicant's reasons for wanting the tree felled are, as follows:

- i) The sycamore is growing into the oak next it.
- ii) Its removal will allow more light into the garden.

Key issues and discussion

The key issue is that of the public value of the tree. The site inspection confirmed two trees growing closely together with the oak the more important tree.

Addressing each reason in turn, it is accepted that the sycamore is growing within the crown spread of the oak and has an uneven crown shape unlikely to improve with time. It seems reasonable for the sake of the future development of the oak that the poorer tree is removed.

The second reason relating to improved light into the garden is accepted in the short term but this will be gradually lost as the oak fully develops.

Planning policy considerations

Public amenity

The tree is not visible from any public place and therefore its loss will not harm the public amenity. It may in fact harm the oak's long term crown development and the visual amenity this tree provides.

Replacement planting

Scope to replant is very limited in this small and largely paved rear garden area. Planting to the front of the property, which is tarmacadam, is not a viable option.

Conclusion

T2 Sycamore is of very limited public value. Its removal will improve light into the owner's garden and allow the oak to fully develop. It is recommended to grant permission to fell on the grounds of negligible public value, justifying the need for the tree's removal. The proposal accords with Local Plan Landscape Policy LL9.

In the event of Members allowing the felling of the tree, it is recommended that a replacement planting condition be waived in this instance.

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

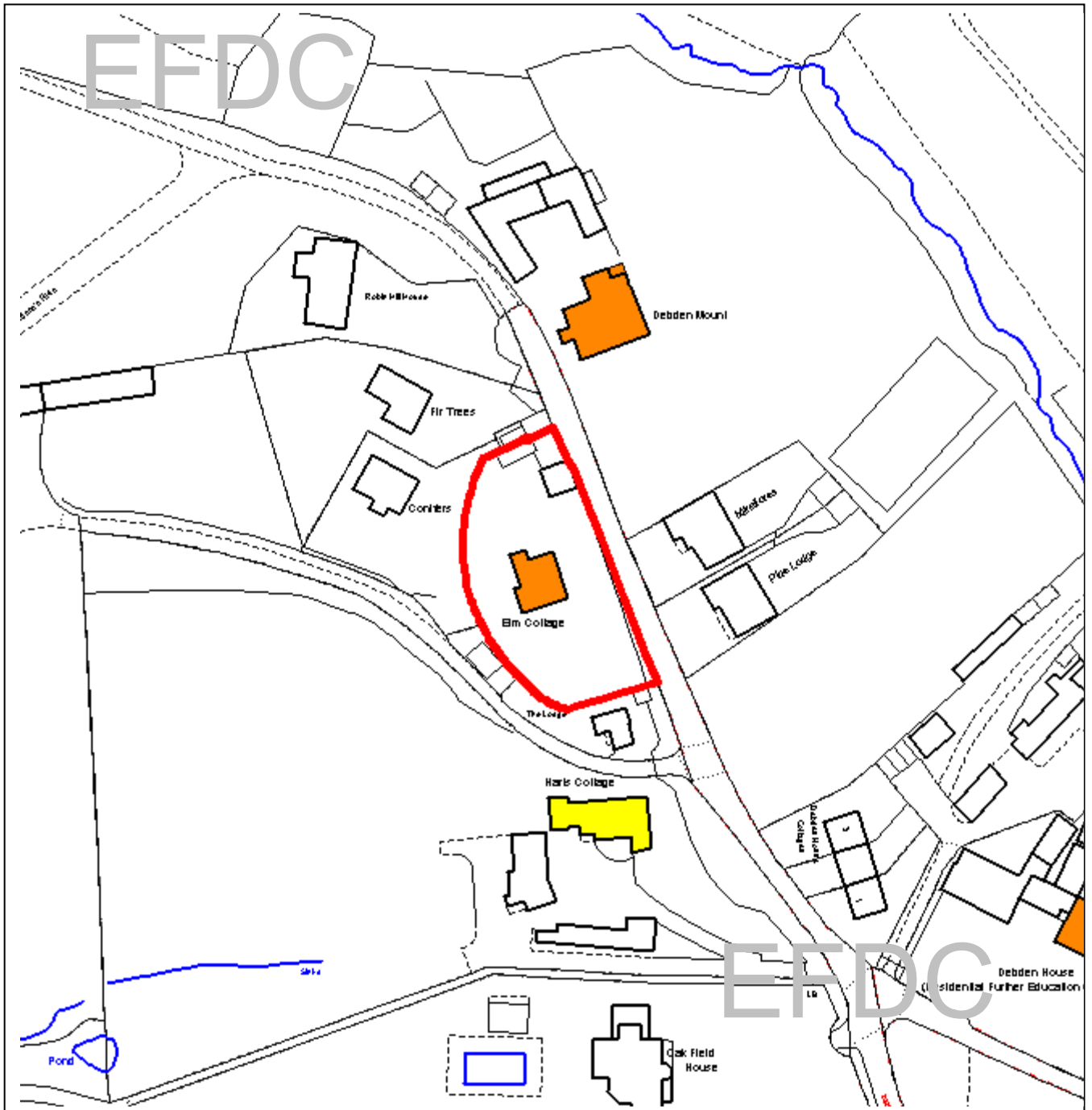
**Planning Application Case Officer: Robin Hellier
Direct Line Telephone Number: 01992 564546**

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



Epping Forest District Council

AGENDA ITEM NUMBER 2 & 3



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| | |
|---------------------|--|
| Application Number: | EPF/1334/13 and EPF/1335/13 |
| Site Name: | Elm Cottage, Debden Road Loughton, IG10 2NY |
| Scale of Plot: | 1/1250 |

Report Item Nos 2 & 3:

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/1334/13 |
| SITE ADDRESS: | Elm Cottage Debden Road Loughton Essex IG10 2NY |
| PARISH: | Loughton |
| WARD: | Loughton St Johns |
| APPLICANT: | Mr Richard Wilson |
| DESCRIPTION OF PROPOSAL: | Lowering of ground level, new retaining wall. removal of existing hard surfacing and replacement, new fence and gate. |
| RECOMMENDED DECISION: | Grant Permission |

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/1335/13 |
| SITE ADDRESS: | Elm Cottage Debden Road Loughton Essex IG10 2NY |
| PARISH: | Loughton |
| WARD: | Loughton St Johns |
| APPLICANT: | Mr Richard Wilson |
| DESCRIPTION OF PROPOSAL: | Grade II listed building application for lowering of ground level, new retaining wall. removal of existing hard surfacing and replacement, new fence and gate. |
| RECOMMENDED DECISION: | Grant 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=550932

CONDITIONS

NONE

Planning application EPF/1334/13 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))

Listed Building application EPF/1335/13 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)). In this case, that is because the application is very closely related to planning application EPF/1334/13 and it is therefore found to be necessary to consider both applications together.

Description of Site:

The application site is situated on the west side of Debden Road and has a frontage some 56m in length broken by the flank of a two-storey outbuilding. It comprises a detached dwelling (Elm Cottage) and its gardens. Elm Cottage is a grade II listed building dating from the 17th century with substantial 19th century alterations. The garden contains two substantial modern outbuildings, a single-storey building on the northern boundary at higher level and a two-storey building on the eastern boundary with Debden Road. The outbuildings are not curtilage listed buildings.

Description of Proposal:

These applications seek planning and listed building consent for the lowering of ground level and erection of a new retaining wall and the removal and replacement of an existing hardstanding. Those works as a whole about the building. Planning and listed building consent is also sought for the erection of a new fence and gate, however, listed building consent is not required for it because no part of it is attached to a listed outbuilding. All of the works have been carried out.

The reduction in ground level is to the west and north flanks of the building while the hardstanding wraps around the entire building. Land levels have been lowered by up to 1.4m. Former crazy paving around the dwelling has also been replaced with slate paving. The works have been carried out to provide level access around the building. Planters have been installed next to a 1.5, high retaining wall.

Timber fencing approximately 1.8m high (Including height of gravel boards) has been erected along the boundary of the site with Debden Road. The fencing and the concrete posts and gravel boards have been painted back. A gate for pedestrians is inserted into the fence in a new position adjacent to the curtilage listed outbuilding.

Relevant History:

LB/EPF/0080/95. Listed building application for the installation of new windows. Approved.

EPF/1035/95. Alterations to garage providing a pitched roof accommodating a garden store. Approved.

EPF/1047/06. Grade II listed building application for the demolition of existing fireplace. Approved.

EPF/0321/12. Grade II listed building application for repointing of chimney stacks, repair to supporting brickwork and repairs to existing external door. Approved.

EPF/1323/12. Grade II listed building application for erection of a Blue Heritage Plaque adjacent to front ground floor window. Approved.

Policies Applied:

Adopted Local Plan and Alterations

HC10 – Works to Listed Buildings
DBE10 - Design of Extensions
DBE2/9 – Neighbouring Amenity
GB2A – Green Belt

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

Summary of Representations:

Notification of this application was sent to Loughton Town Council and to 6 neighbouring properties.

The following representations have been received to date:

LOUGHTON TOWN COUNCIL.

In respect of the application for planning permission (EPF/1334/13) – OBJECTION:

The Committee OBJECTED to this application because it considered the fencing was too high and detracted from the listed building, which was now difficult to see from the highway.

In respect of the application for Listed Building Consent (EPF/1335/13) – COMMENT:

The Committee regretted no prior planning application was made to the Local Planning Authority. Members were also concerned the proposed works would conceal the Town Council's blue heritage plaque installed last year in honour of William Brown Macdougall and his wife Margaret Armour.

Issues and Considerations:

The main issues to be considered are the impacts of the works undertaken on

Neighbouring Amenity

The location and scale of the works undertaken are such that there is no adverse impact to neighbouring residential amenity.

Character and Appearance and impact on the Listed Building

The Applicant has undertaken pre-application discussions (prior to undertaking the works) with both EFDC's Conservation Officer and the former Historic Buildings Advisor at Essex County Council. This advice encourages the lowering of the ground level, as the previous ground levels were causing a problem of moisture penetration to the dwelling. In relation to the fence, the pre-application advice encouraged a more open type of fencing, e.g. picket fencing, railings or a woven willow fence. If close boarded timber fencing was proposed, then this was advised to be retained at a lower height and perhaps combined with trellis.

The fence that has been erected does clearly deviate from that which was recommended and the present Historic Buildings Advisor has raised objection to it, on the basis that the close boarded timber fencing set in precast concrete posts on concrete gravel boards and painted black is unsympathetic to the character and appearance of the cottage. The Historic Buildings Adviser therefore considers that the fence has a damaging impact on the setting of the listed building.

However, The District Council's Conservation Officer, having viewed the fence in situ, considers it to be acceptable. She comments that *'it is a high quality close-boarded fence painted black to tie it in with the black detailing of the cottage. Although the concrete is not a traditional material, the posts and gravel boards have been painted black making them less visually intrusive, and the vegetation that should establish itself on the verge will screen the base of the fence.'*

Loughton Town Council have raised concern regarding the recently attached blue plaque attached to the dwelling being obscured by the proposed fencing. Whilst this is unfortunate, the plaque is attached to a residential property, where the occupiers can reasonably expect an adequate level of privacy and screening from public view. Furthermore, at the time the application was considered for the plaque, the Historic Buildings Advisor noted 'Though plaques might normally be located between ground and first floor in this instance, in this less public location, I had no strong objection to it being sited adjacent to the ground floor window'

The Planning Officer considers that, on balance, the works undertaken to the dwelling and within its curtilage do not cause any harm to the special historic and architectural character of the listed building or to its setting.

Conclusion:

In light of the above appraisal, it is considered that the development is acceptable. It is, therefore recommended that both planning and listed building consent be granted.

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

***Planning Application Case Officer: Mrs Katie Smith
Direct Line Telephone Number: (01992) 564103***

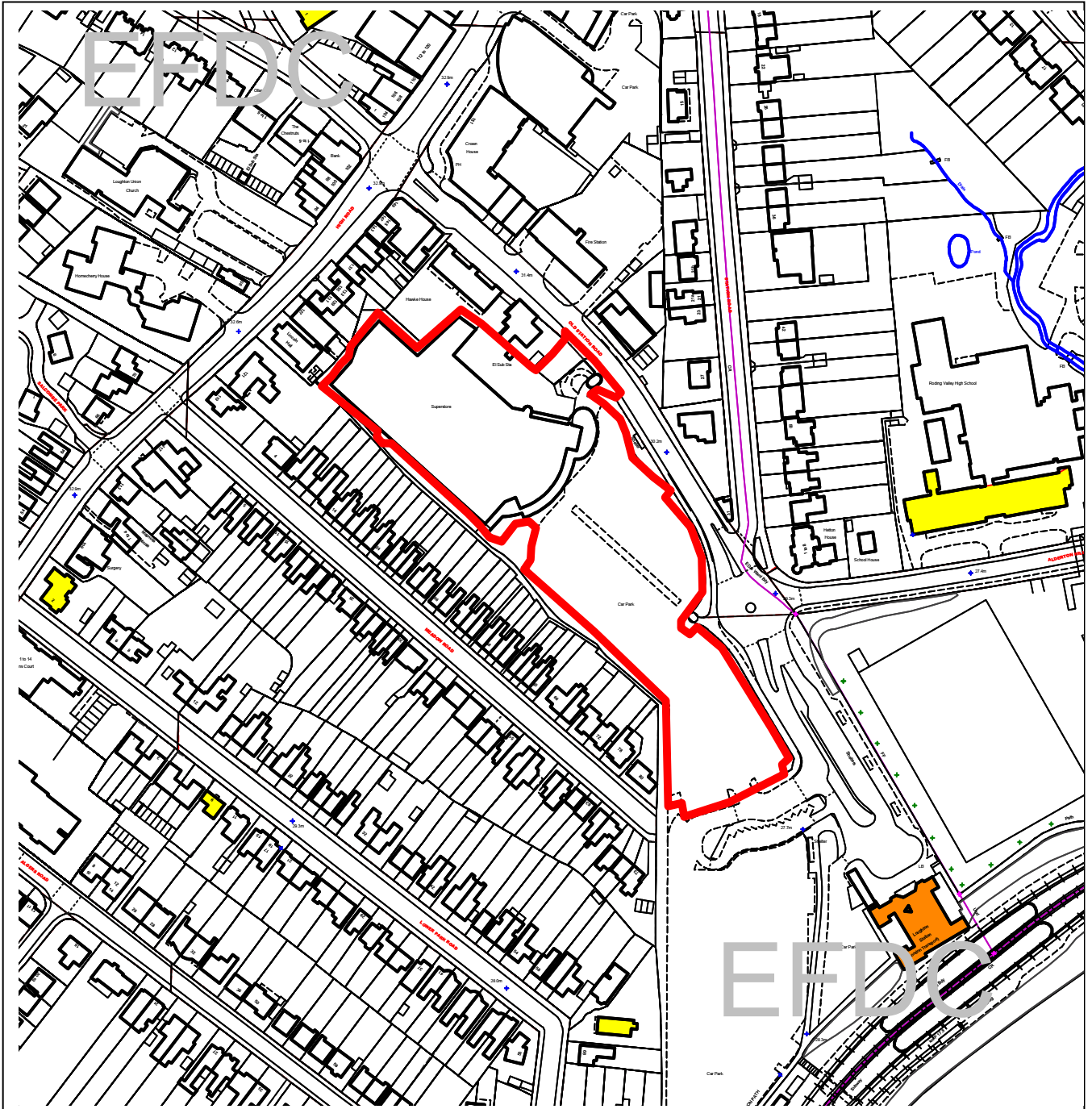
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

AGENDA ITEM NUMBER 4



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| | |
|---------------------|---|
| Application Number: | EPF/1448/13 |
| Site Name: | Sainsburys Supermarkets Ltd, Old Station Road, Loughton, IG10 4PE |
| Scale of Plot: | 1/2500 |

Report Item No: 4

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/1448/13 |
| SITE ADDRESS: | Sainsburys Supermarkets Ltd Old Station Road Loughton Essex IG10 4PE |
| PARISH: | Loughton |
| WARD: | Loughton Forest |
| APPLICANT: | Mr David Lazenby |
| DESCRIPTION OF PROPOSAL: | Variation of condition 17 of EPF/0400/00 to revise delivery hours to 6.00am to 11.00pm Mondays to Saturdays and 8.00am to 10.00pm on Sundays. |
| 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=551591

CONDITIONS

- 1 No trade deliveries shall be taken at or despatched from the store outside the period 6.00 a.m. to 11 p.m. Mondays to Saturdays or 8.00 a.m. to 10 p.m. on Sundays. Reversing alarms on delivery vehicles shall be switched off outside store opening times. Any refrigerated lorry visiting the site shall be provided with an electrical hook up to the store, and that hook up shall be used to power the refrigerated units.

Members deferred the recent application from the planning committee on 2nd October to permit discussions between the applicant and the neighbours to see whether any compromise or mitigation could be made for noise issues. The original report is set out below, with the addition of an update under the heading “New Issues” towards the end of the report.

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

Description of Site:

Application site is a large supermarket within the Loughton Town Centre. The supermarket takes access off Old Station Road via a mini roundabout for customers into a main car park, and via a separate access closer to the High Street for delivery vehicles.

Opposite the delivery access is the Fire Station, Nu Bar, and the Medical Centre. On the same side of the road as the access, the immediate neighbours are a printing premises, offices and a

fitness company. Further along Old Station Road is an Estate Agents, Pre-School and the garden of number 27 Station Road. The closest residents to the delivery area are numbers 23, 25 and 27 Station Road.

The delivery yard is bounded on the remaining sides by the Sainsbury's building and the customer car park.

