

## AREA PLANS SUB-COMMITTEE SOUTH

18 April 2018

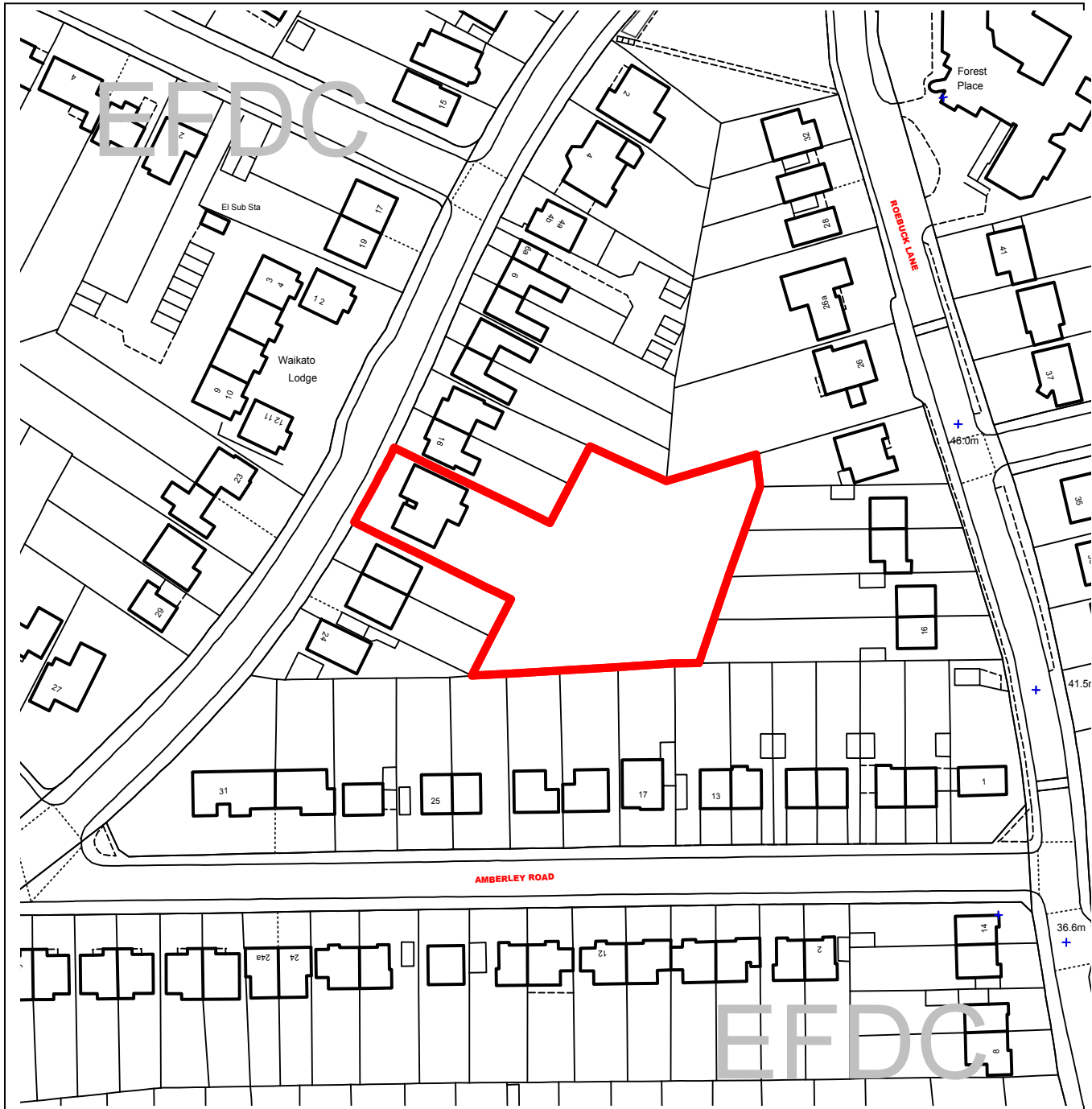
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# Epping Forest District Council

## Agenda Item Number 1



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Application Number:	EPF/0307/18
Site Name:	18 Russell Road, Buckhurst Hill, IG9 5QJ
Scale of Plot:	1/1250

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0307/18
<b>SITE ADDRESS:</b>	18 Russell Road Buckhurst Hill Essex IG9 5QJ
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>APPLICANT:</b>	Mr John Wasiak
<b>DESCRIPTION OF PROPOSAL:</b>	Construction of three dwellings (Use Class C3) with associated landscaping, car parking and alterations to access arrangements from Russell Road.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=605419](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=605419)

**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: NC\_17.335-P-200, 913-DG-0S 01, 913-DG-0S 01A, 913-DG-0S 02, 913-DG-0S 03, 913-DG-0S 05, 913-DG-0S 06, 913-DG-0S 07, 913-DG-XX-01A, 913-DG-XX-02A, 913-DG-XX-08, 913-DG-XX-09, 913-DG-XX-10, 913-DG-XX-11A, 913-DG-XX-12, 913-DG-EX01, 913-DG-EX02, 913-DG-EX03
- 3 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 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.

- 6 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 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.
- 7 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 8 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 9 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 10 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 11 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation per dwelling of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
- 12 There shall be no discharge of surface water onto the Highway.
- 13 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 14 Prior to first occupation of the dwellings hereby approved measures to improve the ecological value of the site shall be implemented in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority.

- 15 Prior to first occupation measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 16 An electric vehicle charging point shall be provided for each of the approved dwellings prior to first occupation
- 17 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 18 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 19 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the

Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

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

- 20 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 21 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal to be approved are received and since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

#### **Description of site:**

The site forms the main dwelling and rear garden of 18 Russell Road. 18 Russell Road is an attractive, two storey extended detached house fronting onto the east side of Russell Road within the built up area of Buckhurst Hill. The property is unusual in the locality, in that it has a very large rear garden extending some 77m deep and widening out to a maximum width of some 55m. The rear garden is well screened from surrounding neighbours by existing trees, including a small 'woodland' area to the south east of the site. The site slopes down from north west to south east with a more significant change in levels to the south east corner. The site is bounded by rear gardens along Amberley Road, Roebuck Lane and Russell Road. The site is not within the Metropolitan Green Belt or a Conservation Area. A Tree Preservation Order has been served on the site covering trees in the 'woodland' area to the south along with 3 individual trees in the corners of the site. A large amount of public support was received for this order.

#### **Description of proposal:**

The application seeks consent for creation of an entrance through the existing double garage of 18 Russell Road, together with the construction of three new dwellings with associated landscaping and car parking within the rear garden. This is a revised application following a previous refusal

for a similar scheme for 3 dwellings, dismissed by the planning inspectorate on appeal based on the potential harm of the proposal to the street scene.

The three houses will be detached, 5.7m in height, increasing to 6 metres at the rear, 8m wide and overall depth of 11.9m. The new houses will be located within 2m of the northern boundary and 8m of the southern boundary with a separation of 2m between each house, with single storey 'link' elements. The rear gardens will have a minimum depth of 11m. An access way will be created adjacent to No. 20 Russell Road, set some 3 m from the boundary with 2 parking spaces provided to the front of each dwelling with one visitor space also provided and a turning area for delivery vehicles.

The works to the existing house would be very minor, involving the replacement of the existing timber garage doors with ones to match the existing, and the removal of a 2.9m (approx.) wide section of wall to the rear of the existing garage.

### **Relevant History:**

EPF/3255/16 - Partial demolition of 18 Russell Road and construction of a new two storey replacement side extension, together with the construction of four new dwellings (Use Class C3) with associated landscaping and car parking within rear garden – Refused for the following reasons:

- 1. The proposal, by reason of the overall height, proximity of the new dwellings to the rear boundary and therefore to neighbouring properties, coupled with the proposed loss of trees and green screening and the siting on higher land would be likely to give rise to a strong actual or perception of overlooking to the detriment of the privacy currently enjoyed by Nos 16-20 Roebuck Lane, 13-19 Amberley Road and to the rear garden of No. 20 Russell Road. The proposal is therefore contrary to policies DBE2 and DBE9 of the Adopted Local Plan and Alterations, which is consistent with the National Planning Policy Framework.*
- 2. The proposal would constitute an overdevelopment, on the basis that the size of dwellings proposed coupled with the small garden sizes is completely out of character with the nature of the surrounding residential area which is characterised by detached or semi-detached properties in large garden plots. The development is therefore harmful to the character and amenity of the area and is contrary to policies CP3, CP7 and H3A of the Adopted Local Plan and Alterations.*
- 3. The proposed loss of a high number of category 'B' trees (as defined in BS5837:2012), together with insufficient space to provide effective mitigatory planting due to proposed proximities to boundaries, results in the inadequate provision of tree retention and ineffective landscaping proposals. The proposal is contrary to Local Plan and Alterations policy LL10 and LL11, which are consistent with the National Planning Policy Framework.*
- 4. By reason of the overall height, depth and siting on higher ground, the proposed development would have a relationship to No. 19 and 17 Amberley Road that is likely to cause significant harm to the living conditions of those dwellinghouses and their gardens. The proposal would appear overbearing when seen from those neighbours to the detriment of their outlook. As a consequence the proposal is contrary to Local Plan and Alterations policy DBE2 and DBE9, which is consistent with the National Planning Policy Framework.*

Subsequent appeal dismissed solely on the basis of harm to the character and appearance of the locality arising from the partial demolition of the existing house causing harm to the street scene.

### **Policies Applied:**

CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
CP5 – Sustainable Building  
CP6 – Achieving sustainable urban development patterns

CP7 – Urban Form and Quality  
GB7A – Development adjacent to the Green Belt  
DBE1 – Design of New Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE3 – Design in Urban Areas  
DBE8 – Private Amenity Space  
HC13A – Local List of Buildings  
ST1 – Location of Development  
ST4 – Road Safety  
ST6 – Vehicle Parking  
H2A – Previously Developed Land  
H4A – Dwelling Mix  
LL8 – Works to preserved trees  
LL9 – Felling of preserved trees  
LL10 – Adequacy of provision for landscape retention  
LL11 – Landscaping schemes

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

*Epping Forest District Local Plan (Submission Version) 2017:*

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

SP1 - Presumption in Favour of Sustainable Development  
H1 - Housing Mix and Accommodation Types  
DM1 - Habitat Protection and Improving Biodiversity  
DM7 - Heritage Assets  
DM9 - High Quality Design  
DM10 - Housing Design and Quality  
DM11 - Waste Recycling Facilities on New Development  
DM19 - Sustainable Water Use  
DM21 – Local Environmental Impacts, pollution and Land Contamination  
T1 - Sustainable Transport Choices

**Summary of Representations:**

84 Neighbours consulted and a site notice erected:

49 Letters of objection were received from the following addresses:

5, 8, 9, 11, 13, 17, 19, 26, 27, 29 and 30 AMBERLEY ROAD

13 – ARDMORE LANE

19, 15, 17 - THE DRIVE

1, 20, 11- LUCTONS AVENUE

7 - ORMONDE RISE

11, 39 - PALACE GARDENS



## 5 - POWELL ROAD

11, 16, 17, 18, 20, 22, 26, 26A, 34 and 73A ROEBUCK LANE

4 Waikato Lodge, 4B, 7, 10, 14, 15, 20, 23, 51, 57, 73 – RUSSEL ROAD

2a, 10 and Unknown number SCOTLAND ROAD

## 2 - UNKNOWN ADDRESSES

The objections are summarised as follows:

1. Reduction in units has not overcome previous concerns.
2. Overdevelopment of the site
3. Change to character of the area
4. High density
5. Garden grabbing
6. Loss of privacy
7. Increase noise
8. Overbearing
9. Increase in light/air pollution
10. Loss of view
11. Loss of light
12. Insufficient amenity space
13. Inadequate parking and access
14. Larger vehicles including refuse vehicles can not access.
15. Increase in traffic
16. Increased demand on local services
17. Loss of trees
18. TPO's on site may be harmed
19. Harm to wildlife
20. Further extensions possible under permitted development
21. Drainage issues
22. Security issues
23. Precedent for other similar developments
24. Disruption during construction
25. Loss of property value

### BUCKHURST HILL PARISH COUNCIL: Objection

Overdevelopment of site, Loss of amenities to neighbouring properties especially No. 20 Russell Road ,Adverse impact on the residential amenity of neighbouring properties of Amberley Road and Roebuck Lane i.e. overlooking and privacy, Highway safety, impact on ecology, design out of keeping with the character of the area.

### **Issues and Considerations:**

This proposal the subject of this application seeks to address the Inspector's reasons for dismissing the appeal against the Council's refusal of application EPF/3255/16. It also seeks to address the Council's reasons for refusal that were not upheld at appeal. The main issues with this proposal relate to suitability of site, design, impact on amenity, highway/parking issues and tree and landscape issues.

### Suitability of Site

The site is within the built up area of Buckhurst Hill and is within 1km of Buckhurst Hill Underground Station and the shops and services of Queens Road area and is considered a

relatively sustainable location. The site itself is domestic garden land which is not classed as previously developed land, however this does not in itself rule out development on this land if the development complies with other policy.

The proposal will result in development to the rear of Russell Road, which is unusual within the wider area with no nearby cul-de-sacs. However, the site is considered sufficiently large to accommodate some form of development, without detriment to the character of the area. Previously it was considered that although the garden sizes met the requirements of policy DBE8, the shallow depths of the garden did not respect the surrounding character which consists of large dwellings in very deep plots and this was considered to result in an overdevelopment of the site.

This application has been revised increasing the size of the garden areas to range from 130 square metres for the smallest plot, to 282 square metres for the largest plot. This is considered to have overcome the previous reason for refusal (No. 2) relating to the overdevelopment, as the gardens of both pairs of neighbouring semi-detached properties have a similar average rear garden areas of some 170 square metres.

## Design

### *Alterations to 18 Russell Road*

The proposed alterations to 18 Russell Road are limited, including the replacement of the garage doors with timber doors to match the existing, the removal of a small section of wall to the rear of the garage to create an opening and alterations to the landscaping at the front of the property to provide a further parking space. All of the alterations to the property could be carried out under the General Permitted Development Order and would have very little impact on the design of the existing property.

### *Impact on the Non Designated Heritage Asset:*

As part of the previous appeal decision, the Inspector recognised 18 Russell Road as being a non designated heritage asset. He describes 18 Russell Road as a building of historic and architectural merit, characteristic of its time but more importantly points out its physical presence, its wide frontage and contribution to the streetscene. The streetscene is composed of an uninterrupted row of large detached and semi-detached two-storey properties slightly recessed from the road. The Inspector considered that the partial demolition of the building and its replacement with a new two storey side extension of a smaller scale would be detrimental not to the building itself but to the wider streetscene, by creating a gap and allowing views to the proposed three new dwellings back.

However, the current scheme retains the frontage of 18 Russell Road as existing, using the existing garage to give access to the rear of the plot where the new houses are proposed to be erected. The front elevation of the building will therefore remain unchanged and the rear developments will not be visible from views from Russell Road, overcoming any concerns previously raised. This innovative solution will maintain both the Tooley design features of the property, and will ensure the retention of the large room above the garage purportedly used as the boardroom for J. John. Masters and Co., a company belonging to the British Match Corporation, with further links to Swedish Industry.

Additionally, the proposed design is modern, in stark contrast with 18 Russell Road and the buildings fronting Russell Road, a design approach fully supported by Conservation Officers. The new buildings will appear 'of their time', much like the imposing Victorian buildings fronting Russell Road, and due to their scale and massing will immediately appear as subservient to the existing house at 18 Russell Road and the surrounding dwellings.

### *New Dwellings:*

The proposed new dwellings are of a modern design. The design features flat roofs, which will be clad in natural green materials such as sedum. The flat roofs have been carefully designed in order to reduce the visual impact other proposed dwellings and have clearly not been designed to be used as roof terraces, with no access proposed internally. The dwellings also features elements of high quality design such as the cantilevered elements to the front elevation at first floor in order to provide some visual interest to the dwellings. The green roofs combined with the proposed timber cladding and white render would provide dwellings that will be much less obtrusive when viewed from the rear gardens of neighbouring properties and will create a positive contribution to the space, with interesting design features rather than the bland designs of previous proposal on the site.

The dwellings have been reduced in height by over a metre since the previous refusal and this has reduced the imposing nature of the development significantly, particularly when combined with the unobtrusive material palette of the proposed dwellings. Although previously this was not a reason for refusal but more of a concern, the reduction in height has created a far more subservient development.

The proposal will not be visible from the streetscene of Russell Road due to the distance from the road, and the proposed dwellings siting behind the solid frontage of 18 Russell Road. The proposed access will leave the streetscene virtually unchanged, albeit for some changes to the landscaping at the front of the property, which would be allowed under permitted development. This innovative design overcomes both the reasons for refusal of the previous scheme and the Planning Inspector's reason for dismissal of the appeal of the previous scheme, as this proposal will not 'disrupt the established pattern of development' along Russell Road and will not create any visual breaks between the dwelling, nor be visible from the frontage of Russell Road.

### Amenity

#### *Alterations to 18 Russell Road and impact on the amenities of future occupants:*

The proposed access through the property at 18 Russell Road would have a negligible impact on the amenities of future occupants of the dwellings due to the limited vehicle movements created by three new dwellings. It is not uncommon to see access through properties within modern developments and would not be considered to have any impacts significant enough to warrant refusal of the application.

### *New Dwellings:*

The proposed scheme results in three link-detached properties on existing garden land and therefore clearly there will be a change to the views currently enjoyed by surrounding neighbours, however this change will not be as significant as both earlier refusals due to the reduction in the height of the dwellings and the retention of significantly more trees than previously proposed. The Planning Inspector concluded that the previous proposal for 3 dwellings on the site would 'not have a significant adverse effect on the living conditions of nearby residents and in particular occupiers of Nos 14, 16 and 20.' Even with this decision the current proposal has made significant efforts to further reduce any potential adverse impacts of the new dwellings.

The proposed access drive would pass underneath the first floor of No. 18 and beside No. 20 Russell Road. It would lead down to parking and turning areas situated at the rear of the gardens of Nos 14 and 16 Russell Road and the retained garden for No 18. A width of 3m is shown for the access drive and there would be a fence, planting and a further footpaths width separation within the garden of No 20 to its side elevation. This would make the proposed driveway some 2.6 m

away from the shared boundary with No. 20 and 4m away from the side elevation, with further protection provided by the external wall to the side elevation No. 18 Russell Road. Taking account of this and the likely amount of vehicle movements generated by the proposal, it is considered that there would not be a significant effect on the living conditions of occupiers of No 20 by virtue of overlooking, traffic noise, fumes and general disturbance. This has been agreed by the planning inspector on previous proposals which offer less protection to neighbouring amenity than the current scheme. Moreover any further adverse effect would be mitigated by use of the proposed 'herringbone' block paving, softwood close boarded fence and hedging, further details of which could be approved by condition.

The proposed dwellings and their associated parking and turning areas would be sited in excess of 30m from rear facing habitable rooms of Nos 14 and 16, and at a lower level. As a result of this, and the presence of intervening vegetation, some of which lies in the gardens of 14 and 18, it is considered that there would be minimal effect on the living conditions of the occupiers of those properties. Any effect would also be mitigated by the block paved surfacing and boundary treatment, such as the ornamental hedge, proposed. This view has been supported by the planning inspectorate on the appeal of the previous scheme.

Whilst the rear gardens of Nos 14 and 16 would be closer to the proposal, they would be set at a higher level and therefore be unlikely to suffer significant loss of privacy. The proposal would be visible from the rear facing habitable rooms and gardens of numerous other properties fronting Russell Road, Amberley Road and Roebuck Lane. Separation distances and intervening vegetation, in combination with the careful design of the proposal with green flat roofs and limited bulk, would ensure that there was no significant overbearing effect on occupiers. There is already a degree of mutual overlooking between the rear facing rooms and gardens of some of these properties. The proposal would not introduce any significant new aspect of overlooking.

A number of concerns have been raised about the possible future use of the flat roofs as terraces. It would not be permitted development to use the roofs as terraces and this could also be restricted by a further condition, ensuring any access to the roof is for maintenance purposes only. No internal access to the roofs are proposed, meaning occupants of the dwellings would have to scale a ladder of 2 storeys in height from outside of the property in order to stand on the roofs, making it highly unlikely that occupants would attempt to use the roof as a recreational space.

In light of the above it can be concluded that the proposal would not have a significant adverse effect on the living conditions of nearby residents and in particular occupiers of Nos 14, 16 and 20. As such, it would accord with Policies DBE2 and RP5A of the Local Plan. These seek to avoid development that would have detrimental effects on neighbouring land uses. It would also accord with the Framework insofar as it relates to requiring a good standard of amenity for all existing occupants.

### Highways and Parking

The Essex County Council Highways Officer has no objection to the scheme subject to conditions. The proposal has appropriate visibility and geometry for the speed of the road and the parking and turning facilities are more than adequate for the scheme. Furthermore Russell Road is an unclassified road and the additional development traffic will be minimal at this location and on the wider highway network. Consequently the development will not be detrimental to highway safety and efficiency.

With regards to parking, notwithstanding the neighbour comments received regarding insufficient parking, two spaces per a dwelling and one visitor space meets the standards as set out in the Essex Parking Standards and is considered an acceptable level.

This application has been submitted with additional information, including showing a designated turning space and the provision of a swept path analysis for the turning of a larger vehicle which supports the comments from the Essex County Council Highways Officer.

### Landscaping

A large amount of trees are to be retained as part of the proposal and these include the recently preserved trees. It is clear from the documents submitted and clarified by the Tree and Landscape Officer that the preserved trees are to be retained and development is unlikely to harm these trees. The Tree and Landscape Officer strongly objected to the previous scheme due to the removal of the high number of trees, with this application the Tree and Landscape Officer has removed their objection following the confirmation that the trees can be retained. Therefore, subject to conditions requiring tree protection, further landscaping details and the retention of existing trees and shrubs the Tree and Landscape Officer has no objection.

### Other Matters

#### Wildlife

The Council's Countryside team have viewed the proposal and have no objection subject to conditions ensuring appropriate surveys are completed prior to commencement of any works. Moreover any approval of the application would be conditioned in order ensure that measures to improve the ecological value of the site will be implemented in accordance with Policy NC5 of the Adopted Local Plan and Alterations and Policy DM1 of the Local Plan Submission Version 2017

#### Land Drainage

The application has been assessed by the Council's land drainage team who have no objection to the proposal being carried out in accordance with the flood risk assessment (EAS, Ref 18 Russell Road Essex SUDS Statement December 2016) and drainage strategy submitted with the application

#### Refuse

The Waste Management Officer has no objection to the scheme, or to the bins having to be taken to the Russell Road entrance for collection. The development is not big enough for a dustcart to enter but this is not an uncommon scenario.

### **Conclusion:**

The proposal will result in development of 3 new homes within a sustainable location within the built up area of Buckhurst Hill. However, the dwellings will be within the rear garden of an existing dwelling surrounded by a number of neighbouring properties on varying ground levels. Following careful consideration of this proposal, the previous reasons for refusal and the following appeal decision it is considered that this proposal has overcome the objections raised and 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: Corey Isolda***

***Direct Line Telephone Number: (01992) 564380***

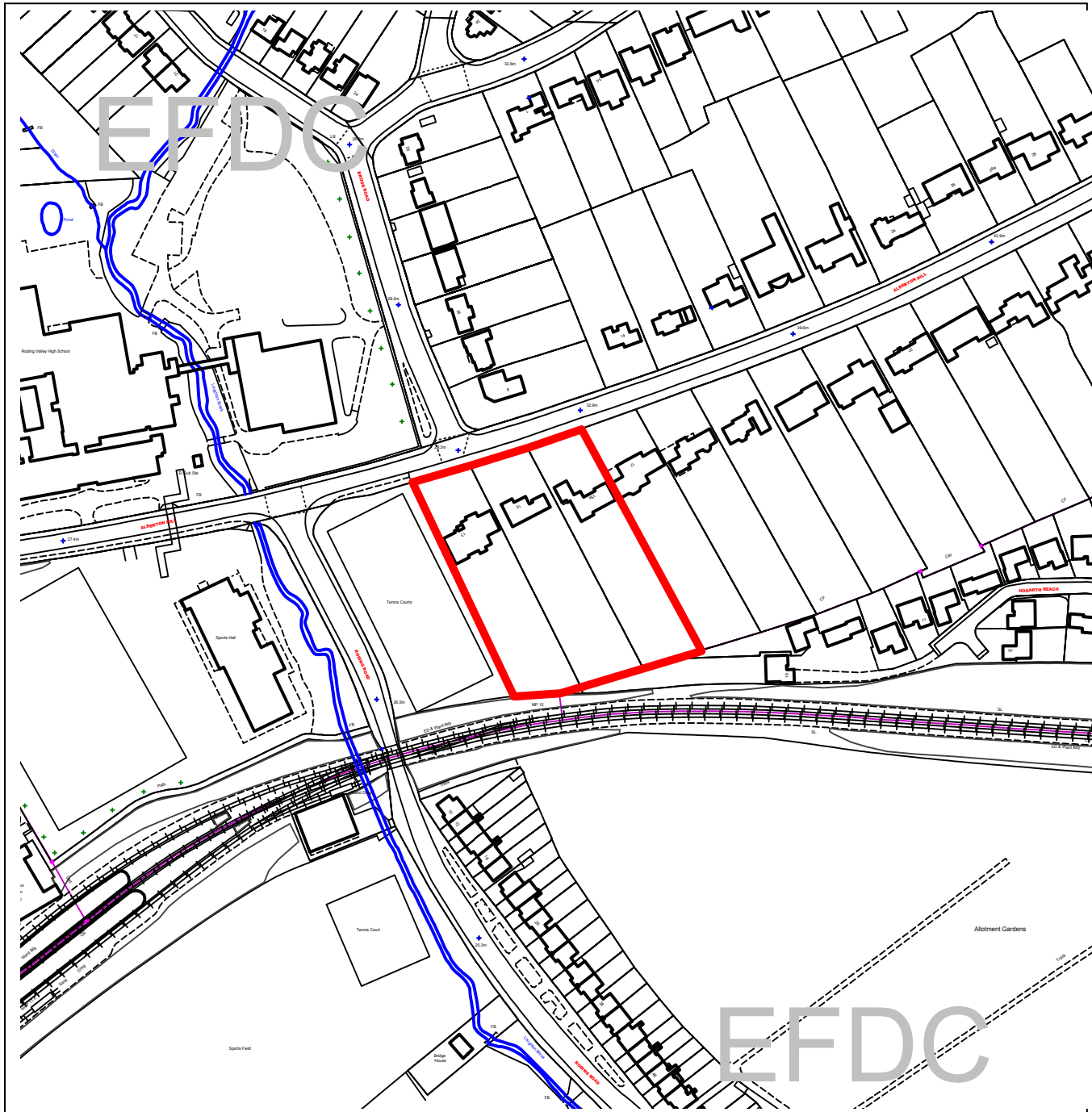
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# Epping Forest District Council

## Agenda Item Number 2



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Application Number:	EPF/2499/17
Site Name:	13-15A Alderton Hill, Loughton, IG10 3JD
Scale of Plot:	1/2500



**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2499/17
<b>SITE ADDRESS:</b>	13 -15A Alderton Hill Loughton Essex IG10 3JD
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Alderton  Loughton St Marys
<b>APPLICANT:</b>	Elysian Loughton Site Limited
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of houses at 13, 15 and 15a, Alderton Hill, and the erection of linked blocks of elderly persons apartments, with integrated care facilities (Use Class C2) with supporting amenity facilities, landscaping, 64 car spaces in undercroft parking at the rear and south side of the block, and associated ground works.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=599913](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=599913)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of 18 months beginning with the date of this notice.
- 2 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.
- 3 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as

appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 5 In connection with condition no.4 above the number and position of trees to be planted close to the side boundary with number 17, Alderton Hill shall be subject of further details to be submitted and approved by the Local Planning Authority. Once approved these details shall be implemented in full on site.
- 6 Prior to the first occupation of the development two pedestrian dropped kerb crossing points (clear of any vehicle access crossings), with appropriate tactile paving, shall be implemented across Alderton Hill - the exact location and details to be agreed with the Highway Authority.
- 7 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, visibility, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 8 There shall be no vehicular access to the proposed development from the western access, except for Service/Emergency Service Vehicles, unless otherwise agreed in writing with the Local planning Authority.
- 9 Prior to the first occupation of the development the redundant vehicle crossovers, into the existing properties, shall be reinstated to include full height kerbing and verge.
- 10 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
- 11 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 12 Prior to the commencement of any works dusk and dawn surveys for bats should be undertaken in accordance with guidelines from Natural England. These should be submitted to EFDC for approval.

Should the surveys reveal the presence of bats, or their breeding sites or resting places then an appropriate and proportionate detailed mitigation and compensation strategy must be written in accordance with any guidelines available from Natural England and submitted to EFDC for approval.

Should a Natural England European Protected Species licence (EPS) be required then this should also be submitted to EFDC. The licence will be granted if the activity conforms with the Habitats Regulations Regulation 53 Three Stage Test and Local Authority planning consent has been granted.

Any further recommendation made in the bat survey will be followed, details of which will be submitted to EFDC for approval. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

- 13 Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:
  - a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places along important routes used to access key areas of their territory, for example, for foraging; and
  - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- 14 Prior to the commencement of any works a reptile survey will be undertaken in accordance with guidelines from Natural England. This should be submitted to EFDC for approval. Should the surveys reveal the presence of reptiles, or their breeding sites or resting places then an appropriate and proportionate detailed mitigation and compensation strategy must be written in accordance with any guidelines available from Natural England and submitted to EFDC for approval. Should a Natural England European Protected Species licence (EPS) be required then this should also be submitted to EFDC. The licence will be granted if the activity conforms with the Habitats Regulations Regulation 53 Three Stage Test and Local Authority planning consent has been granted. Any further recommendation made in the bat survey will be followed, details of which will be submitted to EFDC for approval. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.
- 15 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
- 16 The developer will undertake precautionary working methods as set out in section 5.9.5 and 5.9.6 of the Preliminary Ecological Assessment carried out by Parsons and Brinkerhoff in September 2017.

- 17 An ecological enhancement plan will be written and submitted to EFDC for approval prior to any works commencing. The plan will include;
- a) Landscaped areas within the scheme which consist of native planting of known value to wildlife (e.g nectar rich or fruit yielding) and wildflower seed mixes in grassland areas.
  - b) Type and position of additional nesting opportunities for birds and bats.
  - c) Type and position of invertebrate boxes.
  - d) Position of log piles.
  - e) Plans for the creation of a wildlife pond.
- 18 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 19 Details of measures to deal with surface water drainage shall be submitted to the Local Planning Authority before any works commence on site. Once approved these details shall be implemented on site in full.
- 20 The accommodation hereby approved shall only be occupied by residents who are 65 years or more old, and the accommodation shall only be made available to residents who have agreed to commit to a basic care package as outlined on page 62 of the September 2017 Design and Access Statement submitted with this application.
- 21 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.
- Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.
- Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
- 22 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. The parking of vehicles of site operatives and visitors
2. Loading and unloading of plant and materials
3. Storage of plant and materials used in constructing the development
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
5. Measures to control the emission of dust and dirt during construction, including wheel washing.
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

- 23 The development hereby permitted will be completed strictly in accordance with 7 plans numbered PO -001 PA to PO-007 PA, with PO-008 PD; with 3 plans numbered PO-009 PC to PO-011 PC, with 7 plans numbered P1-099 PC to P1-105 PC; with P2 -100 PD; with 3 plans numbered P2-101 PC to P2 - 103 PC; with 2 plans numbered P3 -100 PC and P3 - 101 PC, and plans numbered P4 -101 PC, P4-102 PC, P4 -110 PC, P4-111 PC, and P4 - 112 PC.
- 24 Prior to any of the apartments hereby approved being occupied details of the provision of the proposed electric car spaces, car club vehicle, and mini bus, including their location and the measures to be adopted to promote their use, shall be submitted to and approved by the Local Planning Authority. Once approved these details shall be implemented in full and retained on a permanent basis.