Description of Proposal:

Application for the variation of Condition 17 attached to EPF/0400/00.

Condition 17:

No trade deliveries shall be taken at or despatched from the store outside the period 6.00 a.m. to 9.30 p.m. Mondays to Saturdays or 9.00 a.m. to 5.00 p.m. on Sundays. Reversing alarms on delivery vehicles shall be switched off outside store opening times. Any refrigerated lorry visiting the site shall be provided with an electrical hook up to the store, and that hook up shall be used to power the refrigerated units.

The application seeks an additional hour and half Mon-Sat in the evenings to allow deliveries to continue to 11pm. An additional hour Sunday morning (Starting at 8am) and an additional 5 hours on Sunday evening (to 10pm).

For ease of reference the current store opening hours, current delivery hours and proposed delivery hours are surmised below.

| | Opening hours | Current delivery | Proposed delivery |
|-----------|---------------|------------------|-------------------|
| Monday | 7.30am - 9pm | 6am - 9.30pm | 6am – 11pm |
| Tuesday | 7.30am - 9pm | 6am - 9.30pm | 6am – 11pm |
| Wednesday | 7.30am - 9pm | 6am - 9.30pm | 6am – 11pm |
| Thursday | 7.30am - 10pm | 6am - 9.30pm | 6am – 11pm |
| Friday | 7.30am - 10pm | 6am - 9.30pm | 6am – 11pm |
| Saturday | 7.30am - 9pm | 6am - 9.30pm | 6am – 11pm |
| Sunday | 10am - 4pm | 9am - 5pm | 8am – 10pm |

Relevant History:

EPF/1529/06 – Variation of condition 17 of EPF/400/00 to revise delivery hours to 4.00am to 9.30 pm Monday to Saturday and 7.00am to 5.00pm on Sundays. – Refused.

Reason for refusal:

The extended delivery hours, into the early hours of the morning, will cause unacceptable disturbance to local residents living in the vicinity of the site, from delivery vehicles, employees arriving on the site and in surrounding streets, and unloading the delivery vehicles when the area is quieter than during normal working hours. Therefore the proposal is contrary to Policies RP5A and DBE9 of the Adopted Local Plan.

The Inspector dismissed an appeal regarding this application on the grounds of the unsocial hours sought and the level of background noise which was minimal even in an urban location. The Inspector had concerns regarding the noise assessment and details not included such as opening and closing of doors and voices and considered that the proposed 4am start would impact on residential amenity to an unacceptable degree in addition to disturbances that presently exist. The Inspector considered the noise impacts to be cumulative at 4am in addition to any disturbance already experienced from 6am.

Policies Applied:

Adopted Local Plan and Alterations

The following policies have been found to be compliant with the NPPF.

CP2 – Protecting the Quality of the Rural and Built Environment

DBE9 – Amenity Considerations

RP5A – Noise and Other Forms of Pollution

ST4 – Road Safety

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

Summary of Representations:

77 neighbouring properties were notified due to the number of neighbouring properties.

LOUGHTON TOWN COUNCIL: No Objection to this application but asked for conditions that deliveries be limited to Sainsbury's own vehicles, and that a condition be imposed to carry out the practices as laid out in their noise assessment survey.

LOUGHTON RESIDENTS ASSOCIATION PLANS GROUP: The LRA group put a letter to neighbouring properties setting out the issues being experienced by Sainsbury's and asking whether residents could hear current deliveries and what people think of the proposed delivery hours. The letter was provided to the Council for information and circulated in Meadow Road and Station Road. Two responses were received, neither against the application. The LRA Plans Group agree with the Town Council. If Plans South are minded to approve the application, then conditions should be applied to ensure deliveries are limited to Sainsbury's own vehicles and are conducted using practices as laid out in the noise assessment survey.

3 Objections were received as follows:

23, 25 and 27 STATION ROAD have supplied the same letter:

Strongly Object. The hours proposed are totally unreasonable to neighbours. The store regularly receives deliveries at 6am during the week and the associated noise of crates being moved is intolerable. Complaints to store have had no effect. Staff arrive before 6am to be prepared for deliveries and the noise from vehicles and voices wakes neighbours up. Late night deliveries would have same concerns, 11pm is unacceptable, we are in bed at this time. Sainsbury's were aware of the residential area and considered this when modelling for the store originally. Unfair to ruin quiet enjoyment for Sainsbury's business pressures.

Issues and Considerations:

The main issues here relate to the potential impact on the neighbouring properties and highway safety. As a variation of condition relating to delivery hours, there are no physical works, therefore no visual impacts to assess.

An application was submitted in 2006 that sought to overcome stocking issues by receiving deliveries earlier in the morning before opening, however this application was refused due to unacceptable disturbance to local residents living in the vicinity of the site. This disturbance was from delivery vehicles, employees arriving on the site and in surrounding streets, and unloading the delivery vehicles when the area is quieter than during normal working hours. This decision was upheld at appeal. This revised application now primarily seeks to permit deliveries later in the day as opposed to at the early hours of the morning. Background noise is greater in the evening hours than in the early hours of the morning.

Need for the variation

The site is located in close proximity to the High Street and in a busy part of Loughton. The area is busy with vehicular and pedestrian traffic between the High Street, the underground station and Alderton Hill.

The application seeks to have deliveries an hour earlier (from 8am) on a Sunday. Having regard for purchasing trends (more customers shop at weekends), current delivery schedules and time taken to restock, Sainsbury's are having difficulty restocking shelves and clearing aisles in time to keep up with purchases made. Stocking shelves is possible during trading hours but this is more difficult and disruptive, particularly at weekends. Thus 8am is sought for a delivery start time. This is not considered unreasonable.

For similar reasons Sainsbury's also seek an additional hour and half for deliveries through the week and 5 hours later on a Sunday to restock for the Monday. This is related not only to store opening times but the agent suggests this also relates to dispatch times from local distribution centres. Current opening and delivery times mean that Sainsbury's has to make a stock order from Waltham Abbey Distribution Centre around 1.30/2pm, this is very early in trading hours and around the start of the peak trade times. For this reason orders are very speculative in nature, but it does allow for the order to be picked, loaded, dispatched and delivered to store within the delivery time allowed. Staff then have to try to restock shelves in time for opening, with the speculative order, which understandably does not always match the purchases made.

The extension of delivery hours would provide Sainsbury's with the ability to place the order later in the trading day. This order would to some extent still be speculative, but the accuracy of orders would be greater around 3/3.30pm, the orders could still reach store the same day and potentially be unloaded before the next days trade. At weekends this would be particularly relevant, over busy seasonal periods and especially on a Sunday. Raising an order at 1.30-2pm on a Sunday is clearly difficult and Mondays are identified as being particularly tricky for the applicant. These considerations are for stock rotation only. When consideration is given to fresh produce, the supply and storage requirements and the short shelf life it is clear to see, whilst functioning, the current delivery times are causing difficulties.

The NPPF sets out in paragraph 19 that planning decisions should support sustainable economic growth and the applicant alleges this variation to delivery times would assist Sainsbury's increased trade. This is given significant weight when considering this application.

Neighbouring Impacts

The nearest residential properties likely to be impacted upon are in Station Road, namely numbers 23, 25 and 27, all of whom have responded to this consultation. Properties in Meadow Road are less likely to suffer any impacts as these properties are separated by the length of the gardens and the mass and form of the superstore itself. The impacts likely to arise from the proposed variation are noise and disturbance at a later hour than presently exists, and earlier on a Sunday. This additional noise must be considered in the context of this busy Town Centre location. The applicants have provided a noise assessment that demonstrates that noise created would not be unacceptable in the context of existing background noise. The neighbouring properties have responded to highlight that existing delivery times are disruptive and to extend these would be unacceptable.

Noise is a concern but should be considered in the context of the prevalent background noise. At 8am on a Sunday in a Town Centre Area it is not considered unreasonable to have a degree of noise and movement associated with business. Similarly the evening hours requested should be considered in the context of the night time economy in the Town Centre, in particular the Nu Bar and Lux bar close by and movements taking place between the High Street, station and Alderton Hill.

The Council's Environmental Health team have considered the application and acoustic report. Whilst they are not convinced by the detail of the acoustic report, which appears to be over complicated, provide some irrelevant data and draw conclusions based on average noise levels rather than the short term impact of discrete events. They are also not convinced that the proposed variation in delivery hours in this particular case will cause a significant loss of amenity to local residents. They believe that an increase in hours will inevitably cause some additional noise in the vicinity of the site but the level of the noise is unlikely to cause a significant loss of amenity. On that basis they have no objection to the proposed variation.

Road Safety

In terms of road safety, Highways have been consulted and have no objections.

New issues

The application was previously considered by Members on 2 October and deferred to allow dialogue between the applicant and neighbours. Both parties have declined a meeting at the offices to discuss matters, but have provided updates of progress when requested. The applicant has now indicated to the Council that matters are resolved and has asked that this application be returned to the Committee. However, to date, the Council has received no further letters from neighbouring properties to indicate whether objections remain or are withdrawn.

Officers have since compared the delivery hours available to Sainsbury with those available to Marks and Spencer, further along in the High Street. The setting and location of both sites does differ, however for comparison Members are advised that Marks and Spencer is permitted to open the store from 7.30am to 10pm Monday to Saturday and for 6 hours on a Sunday between 10am and 6pm. Deliveries are permitted to the store from 7am to when the store closes. Deliveries are restricted to two articulated deliveries per day and should follow a safety plan and be restricted to within the service yard. The distance of the service yard at Marks and Spencer is around 32m from the nearest neighbouring boundary. The service yard at Sainsbury's is separated by a greater distance, however the distance from the entrance to the service yard is similar. Members are advised that matters relating to Marks and Spencer's were considered in 2003 and 2005, prior to the publication of the NPPF.

Conclusion:

Officers continue to recommend that the proposed extension of delivery hours is acceptable in light of the background noise that will be prevalent at the times sought due to the proximity to the Town Centre and the limited number of residential properties in close proximity. Officers note the noise created will be audible, but that it would not have a significant adverse impact on amenity sufficient to justify refusal in the context of encouraging business in the Town Centre.

This recommendation is offered mindful of the business needs of the superstore, the present economic climate and the drive to support businesses and town centres indicated in the NPPF. Neighbouring concerns are noted, but not considered sufficient to justify refusal.

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:

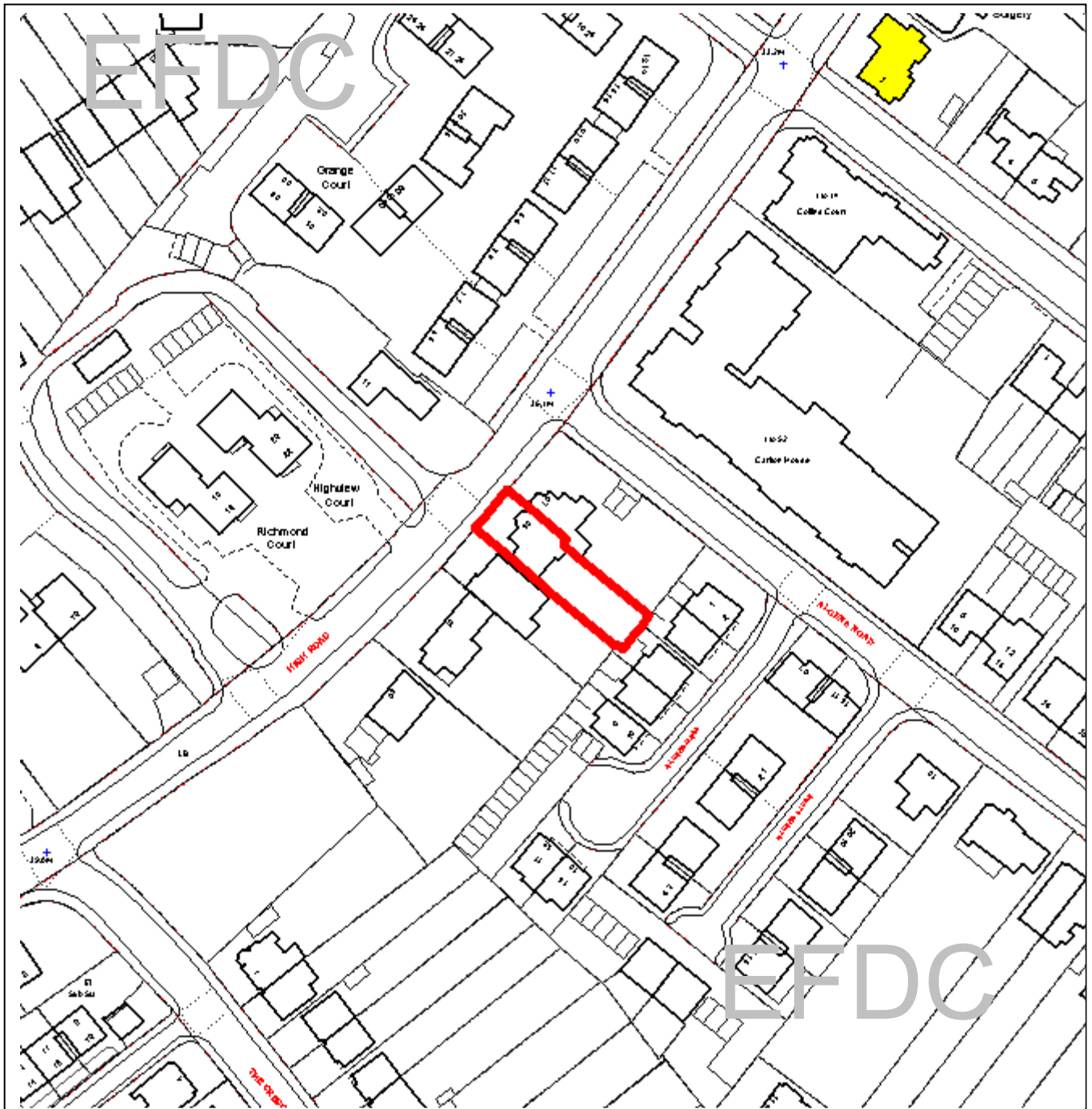
***Planning Application Case Officer: Jenny Cordell
Direct Line Telephone Number: (01992) 564481***

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/1500/13 |
| Site Name: | 95 High Road, Loughton IG10 4JD |
| Scale of Plot: | 1/1250 |

Report Item No: 5

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|---------------------------------|--|
| APPLICATION No: | EPF/1500/13 |
| SITE ADDRESS: | 95 High Road Loughton Essex IG10 4JD |
| PARISH: | Loughton |
| WARD: | Loughton Forest |
| APPLICANT: | Mr Lakhan |
| DESCRIPTION OF PROPOSAL: | Proposed double storey rear extension and loft conversion. |
| 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=551790

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 eastern edge of the raised platform shown on drawing nos SSCD 7748/PL01 REV F and SSCD 7748/PL02 REV F shall be enclosed by a 1.7m high privacy screen.

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 comprises a two-storey semi-detached house that has an unusual form, which is described in more detail below. The original house may have been extended to the flank and rear but its present form is that which existed in July 1948. The site is situated on the south east side of High Road Loughton between its junctions with Algiers Road and The Crescent. Rear of the site are the rear gardens of maisonettes on the north west side of Algiers Mead. The locality is not within a conservation area and the house is not listed. There are no preserved trees at the site or adjacent to it.

Land levels fall from the High Road with the rear garden level beyond an existing patio significantly below that of the ground floor level of the house. The attached neighbour, 97 High Road, has a substantial two-storey rear projection that wraps around approximately 1m of the rear wall of 95 to a ground floor bay in its rear elevation. The projection of 97 High Road, which appears to pre-date 1948, extends 4.3m beyond the rear main wall of 95 High Road, 3.2m beyond the rear of the bay. The distances referred to are those measured on site by the case officer. The projection has a gabled roof with eaves and a gutter over-sailing the edge of the rear bay at 95 High Road and the adjacent first floor rear elevation window.

Land levels also fall gently towards the detached neighbour, 93 High Road. A recessed flank element of the house adjacent to 93 High Road has floor levels approximately 600mm lower than the adjacent rooms in the remainder of the house, which appears to comprise the original building and a subsequent rear addition. A substantial bay dominates the front elevation of the house and is part of the original building. The roof of the greater part of the house takes the form of a crown roof.

The front part of the lower recessed flank element of the house is a significantly lower structure than that to the rear. It has a slack hipped roof with an eaves level well below that of the main roof of the house. The top of the roof rises slightly above the eaves level of the main roof. That part of the flank element immediately to the rear matches the height of the main part of the house and has a gabled roof whose ridge is in alignment with the rear ridge of the crown roof. As indicated above, the floor levels of the flank element of the house are lower than those in the main part, which has facilitated the provision of a room in the roof. The rear roof slope of the house appears to have a slightly steeper pitch to that at the front of the house and contains a dormer window that breaks the eaves serving a room in the roof.

The detached neighbour, no 93 High Road, comprises a large two-storey detached house built in the 1990's on land that was previously part of the garden of 95 High Road. The flank of 93 is constructed on the boundary with the application site with a measured distance of 1.1m separating its flank from that of the nearest part of the house at 95.

No 93 projects considerably beyond the rear of 95 such that its rear elevation is in approximate alignment with the rear elevation of the two-storey rear projection of 97 High Road. No 93 has a gabled roof alongside the site boundary with the gable ends to the front and rear elevations. Its eaves level is just above the level of the top of its first floor windows. The front elevation of the adjacent part of 93 High Road is in approximate alignment with that of 95 High Road.

Description of Proposal:

The proposal is a significant revision to previous proposals for side and rear extensions, one of which was withdrawn and the other refused.