**And ...subject to the completion of :-**

- 1) consultation with Natural England, and**
- 2) a S106 legal agreement to be signed and completed by 3 August 2018 to a) secure the payment of a commuted sum (£25,077) to assist with the funding of additional primary healthcare services in the local area, b) to secure an appropriate financial contribution for management and monitoring of visitors to the Epping Forest Special Area of Conservation, c) to secure a commuted sum (up to maximum of £500-00 per apartment) to contribute to implementing Controlled Parking Zones in the vicinity of the site, and d) to ensure that the apartments provided in the development shall be specialist accommodation to be occupied only by people over the age of 65 and that at no time can the apartments be used as standard C3 residential accommodation.**

*This application is before this Committee since the recommendation for approval is contrary to a) an objection from a local council and b) to more than two objections received, which are material to the planning merits of the proposal, (pursuant to the 'constitution, part three: scheme of delegation, appendix 3.).*

### **Background:**

A report on this application was originally included in the agenda for the 24/1/18 Area Plans South Sub Committee. However, it was withdrawn from the agenda so as to allow the proposal to be assessed in more detail against the new policies and provisions contained in the 2017 Local Plans Submission Version (LPSV) which was approved for publication by the Council on 14/12/17.

### **Description of Site:**

The site of 3 typically large residential plots near the bottom of Alderton Hill which contain 2 two storey houses and one bungalow. The bungalow and one of the houses is vacant. To the immediate west of the site a new 2 and 3 storey high McCarthy and Stone development (Poets Place) has just been completed at the junction of Alderton Hill and Roding Road. To the rear the site adjoins the Central line railway embankment plus the rearmost section of a long rear garden to a house at no.19 Hogarth Reach. The site lies opposite Brook Road and the flank wall and rear garden of the end house in that road. The neighbouring house at no.17, in common with other odd numbered houses, is a large two storey house on a large plot. Ground levels on the site fall from east to west down the Hill, they also fall from north to south ie from Alderton Hill at the front to the railway embankment at the rear. The properties on the site are not listed and the site does not lie in a Conservation area.

### **Description of Proposal:**

Demolition of houses at 13, 15 and 15a, Alderton Hill, and the erection of linked blocks of 105 elderly persons apartments, with integrated care facilities with supporting amenity facilities, landscaping, 64 car spaces in undercroft parking at the rear and south side of the block, and associated ground works.

Two blocks are proposed facing Alderton Hill joined by a glazed link which is recessed 11m behind the front elevation of the blocks. The eastern section of the proposed block nearest 17 Alderton Hill is 3 stories in height with roof lights windows, with the remainder of the frontage being of a varied profile of 3 stories plus gables/dormers in the roof. The western block at the lower end of the site extends rearwards in an inverted 'L' shape over a portion of the middle and rear section of the site. This middle and rear section, sited on lower ground, are 4 or 5 stories in height sometimes above an 'undercroft' storey in part used for car parking. Vehicular access to the site will be via one access in the east section of the frontage near to 17, Alderton Hill - with a vehicular exit on the western part of this frontage being for service vehicles only eg refuse vehicles. 64 car spaces are provided close to the west boundary of the site and in the undercroft below the block in the rear part of the site.

### **Relevant History:**

None.

### **Policies Applied:**

#### **Adopted Local Plan:**

CP1 – Achieving sustainable development objectives.  
CP2 – Protecting the quality of the rural and built environment.  
CP3 – New development.  
CP7 – Urban form and quality.  
CP9 – Sustainable transport  
DBE1 – Design of new buildings.  
DBE9 – Loss of amenity.

LL10 – Adequacy of provision for landscape retention  
LL11 – Landscaping schemes  
ST1 – Location of development  
ST2 – Accessibility of development  
ST4 – Road safety  
ST6 – Vehicle car parking.

**NPPF:**

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

**Epping Forest District Local Plan (Submission Version) 2017:**

The Epping Forest District Local Plan (Submission Version) 2017 was approved for publication, and for submission to the Secretary of State for independent examination, by an Extraordinary Full Council meeting on 14 December 2017. At the same meeting the Council also resolved to approve the Plan as a material consideration in decision making. This application site is now included in this latest version of the Plan as part of the housing proposal LOU.R14 - which also contains the sites of nos.17 and 19 Alderton Hill (see below under heading of Local Plan proposal for 33 dwellings).

The policies in the Plan are considered to be up to date and in accordance with national policy and therefore should be given significant weight in the determination of planning applications as set out in the Council's Planning Policy Briefing Note (March 2018), and having regard to paragraph 216 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

SP 1 - Presumption in Favour of Sustainable Development  
H 1 - Housing Mix and Accommodation Types  
H 2 – Affordable Housing  
T 1 - Sustainable Transport Choices  
DM 2 – Epping Forest SAC and the Lee Valley SPA  
DM 9 - High Quality Design  
DM 10 - Housing Design and Quality  
DM 11 - Waste Recycling Facilities on New Development  
DM 15 - Managing and Reducing Flood Risk  
DM 16 - Sustainable Drainage Systems  
DM 17 - Protecting and Enhancing Watercourses and Flood Defences  
DM 21 - Local Environmental Impacts, Pollution and Land Contamination  
DM 22 – Air Quality

**Summary of Representations:**

LOUGHTON TOWN COUNCIL – On being re consulted on the amended proposal members welcomed the reduction in size proposed by the applicant (eg moving parts of the nearest block further away from boundary with no.17 Alderton Hill and reduction of apartments from 106 to 105) – however they considered the proposal was still too large for this plot which was in an unsuitable location in Loughton for such a development. The Committee reiterated its previous comments made on this application which were:-

*The Committee agreed with the principle of what the developers were trying to achieve but objected to the application on grounds that 1) it was too bulky and an overdevelopment of*

*the plot size, 2) it would be too dominant in the street scene, as the proposed apartment block would be six stories high and would be out of character with the houses in the street, 3) it would be detrimental to the amenities of neighbours, and 4) members expressed concern at the traffic congestion already around this site and the lack of any pavement facilitating pedestrians.*

LRA PLANS GROUP - We object to this application, which would be wholly out-of-character with its surroundings in density, design and height. Alderton Hill is characterised by large houses in large gardens, in single occupation and of 2 or 3 storeys, and set back from the road. A single block of 6 stories across the width of three ordinary houses, is therefore wholly out-of-character. We wholly disagree that joining the two elements by a glazed lightwell in any way breaks the massing of the built form or gives the perception of two separate 'houses' on the site, as suggested by the applicant. In no way does the proposal form any sort of transition between the domestic dwellings and the McCarthy & Stone site at the foot of the hill, as they suggest. The main exception to this is the 2 & 3-storey block at the foot of the hill, below the junction with Brook Road, which creates a boundary between this and Roding Valley High School on the other side of Alderton Hill, below the junction. Even so, the lower block is set back from the road and is designed so that the higher parts are at the rear. The application gives considerable statistical detail on the potential *demand* for retirement flats but contains no information whatsoever about the existing *supply* – the information provided is therefore useless. The state of repair of the existing dwellings is of course irrelevant – they could easily be repaired or replaced with dwellings far more in keeping. The parking arrangements appear totally inadequate – in particular, it seems likely that visitors will park in neighbouring roads, adding to the already high parking pressure there, rather than leave vehicles to be parked in the undercroft and then have to wait for their return when they wish to leave.

Please note that we did not bother to comment on the applicant's public display because there was no possibility of them taking any note of our comments, which would have been as above.

However, if the District Council is minded to approve the application, we ask for conditions as follows:

- to provide suitable landscaping
- to restrict demolition and building work hours to the Council's usual standard hours
- to require wheel-washing equipment on-site.

NEIGHBOURS – 95 properties were notified and some 232 replies were received - with 204 letters/emails raising objections to the proposal, and 28 letters expressing support for the scheme. Some amendments were made to the original plans - with parts of the front and rear block being re positioned 3m further away from the side boundary with 17, Alderton Hill – and those properties adjoining or close to the site were re consulted on these amendments.

17, ALDERTON HILL – although we welcome amendments made we still feel that these changes are minor and that the proposed blocks are hugely oversized and should be reduced in scale to better reflect the size and style of properties elsewhere in the road. The amended proposal to plant 10m high evergreen trees close to our side rear garden boundary will block out natural light and sunlight to our garden and pool, and we are also concerned about light pollution in the evenings. Our last principal concern is that the application site is said to be 'municipal'. But clearly it is not – the McCarthy and Stone building is 'municipal' on the corner opposite the school, however as you start to walk up the Hill it is completely residential.

Other objection letters have been received from the following addresses:

ALDERTON HILL nos. 22, 71, 20, 21, 23, 25, 27, 28a, 31, 46, 47, 48, 51, 57, 64, 66, 67, 68, 74, 75, 8, 53, 63a, 36, 30, 66, 37, 19, 14, 45, 35, Little Elm, 55, 61, 56, 58, 54, 43, 73, 16, 28, 65, 18, 38, 29



POETS PLACE, ALDERTON HILL, nos. 19, 21, 24, 27, 3, 33, 35, 4, 6, 8.

SPARELEASE HILL nos. 2, 22, 29, 33, 34, 52, 7, Beechcroft, 4, 23, 46, 37, 3a, 59, 43, 49, 20, 58, 59, 27, 37, 5.

TYCEHURST HILL nos. 45, 10, 15, 17, 2, 25, 3, 31, 33, 48, 52, 54, 63, 64, 66, 72, 77, 79, 88, 91, 93, 20, 12, 4, 80, 76, 21, 61, 26, 69, 46, 51, 43, 29, 95, 103, 11, 29, 4, 68, 97, 37, 62.

BROOK ROAD – nos. 26, 28, 3, 32, 19, 7, 6, 8, 10, 21, 36, 5, 11, 8.

HOGARTH REACH – nos. 2, 8, 1, 19, 10, 9, 6, 17, 3.

and from 8, 10, 12, and 5, SHELLEY GROVE; 2 and 6 BOLEYN CLOSE; 15, STONARDS HILL; 3, ALDERTON MEWS; 1, LOWER PARK ROAD; 63, 65, 69, 61, TRAPS HILL; 68, THE LINDENS; 74, 16, 20, 19, 98, RODING ROAD; 30, WROTHS PATH; 65, HARWATER DRIVE; 9, WELLFIELDS; 24, COLEBROOK GARDENS; 5, CONNAUGHT HILL; 1, LANCASTER DRIVE; 6, HIGH GABLES; 12, ALBION PARK; 74, BROOKLYN AVENUE; 14, THE HAWTHORNS; 2, RODING GARDENS; 27, WOODLAND ROAD; 34, CHURCH LANE; 5, PRIORY ROAD; 80, THE DRIVE; 9, MARJORAMS AVENUE; 30, WROTHS PATH, and 24 email objections received giving no address.

The points made in the above objection letters can be summarised as follows – a) the proposal for 105 apartments is an excessive overdevelopment of the site, b) the design, size, and height of the blocks, including 6 stories, is out of character with the 2-3 storey height of detached houses in the locality, c) the proposal will increase traffic in an already congested area and road, d) 64 car spaces is very inadequate and on street car parking in the locality will get worse, e) it will set an undesirable precedent for blocks of flats to be built in Alderton Hill and the locality, and f) the proposed development will detract from the outlook and amenity of neighbouring houses.

Letters of support have been received from the following addresses:-

29, PRIORY ROAD; 20, ALBION HILL; 1, MARLOW HOUSE, REPTON PARK, WOODFORD; 2 and 3 HARVEST LANE, 17, OLLARDS GROVE; 15, MEADOW WAY, CHIGWELL; 49, FOREST VIEW ROAD; 4, MATCHWOOD CLOSE, WOODFORD GREEN; 34, BOLEYN COURT, EPPING NEW ROAD; 6, LINKSIDE, CHIGWELL; TUDOR LODGE, NURSERY ROAD, 38, LYNDHURST RISE, CHIGWELL; 3, WOODLAND WAY, 15, ETON HEIGHTS, 145 WHITEHALL LANE, WOODFORD; 10, LUCTONS AVENUE, BUCKHURST HILL; 22, STATION ROAD; 1, ALDERTON MEWS; 66, HIGH ROAD, BUCKHURST HILL; 24 FALLOWFIELDS; 10 FIELD CLOSE, BUCKHURST HILL; 16 LONGFIELDS; 46, SPARELEASE HILL; 93, THE LINDENS; PINK ORCHARD, ALDERTON HILL, 4, CLAYBURY HALL, REPTON PARK; and one email with no address given.

These letters of support make the following points- a) there is a fundamental need for well designed homes for the elderly and the proposed buildings and communal areas are attractive, b) a proposal which caters for elderly people with a diverse range of needs is unique, it helps with savings for the NHS, and releases family homes occupied by one person; c) the proposal is consistent with the priority to develop brownfield sites first rather than sites in the Green Belt, and d) it will help meet demand for accommodation for elderly people particularly since some smaller old person homes have closed in recent years.

3 letters giving 'neutral' comments have been received from 31, SPARELEASE HILL, 40, ALDERTON HILL, 42, TYCEHURST HILL.

ESSEX CC HIGHWAYS AUTHORITY – The Highway Authority has considered the above planning application, visited the site and thoroughly assessed the submitted transport information and has concluded that the proposal is not contrary to National/Local policy and current safety criteria. The applicant has submitted a robust Transport Statement (TS) that demonstrates, to the satisfaction of the Highway Authority, in terms of safety and capacity that the impact of the proposed development will be minimal on the highway in the vicinity of the site and on the wider highway network. The information regarding vehicle movements and parking have been gathered using similar sites and as such this is considered to be a very robust approach. Coupled with the fact that the proposal is very well located to other modes of sustainable travel it is considered to be very accessibility. The applicant is encouraged to pursue the sustainable raft of measures as outlined within the TS. Also, given the aforementioned, the parking provision is also considered to be acceptable. The proposed accesses will have suitable geometry and visibility for the speed of the road. The Highway Authority has also considered the servicing arrangements and again has concluded that this appears to be satisfactory. The TS has demonstrated that suitable turning for service vehicles etc. is available on site.

It is worth noting that ECC use the average speed of the road (which in this case is 30.3mph) and not the 85th%ile to decide if Vehicle Activated Signs (VAS) can be implemented. Consequently ECC would not be able to support, or justify, the introduction of a Vehicle Activated Sign at this location as it has been demonstrated that the average speed is commensurate with the speed limit.

Consequently, the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network. From a highway and transportation perspective the impact of the proposal is therefore acceptable to the Highway Authority subject to appropriate conditions being imposed.

EFDC TREES SECTION – The application has been accompanied by a tree constraints plan and survey. There are no objections in principle to the proposals subject to further details of tree protection and proposed landscaping being provided.

EFDC COUNTRY CARE – No objections subject to conditions.

EFDC LAND DRAINAGE SECTION – No objections in principle. The development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. A Flood Risk Assessment (FRA) is required. The applicant has provided a FRA with the application and whilst the details are acceptable in principle further details are required to meet with the requirements of the condition. I will contact the agent directly to discuss these additional requirements - however, if the application is decided in the meantime please add land drainage condition SCN86A. Also please add a condition requiring approval of surface water drainage details.

EFDC WASTE MANAGEMENT SECTION – raised queries regarding size and number of waste containers, design of access roads plus their load bearing. The applicants have responded to these queries.

NHS WEST ESSEX CLINICAL COMMISSIONING GROUP – the proposal will give rise to a need for additional primary healthcare provision to mitigate impacts from the development – amounting to a contribution of £25,077. Assuming that this contribution is made available the West Essex CCG does not object to the proposed development.

ESSEX CC (SCHOOLS) INFRASTRUCTURE SECTION – A developer contribution will *not* be sought to mitigate the impact of the development on Early Years and Childcare places in the locality. It is noted that the proposal is to deliver ‘a new elderly housing development’ and it is requested that a minimum age requirement is enforced as a planning condition.

## **Issues and Considerations:**

The principal issues raised by this development are a) whether the proposal complies with the provisions of the LPSV, b) whether the benefits arising from the development outweigh environmental and townscape concerns, including consideration of whether an undesirable development precedent would be set which would encourage similar developments in the remainder of Alderton Hill, and c) whether the proposal would have potential effects on the Epping Forest Special Area of Conservation.

### **Background and Nature of the Use.**

The applicants Elysian residences are a US based firm now entering the UK market for provision of care accommodation for the elderly. However the accommodation they provide is in the form of self contained apartments and hence is different from the traditional old people's care home. Having said that a considerable amount of care will be provided in this development which in turn differentiates it from 'standard' retirement living units such as the McCarthy and Stone C3 apartments just built on the site to the immediate south. Care home elements of the proposed development are as follows:-

Firstly, domiciliary care will be provided to residents as part of their accommodation package according to the level of need of each resident. To this end all residents must enter in to a commitment to subscribe to a basic care package which shall include a) a minimum of 4 hours personal care per week, b) the provision of at least one daily meal, c) the laundering of all bedlinen and towels.

Secondly, the minimum age of residents is 65 (compared to 60 in the McCarthy and Stone development).