It is proposed to erect considerable additions to the side and rear elevations. The taller rear part of the existing recessed flank element of the house would be replaced by a two-storey side extension that would continue 4.3m beyond the rear elevation of the house. It would be constructed together with a two-storey rear extension that would project 4.3m. Due to the fall in land levels rear of the house, a lower ground floor level/basement would be included in that part of the addition adjacent to 97 High Road. It would enlarge an existing basement level.

Ground floor rear elevation patio windows adjacent to 97 High Road would open onto a 1.5m wide platform set some 2m above the level of the garden. Similar windows adjacent to 93 High Road would have a step access to the garden. At roof level, the eaves and ridge would match those of the existing house and a pair of dormer windows would be contained in the rear roof slope.

The proposal has been amended since submission to clarify detail and resize and reposition a proposed first floor flank bedroom window.

Relevant History:

EPF/2109/12 Three storey rear extension including basement and loft conversion with front and rear dormer windows. Withdrawn

EPF/0468/13 Proposed three storey rear extension including basement and loft conversion. (Revised application). Refused on the basis of poor design and harm to the living conditions of 93 High Road.

Policies Applied:

| | |
|-------|--|
| CP2 | Quality of Rural and Built Environment |
| DBE9 | Loss of Amenity |
| DBE10 | Residential Extensions |
| ST6 | Vehicle Parking |

National Planning Policy Framework

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 10

Site notice posted: No, not required

Responses received from 3 neighbours raising objection to the proposal as follows:

93 HIGH ROAD: Objection

1. The proposal would cause a loss of light to two bedrooms and a bathroom. The point is illustrated in accompanying photographs that show two roof lights and a first floor flank window as the affected windows.
2. A large proposed flank window would look directly into a first floor flank bedroom window of 93 causing a considerable loss of privacy.
3. No 95 High Road is an attractive Edwardian building and the proposal would turn it into a massive plain block out of character in the locality.
4. The proposal would result in a loss of trees on the common rear garden boundary which form a natural barrier between the two properties.
5. The proposal would generate an increased demand for car parking that could not be met on site.
6. The proposal would make a shared foot path very dark making the houses more vulnerable to break-ins.
7. The submitted drawings are not accurate.

97 HIGH ROAD Objection

1. Insufficient detail is shown on the submitted plans, which should show details of drainage modifications.

2. There are a number of TPO's relating to the application and a preserved tree was recently removed from the rear garden to make way for the proposed extension.
3. The raised platform off patio doors in the rear elevation of the extension projecting beyond the rear wall of 97 would give rise to excessive overlooking.
4. The scale of the proposal is so great that it would cause a terracing effect that would be harmful to the character of the locality. Of itself, the proposal is poorly designed and would detract from the appearance of the house and its neighbours.
5. The proposal includes a basement and a loft enlargement and conversion therefore it should be recognised that the proposal amounts to a 3 ½ to 4 storey addition
6. The submission does not adequately show the relationship of the proposal to garden of the house. It would result in a scale of extension that would be half the size of the original house.
7. It is not clear how the house would be used and it is assumed as a single dwelling. However, the floor plan shows rooms that would be disproportionately large for their described use, for example, the proposed kitchen would be far larger than the indicated dining room. The house should not be used for business purposes, e.g. a commercial kitchen and offices. Reference is made to previously refused proposal for use of the house as a nursery.
8. The proposal would generate an increased demand for car parking that could not be met on site.

5 ALGERS MEAD Objection

The proposal would cause overlooking of our ground floor maisonette and reduce natural light to it. The proposal is disproportionately large

6 ALGERS MEAD Objection

The proposal would worsen existing overlooking into rooms within my flat. Should the extension be built I would have to have my blinds permanently down to safeguard my privacy. The proposal would therefore give rise to direct overlooking and, indirectly, cause a loss of light. It would therefore result in an increase in electricity bills for me due to the need to keep lights on and also create depressing stress from being in a dark atmosphere without view of the sky, sun and light. The proposal would be out of alignment with the properties on either side.

LOUGHTON RESIDENTS ASSOCIATION (PLANS GROUP) Objection

We object to this application on the following grounds:

- Overlooking of neighbouring property
- Terracing effect of building to three floors right up to the boundary.

LOUGHTON TOWN COUNCIL: Objection

The Committee restated its previous objections made for planning applications EPF/0468/13 and EPF/2109/12 which were:

The Committee OBJECTED to this application. The proposed scheme was considered overbearing and monolithic in the context of a pair of handsome Victorian semis. It would visually impact on the surrounding properties and the streetscape. The proposal was considered an over-development of the site that would give rise to a terracing effect.

Members expressed concern the works would cause substantial loss of amenity from overlooking and loss of light to the neighbouring properties at nos 93 and 97 High Road, as well as potentially to the dwellings to the rear in Alghers Mead.

The Committee was concerned the development would lead to the parking of more cars than could be accommodated on the forecourt. Members also asked whether the District Council Tree Officer could place tree preservation orders (TPOs) on the trees in the rear garden to safeguard private amenity.

Furthermore, members considered the revised design was more intrusive and still not in keeping with this area.

Moreover, in light of information received from a neighbour at the meeting, members commented on the insufficient nature of the plans which appeared to be misleading, and that the proposed works were for, in effect, a four storey development.

Main Issues and Considerations:

The main issues raised by the proposal are its consequences for the character and appearance of the locality and living conditions of neighbours.

Character and appearance:

The proposed extensions would add considerable bulk to the rear elevation of the house and to the rear part of the side elevation. The proposed addition to the side would be set some 6m rear of the front elevation of the house. The existing lower level front flank element of the house would be retained. As a consequence of the degree of set back from the front elevation and the retention of the lower front flank element of the house the proposal would appear far less prominent than it appears in the submitted drawings. Unlike previous proposals, the existing appearance of the front elevation of the house and its relationship to the street would be retained with only the greatly recessed roof structure visible from the street. Furthermore, at 1.1m from the flank of 93 High Road, the proposal would maintain the same distance separating the two houses.

In terms of the consequence for the appearance of the street scene, therefore, the proposal would not result in any terracing effect and would complement the design and appearance of the existing house.

To the rear, the proposal would be visually contained between the flank of 93 High Road and the unusually large rear projection of 97 High Road. It would be seen against the backdrop of the bulk of the existing house and projection of 97. Its bulk would therefore be contained visually, respecting that of the existing house and its neighbours. In terms of its detail, the proposed dormer windows are of an appropriate scale and would be positioned sensitively while the positioning of windows in the rear elevation would reflect the unusual change of floor levels within the existing.

As a whole, the proposed extensions would complement the design of the existing house and safeguard the character and appearance of the locality.

Living Conditions:

The bulk height and proximity of the proposed side extension to the flank of 93 High Road would result in a loss of light to the first floor flank elevation window of 93 High Road. The occupant of that house says that window is the only window to a bedroom. While the approved plans for the house indicate that window serves a bathroom, it is likely the internal arrangement of 93 is not in accordance with the approved plans. Although the interior of no. 93 has not been inspected it is also likely its occupant is correctly describing the window as a sole window to a habitable room.

The flank wall of the side extension would be 1.1m from the window concerned and the eaves height of the side extension would be some 500mm higher than that of no. 93. Such a relationship was previously put forward in application EPF/0468/13, however, the side addition in that proposal extended much further forward. That relationship was found likely to cause an excessive of light loss to that window. However, the reduced scale of the current proposal lessens the likely impact on light. As a consequence, and since flank windows to houses within urban areas are not normally expected to receive the same degree of light as front or rear elevation windows, it is found that the impact on light to the affected window would not cause such harm to living conditions that warrants the withholding of planning permission.

The impact of the side extension on light to rooflights in 93 High Road would be much less severe and would not amount to an excessive loss of light to the windows concerned. The proposal would not cause any loss of light to any other neighbour.

As submitted, the proposal included a large flank window at first floor level that would be in approximate alignment with a first floor flank bedroom window of 93 High Road. That relationship was found to be very likely to result in an excessive degree of overlooking between the two bedrooms to the detriment of the privacy of both houses. The applicant has revised the proposal following discussion with Officers and replaced it with a narrower window, 1m wide, set 1.5m rear of the rear edge of the flank bedroom window of 93 High Road. Since it would also be at lower level than that window it is found that it would be sufficiently out of alignment with it that no excessive overlooking of 93 High Road would arise.

The proposed raised platform immediately rear of patio doors adjacent to the rear elevation of 97 High Road would give rise to the potential for excessive overlooking back to the rear elevation of 97 and into the adjacent rear garden of 97. Since the raised platform would only be 1.5m wide it would not facilitate sitting out and is instead designed to facilitate direct access from the room served by the patio doors to the rear garden. In the circumstances, the potential for excessive overlooking could be mitigated by a 1.8m high privacy screen at the end of the raised platform adjacent to the site boundary. An appropriate screen that would be acceptable in design terms could be secured by a condition imposed on any planning permission granted. In those circumstances the proposal would not cause excessive overlooking of 97 High Road.

The steps from the patio doors proposed adjacent to 93 High Road would not be likely to cause any more overlooking than that which presently exists from a raised platform at 93 to the application site. There is nonetheless likely to be a reduction in privacy for both houses since places of activity rear of each house would be brought nearer but the degree of harm caused would not be excessive.

The distance separating the rear elevation of the proposed extension from the rear elevation of maisonettes on Algiers Mead would be 23m while the distance separating it from their rear gardens would be 18m. Within the context of an urban area those distances are sufficient to mitigate the

potential for harmful overlooking from the extension to the rear of the maisonettes. It also illustrates the point that the proposal would not be disproportionate to the size of the plot

Other matters:

The matter of drainage is not a material planning consideration in this case. Nonetheless, the informal advice of the Council's Building Control team has been sought in order to ensure that, should consent be given, the drainage off the roof of both the extension and 97 High Road can properly be dealt with. Such advice is that there would be no difficulty in achieving the necessary drainage.

The application must be dealt with on the basis that no material change of use is proposed. The applicant has been asked how he intends to use the enlarged house and states he intends to use it as a dwellinghouse that serves his immediate family together with some of extended family. That is consistent with the lawful use of the house.

It is possible that the house would generate a demand for parking that cannot be met on site. That is not uncommon although it is very unlikely that the amount of additional parking would be harmful to the amenities of the locality. Moreover, since the site is in a sustainable location it is unlikely that there would be a harmful impact.

There are no preserved trees at the application site or adjacent to it that could be affected by the proposals. Those trees that do exist on the common boundary with 93 High Road are set a significant distance from the rear elevation of the proposed extensions and, in any event, are of no wider amenity value.

Conclusion:

The proposal is a significant amendment to the previously refused proposal and the amendments overcome the reasons for refusal. It remains a large addition but it would safeguard the appearance of the house when seen from the street and from the rear gardens of neighbouring properties. To the rear that is achieved by setting the proposal tightly within the limits set by the rear elevation of 93 High Road and the large rear projection to 97 High Road.

The reduction to the bulk at the side has not only achieved a acceptable appearance when seen from the street, it also reduces the impact on light to a first floor flank window at 93 High Road to an extent that no excessive harm to living conditions would be caused to that house. Alterations to the proposed flank bedroom window address the possibility that excessive overlooking of 93 would arise.

To the rear, the extension would not cause any harm to the living conditions of neighbours. A privacy screen to a raised platform rear of the addition, which can be secured by condition, would prevent any excessive overlooking of 97 High Road without appearing overbearing.

In light of the above assessment 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:

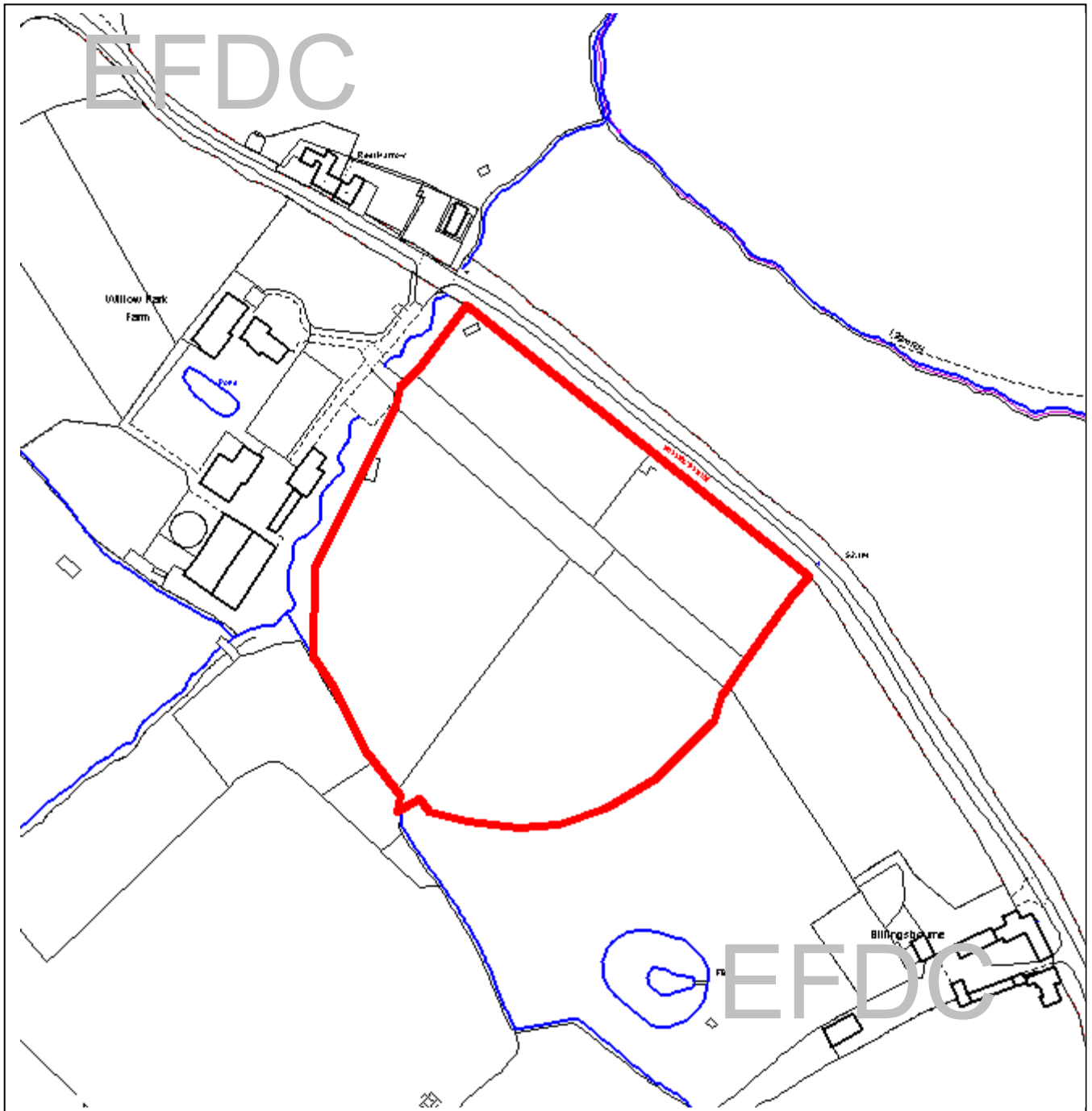
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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



Epping Forest District Council

AGENDA ITEM NUMBER 6



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| | |
|---------------------|---|
| Application Number: | EPF/1927/13 |
| Site Name: | Willow Park Farm, Millers Lane Chigwell, IG7 6DG |
| Scale of Plot: | 1/2500 |

Report Item No: 6

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/1927/13 |
| SITE ADDRESS: | Willow Park Farm Millers Lane Chigwell Essex IG7 6DG |
| PARISH: | Chigwell |
| WARD: | Chigwell Row |
| APPLICANT: | Mr & Mrs Hussain |
| DESCRIPTION OF PROPOSAL: | Demolition of buildings at adjacent former farmyard and at application site (units A, C, E, G, H and I) and erection of new detached residential dwelling, ancillary garage building, ancillary hardsurfacing and driveway, establishment of residential curtilage, formation of new vehicular access onto Millers Lane and closure of existing field access. |
| RECOMMENDED DECISION: | Refuse Permission |

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

http://planpub.eppingforestdc.gov.uk/AnitellM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=553912

REASON FOR REFUSAL

The proposed new dwellinghouse and ancillary garage building are inappropriate development in the Green Belt that would be harmful to its openness and to the open character of the site and locality. The harm caused would be exacerbated by proposed ancillary hard surfacing, driveway and vehicular access. The proposed demolition of buildings on the site and on adjoining land in the applicant's ownership would not outweigh the harm caused by the proposed new development. No other material considerations that outweigh the harm that would be caused exist therefore no very special circumstances in favour of the development can be demonstrated. Accordingly, the proposed development is contrary to the policies of the National Planning Policy Framework and contrary to Local Plan and Alterations Policies GB2A, GB7A and LL2, which are consistent with the policies of the Framework.

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

Description of Site:

The application site comprises part of an open grassed field east of the former farm yard at Willow Park Farm that was last used for grazing and exercising horses. The fields' area is 2.84 hectares while the application site is 0.8 hectares. Both are directly accessed from the former farm yard. .

The former farm yard together with a farmhouse west of it are accessed via a wide drive off the southwest side of Millers Lane, a short distance from its junction with Gravel Lane. Planning

permission has recently been given on appeal to erect a substantial replacement house immediately rear of the farmhouse, PINS ref APP/J1535/A/12/2181575; EFDC ref EPF/0334/12. The former farm yard, farmhouse and field to the west are all in the applicant's ownership.

Land at the application site gently rises to the southeast. Land to the west of the former farm yard rises to the west to Gravel Lane. The site boundary with Millers Lane is enclosed by a hedge comprising elm, ash, hawthorne, willow and elder. Mature hedgerow encloses the remaining site boundaries.

The application site is within the Metropolitan Green Belt. It is not within a conservation area or vicinity of listed or locally listed buildings. A watercourse known as Little London Brook passes some 10m west of the application site within the surrounding land in the applicant's ownership.

The former farmyard and associated buildings together with the part of a redundant ménage west of the application site was relatively recently the subject of an application in respect of their use for the purposes of storage and distribution (Use Class B8). The application was refused and a subsequent appeal dismissed, PINS ref APP/J1535/A/12/2181576; EFDC ref EPF/0392/12. An appeal against a planning enforcement notice requiring the cessation of the use of the buildings for the purpose storage was dismissed and the Notice upheld with variation to its requirements such that they do not apply to Buildings A and E, PINS ref APP/J1535/C/13/2198082.

Description of Proposal:

It is proposed to erect a house and adjacent garage building in the approximate centre of the field. The house would be orientated to face the site boundary with Millers Lane. The garage block would be set forward of the house at right angles to it, its front elevation aligning with the eastern flank. A large rectangular hardsurfaced area would be formed in front of both buildings and be linked to Millers Lane by a long driveway.

A new vehicular access would be formed at Millers Lane, which would require the removal of some hedgerow. An existing gated access off Millers Lane would be removed.

The proposed curtilage of the house would be restricted to the application site.

The house would comprise a three storey building with the second floor contained within the roof space. It would have a rectangular plan, some 26m by 15.5m. The roof would be a crown roof – flat with sloping sides – and contained by a parapet. A series of dormer windows in each roof slope would serve the upper floor rooms. The roof height of the house would be some 9.3m.

The house would have a classical appearance, the front elevation focused on a centrally positioned portico and bay over. A centrally positioned colonnaded balcony would project 3.5m from the rear elevation and single-storey wings would project 1.5m from the side elevations. Windows would be arranged symmetrically, decreasing in size on upper floors. Materials would be painted render to the ground floor, brick to the first floor and slate for the roof slopes. Stone would be used for detailing.

No details of the proposed garage building are provided other than an indication of its location, ground area and volume.

In connection with the proposal the application proposed the demolition of 2 buildings on the application site and 4 buildings on the adjacent former farm yard, which is in the applicant's ownership. The buildings to be demolished on the application site (Units H and I) are modest single-storey buildings located on the site boundaries amongst the hedgerow. Three of the buildings to be demolished on the former farmyard, Units A, C and G, are large modern agricultural barns presently in use for storage. Unit E, which adjoins a residential outbuilding for

the farmhouse is a much lower structure originally built as a stable but subsequently converted to residential use.

Key facts of the proposal are as follows:

| | |
|---|-------------------------|
| Total ground/floor area of buildings to be demolished: | 913m ² |
| Total volume of buildings to be demolished: | 3534m ³ |
| Total ground area of buildings to be erected: | 554m ² |
| Total 'external floor area' of buildings to be erected: | 1242m ² |
| Total volume of buildings to be erected: | 3526m ³ |
| Total reduction in ground area: | 359m ² (39%) |
| Total reduction in built volume: | 8m ² (0.2%) |

The above figures are taken from/based on those specified on the submitted drawings.

Relevant History:

- EPF/0587/10 Demolition of existing house and selected outbuildings and replace them with a single-family dwelling house on a new plot served by new access. Resulting in a change of use of land from agriculture to residential. Withdrawn.
- EPF/0147/11 Demolition of existing house and selected outbuildings and replace them with a single family dwelling house. Refused on the basis that the proposal is inappropriate development in the Green Belt, harmful to its openness and to the character of the locality.
- EPF/1022/13 Demolition of buildings at adjacent former farmyard and at application site (units A, C, E, G, H and I) and erection of new detached residential dwelling, ancillary garage building, ancillary hardsurfacing and driveway, establishment of residential curtilage and formation of new vehicular access onto Millers Lane. Withdrawn
- EPF/2031/13 Certificate of lawful development for existing use of building 'E' for residential purposes (Use Class C3 (dwellinghouses)). Withdrawn
- EPF/2067/13 Certificate of lawful development for existing use of Building 'A' for storage (Use Class B8). Withdrawn

As stated above, planning permission has been given for the erection of a replacement house immediately rear of the farmhouse on land to west of the application site, PINS ref APP/J1535/A/12/2181575; EFDC ref EPF/0334/12. The applicant confirms he intends to build the consented house and the presently proposed house should consent be given.

A proposal to use the farmyard buildings west of the application site for storage considered at the same time was refused PINS ref APP/J1535/A/12/2181576; EFDC ref EPF/0392/12. Since the use is taking place a planning enforcement notice was issued requiring its cessation on 10 April 2013. An appeal has been submitted against the notice, PINS ref APP/J1535/C/13/2198082; EFDC ref ENF/0137/11. The appeal is to be decided following a public inquiry. The applicant indicates the appeal may be withdrawn if the present proposal is approved since the buildings concerned would be demolished as a consequence of consent being given.

Policies Applied:

Policies contained within the National Planning Policy Framework, particularly paragraphs 79, 80, 87, 88 and 89.

The following Local Plan and Alterations policies are found to be consistent with those of the NPPF and consequently given weight:

| | |
|------|---|
| CP2 | Protecting the Quality of the Rural and Built Environment |
| GB2A | Development within the Green Belt |
| GB7A | Conspicuous Development |
| NC4 | Protection of Established Habitat |
| DBE1 | Design of New Buildings |
| DBE2 | Effect on Neighbouring Properties |
| DBE4 | Design in the Green Belt |
| DBE8 | Private Amenity Space |
| DBE9 | Loss of Amenity |
| LL1 | Rural Landscape |
| LL2 | Inappropriate Rural Development |
| LL10 | Adequacy of Provision for Landscape Retention |
| LL11 | Landscaping Schemes |
| ST4 | Road Safety |
| ST6 | Vehicle Parking |

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 3

Site notice posted. Yes

Responses received: None.

CHIGWELL PARISH COUNCIL: Objection – :“The Council **OBJECTS** to this application on the grounds that it is a proposed development within the Green Belt defunct of special circumstances, and is of an inappropriate design. It is essential that this application is carefully considered by Plans South in light of the history.”

ENVIRONMENT AGENCY: Objection:

The applicant has submitted a letter from their ecological consultants outlining why they do not believe it is necessary to open up and naturalise the Little London Brook. While we agree that the proposed biodiversity enhancements are a positive step, it is very concerning that they do not include any proposals to deculvert this section the Little London Brook. Deculverting the Little London Brook would be in line with your Local Plan policy CP2 (part v) which states that river corridors should be preserved and enhanced. Taking this step would improve habitat connectivity which plays a vital part in helping wildlife adapt to climate change.

Restoring the ecological value of the Little London Brook would also be in line with the Thames River Basin Management Plan. This is something to which you as the local authority must give regard to under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003.

The Little London Brook is currently at poor ecological status for a variety of reasons including physical modifications and pollution. Furthermore, one of the key actions that has been identified to improve this waterbody is deculverting. We would therefore expect this

to occur unless the applicant can provide justification as to why this is not possible.

Our objection will be maintained until we receive adequate information and revised plans that make the proposals acceptable to us.

Main Issues and Considerations:

The main issues raised by the proposal are its appropriateness in the Green Belt, impact on the openness of the Green Belt and character of the locality. The new vehicular access would not be harmful to highway safety and, indeed, would be likely to have better visibility than the existing gated access on Millers Lane. The house would exceed Council standards for off-street vehicle parking provision and garden space. Of itself, the detailed design of the house is acceptable but its consequence for the character of the locality is also a material consideration.

Appropriateness in the Green Belt:

The proposal is primarily for the erection of new buildings. The buildings are a dwellinghouse and ancillary garage. The proposal also includes the demolition of modern agricultural barns and other smaller buildings largely on land outside of the application site but in the applicant's ownership. The overall volume of the proposed buildings is not materially different to that of the total volume of the buildings to be demolished while the ground area of the proposed buildings is significantly less than the total area of the buildings to be demolished.

The buildings to be demolished are in use for storage purposes and their lawful use of most of them is for agriculture. Buildings A and E have a deemed planning permission for use for a mixed use for purposes of agriculture and storage following the decision on the recent planning enforcement appeal. Evidence indicates building E has been used for residential purposes for over 4 years but it is unclear whether that use was as a separate house or as an ancillary dwelling to Willow Park Farm to provide staff accommodation.

With the possible exception of building E, which has a volume of 251m³ and a floor area of 82m², the proposed house and ancillary garage would not be used for the same purposes of the buildings to be demolished. Consequently the proposal does not amount to the erection of replacement buildings. The fact that the proposed buildings would be on a different site to those that would be demolished reinforces the finding that they are not proposed as replacement buildings. In the circumstances the buildings are found to be inappropriate development in the Green Belt.

The applicant maintains that the Framework allows for the erection of any new building that would replace an existing building. In coming to that view he does not give proper consideration to the implication of the proposed buildings being for a materially different use to those that would be replaced. That disregards a key element of paragraph 89 of the Framework.

Impact on Openness:

The proposed demolition of buildings would enhance the openness of the Green Belt and the proposed new buildings would cause harm to such openness. The question of whether the harm to the openness caused by the new buildings is outweighed by the enhancement of openness arising from the demolition of buildings therefore arises.

The proposed buildings would be sited just east of the centre of an open field where there would be clear views of them across the application site and obscured views from adjacent land and Millers Lane. As a consequence of their height, bulk and massing they would appear as highly prominent imposing structures in this location. Their detailed design would reinforce their weighty appearance. The visual impact of the proposed buildings, together with that of the associated area

of hardstanding, driveway and new vehicular access, would be highly intrusive when seen on the site. It is also likely the proposed vehicular access and associated means of enclosure would appear prominent when seen from Millers Lane, further eroding openness. Overall, it is found the proposal would cause very considerable harm to the openness of the Green Belt.

Of the buildings to be demolished, units A, C and G are less prominent than the proposed house due to their siting adjacent to site boundaries on slightly lower land levels and since, at a maximum of 5m high, they are considerably lower buildings than the 9.3m high proposed house. They are nonetheless substantial structures of significant bulk. Unit E is a considerably lower structure that is situated abutting a substantial residential outbuilding serving the farmhouse at Willow Park Farm.

All those buildings are seen within the context of a farmyard and were designed and built for the purposes of agriculture. They are therefore not inappropriate development in the Green Belt and their visual impact and consequence for openness is mitigated by that fact. In the circumstances, the improvement to openness arising from their demolition would not outweigh the considerable harm caused by the proposal.

Units H and I are much smaller low buildings that are seen within the context of existing hedgerow that largely screens views of them from outside of the application site and mitigates their impact when seen within the application site. Moreover, they were also designed and built for the purpose of agriculture and consequently are not inappropriate development. The value of their demolition in terms of the enhancement of openness is very limited and adds little to the benefits of demolishing units A, C and G.

While comparisons of volume and floor area assist an assessment of impact on openness, they must be considered within the context of the site and the detail of the proposal. That has been assessed above and the exercise does not support the applicant's contention that the proposal would actually be beneficial to openness. Indeed, the opposite is the case and, on the matter of openness, the proposal is found to be excessively harmful.

Character and Appearance:

Policies LL1 and LL2 seek to conserve the character and appearance of the countryside and ensure any development respects its character. The dominant characteristic of the appeal site is its openness. There is no doubt that, of itself, the proposed house, garage and associated works would cause very serious harm to that character and consequently fails to respect it.

Within the wider locality there are a number of examples of large houses within open settings. The circumstances that led to their development have to do with the specific circumstances of the site in question and may not be comparable to those of this site. Their existence does form a component of the locality, but that locality is predominantly characterised by open fields enclosed by hedgerow. By erecting a further large house in that context the balance of openness against built form would be tipped towards built form. The harm to the character of the site arising from its loss of openness would therefore be compounded by an undermining of the open character of the wider locality. For these reasons the proposal is found to be harmful to the character and appearance of the locality.

Policy DBE4 seeks to ensure new buildings in the Green Belt respect the wider landscape setting of the site and are of a design which respects local character. In giving planning permission for a replacement house of similar scale at Willow Park Farm the Planning Inspector found there is a variety of design of buildings in the rural area around Chigwell. "Particularly noticeable is the presence of a significant number of large houses of fairly recent date, some standing in large grounds. These tend to espouse either an Arts and Crafts design idiom, like the new house permitted at the kennels site [opposite the access to Willow Park Farm], or, more typically, a neo-

Georgian style.” In the circumstances, it would be difficult to maintain a position that the design of the house is at odds with the local character and contrary to Local Plan policy DBE4.

Comments on the Environment Agency objection:

The Environment Agency maintain an objection to the proposal on the basis that it does not include proposals to improve Little London Brook. The watercourse does not pass through the application site, but it passes close to it on land in the applicants’ ownership. Should the proposal be found to be acceptable it would be necessary to secure such works through the imposition of appropriate planning conditions. However, since the watercourse is outside of the site and since there are other fundamental objections to the proposal, it is found that the absence of a proposal to improve it is not an objection of such weight that it should be relied on to resist the proposal.

Conclusion:

The proposal is inappropriate development in the Green Belt that would be harmful to its openness and the open character and appearance of the locality. For that reason it is recommended that planning permission be refused.

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

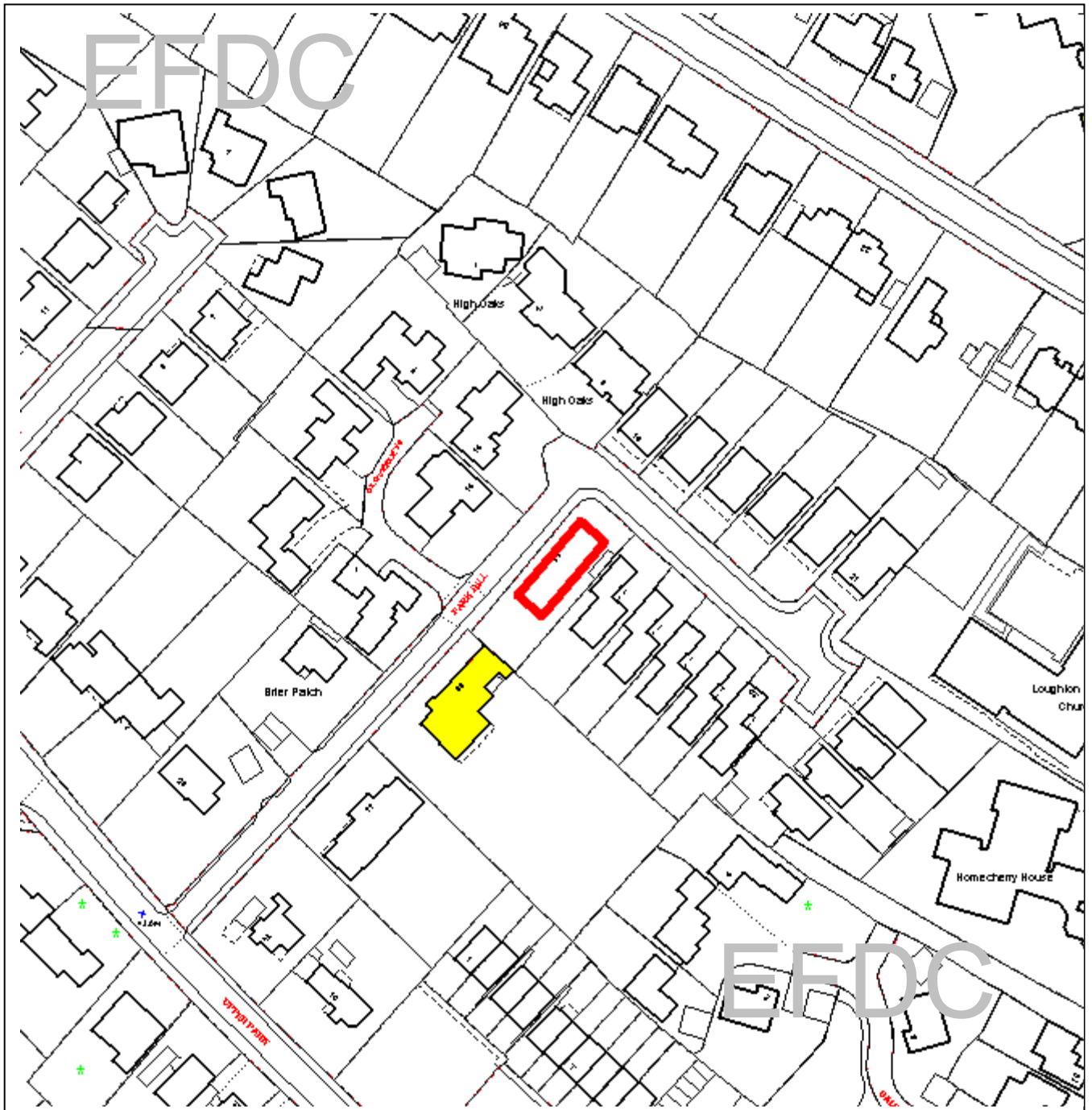
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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Epping Forest District Council

AGENDA ITEM NUMBER 7



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| | |
|---------------------|------------------------------------|
| Application Number: | EPF/2010/13 |
| Site Name: | 31 Park Hill, Loughton IG10 4ES |
| Scale of Plot: | 1/1250 |

Report Item No: 7

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/2010/13 |
| SITE ADDRESS: | 31 Park Hill Loughton Essex IG10 4ES |
| PARISH: | Loughton |
| WARD: | Loughton Forest |
| APPLICANT: | Mrs Julia Higgs |
| DESCRIPTION OF PROPOSAL: | Change of use of house to dual use as house and use for child care/child minding for up to 10 children. |
| 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=554455

CONDITIONS

- 1 The off street drive on the north east side of the property shall be kept clear and unobstructed for the setting down and picking up of children between the hours of 7.30am to 10.15am and between 4pm to 6.30pm.
- 2 A maximum of 10 children shall be minded at the property at any one time.
- 3 The child minding use hereby permitted shall not be carried on outside the hours of 7.30am 6.30pm on Mondays to Fridays..