Thirdly, 24 hour care will be available on site at all times, a key to each apartment will be retained by management, and some 15% of the floorspace to be built will be given over to facilities for elderly residents which includes a medical suite (including 24 hour nursing station, regular visits by doctors/ specialists, medication dispensing secure room, examining rooms), courtyard garden, library/residents lounge, restaurant, kitchen, gym, cinema, guest room, computer room with anti dementia cognitive exercise programmes.

This planning application has been accompanied by several well detailed documents including an Economic Statement produced by consultants Volterra. Some of the benefits of the proposed accommodation are as follows. Firstly, each apartment is designed so that they are flexible to the needs of the occupant, and can be adapted as the residents grow older and their needs change. Secondly, the aim of the accommodation is to allow residents to live as independently as possible for as long as possible, reducing the likelihood of them being admitted to hospital and/or requiring unplanned medical care - and hence a nursing facility is on site 24 hours a day, together with regular visits from doctors/specialists.. Thirdly, a major issue amongst elderly people is loneliness – however this form of development provides ready made neighbours for its residents, and social activities (exercise classes, cultural trips, cinema etc), which, together with the communal facilities provided, will ensure that there is a strong sense of community.

Originally the size of the site being considered by the applicants covered 5 plots at nos. 13 to 19 Alderton Hill. However nos. 17 and 19 have long been excluded from the proposal – in part because of acquisition issues but also due to concerns that that erecting buildings in the rear gardens of nos. 17 and 19 would have resulted in development between rows of houses on Alderton Hill and Hogarth Reach to the rear - a form of back garden development that has been resisted elsewhere in Alderton Hill – see section below on undesirable precedent.

Prior to the application being lodged the applicants held 2 public exhibitions at Roding Valley High School on 10/8/17 and 12/8/17 to inform residents of their proposals. Prior to these exhibitions 790 leaflets were distributed to homes in the local area. 61 local residents attended the exhibitions together with 4 District Councillors.

#### Assessment of the proposal against new policies and proposals in the LPSV.

Policy H 1 – Housing Mix and Accommodation Types – in the context of this policy there is a significant national need to provide more accommodation for elderly people and this is particularly so in Epping Forest which has an older age profile. Para 3.6 of the LPSV states:- *Specialist accommodation for those with support needs, including for older people, will continue to play an important role in providing for those residents who currently, or will, need assistance. Consequently, the loss of existing specialist accommodation, will be resisted and new provision will be supported where it is appropriately located and designed.*

The application site is indeed well suited for elderly persons accommodation since it lies close to the High Street facilities and tube station, and it is conveniently located for visitors many of whom will use the central line or possibly the 2 hour town centre car park next to Sainsbury's. In terms of the Local Plan it should also be noted that sites for elderly persons accommodation are not identified separately – ie accommodation for the elderly has to be provided in the housing sites proposed in the Local Plan - and this application site comprises part of one of these housing proposal sites.

#### Local Plan Proposal for 33 Dwellings on the sites of 13-19 Alderton Hill – ref LOU.R14

This proposal in the Local Plan was first initiated when Elysian submitted their original pre application proposal in early 2017. However in the summer of 2017 they reduced the size of the site they wished to develop by the omission of the two dwellings at nos. 17 and 19, and the subsequent planning application lodged in September related just to the three plots of the houses at nos 13, 15, and 15a.

The owners of no.17 have submitted confirmation that they do not want their house included in a redevelopment for dwellings. The owner of no.19 also requested that her neighbour at no.17 write on her behalf to the Council stating that she does not want no.19 to be included in any redevelopment proposal - and this confirmation has been received. In addition the current applicants Elysian want only to build specialist homes for the elderly. As a result the Local Plan proposal to erect 33 'standard' dwellings on the site of nos. 13-19 Alderton Hill is site is not deliverable. However, the proposal to build 105 specialist homes for the elderly on the smaller site of nos. 13 to 15a does meet a specified housing need. The proposed apartments will be expected to accommodate 140 residents and this provision will make a significant contribution to meeting the demand for specialist care accommodation for the elderly in the District. Moreover, 82% of people over 65 in Epping Forest live in houses with at least one spare bedroom, and it is expected that the movement of elderly people into the proposed development will 'release' at least 85 family houses in the local area for occupation by families.

Clearly this double pronged housing gain flowing from this proposed development must be given considerable weight. In this context the proposed 'alternative' development of building specialist apartments on the smaller site will assist in meeting the Councils housing needs, and therefore the principle of the proposal is acceptable in terms of the LPSV.

#### Policy H 2 – Affordable Housing

This policy requires that all housing developments of more than 11 homes (including self contained units in specialist accommodation - which are in fact proposed in this development) must be subject to a financial appraisal to determine whether affordable homes should be provided

either in the development or off site. Since late January the applicants have submitted such an appraisal, the Council's consultants Kift have examined this assessment, and the Director of Housing concludes that the scheme cannot support an affordable housing contribution if it is to remain a viable development.

#### Site Specific requirements

The proposal in the LPSV for 33 homes on the sites of 13-19 Alderton Hill is accompanied by a number of site specific requirements which stem from policies in the Plan. Although the development of this larger site is not deliverable the proposed development of specialist homes on this smaller site should also adequately respond to these requirements.

Epping Forest - The site lies in close proximity to the Epping Forest SAC. As set out in Policy DM 2 and DM 22 of the emerging Local Plan issues have been identified with respect to the effect of development on the integrity of the SAC as a result of increased visitor pressure arising from new residential development and from relatively poor local air quality alongside the roads that traverse the SAC. Policy DM 2 of the LPSV ('Epping Forest SAC and the Lee Valley SPA') requires that housing developments within the 'sphere of influence' of Epping Forest ie developments that are likely to add to recreational pressure in the Forest, will need to make a financial contribution to access management and monitoring of visitors to the Epping Forest Special Area of Conservation. The Council is currently developing with partners an interim strategy for the management and monitoring of visitor pressure. This will include measures to be funded through the securing of financial contributions from new development. Notwithstanding the fact that this work is yet to be completed the applicant has confirmed willingness to enter into a S 106 agreement and recognises that the level of contribution is to be agreed after the committee. The level of contribution to be sought will be negotiated such as to satisfy the tests set out in paragraph 204 of the NPPF and not impact on the viability of the scheme.

Car Parking/ Transport - The application site lies within 400m of Loughton Tube Station. Consequently, in order to promote public transport proposals for new housing development should limit provision of on site car parking, provide on site car clubs/car sharing or pooling arrangements, and make a contribution to the implementation of Controlled Parking Zones in the vicinity of the site. In terms of parking for residents in the proposed development nearly one car space is provided for every two apartments proposed. At first sight this appears to be a fairly generous provision for specialist homes. However car spaces are not laid out as independent ones and a valet will drive a car round to the front of the building when a resident wishes to use their vehicle. The Transport Assessment submitted with the application, and corroborated by Essex CC, the Highways Authority, states that trip generation by residents will be very low - but some residents like to retain their cars since without a car they feel their 'independence' would be significantly compromised. The proposed development will also provide a car club vehicle, a mini bus, and electric vehicle spaces. Finally, the applicants are willing to make financial contribution to the costs of implementing Controlled Parking Zones in the locality.

Proximity of underground line. The nearest part of the rear block of apartments will lie some 8m from the central line but then it does angle sharply away. The nearest accommodation to the line is a store and energy centre. Noise from slow moving trains is not at a high level and other existing and proposed homes in the locality lie closer to this line than the proposed development. The underground line will therefore not unduly detract from the amenity of future residents of the apartments.

#### Sustainable nature of the site and whether an undesirable precedent would be set.

It is acknowledged that the proposed 105 flats is a denser form of development than which exists in the remainder of Alderton Hill - with the exception of the neighbouring McCarthy and Stone development. However, as the LPSV recognises, the site is in a very accessible location being

380m from the Loughton tube station, 360m from the Sainsbury's supermarket and 420m from the High Road town centre. It is therefore in a sustainable location close to public transport and town centre facilities, and arguably it could be developed a lot more 'efficiently' than the existing layout of two houses and a bungalow sited on 3 very large garden plots. 70 one bedroom and 35 2 bedroom apartments are proposed making a total of 140 habitable rooms. In a commercial development of flats at least half of the proposed units would be two bedrooms. If the same 140 habitable rooms were proposed this would result in a density of 90 dwellings per acre. This density is below the 100+ densities proposed on other sites in the LPSV that are also within 400m of Loughton tube station. Bearing these points in mind the proposed density is acceptable and makes good use of land located in a sustainable location.

Other characteristics of the site also differentiate it from the remainder of Alderton Hill. For example, the site lies opposite Brook Road and the end house of Brook Road and its rear garden i.e. it does not lie opposite even numbered houses that face Alderton Hill. Moreover, houses do not lie to the rear – rather the rear boundary of the site adjoins the Central line railway embankment, and the rear most section of a very long rear garden to 19, Hogarth Reach. Consequently, the proposed block in the rear of the application site does not constitute back garden development between rows of houses – a form of development that has been successfully resisted on appeal at Beechlands nos. 42 – 44 Alderton Hill in 2006 to 2008, and also again in 2016. In dismissing the latest appeal (to erect a house in the rear garden) the inspector was of the opinion that the proposed house would introduce an uncharacteristic form of backland development out of keeping with the character of large houses set back from the road in substantial plots.

In contrast to the application site the remainder of houses in Alderton Hill also have houses that lie to their rear - in Sparelease Hill or Hogarth Reach/The Lindens. Consequently, it is considered that any further proposals to build developments in the back gardens can be adequately resisted in the same way as it was for nos. 42 to 44 - therefore the proposed development on the rear of the application site will not set a precedent to allow similar development in rear gardens.

#### Design and Massing of the development and impact on amenity

In pre application discussions the importance of maintaining a respectful scale and design along the Alderton Hill frontage was a common theme. The neighbouring house at no.17 is two stories with accommodation at roof level. That part of the proposed block closest to no.17 will be 3 stories in height with roof light windows over, and its roof height will be very marginally below the ridge of no.17. Also the applicants have taken account of the architecture of other properties in Alderton Hill and the front façade of the proposed building will contain a variety of features including gables, dormers, recessed areas, and variation in surface and external materials.

It is acknowledged that the block will provide a mass that is not repeated elsewhere in the road but given its reasonably modest height, and variation in profile and form, it is considered to be an appropriate addition to the street scene. Also 5 existing crossovers onto Alderton Hill will be replaced by two crossovers and hence the existing grass verge will be extended. With the exception of the 2 access points a continuous new formal hedge will be planted on the front boundary, and existing good trees will be complemented by planting of new trees. These green frontage measures, cited as being an important characteristic of Alderton Hill by residents at the pre application exhibitions, will provide screening and will partly offset the impact of the new building, which will be set back a considerable 12 to 14m from the front boundary of the site.

Unlike the neighbouring McCarthy and Stone development car parking and associated hard surfacing will not be provided in a visible location at the front of the site – it will be discreetly located on the west boundary and particularly in an undercroft at the rear – and the absence of car parking at the front of the development also improves the townscape appearance of the proposed buildings.

It is acknowledged that the middle and rear blocks are 4 and 5 stories in height and with an undercroft and storage areas beneath part of these blocks many objectors to the proposal have cited strong objections on grounds that a '6 stories building' is a gross overdevelopment of the site.

However these middle and rear blocks are sited on lower ground levels and will not be easily observed from Alderton Hill. They will not overlook houses to the south since the tube line embankment and allotments lie to the immediate rear of the site. The nearest house to the rear block lies to the south east at 19, Hogarth Reach. This house will be sited 41 metres away at an angle from the nearest part of the rear block and existing and proposed trees will provide screening of the proposed block. The proposal will therefore not significantly detract from the amenity and outlook of no.19 Hogarth Reach.

The proposed development presents a long frontage looking westwards to the McCarthy and Stone development. The latter contains two wings some 13m and 20m away from the proposed block. However the flanks to these wings do not contain any windows and no overlooking will therefore occur. The nearest windows in the McCarthy and Stone building are 28 and 30m way from west facing windows and balconies in the proposed block. This distance ensures no significant overlooking will be caused, and the applicants propose to plant mature trees evergreen (Holm Oak) close to the west boundary which will further reduce the visual impact of the proposed building and any perceived overlooking.

The neighbouring house at no.17 has a long side boundary adjoining the proposed development and clearly the proposed development will have some impact on the outlook and amenity impact of this property.

The original plans submitted have been amended to reduce this impact in that part of the front and rear blocks have been moved a further 3m away from the side boundary with no. 17. The rear section of the front block is now sited 7m away from the boundary. It will extend 6m beyond the rear wall of no.17 and will have a height of 6.8m – however no.17 stands on a ground level some 2m higher so the net height will be reduced to some 4.8m. The amended position of this rear section of the front block will lie at an angle of 56 degrees drawn from the nearest window in no.17. These revisions result in a reduction in loss of outlook and amenity to no.17 to an acceptable level. The forward section of the proposed rear block has also been moved 3m further from the boundary with no.17. It will lie 7.9m from the boundary and its nearest corner would lie 31.8m from the rear wall of no.17. As a result of this amendment the prominence of the rear block will be reduced when viewed from the rear of no.17.

Another amendment proposed is the planting of 10m high evergreen trees close to the boundary with no.17 to screen views of the rear block - and these would 'complement' 3m high conifer trees on no.17's side of this boundary. However this line of taller trees would remove some afternoon and evening sunlight to the rear of no.17. Consequently, some of the proposed trees nearest to the rear of no.17 could be removed to allow for the passage of sunlight, and proposed trees further down the garden can be retained to screen the rear block. The final detail for planting of trees close to this boundary will be covered by a condition to ensure an appropriate balance is struck between the need to screen views of the rear block from no.17 and to allow sunlight to reach the rear of this neighbouring house..

In conclusion the amendments made, and further details to be agreed, will reduce the impact of both proposed front and rear blocks on the outlook and amenity of no.19 to an acceptable level.

#### Access and car parking

Many objectors to the proposed development have voiced concerns about a large number of vehicular movements adding to congestion in the area, plus related problems of inadequate car

parking and aggravation of on street car parking issues. The site lies in an accessible location and a detailed Transport Assessment (TA) has been submitted with this application covering issues such as trip generation to the development, modes of transport to be used, design of vehicular access to the site, and car parking for future residents of the scheme, for visitors, and for staff. As set out above Essex CC, as Highways Authority, states that the submitted TA is a robust one, and that with regard to safety and capacity, the impact of the proposed development will be minimal on the highway in the vicinity of the site and on the wider highway network.

A total of 64 car spaces are proposed, 51 for residents (at a ratio of 0.48 spaces per unit), 11 spaces for staff and visitor car parking, together with provision of a minibus bay and car club bay. In general terms this form of elderly care facility does not give rise to frequent trip generation. It will give rise to 79 additional vehicular movements in one day with a maximum of 10 vehicular movements being generated in any one hour. This daily increase equates to less than 1% of the existing daily traffic volumes on Alderton Hill which carries c 12,000 vehicles per day. This increase is therefore far less than the daily variation in traffic flows and will have no perceptible impact on traffic conditions. In addition the TA indicates that the change in two-way vehicle movements during the morning peak having regard to the existing use would be 0 and there would be 1 less two-way vehicle movement in the PM peak.

Notwithstanding this very low impact on the local road network (and no impact during the morning and evening peaks) the following sustainable travel initiatives are proposed :- provision of minibus, car club vehicle, electric parking spaces, mobility scooter parking, cycle parking and shower facilities for staff, on site GP services, concierge parcel collection, personalised journey planning services for residents, production of sustainable travel information for visitors, and implementation of a staff management plan to place restrictions on car use by staff.

Consequently, in respect of the Epping Forest Special Area of Conservation (SAC) officers are of the view, based on the specific evidence submitted to support this application, that the proposal can be screened out as having no likely significant effect on the Epping Forest SAC alone or in combination with other plans and projects in respect of air quality considerations. However, it is recommended that the final determination of this application should be subject to consultation with Natural England.

In conclusion, having regard to the accessible location of the site close to public transport facilities, the relatively low trip generation that this form of C2 development gives rise to, and the factors discussed above, the proposed development will have a very limited impact on 'congestion', traffic flows, car parking in the locality, and no likely significant effect on the Epping Forest SAC.