This application is before this Committee because a) the recommendation for approval is contrary to an objection from a local council which is material to the planning merits of the proposal, and b) because more than 2 objections material to the planning merits of the proposal have been received, (pursuant to the 'constitution, part three: planning directorate – delegation of council function, schedule 1, appendix A(g) and (f).

Description of Site:

Two storey detached house next to a right angled bend in this cul-de-sac of Park Hill. The area is primarily residential but it is not listed nor does it lie within a conservation area.

Description of Proposal:

Change of use of a house to dual use as a house, and for child care/child minding up to 10 children.

Relevant History:

None.

Policies Applied:

DBE9 – Loss of amenity.

ST6 - Vehicle parking.

E12 – Small scale business/working from home.

Policy DBE9 is compliant with the NPPF, and policy ST6 is generally compliant. Policy E12 is not compliant – the NPPF allows for more flexibility for the establishment of home businesses.

Summary of Representations:

LOUGHTON TOWN COUNCIL – Object to this retrospective application owing to the inability of the immediate local roads to accommodate the additional parking of staff vehicles, and those connected with the delivery and collection of children to the proposed child minding.

NEIGHBOURS – 8 properties consulted, 3 objections and 1 letter of support received:-.

PARK HILL HOUSE, PARK HILL – Object. - Park Hill is a small cul-de-sac and the excess traffic created by the nursery is a real nuisance. The noise coming from the garden by many screaming children makes it simply unbearable to sit in your own garden in any comfort. The refuse coming from this house exceeds what the road can take. A business in this residential area should not be allowed to spoil a lovely part of Loughton to live in.

15 PARK HILL – I personally have no objections to the child minding business at no.3, which lies opposite, but I do have concerns about the extra traffic that results from parents dropping off and picking up their children. Owing to the right angled bend opposite my house, many cars and lorries turn round outside our house and my low walls have been knocked down several times. Also on Wednesdays refuse vehicles reverse up Park Hill and have difficulty manoeuvring around the right angled bend. In these circumstances cars dropping off children can exacerbate the parking /accessibility problem. Cars dropping off children seem to stop outside the front door and park partly on the pavement whereas it would be better if they used the drive to the house on the other frontage of the property.

16, PARK HILL – I am concerned with the dropping off of the children at no.31. The 3 off street parking spaces will already be occupied by members of staff. Therefore my concern is that the parents will be parking outside my house. To make it safe it will need double yellow lines on the bend and immediately outside my house. It would also assist the refuse collectors to negotiate this corner.

30, PARK HILL – I write to confirm my support to the planning application submitted for no.31.

Issues and Considerations:

This application follows on from enforcement investigations. Normally child minding can be carried out in a house without the need for planning permission – however, in this instance, the fact that up to 10 children are cared for takes the use beyond the term ‘incidental to the dwelling’, and hence planning permission was judged to be required. The child minding use is operated between 7.30 am to 6.30 pm although most children stay for shorter periods than this. The use is not carried on at weekends or bank holidays. Two ground floor rooms at the side of the house, including a former garage, are given over to the child minding use.

The applicant and her daughter, who live at the property, run this service with the assistance of one other helper. In terms of car parking there is a drive to the house (just round the right angled bend of the road) that allows for 1-2 cars to be parked off street whilst the driver drops off a child. The applicant and her daughter park outside the other frontage to the house where a single yellow line allows parking during the day but not between 2pm to 3pm. In this hour the applicants move their cars to the drive, and this early afternoon hour lies outside the times that parents drop off their children in the morning and pick them up in the late afternoons. To confirm this arrangement the applicant is willing to accept a condition that prohibits parking of cars on this off street drive between the hours of 7.30 am to 10am and between 4pm and 6.30pm.

The use of the drive for setting down and collection of children does reduce the potential for parking problems to occur. It must be stressed also that this is not an intensive business use – and the time and frequency levels of car movement is fairly low. The parking and manoeuvring problems identified by neighbours, particularly by lorries and vans, are sympathised with. However they are caused in part by the slope and right angled bend in this cul-de-sac, and some of these problems would therefore occur without the child minding use existing at this property.

In terms of possible noise from young toddlers playing in the rear garden, the applicant states that small groups of 3 to 4 children are allowed times into the rear garden for an hour i.e. all children are not allowed out at the same time. The adjoining neighbour at no.30 Park Hill, who shares a long side boundary with no.31, has written in supporting the application. However a noise concern has been raised from the property to the rear whose flank wall adjoins the rear garden. While it is recognised that some noise nuisance could occur it is not felt that it is at a serious or persistent level to warrant refusal of permission, and the use does not occur in the evenings or at weekends.

Conclusion:

The use gives employment to 3 people 2 of whom live in the house, and also provides a service to local people. It is acknowledged that some parking and noise problems can and could be caused, but these are not at a level to warrant cessation of this small home business. In this respect however, it is expedient to impose a condition limiting the numbers of children attending the house to be a maximum of 10 and restricting hours of use to 7.30 am to 6.30 pm on Mondays to Fridays. For these reasons, and those set out above, planning permission is recommended subject to conditions.

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

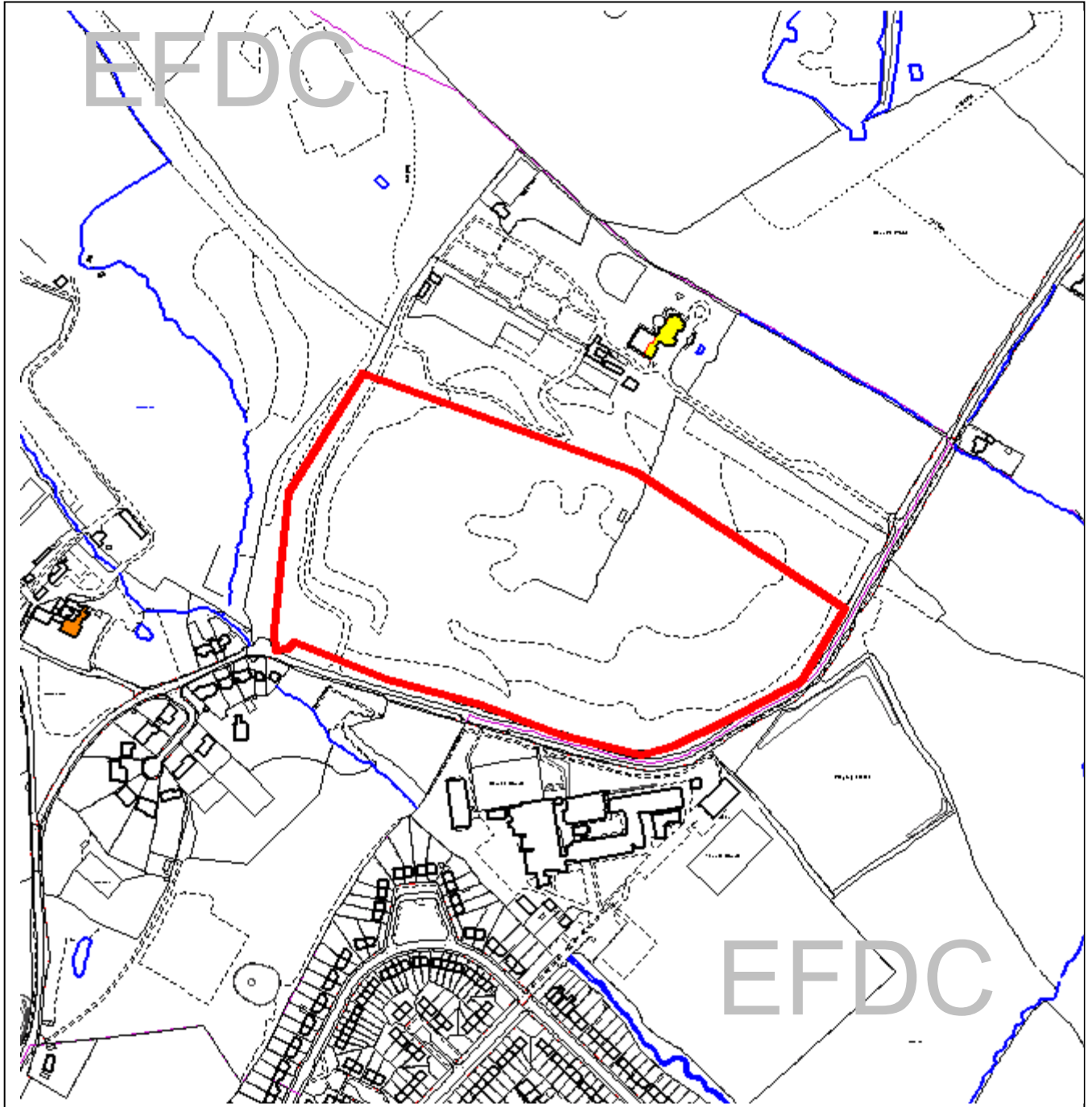
***Planning Application Case Officer: David Baker
Direct Line Telephone Number: 01992 564514***

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Epping Forest District Council

AGENDA ITEM NUMBER 8



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| | |
|---------------------|--|
| Application Number: | EPF/2036/13 |
| Site Name: | Ripley Grange, Debden Lane Loughton, IG10 2PD |
| Scale of Plot: | 1/5000 |

Report Item No: 8

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/2036/13 |
| SITE ADDRESS: | Ripley Grange Debden Lane Loughton Essex IG10 2PD |
| PARISH: | Loughton |
| WARD: | Loughton St Johns |
| APPLICANT: | Mr Mark Anderson |
| DESCRIPTION OF PROPOSAL: | Erection of single dwelling house. |
| 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=554570

REASON FOR REFUSAL

- 1 The site is within the area identified in the Epping Forest District Local Plan as Metropolitan Green Belt. The proposal constitutes inappropriate development and is harmful to the purposes of including land in the Green Belt contrary to the Government advice contained within the NPPF and Policy GB2A of the Adopted Local Plan and Alterations. Furthermore, there are no very special circumstances that outweigh the harm of the proposal to the Metropolitan Green Belt.
- 2 The proposal leads to the creation of a new access onto Debden Road, which will result in a break in the continuous vegetation frontage and a result in a domestic intrusion to the detriment of the character of the existing streetscene, the Metropolitan Green Belt and the wider landscape. The proposal is therefore contrary to the Government advice contained within the NPPF and policies DBE4, GB2A, GB7A and LL10 of the Adopted Local Plan and Alterations.

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

Description of Site:

The application site is a 9.21 hectare site, located to the south of the residential curtilage of Ripley Grange and to the north of Davenant School (on the opposite side of Debden Road). The site is within the ownership of Ripley Grange. The site slopes up to the North West, by quite a degree with a change in levels of some 20m from one side to the other. The site is currently informally landscaped with historic tree planting and informal mown areas, although it is not considered part of the defined residential curtilage of Ripley Grange. There is an existing vehicular access to the west of the site accessed from Debden Road (separate to the main access to Ripley Grange).

The site backs onto Epping Forest land which is designated as a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). The site is within the Metropolitan Green Belt and is located within a more open area separating the built up areas of Loughton and Theydon Bois.

Description of Proposal:

The application seeks planning permission for the erection of a single dwelling house. Although the application area is large, the application has been revised since first submission and now shows a reduced residential curtilage. The dwelling will be partly underground with a flat roof 'glass box' structure above ground and a courtyard/parking and bedroom accommodation below ground with the parking accessed by a sloping vehicle access into the ground. Above ground the proposal will have a width of 26m, depth of 10.5m, height of 4m and overall footprint of 273m². Below ground the proposal will have a footprint of some 576m² including the courtyard area. The site levels will have to be altered, to create a level site and light wells have been proposed to the side, front and rear to allow for natural light to reach the below ground level.

The proposal also includes a new vehicular access from Debden Road and a 119m² photovoltaic panel area both of which will be outside of the defined residential curtilage but are proposed to serve the new house. Landscaping proposals have also been put forward including a willow coppice to the North West of the site.

Relevant History:

None relevant

Policies Applied:

Epping Forest District Local Plan and Alterations

CP1 – Achieving Sustainability Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP4 – Energy Conservation
CP5 – Sustainable Building
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE4 – Design in the Green Belt
DBE8 – Private Amenity Space
GB2A – Development in the Green Belt
GB7A – Conspicuous Development
LL11 – Landscaping Schemes
NC4 – Habitats
ST1 – Location of Development
ST4 – Road Safety
ST6 – Vehicle Parking

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

Summary of Representations:

LOUGHTON TOWN COUNCIL: The Committee decided not to object to this application but expressed concern about the proposed development, which was sited within the Green Belt. However, members took the view that if the District Council was minded to grant permission, this

would facilitate the protection of the 20-acre green belt site the eco-dwellings was to be situated within, provided a covenant exercisable by Town Council was drawn up to protect against further development on this site by the applicant or his successors in title.

Members were uncertain about the application of the National Planning Policy Framework (NPPF) green belt and paragraph 55 provisions respectively with regard to this proposal

The Committee also asked for a Section 106 agreement to provide road safety improvements to and signalisation of the dangerous double bends on Debden Lane.

Neighbours: 5 neighbours consulted and a site notice erected:

LOUGHTON RESIDENT'S ASSOCIATION – Object to build within the Green Belt

DAVENANT FOUNDATION SCHOOL – Support the application although have concerns about the access and existing highway issues. Improvements to the existing traffic situation with regards to signage and parking requested

CORPORATION OF LONDON – Objection – contrary to policy and no very special circumstances, concern with regard to location of proposed access

7 WOODLAND WAY, THEYDON BOIS – Strong objection to new access and new dwelling, loss of hedgerow, already a separate access to the site.

THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY – Objection – development within the Green Belt, no very special circumstances, refer LPA to Appeal Decision APP/H4505/A/13/2193211, intrusion of garden paraphernalia

THEYDON BOIS ACTION GROUP – Strong objection – development is in the Green Belt and adjacent to a SSSI, confusion of openness and visual openness, concern over size of residential curtilage, refer LPA to Appeal Decision APP/H4505/A/13/2193211, NPPF makes it clear that there is no presumption in favour of sustainable development in the Green Belt, no justification for new access, offer of highway contribution does not make the application any more acceptable in Green Belt, no very special circumstances

1A THE GREEN – Object to site within the Green Belt, adjacent to a SSSI and SAC, eco qualities do not qualify as 'special architectural merit', house will not be seen therefore will not raise local design standards, unnecessary for new access

CAMPAIGN FOR RURAL ESSEX (EPPING FOREST BRANCH) – Objection site is within the Green Belt, adjacent to SSSI and SAC, no very special circumstances, loss of hedgerow, large residential curtilage

Issues and Considerations:

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

- Green Belt
- Design
- Impact on Amenity
- Landscaping
- Highway Issues
- Nature Conservation

Green Belt Considerations including Very Special Circumstances

Principle of Development

The National Planning Policy Framework at paragraph 89, states that the construction of new buildings in the Green Belt is inappropriate. However, exceptions to this general provision include limited infilling in villages and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

In addition, Local Plan Policy GB2A restricts new residential development in the Green Belt unless for a replacement dwelling on a one for one basis or a dwelling for an agricultural, horticultural or forestry worker. GB2A is considered consistent with NPPF policy. Therefore the principle of a new dwelling in this location would be inappropriate development contrary to both National and Local guidance.

Openness

One of the essential characteristics of the Green Belt is its openness, and one of its purposes is to assist in safeguarding the countryside from encroachment. This is considered to be a very important function of this site given its location between two built up areas. The proposed dwelling would not be seen from a public viewpoint; however it would be development on currently undeveloped land in the countryside. Regardless of the fact that the proposal includes development underground, the proposed dwelling would be perceived as impinging on the openness of the Green Belt, particularly because a built form (along with the ancillary ground works, access road and ancillary structures such as the photovoltaic panel) would be introduced on land where no development currently exists.

In addition, the opening up of a new access on to Debden Lane will clearly have a visual impact on the character and openness of the area (which is currently an existing hedgerow). Furthermore, the access will clearly have the appearance of leading to some form of development (though not visible) and no justification has been adequately provided as to why the new access is required and/or the existing access cannot be permanently closed.

Just because a development cannot be seen from outside of an application site does not take away from the harmful effect on openness which represents additional harm to the Green Belt over and above that resulting from the inappropriate nature of the development. This also attracts substantial weight against the development.

Paragraphs 79 and 80 of the NPPF focus on the importance of the Green Belt preventing urban sprawl by keeping land permanently open and it is considered that these two paragraphs in particular make it clear that Green Belt designation assists 'in safeguarding the countryside from encroachment' and therefore it is considered that any encroachment in the Green Belt is harm to the openness of the Green Belt.