#### Other issues

NHS - The applicants have submitted evidence to show that this form of development, with its integrated health model, will reduce the burden on the NHS. This evidence states-

*The service and facilities provided are designed to improve the physical and mental health of the residents and so reduce their need for care. The onsite medical provision ensures that minor issues can be dealt with onsite and that the health of residents is carefully managed – this means ensuring that residents take medicine at the right time, exercise as appropriate, and see medical personnel when appropriate. The medical treatment room also allows patients to see a GP or specialist onsite where appropriate, which is likely be more efficient than multiple home visits if patients were living in independent accommodation. The model also ensures that residents who do in fact need to use the NHS will use the appropriate service and therefore reduce the burden on the NHS and particularly A&E.*



S.106 agreement - It is clear that the applicants Elysian want to build specialist units for the elderly, and this form of development in this location has much to commend it. However, it is appropriate for Elysian and the Council to enter into a legal agreement that will ensure that the apartments are indeed occupied by elderly residents for whom care will be provided, and also to ensure that the approved apartments are not occupied as standard C3 residential flats.

Employment generated - The development will provide the equivalent of 18 Full Time jobs. Given the accessible nature of the site most of these will go to people living in the Loughton area. A staff management plan will place restrictions on staff using their car to get to work so as to limit any additional on street car parking.

### **Conclusion:**

The proposed development provides 105 specialist apartments for occupation by the elderly. However a considerable amount of care will be provided to residents and hence the accommodation differs in character from other 'retirement living units' provided by companies such as McCarthy and Stone. The proposed apartments will not only help meet the housing needs of a fast growing elderly section of the local population, but they will give occupants much cherished independence, provide them with neighbours and a ready made 'community' – in order to reduce loneliness and isolation.

In its current form the proposal for 33 houses on the larger site of nos.13-19 is not deliverable. However, the proposed specialist homes on the smaller site of 13-15a will help meet the housing needs of the District and therefore the development is in compliance with the LPSV. In addition the applicants are very committed to build this development without delay and they are willing to accept a planning condition that requires them to commence work within 18 months rather than the standard 3 years.

In accordance with the LPSV the development makes more effective use of a site that lies close to town centre facilities and a Tube Station. It is acknowledged that the design and mass of the proposed buildings is different from the remainder of Alderton Hill. However this site has different physical characteristics and surroundings to the remainder of Alderton Hill, and the proposal would therefore not set an undesirable precedent for similar development elsewhere in the in this road. The proposed scheme, with amendments, does not significantly detract from the amenities of neighbours.

The applicants are willing to enter into a legal agreement which will ensure that the development is used only to provide specialist homes for the elderly, and this agreement would also require them to contribute financially to the provision of local health care facilities, to management and monitoring of visitors to Epping Forest, and to the provision of Controlled Parking Zones in the locality.

For these reasons, and those outlined in the report above, it is recommended that conditional planning permission is granted subject to the completion of consultation with Natural England, and also a S106 agreement.

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

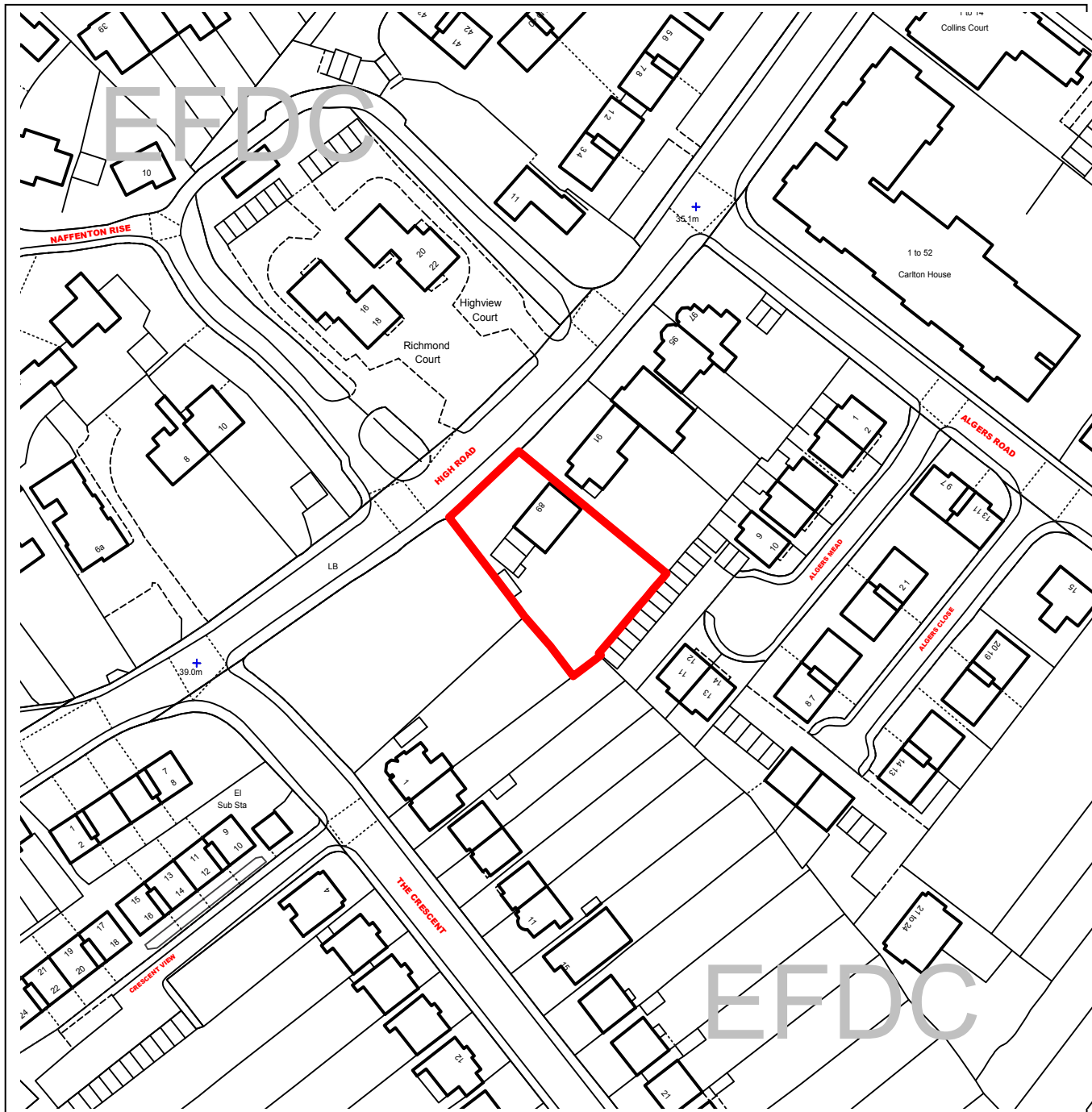
***Planning Application Case Officer: David Baker  
Direct Line Telephone Number: 01992 564514***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Agenda Item Number 3



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Application Number:	EPF/3475/17
Site Name:	89 High Road, Loughton, IG10 4JD
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/3475/17
<b>SITE ADDRESS:</b>	89 High Road Loughton Essex IG10 4JD
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Forest
<b>APPLICANT:</b>	Mr Agarwal
<b>DESCRIPTION OF PROPOSAL:</b>	Construction of new block of 10 flats.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=603837](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=603837)

**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:  
200-50  
501-100  
501-101  
502-500  
502-501  
502-502 Proposed Second Floor Plan  
502-502 Proposed Roof Plan  
503-500  
503-501 revision 01  
Design and Access Statement
- 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 Prior to first occupation of the development hereby approved, the proposed window openings in the north-eastern flank elevation, the kitchen window to flats 6 and 7 on the first floor, shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

- 5 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 6 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 7 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed. The installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 8 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 9 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 10 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in

accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

- 11 The turning area shown on the approved plans shall be provided prior to the first occupation of the site and retained thereafter free of obstruction to enable a vehicle to turn and leave in a forward gear.
- 12 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents (staff) and visitors vehicles.
- 13 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 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.
- 14 Prior to first occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be not less than 5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
- 15 Any gate provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 16 Prior to first occupation of the proposed development, the developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
- 17 No bonfire shall be permitted on site throughout the demolition and construction phase of the development.
- 18 The refuse storage facility shown on the approved plans shall be completed prior to the first occupation of the development and shall thereafter be retained free of obstruction and used for the storage of refuse and recycling only and for no other purpose, unless otherwise agreed in writing by the Local Planning Authority.

*This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

### **Description of Site:**

The site is currently vacant and set behind hoardings. The site was previously occupied by a two-storey detached house. Not Listed nor in Conservation Area.

There are two protected trees at the front of the site, two horse chestnut trees. To the side of the site is an area of public open space, an area of Epping Forest land.

The site slopes significantly down to the rear, to the southeast. There is a less pronounced, but still noticeable, slope to the surroundings of the site in that the ground falls to the northeast and rises to the southwest.

The site has a depth of some 40m and an average width of 25m.

### **Description of Proposal:**

Construction of new block of 10 flats.

The building to accommodate the flats would have three storeys. On the ground floor would be 3 one bedroom flats and 1 two bedroom flat. On the first floor would be the same arrangement; 3 one bedroom flats and 1 two bedroom flat. On the roof storey would be 2 two bedroom flats.

The building to accommodate the flats would have a central communal entrance door on the front elevation and the appearance of the proposed building would generally resemble a substantial detached house of a contemporary style, albeit that two of the ground floor flats would have glazing giving access to sitting out terraces. The façade of the building would be visually broken up by two front bays and a canopy to the main entrance door. The front elevation would appear as two whole storeys plus two front gables and roof lights to the front of the crown roof.

The building would have a maximum width of some 18.5m, a maximum depth of some 18m and a height at the front elevation of 9.7m. These dimensions would fit within the shell of the building previously granted planning permission, indeed the maximum height has been reduced by nearly 0.5m.

The flats would have a residential floorspace of some 620 sq m gross internal floor area.

Ten parking spaces and a building to accommodate bicycle storage and a bin store would be set to the rear of the building to accommodate flats.

### **Relevant History:**

EPF/2442/14 - Demolition of existing house and erection of a building to accommodate ten one-bedroom flats. Parking area of ten spaces to rear of building, with vehicular access to southwest of building. Pedestrian bridge to front entrance of building. – Allowed at appeal 20/07/2015

EPF/2378/15 - Amendment, to planning approval EPF/2442/14 (appeal reference APP/J1535/W/15/3011328) from 10 one-bed flats to 8 one-bed flats and 2 two-bed studio flats, together with minor external alterations to rooflights and formation of front dormer to replace small feature roof over front bay. – Granted 11/01/2016

EPF/0541/18 - TPO/EPF/22/99 T2: Horse Chestnut - Fell & Replace with Tulip Tree, as specified.  
– Undetermined

**Policies Applied:**

*Adopted Local Plan:*

CP1	Achieving Sustainable Development Objectives
CP2	Quality of Rural and Built Environment
CP7	Urban Form and Quality
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
ST4	Road Safety
ST6	Vehicle Parking

*NPPF:*

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

*Epping Forest District Local Plan (Submission Version) 2017:*

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intends to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

SP 1 - Presumption in Favour of Sustainable Development  
SP 2 A. (iii) - Spatial Development Strategy 2011-2033  
SP 3 - Place Shaping  
SP 7 E. - The Natural Environment, Landscape Character and Green and Blue Infrastructure  
H 1 - Housing Mix and Accommodation Types  
T 1 - Sustainable Transport Choices  
DM 1 - Habitat Protection and Improving Biodiversity  
DM 3 - Landscape Character, Ancient Landscapes and Geodiversity  
DM 9 - High Quality Design  
DM 10 - Housing Design and Quality  
DM 11 - Waste Recycling Facilities on New Development  
DM 15 - Managing and Reducing Flood Risk  
DM 16 - Sustainable Drainage Systems  
DM 18 - On Site Management of Waste Water and Water Supply  
DM 19 - Sustainable Water Use  
DM 20 - Low Carbon and Renewable Energy  
DM 21 - Local Environmental Impacts, Pollution and Land Contamination  
DM 22 - Air Quality  
D 7 - Monitoring and Enforcement

#### *Other documents*

ECC Development Management Policies 2011 SPG

ECC: Revised Vehicle Parking Standards (2009) SPG

Epping Forest District Council – Waste and Recycling provisions for new residential & business developments, Good practice guide for developers.

### **Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted: 25

Site notice posted: 17/01/2018

Responses received:

91 HIGH ROAD – Object, overcrowding and over-density, noise and other disturbances, waste disposal implications should be addressed, overshadowing, out-of-scale size, loss of privacy.

LOUGHTON RESIDENTS ASSOCIATION PLANS GROUP – Object, design of the front elevation appears non-descript and out-of-keeping with its surroundings, proposed materials would be out of keeping, conditions to any approval should be carried over from the previous approval, in particular would wish to see conditions to provide suitable landscaping, restrict demolition and building work hours to the Council's usual standard hours and to require wheel-washing equipment on-site.

LOUGHTON TOWN COUNCIL: No objection to this application, but expressed concern for the loss of any trees. Members requested that the Planning Authority was minded to grant this application the following conditions should be imposed:

- i. Occupiers would not have access to any resident parking schemes in the area;
- ii. To restrict demolition and building work hours to the Council's usual standard hours; and
- iii. To require wheel washing equipment on site

### **Main Issues and Considerations:**

The principle of residential development in the form of ten flats is considered to have been established by planning permission having been granted at appeal for such. Since the date of the Inspector's decision the Submission Version of the Local Plan has been adopted and relevant policies from the Submission Version of the Local Plan are considered below.

Since the date of the Inspector's decision to grant planning permission for ten flats the Council has produced a good practice guide for waste and recyclable material storage and collection. However, this has not yet been adopted as Supplementary Planning Guidance.

The Inspector who determined the appeal for flats at the site considered that the main issues were character and appearance; amenity space provision and parking provision for the proposed occupants. The current proposal raises the same main issues.

Impact to neighbours and other matters, such as amenity for future occupiers, are also addressed below.

#### **Character and appearance**

With regard to the appearance of the proposal, the proposed building would appear as a detached house and would be set back from the road by some 8m, in line with the neighbouring house at no. 91. It is considered that the proposed building would not have significant prominence due to being set at a lower level than that of the highway. Whilst the comment of Loughton Residents' Association regarding the non-descript appearance of the proposed building is noted, it is



considered that no material harm to any degree sufficient to reasonably refuse the application would arise to the character and appearance of the locality.

#### Amenity space provision

The Inspector found that amenity space provision for the approved development appeared to not be dissimilar to that provided for nearby flats and that there is public open space adjacent the site. No reasonably usable on-site private amenity space was proposed for the approved development. That proposal really only provided a landscaped setting for the development. The current proposal would have four of the flats being two-bedroom rather than one bedroom thereby generating a somewhat greater need for private amenity space. Furthermore, since the date of the appeal decision, the Epping Forest District Local Plan Submission Version is now part of the policy background. Policy DM 10, Housing Design and Quality has replaced policy DBE8, private amenity space. Policy DM 10 requires family housing to have a private garden/amenity space. A definition of family housing does not appear in appendix 1, which lists acronyms and has a glossary. Family housing is normally taken to be three bedrooms or more. Since the development approved at appeal was found acceptable with no usable private amenity space it would not be reasonable to object to this current proposal on the basis of insufficient amenity space provision. Furthermore, flats 1 and 2 would each have a private deck, a small sitting out area off the living rooms.

#### Parking provision

With regard to car parking provision the Inspector commented, at paragraph 10 of the decision letter (APP/J1535/W/15/3011328), that standards require one parking space per one bedroom unit and that the then proposed development would satisfy this. The Inspector stated that the absence of visitor parking provision did not make the proposal unacceptable.

For the design allowed at appeal the standard was 1 space per dwelling. The ten one bedroom flats had 10 spaces. For the current design the standard is 1 space per dwelling for the 6 one bedroom flats and 2 spaces per dwelling for the 4 two bedroom flats. The total requirement, therefore, is now 14 spaces. However, the proposal would only provide 10 car parking spaces, although that does maintain the one space for one dwelling ratio previously approved.

The local highway authority has been consulted on the application and has commented that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the measures which could be addressed by condition. The measures relate to provision of hardsurfacing to the parking area; a travel information pack of sustainable travel options being provided to future occupiers; and, ensuring no gate is put on the vehicular access.

Since the commercial centre of Loughton and Loughton London Underground Station are within a reasonable walking distance it is considered maintaining provision at a rate of one for one is acceptable in this particular location.

At paragraph 4 the Inspector commented how the NPPF promotes sustainable development and that the site is located within reach of services and facilities and is on a bus route so was considered by the Inspector to be in a sustainable location. At paragraph 16 the Inspector stated that to encourage the use of sustainable transport modes a condition was necessary to require the provision of a Residential Travel Information Pack.

Section 4 of the NPPF is concerned with promoting sustainable transport. Paragraph 34 states that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Given that an Inspector has opined that the site is at a sustainable location, it is considered that the proposal could not justifiably be refused on the basis of insufficient provision of off-street parking spaces..

### Impact to neighbours

With regard to impact to neighbours, 91 High Road is to the northeast and houses facing onto The Crescent are to the south and to the southwest. To the rear of the site is a garage court. A flank wall of the proposed building would be set some 2.5m from a flank wall of no. 91.

The plans show that the proposed building would be positioned such that its nearest corner would be clear of a line drawn at 45 degrees from the position of a rear window of no. 91. It is considered that no material loss of light or outlook would occur to the occupiers of no. 91 that would be of any sufficient degree to reasonably justify refusal. Accordingly the letter of objection referring to overshadowing is not supported.

Flats 6 and 7 would have a side window at first floor looking towards no. 91. However, for both flats the window would be to a kitchen area which would be contiguous with a living room area, in an open plan arrangement. The living rooms would have a window to the front, for flat 6, or to the rear, for flat 7. With such an arrangement it is considered reasonable to require that the side windows on the north-eastern elevation be obscure glazed. There would be no window on the north-eastern side elevation at second floor level.

Isolation distances from properties on The Crescent and Algiers Mead are considered to be such that no material adverse impact would result to occupiers of these properties.

### Other matters

The Trees and Landscaping team has commented that it has no objection subject to conditions regarding tree protection; hard and soft landscaping; and, retention of trees and shrubs.

With regard to the area of public open space to the west, the City of London Conservators have written to state that the Conservators would have no observations to make.

The Waste Management Team has commented that the waste store is located at the back of the development accessed by a roadway on the site. However, an area that would allow the collection vehicles to turn is absent and therefore there would be difficulty accessing the waste at this site. The agent has confirmed that there is not enough space for a refuse vehicle to turn onsite. Whilst this is a significant problem, it is considered that this matter must be addressed by means of a condition as no current adopted policy addresses this matter. A recent appeal decision for flats elsewhere, at 56 Tycehurst Hill, APP/J1535/W/17/3186535, indicates that recent policies in isolation are not yet being given sufficient weight to adequately make refusals tenable.

The proposed accommodation has been examined and found to be acceptable with regard to floorspace; all the flats would be of a size acceptable with regard to the space standards forming part of Policy DM 10 of the Submission Version of the Local Plan.

The layout of the flats is essentially the same on ground and first floors ensuring that noise between living rooms and bedrooms would not be a problem. The bedroom of flat 9 on the second floor would be above the living room of flat 7 on the first floor. The bedroom of flat 10 on the second floor would be above the living room of flat 5 on the first floor. However, the overall arrangement of accommodation is considered to be one that would engender an ample degree of residential accommodation.

Essex Police has commented that it would be eager to assist the developer in achieving the aspiration as outlined in the design and access statement section 3.6 "the development will comply with the Secured by Design standards".

In relation to the Town Council's comment about prohibiting future residents from receiving residents parking permits in any future residents parking scheme, that falls outside of the scope of planning control. Court judgements have ruled a section 106 agreement (or unilateral planning

obligation under that section) that seeks to prevent residents from applying to the Council for a parking permit in a controlled parking zone is unlawful. The courts found such a restriction is not within the scope of section 106. The most recent judgment was of the Court of Appeal in May 2017. It made clear that, outside Greater London, a covenant cannot be inserted in a planning obligation that seeks to prevent residents from applying for residents' parking permits.

Finally, the proposal does not hit the threshold requiring the provision of affordable housing on the site, being less than 11 units and the gross internal floor area is less than 1000 sqm (proposal is 620 sqms in this case).

### **Conclusion:**

An appeal decision has established the principle of flats being acceptable at this site. No aspect of the detailed design is considered to be such that the application could be reasonably refused. Accordingly the recommendation is one of approval 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:***

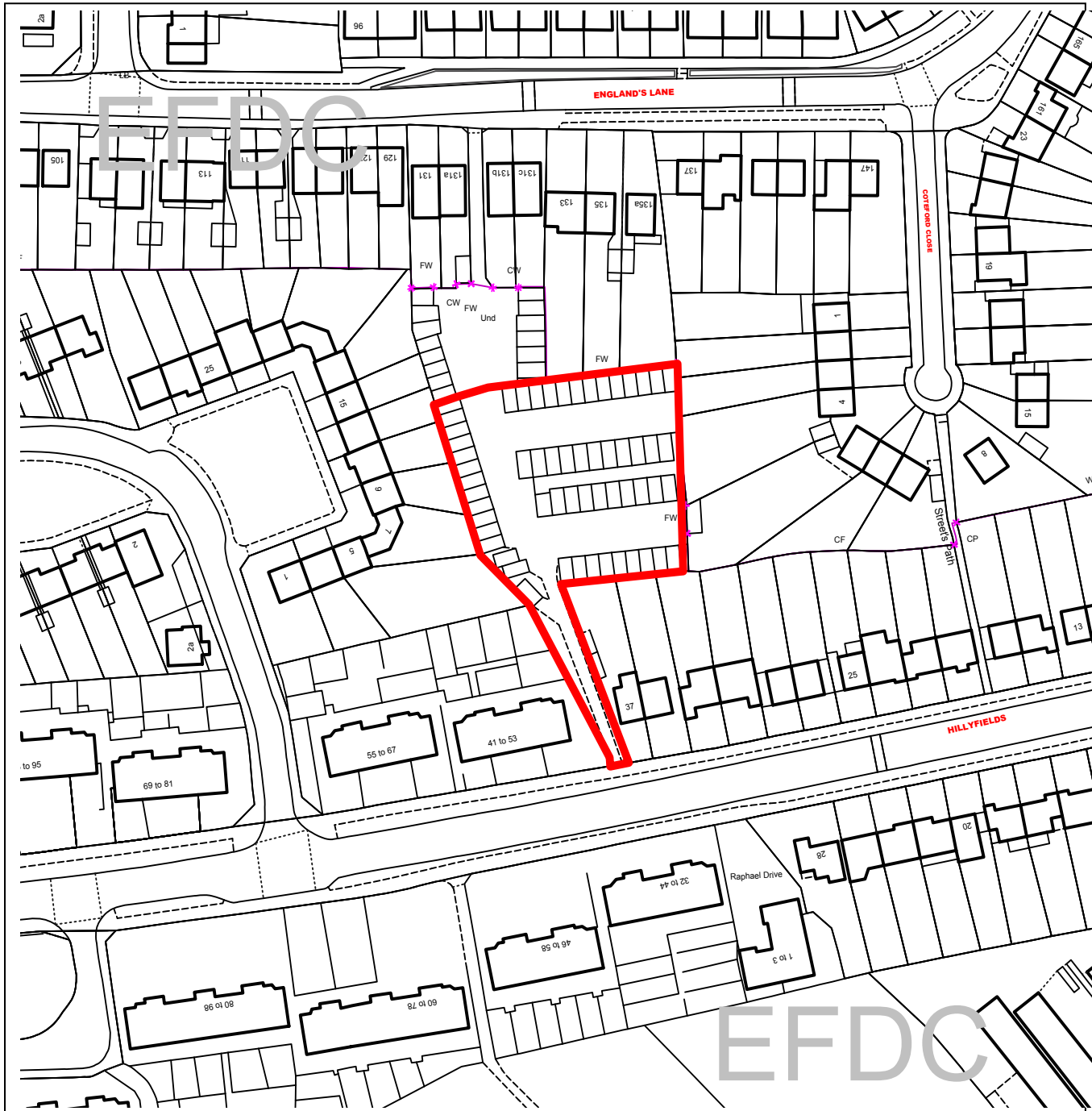
***Planning Application Case Officer: Jonathan Doe  
Direct Line Telephone Number: 01992 564103***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Agenda Item Number 4



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Application Number:	EPF/3512/17
Site Name:	Land to the rear of 33-37 Hillyfields, Loughton, IG10 2PT
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/3512/17
<b>SITE ADDRESS:</b>	Land to the rear of 33-37 Hillyfields Loughton Essex IG10 2PT
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Fairmead  Loughton St Johns
<b>APPLICANT:</b>	Mr S Tappenden
<b>DESCRIPTION OF PROPOSAL:</b>	Construction of new access with 7 no. three bed houses and 2 no. two bed houses and associated parking
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=603953](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=603953)

**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: 1714.10 rev B, 1714.11 rev A, 1714.12 rev A and 1714.14
- 3 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 4 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.
- 5 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 6 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 7 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

- 8 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 9 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.
- 10 No construction works above ground level shall take place until details of boundary treatment, including details of retaining walls, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 11 Prior to the commencement of the development, details of external lighting to the access road and car parking areas shall be submitted to and approved by the Local Planning Authority. The works as agreed shall be fully implemented prior to first occupation of the buildings.
- 12 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 13 The development shall be carried out strictly in accordance with the flood risk assessment (Ingent Consulting Engineers - Flood Risk Assessment, Ref 1709-032, October 2017) and drainage strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority.
- 14 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 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.
- 15 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed at the site. The installed cleaning facilities shall be used to clean vehicles wheels immediately before leaving the site.

- 16 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose
- 17 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
- 18 Notwithstanding any details approved under condition 12 above, there shall be no discharge of surface water onto the Highway.
- 19 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class B and C of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 21 No additional windows other than those shown on the approved plans shall be installed in the side elevation of Unit1 a (as so identified on drawing number 12105-P002-D) without prior consent from the Local Planning Authority.

*This application is before this Committee since:*

- *it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval*
- *it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal to be approved are received*

*Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3*

### **Description of Site:**

The application relates to a site of around 0.21 hectares accessed by a single vehicle entrance from the north side of Hillyfields. The site has recently been cleared of buildings, having previously housed a privately owned court of 56 lock-up garages. Prior to demolition and fencing, the site was poorly maintained, both in terms of the buildings and the general site condition.

The site is primarily surrounded by residential properties and there is a separate block of garages immediately to the north accessed from England's Lane and constructed with a significantly higher finished ground level; there is no link between the two areas. Otherwise surrounding properties are a mix of two storey houses and three storey flats, particularly on Hillyfields. The site entrance lies



close to a bus stop. Land at the site and in the surrounding area rises from south to north such that a change of existing built levels is clearly visible.

### **Description of Proposal:**

Previous applications for the site were constrained by the presence of a drain crossing the site. The new owners have undertaken more detailed investigations and have satisfied themselves that the drain in question is no longer connected and can be removed, allowing development of the whole site.

The application therefore proposes two terraces of housing providing a total of nine units. The shorter terrace of four dwellings faces south and comprises two mid-terrace three bedroom houses (the third bedroom in the roof features a rear dormer) and two end-terrace two bedroom houses with hipped roofs. The block sits in the same position as the equivalent part of the previously approved scheme.

The second terrace lies at right angles to the above and comprises 5 x three bedroom dwellings, all with rear dormers to form a bedroom; this block has half hipped roofs to the end units.

All units are provided with private gardens ranging from 50 sq.m to 65 sq. m and all have rear access. Refuse and recycling storage is indicated on the frontage of each property.

The parking and turning arrangements are almost identical to the approved scheme. This includes a turning head to allow refuse and service vehicle access and 22 parking spaces, increased by provision of individual rather than communal bins and other reconfiguration and parking and landscaping.

### **Relevant History:**

EPF/0513/16 Proposed demolition of existing garages and erection of 8 no. dwellings (6 x three beds and 2 x two beds), with associated access and parking – Refused due to impact of a detached dwelling on the east site boundary having a disproportionate impact on neighbouring occupiers

EPF2913/16 Revised application as above, proposing seven dwellings (5 x three bed and 2 x two bed) - Approved subject to conditions.

### **Policies Applied:**

#### *Adopted Local Plan:*

CP1	Achieving sustainable development objectives
CP2	Quality of rural and built environment
CP7	Urban form and quality
RP4	Contaminated land
RP5A	Adverse environmental impacts
H2A	Previously developed land
H3A	Housing density
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE5	Design and layout of new development
DBE8	Private amenity space
DBE9	Loss of amenity
LL11	Landscaping schemes

ST4	Road safety
ST5	Travel plans
ST6	Vehicle parking

#### *NPPF:*

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

#### *Draft Local Plan:*

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

SP1	Presumption in favour of sustainable development
SP7	Natural Environment, Landscape Character and Green Infrastructure
H1	Housing Mix and accommodation types
T1	Sustainable Transport choices
T2	Safeguarding routes and facilities
DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM10	Housing Design and Quality
DM15	Managing flood risk
DM16	Sustainable drainage systems
DM21	Local environmental impacts, pollution and land contamination

### **Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted: 75

Responses received: Eight objections have been received, from 129, 131, 135 and 135a ENGLANDS LANE, 33 and 41 HILLYFIELDS, and 3 and 4 COTEFORD CLOSE. Principle concerns relate to:

- Overall level and intensity of development is excessive for the site
- Direct amenity impacts – loss of daylight and sunlight, overlooking and loss of privacy, visual impact from the height and general appearance of the buildings.
- Parking and access issues – the suitability of the site entrance for service vehicles, conflict between vehicles entering and leaving the site and resultant impact on the highway, pedestrian access.
- Drainage matters – whether drainage is adequate for the site, changes to the scheme to now include development in the previous no-build zone and how the site functions in relation to run off from the higher ground to the north.
- Other matters – disturbance during construction, property values etc – not relevant to the application.

Residents of three properties – 129 and 131 ENGLANDS LANE and 41 HILLYFIELDS make detailed comments in respect of preliminary works that have been undertaken at the site in

removing the pre-existing garages. This has included removal of fencing, encroachment and damage to an adjacent crossover, and the removal of potentially supporting fencing and surfacing that may affect the stability of garages on higher ground to the north. While these issues are acknowledged, they are primarily civil matters for resolution between the affected parties and wholly outside the planning application process and therefore have no material effect on the determination of the application.

LOUGHTON TOWN COUNCIL had no objection to the application

### **Main Issues and Considerations:**

Consideration of the application must have due regard to the previous approved scheme and the matters that have been agreed.

In this regard, the vehicle access proposals are unchanged. The turning head within the site will allow service and emergency vehicles to turn within the site and the Highway Authority have again not objected to the access on grounds it is unsuitable in size or location, that the level of vehicle activity arising from nine units would have an adverse impact on highway safety, or that the access is not suitable for a shared surface for pedestrians and vehicles. The only vehicle related issue to consider therefore is whether the additional parking provision is sufficient for the increased numbers

The smaller terrace is located in the same place as the western end of the previous application and is of the same design with the hipped roof. Thus, this element is neutral in terms of potential impact on neighbours.

In terms of the 5 dwelling terrace, this proposes two storey buildings with rooms in the roof featuring rear dormers. Residents in Coteford Close to the east have commented on overlooking from these properties. The new terrace is around 11.5m from the shared boundary, and because of the longer than average rear gardens in the existing properties, around 40m from the buildings. These separation distances compare favourably to any assessment of back to back distances in a built up areas where back to back separation on 10 metres per storey would be considered desirable, even allowing for rooms in the roof space.

Properties to the north lie on rising ground and the buildings sit at least 2m above the site. This is evident from the garage court that bounds the site along almost half the length of the boundary, however residential gardens immediately abutting the new block do fall away to levels closer to the site and furthermore, the elevated buildings are a minimum of 30m from the proposed terrace. The orientation will result in a degree of overshadowing of the rear parts of the neighbouring gardens, but the degree of separation overall will limit the impact on the wider plots and the buildings themselves.

Objectors have made reference to the overall intensity of development, particularly in the context of the previous refusal of the application proposing 8 units. However, that application was refused specifically on the impact on neighbours from building adjacent to the eastern site boundary. The proposal as now presented proposes a density of 43 dwellings per hectare which it should be noted is within the range previously sought by policy H3A of the current Local Plan and is entirely appropriate in the site context.

Officers have also considered the quality of the living conditions of future occupiers from the siting of the blocks around 3 metres apart. The retention of the hipped end to the four dwelling block is intended to allow maximum daylight to the front of the larger block which is in any event designed with kitchens at the front at ground floor and main living rooms to the rear. Thus in terms of overshadowing and visual impact, the relationship is acceptable. First floor windows to bedrooms in the larger block will overlook rear gardens in the smaller block at right angles from the first floor

bedroom only, but officers consider that in a new development, this of itself is primarily a matter for the occupiers. In broader terms, all units have usable private garden areas and parking at a minimum of two spaces per unit with additional visitor provision is available. Thus the proposal provides a good quality residential environment.