Very Special Circumstances

As part of the application proposal a justification has been submitted as part of the design and access statement which, whilst accepting that in principle a new dwelling in this location would be inappropriate development, provides the Applicants justification as to why very special circumstances that outweigh the harm to the Green Belt apply in this case, these include the sustainability of the build, the implications of paragraph 55 of the NPPF, that the proposal is a replacement building and that Highway contributions have been offered and these are addressed separately below.

- Sustainable Building

The design rationale of the proposal is the main theme of the very special circumstances put forward (the design itself will be discussed in further detail below). The justification suggests that the proposal will aim to use innovative and exemplar construction techniques, with the latest and most up to date technologies to supply energy from renewable or low carbon sources. The technologies proposed include:

- Photovoltaic Array
- Biomass Boiler (with willow coppice to be planted)
- Hydrogen Fuel Cell
- A Combined Heat and Power Source (CHP)
- Greywater recycling

The statement suggests that it is the aim that the building will be a low or zero carbon building. However a low or zero carbon building, although commendable, does not have to be located within the Green Belt and therefore this in itself is not considered justification for a dwelling in this location.

Although the NPPF has a strong and highly publicised presumption in favour of sustainable development, paragraph 14 which highlights this presumption provides a caveat in that sustainable development does not outweigh the harm a development may have where other specific policies within the Framework indicate development should be restricted and Green Belt policy is one of those policies specifically named.

- Paragraph 55 of the NPPF

The Design and Access statement submitted by the Applicant's also refers to paragraph 55 of the NPPF which states:

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - *reflect the highest standards in architecture;*
 - *significantly enhance its immediate setting; and*
 - *be sensitive to the defining characteristics of the local area.*

The submitted statement suggests that as this is a proposal for an isolated new home in the countryside, and by the Applicant's suggestion the proposal is of exceptional quality and of an innovative nature therefore the proposal is compliant with paragraph 55 of the NPPF.

However, outstanding or innovative are rather subjective and it is difficult to fully design something so innovative that elements of such a design have not been tried before either in part or full. However, it is not considered that the Applicants have fully taken into account the four individual points of the last bullet point.

It is firstly not considered that this location is truly what the NPPF means in terms of a 'rural area'. The site is located between Theydon Bois and Loughton and is not located within a small isolated village with a rural community requiring enhancement or vitality maintenance.

It is also not considered that a house that can not be seen from outside of the site can help to 'raise standards of design more generally in rural areas'. Additionally it is unclear how this proposal will enhance the immediate setting of the application site, which is currently a relatively attractive open piece of land with parkland type tree planting and therefore it is arguable whether any enhancements are actually required.

Several of the representations received objecting to this application included reference for an appeal decision from Gateshead Council where the Inspector specifically deals with paragraph 55 of the NPPF. This appears to have been a similar scheme for a new dwelling within the Green Belt, with the Appellant's arguing that due to the design it fell within the criteria of paragraph 55 of the NPPF and therefore should have been allowed by the Council. The Inspector dismissed this appeal.

The Appeal Inspector did not disagree with the Appellant's suggestion that the proposal was innovative or a high standard of design, but did state that the whole of the criterion in paragraph 55 must be judged. In a similar situation to this proposal, the proposed dwelling could not be seen from outside of the site and the Inspector therefore stated that *'If it cannot be seen, it cannot hope to influence design standards to any significant degree. Thus, for all its qualities, the proposal cannot satisfy this part of the criterion'*.

Therefore it is not considered that paragraph 55 of the NPPF provides any justification for very special circumstances that outweighs the harm to the Green Belt. And it is noted that this paragraph does not reference Green Belt policy, nor suggest that compliance with this policy would outweigh any harm to the Green Belt.

- Replacement Structure

As an additional factor for very special circumstances, the design and access statement suggests that there was a previous 'structure' on the site in the location of the proposed dwelling and therefore the proposal is a replacement dwelling complying with policy GB2A. No evidence of this 'structure' has been put forward and the Council does not have any evidence of a structure, let alone a dwelling being located on the application site. In any event for a replacement dwelling to be considered within the Green Belt the proposal would have to be a replacement i.e. in place of something that is actually there and not the ghost of a building.

- Highway Contribution

Highways issues will be discussed in greater detail below, however the justification for the new dwelling also includes a section on road safety enhancements close to Davenant School which could form part of the application. It is understood by the Council and highlighted by the submitted representation from the school that there are highway issues on this road which are associated with the school. However, a contribution for road safety enhancements has not been requested by Essex County Council, as the addition of one house in this location will not result in any tangible increase in traffic on this road and therefore such a request for a contribution would not be considered necessary, directly related to the proposed development, or fairly and reasonably related in scale and kind to the proposed development.

Therefore in conclusion no very special circumstances have been put forward to outweigh the harm to the green belt and the proposal is still considered contrary policy.

Design

In isolation the design of the proposal is considered acceptable. It is a modern, contemporary design but will be viewed in isolation from any other built form and therefore does not have to necessarily complement any other buildings. It is an unusual, inventive design partly built underground, which is considered the more contemporary element with a flat roof 'box like' above ground element which although modern is not so inventive in appearance.

Some of the design features are novel, such as the Douglas Fir cladding on the internal partitions within the 'glass box' to create a natural appearance and further 'blend' the house into the landscape. The theory of this is a clever one, however it is considered that this may only work on a 'show house' as in practice once someone is actually living in the house, domestic paraphernalia i.e. furniture, paintings, photographs, ornaments, desire to re-decorate etc. will partly block/hide the Douglas Fir therefore, in effect, deleting this element of the design.

However, notwithstanding the Green Belt issues raised above the design in isolation is considered acceptable.

Amenity

Given the distances to the nearest neighbouring properties, including the host property, it is not considered that the proposal will raise any significant amenity issues.

Landscaping

The Tree and Landscape Officer has no objection to the siting of the new dwelling but raises concern regarding the extent of the development across the whole site (e.g. the photovoltaic array located outside of the 'residential curtilage') and the retention of old access/creation of a new access.

Although further information has been received regarding the retention of the existing access – to provide a separate access to the willow coppice which will be harvested, removed from site, processed then returned, this appears as a weak argument given the 'eco credentials' that the proposal purports to have and that the willow coppice can be accessed from within the site if necessary.

Highways

The Essex County Council Highways Officer has no objection to the scheme subject to conditions as the proposal is not contrary to Highway policies. The proposed development of one dwelling with associated access meets the highest visibility standards for the road and consequently will not cause any detriment to highway safety, efficiency or capacity in the locality.

The Highways Officer noted that within the application it has been proposed that the development could contribute something towards safety improvements for the existing situation along Debden Lane to the rear of the nearby school [Davenant Foundation School]. It is the opinion of the Highway Authority that this is not necessary, related to or reasonable for the application to be acceptable in highway terms and has therefore not requested any contributions or works to be undertaken as a result. The situation on Debden Lane is as existing and has nothing to do with the proposed development.

Traffic calming/safety measures for this part of Debden Lane can be pursued separately to any planning application and it is understood that a recent feasibility study has been carried out by Essex County Council at the behest of local councillors on the Local Highways Panel (LHP) for the possible implementation of a 20mph speed limit along this very section of road – the results of which are pending.

Nature Conservation

A habitat survey was not originally submitted as part of the application, however this was provided as additional information following a request by the Council's Countryside Manager. The site, as mentioned above is adjacent to a SSSI and SAC which are both designations applying to Epping Forest. Due to this it is reasonable to expect wildlife to cross into the application site. The Countryside Manager, following receipt of the Phase 1 Habitat Survey has requested a condition ensuring that follow-up surveys for reptiles, bats and dormice, along with a Habitat Suitability Index assessment takes place of all ponds within 500m of the site with any necessary mitigation strategies are carried out as per the recommendations within the Phase1 report.

Comments on Representations Received

The Town Council consider that this proposal would protect a 20-acre green belt site; however this site is already protected by Green Belt policy which restricts development.

Concern has been raised with regards to the extent of the proposed residential curtilage, although this has been reduced in size since the original submission, it is still a very large residential curtilage which will result in a large spread of residential garden paraphernalia i.e. chairs and tables, play equipment, washing line etc. beyond a 'normal' size garden and this is considered to further encroach on Green Belt openness in this location.

Conclusion:

The harm that has been identified as a consequence of the inappropriateness of the development and its effect on openness carry substantial weight against the proposal. The other considerations identified carry moderate, very little, minimal or no weight in favour, and it is concluded they are insufficient to clearly outweigh the harm to the Green Belt. In addition the new access road with little justification nor reason as to why the other access cannot be permanently closed will be a prominent visual break in the existing character of the existing landscaping and Green Belt. The very special circumstances necessary to justify the development therefore do not exist and the recommendation is to refuse the application.

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***

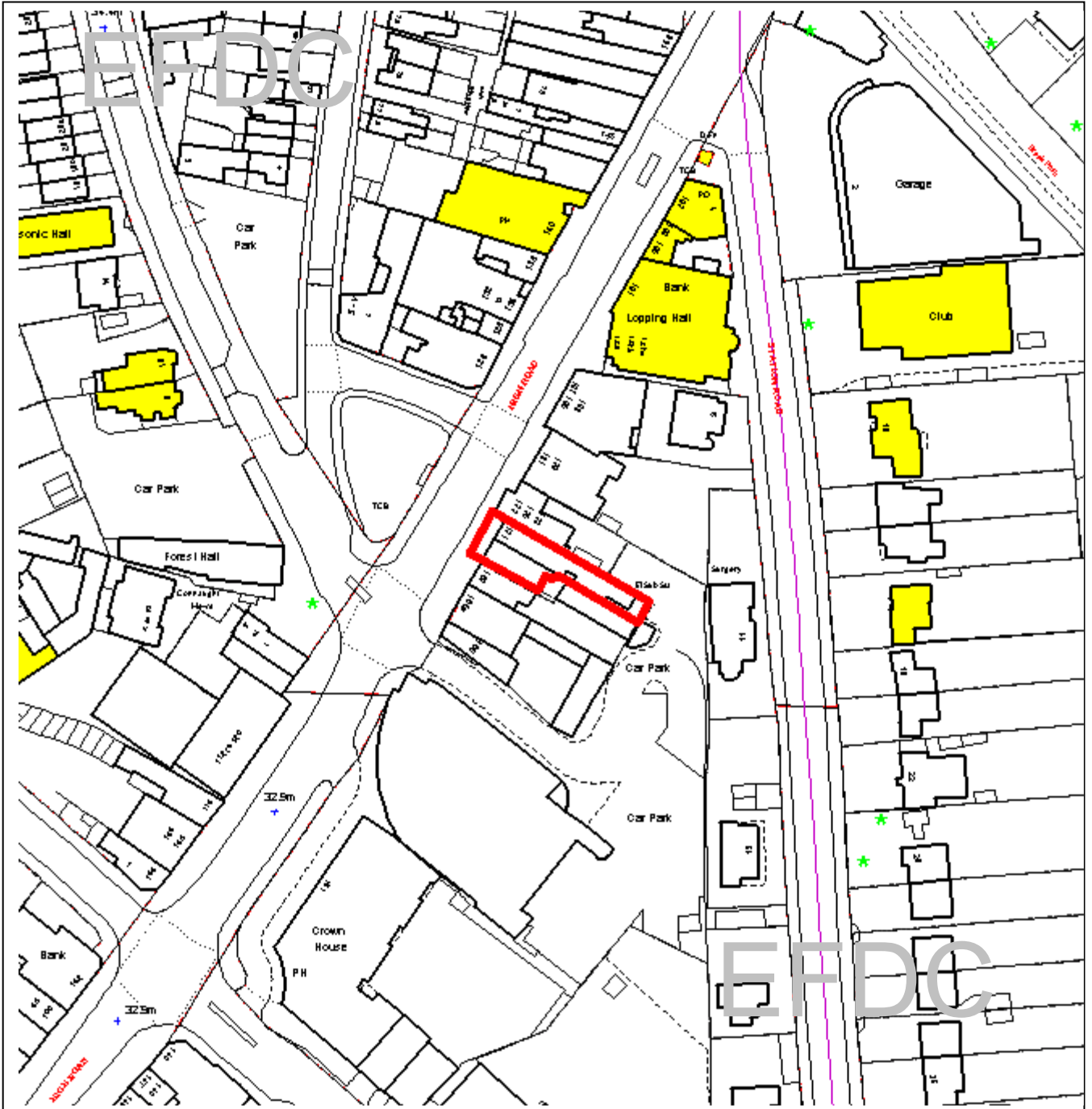
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Epping Forest District Council

AGENDA ITEM NUMBER 9



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| | |
|---------------------|---|
| Application Number: | EPF/2060/13 |
| Site Name: | 169 - 171 High Road, Loughton IG10 4LF |
| Scale of Plot: | 1/1250 |

Report Item No: 9

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/2060/13 |
| SITE ADDRESS: | 169 - 171 High Road Loughton Essex IG10 4LF |
| PARISH: | Loughton |
| WARD: | Loughton Forest |
| APPLICANT: | Mr Hasan Dagdelen |
| DESCRIPTION OF PROPOSAL: | Single storey front extension of restaurant/take away over forecourt of property. |
| 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=554676

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 Details of the following matters shall be submitted to and approved by the local planning authority before any work commences on site, and once approved these details shall be implemented in full:-
 - 1) Details of provisions for dealing with litter.
 - 2) Details of method of attachment of the structure to walls and paved area.
 - 3) Details of the surface treatment to be used on the floor of the extension hereby approved.

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(g).

Description of Site:

The premises comprise an A5 Hot food take away at no.171 and a vacant shop unit at no.169. The premises lie in the High Road shopping area some 30m north of the Marks and Spencer food outlet. The properties are not listed nor do they lie within a conservation area.

Description of Proposal:

Single storey front extension of restaurant/take away over forecourt of property.

Relevant History:

EPF/2106/09 - refusal of application to change the use of the A1 shop at no.169 to an A5 use - as an extension to the hot food take away at no.171 - on grounds of increasing the non retail frontage in a key shopping parade, and hence undermining the vitality of the shopping parade.

Policies Applied:

DBE1 - Design of new buildings.
DBE9 - Loss of amenity.
TC3 - Town centre function.
TC4 – Non retail frontage.

Policies DBE1 and DBE9 are compliant with the NPPF. Policies TC3 and TC4 are partially compliant and generally compliant - - the NPPF introduces more flexibility for non retail uses in shopping areas.

Summary of Representations:

LOUGHTON TOWN COUNCIL – Object since the proposal would create an undesirable and dangerous precedent for other premises. The front extension over the forecourt will bring the building line forward, which encroaches on the highway by presumption. The design is ugly and out of sympathy with the 1930's buildings it is fronting.

NEIGHBOURS – 10 properties consulted and 1 reply received:-.

CHICHI BOUTIQUE, 173, HIGH ROAD – I am not happy for this to go ahead until I have contacted my landlord and have also seen the detailed plan of the extension and how it would affect my business. As I am a direct neighbour I currently have to clear up rubbish and I am also concerned about the smell of cooking coming into my clothes shop if the front of the premises is to be directly in line with mine. The loss of another shop (at no.169) does not create a balanced variety of businesses.

ESSEC CC HIGHWAYS – No objection subject to all of structure being clear of the highway.

Issues and Considerations:

There is a varied building line along this section of the High Road with the adjoining boutique and building at no.173, and Marks and Spencers at 163 -153, extending out to adjoin the back edge of the pavement, which has a depth of 3.3m. The intervening nos. 171/169/167/165 are, by contrast, recessed from the edge of the pavement by some 3m. This 3m depth of private forecourt is used by the take away at 171, and also the café/restaurant at no.167, for the placing of tables and chairs during the day. In addition, prior to its vacation, the 'bric-a-brac' shop at no.169 also used its forecourt for display of retail items.

This application seeks approval to erect a lightweight structure over the private forecourt outside nos. 169 and 171. Because this forecourt area lies within the demise of these properties there is no change of use involved, and hence it is just the proposed structure that requires permission. However, the structure, which will house tables and chairs, does extend in front of no.169 as well as no.171, but the authorised use of no.169 is as a shop. In May this year the Government, in an effort to reduce vacancy in shopping areas and promote economic activity, introduced revised regulations which allows a shop to be used for a number of 'flexible' uses for up to 2 years without the need for planning permission. The applicant is making use of this temporary consent - he is to make an internal link and use no.169 as a restaurant in connection with his take away shop at

no.171. It is expected he will lodge a planning application within 2 years for permanent use of no.169 as a restaurant.

The proposed structure will have a brown aluminium anodised frame, the flank wall of no.173 will provide one side enclosure, with a glazed screen on the other; the 'roof' will be a retractable white upvc canopy; and the frontage will be open though it can be closed/partly closed with bi folding doors.

Comments on representations received:

With regard to the Town Council's comments, and as mentioned above, there is not a consistent building line in this parade, and the bringing forward of the building line is acceptable, and indeed will screen the rather ugly exposed flank wall of no.173. The proposed structure is built on private land and does not encroach on to the highway. In terms of its appearance it is acknowledged that this light weight structure would be a modern addition to this 1930's terrace – but the terrace is not of any particular architectural merit. In addition the enclosure of tables and chairs in the manner proposed arguably provides a neater design solution compared to leaving tables and chairs outside – whilst it would still add to visual interest in the street scene. In respect of the comments of the adjoining boutique owner the manner of any attachment to the flank wall is a private matter. The extension will only house tables and chairs and hence any smell nuisance will be no different from the existing. In terms of litter a condition will be attached requiring details of how litter will be provided for. With regard to the variety of businesses in the parade the NPPF, and particularly the introduction of new 2 year temporary planning permissions, illustrate the Government's view that previous planning policies on controlling new uses for shops had been too restrictive, and clearly a well maintained frontage of tables and chairs should add to visual interest in this parade, and not create a dead frontage.