Finally, the proposal does not hit the threshold requiring the provision of affordable housing on the site, being less than 11 units and the gross internal floor area is less than 1000 sqm (proposal is 880 sqms in this case).

### **Conclusion:**

The principle of residential development on this site has been already established and accepted by the 2016 planning permission. The emerging Local Plan and clearly the current adopted Local Plan does not alter this principle. The application proposes additional dwellings on the basis the new applicants have satisfied themselves that the drain crossing the site is redundant and more of the site is capable of being developed. As a result the number of units is increased but not to such an extent that the site could now be considered intensively used.

The relationship with surrounding properties is considered acceptable, separation distances beyond the urban norm are maintained with all surrounding properties such that direct impact is limited. The overall level of activity arising from the level of development is no more intensive than the surrounding area.

The proposals include highway requirements in terms of access for service vehicles as previously approved and that level of highway activity would not be so materially different as to suggest to the Highway Authority that the access is now unsuitable.

While it is noted that the demolition of the existing buildings has raised issues with adjoining owners, these matters are outside the planning process and should not be considered in determining the planning merits. The application proposes new housing in a sustainable location and of a scale appropriate to the site and wider location.

***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: Ian Ansell  
Direct Line Telephone Number: 01992 564481***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## Agenda Item Number 5



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Application Number:	EPF/0226/18
Site Name:	17 Luctons Avenue, Buckhurst Hill
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0226/18
<b>SITE ADDRESS:</b>	17 Luctons Avenue Buckhurst Hill Essex IG9 5SG
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>APPLICANT:</b>	Mr Peter Gropper
<b>DESCRIPTION OF PROPOSAL:</b>	Creation of roof terrace on the flat roof of an existing ground floor extension. Installing metal framed doors within an existing window opening to allow access to the proposed terrace.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=605033](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=605033)

**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 proposed obscure glazed vertical screen facing Nos 15 and 19 Luctons Avenue shall be entirely fitted with obscured glass and shall be permanently retained in that condition.

*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 Services – Delegation of Council functions, Schedule 1, Appendix A.(g))*

**Description of Site:**

The application site comprises of two storey detached dwelling situated within the built up enclave of Buckhurst Hill West. It is not within a Conservation area nor is it a Listed Building. The street largely comprises of large two storey semi-detached and detached dwellings built on generous plots. Majority of rears gardens along this street are of a generous depth and width. A number of dwellings have benefitted from visible alterations and extensions over the years. There is no uniform architectural style or design of dwellings along this street.

### **Description of Proposal:**

Creation of roof terrace on the flat roof of an existing ground floor extension. Installing metal framed doors within an existing window opening to allow access to the proposed terrace.

### **Relevant History:**

EPF/0227/18 Changes to fenestration and addition of chimney.      Approved

EPF/1438/03 Single storey front extension to enlarge garage, front canopy and single storey rear extension. (Revised application)      Approved and Implemented

EPF/0955/03 Two storey and single storey rear extensions, new canopy to front and single storey front extension to enlarge garage. Refused

CHI/0152/67 Erection of garage & addition to house. Approved and implemented.

### **Policies Applied:**

#### *Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

#### *NPPF:*

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

#### *Epping Forest District Local Plan (Submission Version) 2017:*

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

SP1 - Presumption in Favour of Sustainable Development  
DM9 - High Quality Design  
DM10 - Housing Design and Quality

### **Summary of Representations Received**

4 Neighbours consulted:

No representations received

BUCKHURST HILL PARISH COUNCIL: OBJECTED due to height and density of screen impact on neighbour 15 Luctons Avenue, giving the appearance of another storey.



Officer Comments: Plans have been amended showing an obscure glazed screen of 1.7m in height compared with the initially proposed 1.74m high solid timber screen. The proposal would therefore appear more open and less oppressive when viewed from this neighbour's own roof terrace and their habitable room windows at first floor level. There is also a screen between the application dwelling and no.19 Luctons Avenue which was not there as part of the original proposals. As such the revised proposal is more suitable designed and more sensitive to neighbouring dwellings living conditions.

## **Issues and Considerations**

The main issues and considerations for this planning application are the design and appearance of proposal and the impact of the development on neighbour living conditions.

### Design

The proposed changes would not be visible from the street scene due to their siting. The proposed roof terrace would be similar in design, scale and size to the adjoining terrace at No.15 Luctons Avenue. The decision reference for this is EPF/0606/14. Moreover, aerial imagery and planning records indicate the presence of terraces at No.46 and 48 Roebuck Lane which is towards the rear of the application site. As such, the proposed terrace would not appear out of character within the immediate locality.

### Living Conditions of neighbours

The proposed roof terrace would not span the full width of the application dwelling. It would be 8m set in from no.19 Luctons Avenue. It would be 1.7m in height and obscure glazed from its flank elevations. As such, the proposed roof terrace would not result in significant increases in the levels of overlooking into this dwellings rear garden area compared with the existing situation. Moreover, this neighbouring dwelling is built on land levels higher than the application site which further limit the impact of the proposal on this dwelling.

The roof terrace would be similar in height and depth to the existing terrace at no 15 Luctons Avenue. The proposed terrace is set away from the existing terrace at this neighbouring dwelling by a considerably distance of 5m as measured on site. Whilst the application dwelling is built 1m higher than number 15, both dwellings have similar land levels due to the eaves height of both dwellings being the same. The existing rear addition at the application dwelling is 0.5m higher than the rear addition at no.15. As such, the proposed terrace would appear 0.5m higher than the terrace at number 15. This minimal increase would not result in excessive harm to no 15's rear outlook when viewed from their rear garden area and rear habitable room windows. The proposal would not appear overbearing or cause significant loss of light and or privacy to this neighbour.

There will be a 1.7m high obscure glazed vertical screen between the proposed terrace and no 15 Luctons Avenue. As such, the proposed would not result in excessive overlooking into this neighbouring dwellings rear garden area.

Due to the distance between the application dwelling and dwellings to the rear on Roebuck Lane, there would be no excessive harm to neighbour amenity to these rear dwellings as a result of the proposed development. Moreover, there is sufficient screening provided by trees and hedges along the curtilage of the site that would significant reduce any overlooking into these rear dwellings along Roebuck Lane.

Overall, it is considered that the proposal would safeguard the living conditions of neighbours.

**Conclusion:**

The proposal is modest in size and scale and not unusual form of development in this locality. It would be of a size, scale and design that would safeguard living conditions of neighbours. It is recommended that planning permission be granted for the said development.

***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: Sukhdeep Jhooti  
Direct Line Telephone Number: 01992 564298***

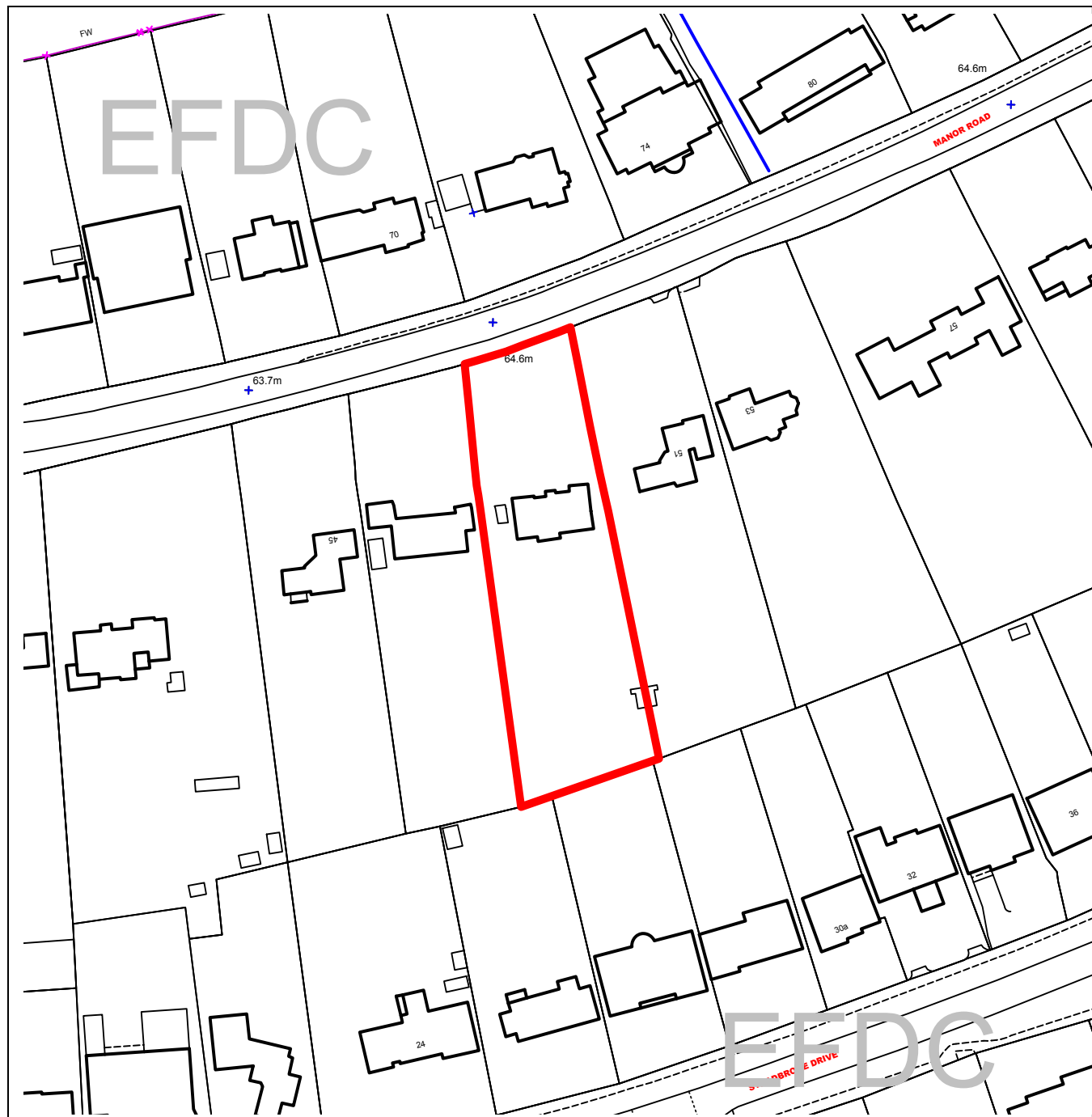
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## Agenda Item Numbers 6, 7, 8, 9 & 10



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Application Number:	EPF/0295/17, EPF/0535/17, EPF/0536/17, EPF/2315/17, EPF/2877/17
Site Name:	49 Manor Road, Chigwell, IG7 5PL
Scale of Plot:	1/1250

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0295/17
<b>SITE ADDRESS:</b>	49 Manor Road Chigwell Essex IG7 5PL
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>APPLICANT:</b>	Mr M Chaudhry
<b>DESCRIPTION OF PROPOSAL:</b>	Certificate of Lawful Development for proposed loft conversion with three rear dormers.
<b>RECOMMENDED DECISION:</b>	Not Lawful

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=591516](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=591516)

**REASON FOR REFUSAL**

- 1 Evidence including the Inspector's decision in relation to an appeal against the refusal of application EPF/1593/16 (PINS ref APP/J1535/D/16/3156235) demonstrates the dormer windows had been constructed prior to the date of the application. It is therefore not possible to certify the dormer windows are a lawful proposed development under section 192 of the Town and Country Planning Act 1990. Moreover, the planning history for 49 Manor Road indicates that the original roof had been considerably enlarged prior to the submission of the application and that the amount of enlargement taken place is likely to exceed the 50 cubic metre limitation on development permitted under Class B of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015.

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/0535/17
<b>SITE ADDRESS:</b>	49 Manor Road Chigwell Essex IG7 5PL
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>APPLICANT:</b>	Mr Muhammad Chauderhy
<b>DESCRIPTION OF PROPOSAL:</b>	First floor rear extension to eastern side of first floor bay.
<b>RECOMMENDED DECISION:</b>	Refuse Permission (Householder)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=592236](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592236)

**REASON FOR REFUSAL**

- 1 By reason of its bulk, siting and height in relation to a gable feature in the existing rear elevation, the proposed first floor rear extension would appear incongruous within its context harming the visual coherence and harmony of the rear elevation. As a consequence, the proposal would fail to complement the appearance of the existing house, contrary to Local Plan and Alterations policy DBE10 and to draft Local Plan (Submission Version 2017) policy DM 9 A(i) and DM 10 E, which are consistent with the policies of the National Planning Policy Framework.

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/0536/17
<b>SITE ADDRESS:</b>	49 Manor Road Chigwell Essex IG7 5PL
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>APPLICANT:</b>	Mr Muhammad Chaudhery
<b>DESCRIPTION OF PROPOSAL:</b>	First floor rear extension to western side of first floor bay
<b>RECOMMENDED DECISION:</b>	Refuse Permission (Householder)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=592237](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592237)

**REASON FOR REFUSAL**

- 1 By reason of its bulk, siting and height in relation to a gable feature in the existing rear elevation, the proposed first floor rear extension would appear incongruous within its context harming the visual coherence and harmony of the rear elevation. As a consequence, the proposal would fail to complement the appearance of the existing house. Moreover, the proposal would appear cramped and over dominant in relation to the site boundary with 47 Manor Road when seen from the rear gardens of both 47 and 49 Manor Road, detracting from their setting. Accordingly, the proposal is contrary to Local Plan and Alterations policy DBE10 and to draft Local Plan (Submission Version 2017) policy DM 9 A(i) and DM 10 E, which are consistent with the policies of the National Planning Policy Framework.

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/2315/17
<b>SITE ADDRESS:</b>	49 Manor Road Chigwell Essex IG7 5PL
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>APPLICANT:</b>	Mr M Chaudhry
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of ground floor front extensions and front porch/portico with balcony over.
<b>RECOMMENDED DECISION:</b>	Grant Permission

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=598933](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=598933)

**CONDITIONS**

NONE



**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/2877/17
<b>SITE ADDRESS:</b>	49 Manor Road Chigwell Essex IG7 5PL
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>APPLICANT:</b>	Mr M Chaudhery
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective planning application for ground floor rear storage shed
<b>RECOMMENDED DECISION:</b>	Refuse Permission (Householder)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=601573](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=601573)

**REASON FOR REFUSAL**

- 1 The proposed storage shed, by reason of its poor design and prominent elevated and cramped siting between a swimming pool building and site boundary with 47 Manor Road fails to achieve a high quality standard of design and detracts from the visual amenities of the rear garden at 47 Manor Road, amounting to harm to the living conditions of 47 Manor Road. Accordingly, the proposal is contrary to Local Plan and Alterations policies DBE1(i) and DBE9(i) and to draft Local Plan (Submission Version 2017) policy DM 9 A (i) and H (iii), which are consistent with the National Planning Policy Framework.

*These applications are before this Committee since they are applications considered by the Director of Governance as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

### **Preliminary information:**

This report considers 5 applications relating to the same property. Three seek planning permission for extensions and alterations to a house, one seeks planning permission for the erection of an outbuilding and one seeks to establish whether or not planning permission is required for dormer windows.

The applications were submitted in the course of the past 13 months but were not decided, in large part due to the need to deal with inconsistencies between drawings and concerns about their accuracy. Those inconsistencies are now sufficiently resolved for decisions on the applications to be made. Moreover, following Members expression of concern about outstanding planning matters at the February meeting of this Sub-Committee Officers gave a verbal commitment to present all outstanding applications relating to 49 Manor Road to its April meeting.

Planning history for the property includes a planning enforcement investigation in relation to the raising of land on part of the rear garden. While that matter is irrelevant to the applications relating to extensions and alterations to the house, it is relevant background information to the application for the erection of the outbuilding. The enforcement investigation is reported for noting elsewhere on this agenda.

Members are reminded that every application must be decided on its own merits. Planning applications must be decided on the basis of their planning merits while applications for Certificates of Lawfulness must be decided on the basis of relevant factual information and planning legislation only.

Members are also reminded that Applicants have a right of appeal against decisions to refuse permission and that the Council may be at risk of an award of costs against it if it fails to substantiate a reason for refusal. Since the four planning applications are all householder applications, in the event of an appeal against the refusal of planning permission the Council will not have an opportunity to submit a statement of case to the Planning Inspectorate. This report together with relevant minutes of this meeting will be the Council's full case.