Conclusions:

The proposal provides for an extension to an existing local business that provides the equivalent of 6 FTE jobs. The enclosure of tables and chairs is likely to result in a more visually interesting appearance on the High Road compared to an al fresco eating area. The proposed lightweight addition will not unduly affect the appearance of these two properties. For these reasons, and those referred to elsewhere in this report, conditional planning permission 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:

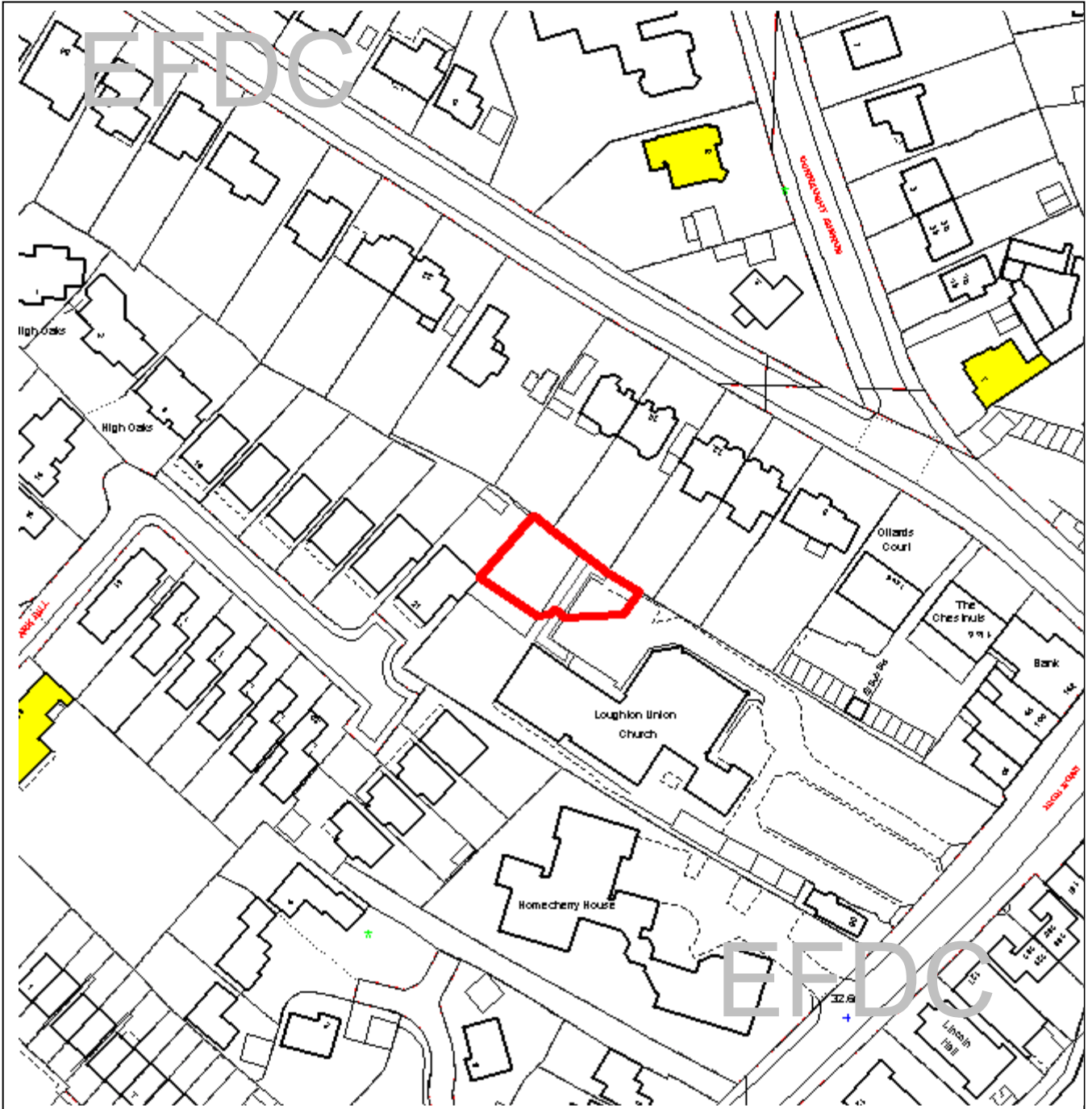
***Planning Application Case Officer: David Baker
Direct Line Telephone Number: 01992 564514***

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Epping Forest District Council

AGENDA ITEM NUMBER 10



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| Application Number: | EPF/2070/13 |
| Site Name: | Loughton Baptist Church, High Road Loughton, IG10 4QU |
| Scale of Plot: | 1/1250 |

Report Item No: 10

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/2070/13 |
| SITE ADDRESS: | Loughton Baptist Church High Road Loughton Essex IG10 4QU |
| PARISH: | Loughton |
| WARD: | Loughton Forest |
| APPLICANT: | Rev Wayne Dulson |
| DESCRIPTION OF PROPOSAL: | Erection of two storey detached dwelling in connection with the use of church and formation of four car parking spaces to front of premises. (Revised application to EPF/1042/13) |
| 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=554731

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Site Location Plan, 13001_001, 13001_002 Rev C and 13001_003 Rev C
- 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 by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.
- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out

only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.

- 6 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 7 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 8 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 9 The occupation of the dwelling hereby approved shall be limited to a Minister solely working in connection with the adjacent Loughton Baptist Church and to any resident dependents and the site shall not be sold or let separately and remain in the ownership of the Church.
- 10 No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- 11 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions, enlargements of the roof or outbuildings generally permitted by virtue of Class A, B or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

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

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

Description of Site:

The site is a two storey in height church building with associated meeting rooms and ancillary rooms to the rear of the building. The main building is set some distance back from the road edge behind an attractive grassed lawn area, and is a 1970's, modern in style building with a flat roof. The area the subject of this application is to the rear of the site, not visible from the High Road and is to the rear of properties in Ollards Grove. The land rises steeply up to the rear and side, up to

the houses on Ollards Grove and Park Hill. There are protected trees to the front of the site, the site is within the Loughton Town Centre (but not the key frontage) and is not within the Green Belt or a Conservation Area.

Description of Proposal:

The proposal is to erect a 4 bedroom two storey detached dwelling in connection with the use of the site as a church and to relocate four car parking spaces to the front of the main church. This is a revised application following a refusal, and it has been further revised during the course of the application period. The changes to this application are a reduction in the height from 8m to 6.9m, the relocation of the building from a distance of 1m from the rear boundaries of the properties in Ollards Grove to a minimum of 3m and a reduction in the depth of the first floor of the proposed property by 0.5m. The proposed dwelling would provide accommodation for the minister of the church (such a dwelling is known as a Manse), following the sale of the existing Manse in Connaught Avenue. It is intended that the funds from the sale of the Connaught Avenue Manse will fund the development and the refurbishment of the existing church. The proposal also includes the replacement of 4 car parking spaces, lost as a result of the proposal with proposed new parking to the front of the site.

Relevant History:

EPF/0021/13 - Single storey extension, covered entrance, window alterations and external landscaping including new external play area with canopy cover – App/Con

EPF/1042/13 - Erection of two storey detached dwelling in connection with the use of church and formation of four car parking spaces to front of premises – Refused (Committee South 7th August 2013) – Decision has been appealed but no decision at present

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE3 – Design in Urban Areas

DBE8 – Private Amenity Space

ST4 – Road Safety

ST6 – Vehicle Parking

LL10 – Provision for Landscape Retention

NPPF

Summary of Representations:

LOUGHTON TOWN COUNCIL – The Town Council was consulted on the amended plans received and restated its previous comments made which were: The Committee OBJECTED to this application, but waive the objection if the District Council imposed a condition requiring a survey of the church site to establish the extent of the former burial ground to avoid further disturbance of remains, and that survey revealed no evidence of burials on the application site. If however burials were discovered, then the Committee considered the application should be refused, as the burial ground was a heritage asset, protected by NPPF paragraphs 17 and 126-30.

Members were also concerned over the paucity of plants that would thrive and grow in the proposed green planting strip, shown on the flank side of the proposed dwelling in the revised

application, as any planting would have little light and might fail to provide and maintain year-round adequate screening to the houses at nos. 12-14 Ollards Grove.

The Committee asked that the Chairman's analysis of the historical usage of the application site be forwarded to the Local Planning Authority.

In addition the Committee reiterated its previous request for conditions on EPF/1042/13, as detailed below:

The Committee also asked for the withdrawal of permitted development rights, as this was the maximum that could properly be accommodated on such a small plot – there was little private amenity space. Members further asked for a condition for the dwelling to be used only in connection with the church. They also enquired whether it was necessary for the proposed perimeter fence to be 2 metres in height. If the District Council was minded to grant permission, the Committee also asked for conditions on working hours to avoid disturbance to neighbouring residents.

Chairman's analysis of the historical usage of the application site:

The church, 1866-1972, was larger than the present one, but it was not built up to the extremities of the plot. The 1:2500 OS of 1969 shows the rear of the church was just west (uphill) of the boundary of nos 12 and 14. There was a space approx. 35ft behind the church to the rear boundary of the plot. There was a space some 13ft alongside the northern boundary of the church, between it and the properties in Ollards Grove. This northern space was probably the course of an ancient public footpath shown on the 1870 OS, which was redundant after Ollards Grove was built. It was as Mr Dulson [Applicant] says, not the practice in Baptist communities to bury within the chapel. The graveyard appears from the old OS to have extended round the south and west sides of the 1866 church, and one imagines that remains on the south side were reinterred elsewhere on the site when the Stevens Hall and associated buildings were erected. It is a great pity the Union Church authorities did not keep a definitive map of their graveyard. In its absence:

- The site for the manse as shown on the application documents marked in red extends from halfway across the plot of no 12, the whole of 14, and half of 16, and the actual proposed building is across the boundary with no. 14, plus a foot or two of that with no. 12.*
- It appears to me that the unbuilt on space extended across the whole extent of the boundary with No. 14, plus part of that of nos 12 and 16 and that therefore that area may well have been used for burials, and should be carefully surveyed to see if human remains were interred or reinterred there.*
- From what the Committee stated last time, they would be inclined to object if human remains were to be disturbed. They had no objection to the original application, but were then under the misapprehension no graves existed on the application site.*

NEIGHBOURS

22 neighbours were consulted; the following responses have been received:

12 OLLARDS GROVE – Objection – Poor treatment of neighbours, resubmission does not overcome previous concerns, 1m from back fence, impact on privacy, insufficient tree screening, overdevelopment of the site, backyard development, more intensive parking use, out of keeping with surrounding, concern over human exhumations.

14 OLLARDS GROVE – Objection – no change of use application, overbearing, loss of amenity, inadequate planting in a limited space, other options available, concern property will be sold separately, back land development, unsatisfactory design, concern with earth works, loss of wildlife and damage to trees, concern with regards to exhumations required at the site Following re-consultation on the amended plans the following response was received:

16 OLLARDS GROVE - Amendments do not overcome the previous objections, building will still be overbearing, still insufficient planting space, if the application is approved permitted development rights should be removed

Issues and Considerations:

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

- Principle of Development
- Design
- Impact on Neighbouring Amenity
- Impact on existing Landscaping
- Highways and Parking

In particular whether the proposal has overcome the previous reasons for refusal relating to design, impact on neighbours and private amenity space.

Principle of Development

The proposal is in an unusual location for a proposed residential dwelling, however it is proposed that the dwelling will be occupied solely in connection with the use of the adjacent building as a church and this is explained explicitly within the Design and Access Statement. There was an existing Manse for this church but as stated above (and within the Design and Access Statement) this has been sold to fund the refurbishment of the church and for this proposed build. Due to the unusual siting of the proposal within the grounds of the existing church, if granted planning permission a condition could be added ensuring the dwelling is only occupied by someone associated with the church.

The proposal allows for 2 parking spaces for the proposed dwelling (other parking issues discussed below) and the 2 spaces proposed complies with the Essex Parking Standards and is acceptable.

With the previously refused scheme it was considered that the proposal was contrary to policy DBE8 as the proposal only provided approximately 60m² of private amenity space where in the region of 120m² should be provided to comply with policy DBE8. Following this revised re-submission an error was picked up on the plan that was not previously picked up, in that the scale shown was not correct, therefore the amount of proposed private amenity space was previously inaccurately reported in the Committee report. This revised scheme (and the previous scheme) actually provides in the region of 140m² therefore the proposal complies in full with policy DBE8.

Given the justification put forward by the Applicant that the house will only be used in connection with the use of the church it is not considered that this proposal will set a precedent for further development on this site as it would be difficult to prove a need.

Design

The design of the proposal has been changed since the previous refusal. There has been an overall reduction in the height from 8m to 6.9m, the relocation of the building from a distance of 1m from the rear boundaries of the properties in Ollards Grove to a minimum of 3m away and a reduction in the depth of the first floor of the proposed property by 0.5m. The overall design

remains broadly the same as previously approved, however the reduction in height particularly is considered to have overcome the design led reason for refusal which specifically mentioned the height of the proposal. In addition, as the proposal has been moved further away from the boundary with the properties in Ollards Grove, when seen from the High Road it would be partly screened by the existing church and recently built extension. As a consequence, and having regard to the distance the house would be set from the road, it is found that it would not have an adverse impact on the character and appearance of the streetscene, surrounding area and neighbouring properties.

Submission of external materials can be conditioned to ensure an appropriate material choice is chosen and given the relatively small site area and proximity to neighbouring properties, it is considered acceptable to remove permitted development rights at this property for any extensions or outbuildings so that the Council has control over any future development of the site.

The Parish Council, as with the previous scheme, has suggested that the 2m high fence proposed around the site could be lowered. Although it is agreed that this is a high fence within a semi-enclosed site, it is understandable that a level of separation and privacy would be required between the car park area and the proposed house.

Amenity

With regards to any impact on amenity to the occupiers of properties on Ollards Grove, this revised scheme is considered an improvement to the previously refused scheme as the proposal has been moved a further 2m from the boundary (a total of 3m), with a substantial planting strip, the height reduced by 1.1m and the first floor depth reduced by 0.5m. It is considered that this revised scheme has overcome the previous reason for refusal with these amendments and amenity concerns are not now considered a significant issue.

Additionally, given the orientation of the proposal at right angles to the properties in Ollards Grove, loss of privacy is not considered a significant issue as there are no side facing windows on the Ollards Grove elevation.

Furthermore, given the approximately 3.1m change in levels between the properties in Ollards Grove and the proposed site (as shown on the section plan), the proposal will be partly screened by the existing land level differences and this will reduce any overall visual impact.

With regards to the properties in Park Hill, these are some 4m higher due to the very steep slope at this point. Although Park Hill properties, particularly No. 21 will be able to overlook this property, given the relatively extreme change in levels this is not considered to be reciprocated from the proposal back. Again this potential overlooking from No. 21 Park Hill is not ideal, even given the change in levels, however as this is not market housing as such this is considered acceptable in this case.

Landscaping

A Tree Report and Landscape Plan have been submitted at the request of the Council's Tree and Landscape Officer. The Tree and Landscape Officer initially did not consider the proposed planting strip to the rear of the properties on Ollards Grove of 1m in width acceptable. However, the revised 3m planting strip is considered to give adequate space for planting and maintenance and the Officer has no objection to the proposal as it will be in compliance with policy LL10 subject to a landscape scheme and tree protection conditions.

Highways

The Essex County Council Highways Officer has no objection to the proposal as it is not contrary to policy. As mentioned above the parking for the proposed house meets the Essex Parking Standards and the four church parking spaces lost by the proposed development are re-located elsewhere within the site which is considered acceptable.

Other Issues

Neighbours have previously suggested that stag beetles and bats may be present on the site. An informative can be added to remind the applicant that should any protected species be found all work should cease and an ecological consultant contacted as per Natural England standing advice.

Possibility of Exhumations

Following development of the nursery extension at the church, Environmental Health are concerned that this proposed application site has the potential to contain buried human remains. If this is the case the Applicant will require the appropriate exhumation licence from the Ministry of Justice and this falls outside of planning legislation. An informative can be added to any planning approval ensuring the Applicant is aware of their responsibilities.

Following the development of nursery extension, the Essex County Council Historic Environment Officer (Archaeological Advice) has requested that a full archaeological evaluation is undertaken on the application site particularly as records held at County Council (the 1st edition OS map) suggest that burials may extend into at least part of the site.