In the event of an appeal against the refusal of the application for a Certificate of Lawfulness, the Council would have an opportunity to submit a statement of case.

### **Description of Site:**

The application property comprises of a large a two-storey detached house in generous grounds. Land levels rise rear of the house and fall beyond the rear garden boundary within gardens of houses on Stradbroke Drive. The surrounding area is characterised by large two storey detached houses of various designs in large plots. The provision of accommodation in the roof space is not uncommon.

Land levels also rise from west to east. 51 Manor Road, to the east, is on ground in the region of 0.3m higher than the application site and no. 47 is around 0.7m lower. The degree of change in levels on the site boundary with no. 47 is a consequence of the Applicant previously carrying out works to raise land adjacent to the site boundary for the purpose of creating a more level rear garden. Those works are the subject of a planning enforcement report for noting elsewhere in this agenda.

Neither the house nor any neighbouring buildings are listed and the locality does not form part of a conservation area. There are a number of trees on and adjacent to the site boundaries the site and neighbouring land. All those trees are protected by a Tree Preservation Order.

### **Description of Proposal:**

As stated above, this report relates to four householder planning applications and one application for a Certificate of lawfulness. They are detailed as follows:

#### *Application reference EPF/0295/17:*

This application seeks a Certificate of Lawfulness for the proposed erection of three dormer windows in the rear facing roof slope in connection with a loft conversion.

The proposed development has been carried out. The dormer windows are located in the central part of the roof, contained by a gable feature at either end of the roof. The dormers are identical in design, each having a gabled roof, a width of 2m, a height of 1.5m to the eaves and 2.5m to the ridge. Each dormer window projects 3m along its ridge and is set 1.5m below the ridge of the main roof of the house. The volume of each dormer appears to be not more than 4.5 cubic metres therefore the total volume of all three dormer windows appears to not be more than 13.5 cubic metres. The volume figures stated are estimates since the drawings submitted to date do not as a whole include sufficient information to demonstrate their volume.

#### *Application reference EPF/0535/17:*

This application seeks planning permission for the erection first floor rear extension to eastern side of a first floor bay. The development has not been carried out.

The extension would be 4m wide by 4m deep. The extension would square off the first floor plan of the house adjacent to the boundary with 51 Manor Road. The height and form of the roof above the proposed extension would match that of the roof above the first floor rear bay it enlarges.

#### *Application reference EPF/0536/17:*

This application seeks planning permission for the erection first floor rear extension to western side of a first floor bay. The development has not been carried out.

The extension would be 5.6m wide by 4m deep. The extension would square off the first floor plan of the house adjacent to the boundary with 47 Manor Road. The height and form of the roof above the proposed extension would match that of the roof above the first floor rear bay it enlarges.

#### *Application reference EPF/2315/17:*

This application seeks planning permission for alterations to the front elevation of the house at ground floor. They comprise of the demolition of a ground floor bay window, the erection of single-storey front extensions infilling recesses either side of a previously existing two-storey bay in the centre of the front elevation. The front wall of the extensions aligns with the front wall of a previously existing two-storey bay on the western flank and a single-storey front extension on the eastern flank. It is also proposed to erect a porch around the main entrance to the house in the central bay with balcony above. It projects 1m forward of the central bay. The porch would comprise of a pair of classical columns supporting a plinth enclosed by a stone balustrade, approximately 1.2m high.

The development described in this application is substantially complete.

*Application reference EPF/2877/17:*

This application seeks planning permission to erect a storage shed in the south western corner of the application site, adjacent to the site boundaries with 47 Manor Road and 26 Stradbroke Drive. The development has been carried out.

The building is sited adjacent to a recently constructed outbuilding at the rear of the application site that encloses a swimming pool. It is approximately 45m rear of the nearest part of the rear elevation of the house at the application site. Land on which it is constructed was previously raised by approximately 500mm.

The building has a length of 4.7m, a width of 2m and a height of 2.7m at its ridge. Eaves height is some 2.5m.

**Relevant History:**

EPF/1132/74 First floor side extension and garage (an enlargement to the east flank). Approved.

EPF/0672/85 Side extension and porch (a first floor enlargement to the west flank). Approved.

EPF/1409/15 Alterations to front elevation including stone balustrade above front door and loss of integral garage. Ground floor and first floor rear extension. Roof alterations to create crown roof, three rear dormers and two front dormers. Refused

EPF/0532/16 Ground floor rear extension with redesign of front porch and existing garage converting to habitable space. Granted 05/05/2016

EPF/0533/16 First floor rear extension. Refused 28/04/2016

EPF/1593/16 First floor rear extension (Revised application to EPF/0533/16) – Allowed at appeal 11/10/2016 (PINS ref APP/J1535/D/16/3156235)

**Policies Applied:**

*Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
DBE1	Design of new buildings
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions
LL10	Adequacy of Provision for Landscape Retention

*NPPF:*

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

*Epping Forest District Local Plan (Submission Version) 2017 (the LPSV):*

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be

given substantial weight in the consideration of planning applications, in accordance with the Council's decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

DM 5	Green and Blue Infrastructure
DM 9	High Quality Design
DM10	Housing Design and Quality

### **Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted: 6

Site notice posted: No, not required

Responses received: 47 MANOR ROAD – Object to western first floor rear extension, adjacent to no. 47, and erection of porch with balcony over, application reference numbers EPF/0536/17 and EPF/2315/17 respectively. The grounds of objection are as follows:

- Plans inaccurate
- First floor extension would dominate and over-shadow the side/rear living room and garden due to its overbearing mass causing a harmful sense of enclosure
- Current extension is already over bearing and has not been built to the specifications allowed.
- Front balcony would allow overlooking of front garden.
- Previous refusal of planning application EPF/1409/15 is a material consideration.

In addition, the objector makes reference to provisions within the deeds to properties and criticises the handling of the applications and planning enforcement investigations. Indication has been given in general correspondence that objection is also raised to application EPF/2877/17 in relation to the storage shed but no representation was specifically received in relation to the application.

#### **CHIGWELL PARISH COUNCIL:**

The Council OBJECTS to application EPF/0536/17 (the western first floor extension, adjacent to 47 Manor Road) because despite having carefully examined the drawings presented, the intentions of the applicant cannot be comprehensively determined.

The Parish Council also objects to application EPF/2877/17, stating: The Council OBJECTS to this application because the height of the structure cannot be determined with certainty. This ambiguity concerning the dimensions of the structure and the purpose is unacceptable. The description states that the development is a storage shed whilst the plans state the structure is a swimming pool.

NO OBJECTION is raised to application EPF/0535/17 (the eastern first floor extension, adjacent to 52 Manor Road) or to application EPF/2315/17 (erection of porch with balcony over).

No comment is made in relation to application EPF/0292/17 in respect of a Certificate of Lawfulness for 3 proposed dormers on the basis that the only decision to be made in respect of such applications is whether legislative procedures and limitations are complied with.

### **Main Issues and Considerations:**

The assessment of applications the subject of this report is split into considering the Certificate of Lawfulness application, the planning applications for extensions to the house and the planning application for the shed.

### *Certificate of Lawfulness application:*

Application EPF/0292/17 is dated 31 January 2017. It seeks to establish, under section 192 of the Town and Country Planning Act 1990 (the Act), whether the proposed development of 3 dormer windows on the rear roof slope is lawful. However, evidence including the Inspector's decision in relation to an appeal against the refusal of application EPF/1593/16 (PINS ref APP/J1535/D/16/3156235) demonstrates the dormer windows had been constructed prior to the date of the application. The Inspector's site visit was made on 4 October 2016 and she states, at paragraph 8 of her decision "I noted that there were three dormer extensions on the rear elevation...". On that basis a Certificate of Lawfulness in relation to a proposed development cannot be given.

It is unlikely the Applicant could resolve this matter by submitting an application for a Certificate of Lawfulness in respect of an existing development under section 191 of the Act. That is because planning permissions have previously been granted for significant enlargements of the house at roof level and those permissions appear to have been implemented. It is very likely that the volume of those previously implemented enlargements exceeds the 50 cubic limit on development permitted under Class B of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO). However, no such application is before the Council and, in any event, the drawings submitted with the current application do not include sufficient information to demonstrate the volume of the proposed dormer windows or the degree of set in from the eaves of the roof.

### *Planning applications for extensions:*

The main issues to consider when assessing the planning applications for extensions are whether they complement the appearance of the house and the consequence for the living conditions of neighbours.

In relation to applications EPF/0535/17 and EPF/0536/17 for first floor rear extensions, they are over the flank ends of the ground floor extension approved under planning permission EPF/0532/16. They would result in an increase in the width of the first floor rear extension approved at appeal to the side elevations of the ground floor addition. They would match the design of the previously approved first floor rear extension. Their relationship to the main roof of the house would be somewhat different however. The end gables of the original roof visually contain the approved first floor addition, whereas the proposed first floor extensions would extend the mass of the first floor such that it would be seen in direct relation to the gables above.

In relation to the gables, the roof of the proposal would be higher than the eaves level of the gables and the bulk of the additions would appear incongruous within their context and cramped in relation to the site boundary with 47 Manor Road, which is not more than 1m from the flank of the proposal. Visually, the result would be unsatisfactory, harming the visual coherence and harmony of the rear elevation while appearing cramped and over dominant in relation to the site boundary with 47 Manor Road. In design terms therefore, it is concluded the proposed rear extensions would fail to complement the appearance of the house and do not represent high quality design.

In relation to the design of the proposed ground floor additions to the front elevation and the proposed porch with balcony above, the subject of application EPF/2315/17, the proposals are of modest scale and complement the appearance of the house. Given their scale and the distance the house is set back from the street they would not be readily discernable in the street scene, the porch and balcony being more apparent. As a design feature they are consistent with front elevations of a number of houses along Manor Road. It is concluded they would complement the appearance of the house.

As to the matter of consequence for living conditions, the eastern first floor rear addition has the potential to appear overbearing when seen from 51 Manor Road since it would take the upper level rear elevation of the house substantially beyond the rear elevation of 51. However, the impact is mitigated by a number of facts. Land levels at 51 Manor Road are some 300mm higher than that of the application site, the flank of 49 Manor Road is at least 3.5m from the common boundary, outlook from its rear elevation of 51 is across its own very wide rear garden (27m) and substantial trees adjacent to the site boundary with no. 51 screen views of the extension. In addition, planning permission has been granted on appeal for the erection a large replacement house 51 Manor Road that would extend much further into the rear garden, Council ref. EPF/0540/17 and PINS ref APP/J1535/W/17/3177392. If implemented that would further mitigate the visual impact of the eastern first floor extension on the amenities of 51 Manor Road.

The western first floor extension would project approximately 2m beyond the main rear elevation of the house at 47 Manor Road, just short of the rear elevation of a narrow single-storey rear projection to no 47 that is sited adjacent to the boundary with the application site. That part of 47 Manor Road adjacent to the site boundary is single-storey with an upper level gable set further away. A distance of approximately 2m separates the existing ground floor addition from the ground floor flank wall of no. 47 and some 5m would separate the proposal from the gable at 47.

When seen from the rear garden of 47 Manor Road, immediately adjacent to its rear elevation, the first floor addition would be seen over the roof of the rear projection. It would appear somewhat dominant but within the context of the degree of separation and the relationship of the rear elevations of both houses it is very unlikely the proposal would appear so overbearing that it would harm the living conditions of no. 47 or that it would cause any loss of light.

When seen from distances further away from the rear elevation of no. 47 Manor Road within its rear garden, views would be partially obscured by trees on the site boundary. Such views of the first floor addition would in any event be against the backdrop of the substantial bulk of the original house.

Having regard to the relationship described above, the proposed western first floor extension would not cause any loss of light to no. 47, nor would it appear excessively overbearing such that outlook from the rear of 47 is significantly harmed.

Accordingly, it is concluded that the proposed first floor rear extensions would not cause excessive harm to the living conditions of either 47 or 51 Manor Road.

In relation to the proposed ground floor front extensions, porch and balcony over proposed in application EPF/2315/17, given their very modest scale there is no doubt that of themselves they do not impact on the living conditions of either neighbour.

The occupier of 47 Manor Road maintains that use of the balcony would be likely to result in a degree of overlooking of its front garden that would result in an excessive loss of privacy. Notwithstanding the fact that front gardens in general are not afforded the same degree of protection from overlooking, the proposed balcony would have a depth of 1m and be confined to the area immediately over the centrally located main entrance to the house, a distance of approximately 10.5m from the site boundary. Furthermore, the public visibility and limited size and of the proposed balcony is likely to deter intensive use of it. On the basis of the above analysis it is concluded the consequence of the balcony for the privacy of 47 Manor Road, and that of 51 Manor Road would not be harmful.

#### *Planning application for shed in rear garden:*

The storage shed that is the subject of application EPF/2877/17 is situated remote from any house, adjacent to the flank and rear elevation of a large swimming pool building. As described

above, it is a small structure that has a length of 4.7m, a width of 2m and a height of 2.7m at its ridge. Eaves height is some 2.5m.

The shed is primarily visible from within the rear part of the rear garden of 47 Manor Road due to its siting adjacent to the site boundary on land that is approximately 700mm higher than that at 47 Manor Road. As a consequence, it appears as a 3.4m high structure when seen from the rear part of no. 47's rear garden. That part of the rear garden is approximately 45m from the rear elevation of 47 Manor Road within a rear garden some 55m in length and 24m wide.

The degree of impact of the shed on the living conditions of the house at 47 Manor Road would be negligible due to the degree of separation. The shed does appear highly prominent when seen from the adjacent rear garden, however, and its design comprising of sharply contrasting front and side elevations gives it a poor appearance. Given its siting at high level abutting an exposed section of the site boundary with 47 Manor Road, the appearance of the proposal is a prominent and poor contrast to the adjacent swimming pool building at the application site that appears excessively cramped between the rear part of its flank and the site boundary.

It is therefore concluded that the appearance of the storage shed is unacceptable in design terms and that its degree of prominence when seen from the rear part of the garden of 47 Manor Road detracts from the amenities of the garden, amounting to harm to the living conditions of 47 Manor Road.

### **Conclusion:**

The application for a Certificate of Lawfulness does not demonstrate the dormer windows are permitted development and even if they did, since the Certificate is sought for a proposed development that was evidently substantially complete some months before the submission of the application, it is not possible to issue a Certificate of Lawfulness under section 192 of the Town and Country Planning Act 1990. It is therefore recommended that application EPF/0292/17 be refused. Given the planning history for the site it appears very unlikely that an application for a Certificate of Lawfulness for an existing development under section 191 of the Act would be successful. While there appears to be no way forward to secure a Certificate of Lawfulness for the dormer windows, it is open to the Applicant to make a planning application for them. Members are reminded of the need to keep an open mind about their planning merits in order that they can fairly assess those merits in the event of an application being put to them for decision.

The proposals for the erection of first floor rear extensions would result in enlargements of the house that would be harmful to its appearance by reason of their bulk, siting and height in relation to attractive gable features at either end of the rear elevation of the house. Furthermore, by reason of its height and proximity to the site boundary with 47 Manor Road the proposed western first floor addition would appear cramped in relation to the site boundary, resulting in an unsatisfactory visual relationship between 47 and 49 Manor Road when seen from their rear gardens. On that basis it is concluded the proposals do not complement the appearance of the house and do not represent high quality design. Accordingly it is recommended that applications EPF/0535/17 and EPF/0536/17 be refused. There does not appear to be an obvious way to overcome the objections raised therefore Officers do not suggest any way forward.

The proposals for ground floor front extensions and a porch with balcony complement the appearance of the house and would not result in excessive harm to the living conditions of neighbours therefore it is recommended that application EPF/2315/17 be approved.

Finally, the proposed storage shed, by reason of its poor design and prominent elevated and cramped siting between a swimming pool building and site boundary with 47 Manor Road fails to achieve a high quality standard of design and detracts from the visual amenities of the rear garden at 47 Manor Road, amounting to harm to the living conditions of 47 Manor Road. It is therefore



recommended that application EPF/2877/17 be refused. A way forward for the Applicant would be to propose a well designed storage shed between the pool building and the site boundary with 51 Manor Road where the relationship to neighbouring land is favourable with the consequence that its visual impact is unlikely to be harmful.

***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](mailto:contactplanning@eppingforestdc.gov.uk)***