Conclusion:

The revised proposal is considered an acceptable scheme given the circumstances outlined above which have overcome the previous reasons for refusal and 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:

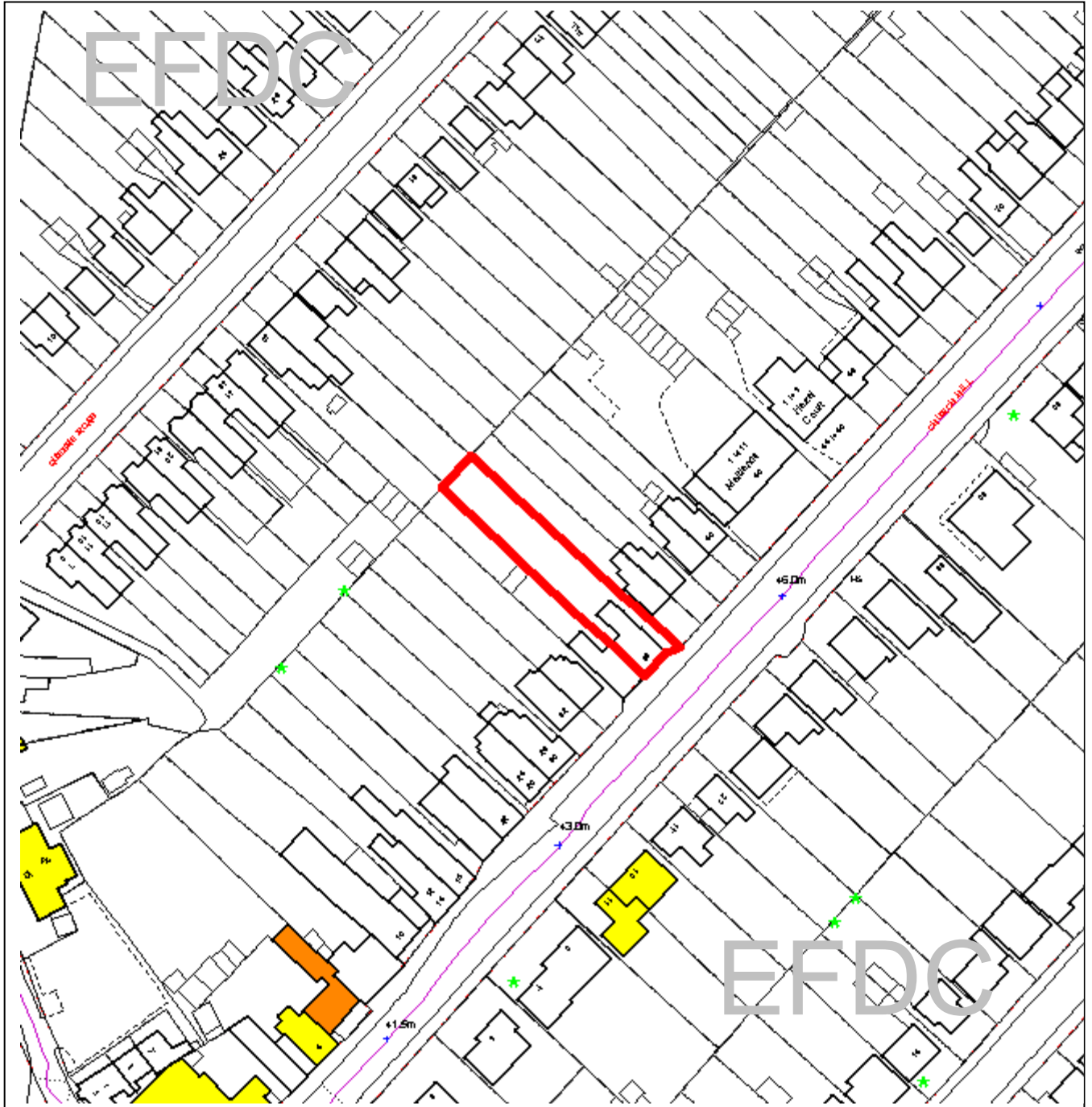
***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371***

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



Epping Forest District Council

AGENDA ITEM NUMBER 11



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| | |
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| Application Number: | EPF/2143/13 |
| Site Name: | 38 Church Hill, Loughton IG10 1LA |
| Scale of Plot: | 1/1250 |

Report Item No: 11

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/2143/13 |
| SITE ADDRESS: | 38 Church Hill Loughton Essex IG10 1LA |
| PARISH: | Loughton |
| WARD: | Loughton St Johns |
| APPLICANT: | Jonton Investments Ltd |
| DESCRIPTION OF PROPOSAL: | Erection of a single storey office building. |
| 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=555151

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: Location Plan; CHL/P/01 A; CHL/P/02 A; CHL/P/03 A; CHL/P/04 A; CHL/P/05 A; CHL/P/06 A; CHL/P/07 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 by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 The use hereby permitted shall only operate and be occupied between the hours of 08.30 and 18.00 hours Monday to Friday and not at all at any other times.
- 5 The premises shall be used solely for B1a offices, and for no other purpose (including any other purpose in Class B1, of the Schedule to the Town & Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.

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

Description of Site:

A yard area, served by a side access, behind a pair of Victorian semi-detached, three-storey mixed commercial and residential properties (Nos. 36 and 38) within the recently extended

Loughton Town Centre. To the northwest are the rear gardens of houses in Queens Road and No. 40 Church Hill to the northeast. No. 34 is in residential use as 3 flats and No. 32 as commercial. Behind No. 38 there is a single storey office building.

The existing area where the office is to be sited currently houses 6 refuse bins serving the 5 residential units within No. 38 Church Hill.

Boundary fencing between the application site and No. 36 Church Hill has been removed so there is access into the rear of that property.

No. 40 Church Hill is a single family dwelling house benefitting from a high boundary fence with trellis above which provides good screening of the application from their rear garden level.

Description of proposal:

Planning consent is sought for the erection of a single storey office building. The building would be approximately 7.7m deep by 4.75m as it widest (2.9m against the rear fence of the ground floor flat of No. 38 Church Hill.

Given its design it would be between 2.35m and 3.3m high. Proposed materials would be a mix of brick and render. A small canopy is proposed overhanging the entrance door to the office. No windows are proposed within the walls apart from a full length window adjacent to the entrance. Rooflights and sun pipes are proposed to allow light in and views out of the building.

An enclosed refuse area would be provided that accommodates the bins for the main building at No. 38 and one for the office building.

NB: The plans have been revised since the application was first submitted (received on the 16/12/2013). The revisions are as follows:

- Retention of boundary fence to ground floor flat of No. 38 Church Hill which results in a slight reduction of the depth and overall footprint of the building
- One additional refuse bin shown in bin store area
- Area retained for neighbouring buildings letterbox

Given the minor nature of the changes it hasn't been considered necessary to re-consult third parties including neighbours as the principle of development has not materially altered. If anything the proposal has been improved in order to mitigate some concerns raised.

Relevant History:

EPF/979/97: Detached storage building - Approved

EPF/158/00: Retention of storage building - Refused (An appeal against an Enforcement Notice was dismissed)

EPF/1026/01: Detached ancillary building to rear for storage use - Refused

EPF/1550/01: Retention of detached storage building as a flat roof single-storey structure (revised application) - Approved

EPF/139/05: Change of use of rear outbuilding to Class A2 Use - Refused

EPF/1668/05: Change of use of rear outbuilding to B1 Office use - Approved

EPF/1521/07: Extension to office premises - Approved

EPF/2506/07: Erection of a studio apartment - Refused

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and the built environment
E10 – Town centre offices
E12 – Small scale business
DBE1 - Design of new buildings
DBE2 - Effect on neighbouring properties
DBE9 - Amenity
ST4 – Road safety
ST6 – Vehicle parking

NPPF

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted - 34
Site notice posted: Yes – erected on 21.10.13
Responses received: 3 neighbour objections from

- (i) THE STUDIO - REAR OF 38 CHURCH HILL,
- (ii) NO.36 CHURCH HILL,
- (iii) NO 40 CHURCH HILL.

- 'Infill' development which appears to abut our gate and take away letterbox provision
- Impact on ground floor of No. 38 Church Hill
- Overdevelopment
- Overbearing in depth and height
- Loss of amenity space
- Loss of light to rear of No. 36
- Increase in density of people
- Existing area for refuse bins
- Highway safety
- Increase in parking

LOUGHTON TOWN COUNCIL: Comment: The Committee was concerned for the amenities of the adjoining neighbour at No. 40 Church Hill by the overdevelopment of the site from the proposed building in the rear garden, which also might set a precedent.

Issues and Considerations:

The main issues in this application are as follows:

- Principle of development
- Character and appearance
- Impact on living conditions
- Highways Issues
- Noise
- Waste Management
- Response to representations received

Principle of Development

A small scale office is considered acceptable in principle in a sustainable location such as this. It is well served by public transport and is within the recently extended town centre. Offices in town centres are encouraged under Local Plan policy E10 provided the development in terms of floorspace proposed is appropriate to its location and surroundings. In addition, there is already a single storey office building adjacent to the east of the site.

The proposed building would be sited in an area currently used for the storage of refuse bins. Although technically it could be argued that it serves the upper floor flats of the application building, in reality it appears not to be used as such. There is a children's trampoline in the corner however this does not appear to be in regular use. None of the residents of 38 Church Hill have made representations relating to the loss of this area which implies, to some degree, that it is not considered as an area they would use for recreational use.

Character and appearance

The building would be single storey and would be sited between the boundary of the amenity space serving the ground floor flat at No. 38 Church Hill and the approved larger single storey office building to the northwest.

Although it would be visible from the rear, there are already other stand alone buildings within the vicinity so it would not appear at odds with the prevailing pattern of development.

Policy DBE1 of the adopted Local Plan and Alterations supports new buildings that respect their setting in terms of scale, proportion, siting, massing, height, orientation, roof-line and detailing. Given its limited mass and bulk, it is not considered that the proposed single storey building conflicts with the criteria detailed above.

Impact on living conditions

The building would be located adjacent to the rear boundary fence of the small courtyard area of the ground floor flat at No. 38 Church Hill. The fence is approximately 2m in height. Originally a section of this fence was to be removed to accommodate the rear wall of the office building; however it was considered that this would be materially intrusive on the living conditions of the occupier of that ground floor flat.

Therefore a revision was sought that retains the existing fence with the building behind. The height of the building at this point is 2.35m so little of it would be seen above the fence line and the fence would soften the impact of the new unit. No material loss of residential amenity would occur to the occupier of that flat.

With regards to No. 36 Church Hill, the depth along the shared boundary would be 7.7m at a height of approximately 2.35m high at a distance of approximately 5m from the rear patio doors.

The ground floor rear of this property is currently being used as an office/commercial business and as such would be afforded less weight than a residential unit. Notwithstanding this, it is not considered that the building at the height and distance from the rear doors would result in a material loss of amenity to the occupiers of those rear rooms. The neighbouring occupier argues that it would result in a loss of light but it is only 350mm higher than residential fences and at that distance would not, it is considered, impact significantly on the amount of light into the rear of that property.

With regards to the impact on No. 40 a combination of the height of the side fence and trellis, the size and height of the development and that it would be set some 4m from the side boundary it is

not considered that the living conditions of those neighbouring occupiers would be materially compromised.

As stated previously, the area could be used as amenity space for occupiers of the upper floor flats (4 in total – 38A-D). However currently it is used for the storage of refuse bins, holds a small storage shed, a children's trampoline and a motorcycle.

This area is not directly accessible from any of the flats and does not appear to be used for any other purpose than for refuse storage and the parking of a motorcycle.

Given the unrestricted parking along Church Hill, it is not considered that, if necessary, moving the motorcycle onto the road would result in significant impact on the living conditions of the owner of that vehicle.

Although not an impact on living conditions, the revised design of the building now incorporates an area that would retain the letterbox serving the Studio office to the rear.

Therefore the proposal is considered to comply with policy DBE2 and DBE9 of the adopted Local Plan.

Highways Issues

No objections have been raised from ECC Highways. Although there are objections relating to highway safety through entering and exiting the site, given the access is historic and that there is no space to park cars within the site as they would obstruct the access to the studio behind it is not considered that this objection can be upheld. NB: No vehicle parking spaces are being provided, however one cycle space is.

In addition the objection relating to parking is not supported given the size of the development, that the site is close to public transport links and that there is some unrestricted parking along Church Hill and surrounding roads.

The proposal is considered to comply with policies ST4 and ST6 of the adopted Local Plan and Alterations

Noise

No objections have been raised by the Council's Environmental Health Team. Given the restricted floorspace it is considered the office would only accommodate one or two occupants. Being a B1 use, it is not considered that the amenities of neighbouring residents would be materially affected by a use that is typically undertaken during the day even when combined with the existing office use to the rear. A condition restricting working hours can be added to any permission given to ensure that work is not undertaken out of normal working times.

Waste Management

There are five wheelie bins serving the flats and potentially the estate agents at the front of 38 Church Hill. One additional wheelie bin would be provided to serve the office building. It is not considered that an office the size proposed would produce such an amount of refuse as to justify more than a domestic sized wheelie bin and to this end the provision is considered acceptable.

Response to representations received

The representations made have been considered within the main body of the report.

Conclusion

For the reasons laid out above this 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: Steve Andrews
Direct Line Telephone Number: 01992 564109***

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

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Epping Forest District Council

AGENDA ITEM NUMBER 12



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| | |
|---------------------|--------------------------------------|
| Application Number: | EPF/2225/13 |
| Site Name: | 2 Chigwell Park, Chigwell IG7 5BE |
| Scale of Plot: | 1/1250 |

Report Item No: 12

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/2225/13 |
| SITE ADDRESS: | 2 Chigwell Park Chigwell Essex IG7 5BE |
| PARISH: | Chigwell |
| WARD: | Chigwell Village |
| APPLICANT: | Mr Sivanesan Subramanaim |
| DESCRIPTION OF PROPOSAL: | Single storey rear extension. |
| 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=555631

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:

The application site is a two storey detached property located on the north side of Chigwell Park within the built up area of Chigwell. The property sides onto the rear garden of No. 197 High Road and the plot is staggered partly around the side of this property. The property has a single storey side addition which was once a garage which is now used as habitable accommodation. The main rear wall of No. 2 Chigwell Park is some 4.5m beyond the rear of No. 4 Chigwell Park. Chigwell Park slopes down to the west, though the site itself is relatively level. The site is not within the Green Belt or a Conservation Area.

Description of Proposal:

The proposal seeks planning permission for a single storey rear extension across the full width of the existing property to a depth of 4m. The proposal will have a flat roof to a height of 2.8m which will be topped by two dome lanterns to a maximum height of 3.5m.

Relevant History:

EPF/2368/12 – First floor side/part two storey extensions and part single storey rear extension - Withdrawn

EPF/0435/13 - First floor side extension above the existing single storey addition – Refused by Committee South on the 15th May 2013. The application was refused for the following reason:

The proposed two storey rear extension would, by reason of its size, appearance and position close to the boundary of the site, appear overbearing and too bulky resulting in loss of outlook and light to the occupants of the adjacent residential property to the east, 197 High Road, Chigwell, contrary to Policy DBE9 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.

The application was appealed and dismissed by the Planning Inspectorate.

When the application was refused at Committee, Members provided a way forward as part of the positive and proactive statement which stated:

A single storey rear extension may be considered less intrusive on this neighbour, should a subsequent planning application be submitted.

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:

CHIGWELL PARISH COUNCIL: The Council OBJECTS to this application because the reasons for prior refusals in respect of this property still apply to this proposal for a single storey rear extension. This proposed extension will still fill the window of a neighbouring property, and is in actual fact a further extension of an already existing extension into a relatively small garden.

Neighbours: 5 neighbours consulted: the following responses received:

4 CHIGWELL PARK – Objection – extension will be 8m beyond No. 4 aspect and view severely compromised, light pollution from roof lantern, loss of mutual privacy through roof lantern, proposal does not respect 45 degree rule.

197 HIGH ROAD – Objection – out of scale with original property, No. 10 Chigwell Park was refused permission for similar scheme, excessive depth beyond the rear of No. 4, does not respect 45 degree rule, impact on sunlight, overbearing mass, within 15m of rear rooms of 197 High Road, loss of view of sky, light pollution, impact on trees in rear garden

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

Amenity

With regards to impact on No. 4 Chigwell Park, the existing property with the proposed extension will be some 8.5m beyond the rear of No. 4 due to the existing staggered rear building line of this property, which is a significant distance. However, the proposal is single storey with a maximum height of 2.8m, is 1m set in from the shared boundary and although there may be some harm to the amenity of this neighbour it is not considered so significant, given the above, to justify a refusal. Although it is appreciated that the dome lanterns are higher than 2.8m (at 3.5m) the nearest one to No. 4 is set in from the proposed flank wall by 0.5m and the ridge is 2m set in from the flank wall. In addition a single storey 4m deep rear extension on the original rear wall (not including side extension) could be built as permitted development, without the need for planning permission should this application be refused, which would have a similar impact.

With regards to the impact on No. 197 High Road, the proposal is set in from the shared boundary by 0.98m. Although the proposal will be visible above the existing fence line it is not considered to result in an overbearing addition to this property, particularly as it is single storey, not directly on the boundary and approximately the same height as the existing fence trellis.

In addition, the previous refusal related to the two storey element of the previous scheme and the impact of this on the amenity of the occupiers of No. 197 High Road, even though the previous scheme was for a 4m deep extension which was single storey at the flank adjacent to No. 4 Chigwell Park. As the proposal has been reduced to single storey it is considered that the previous reason for refusal on amenity grounds has been overcome and any impact is not so significant to justify a refusal, and although not achievable on the side closest to No. 197, there is a strong permitted development fall-back position on the side adjacent to No. 4.

Design

The design of the proposal is relatively standard following the existing flat roof design of the side extension. As the proposal is to the rear it does not disrupt the appearance of the streetscene and is considered a generally acceptable design.

Comments on Representations Received

With regards to the representations received from the neighbouring properties, right to a view is not a material planning consideration. It is not considered the proposed lantern dome lights give rise to any loss of privacy above that which can occur at present with the occupiers of No. 4 standing in the garden and looking up. In addition, light pollution in this case is not considered a relevant planning consideration as the owners of No. 4 could erect outside lights or a glass conservatory potentially without planning permission in any event.

With regards to the 45 degree rule, this is a general guideline that is normally used for assessing loss of light and outlook from two storey extensions and not normally applied to single storey extensions. The 15m distance requirement quoted between the rear wall of No. 197 and the single storey side extension is not referenced and is not something that appears to be contained within Local Policy.

Conclusion:

Although a deep extension close to the boundary with No. 4 Chigwell Park, the proposal is considered on balance an acceptable scheme and 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