

AREA PLANS SUB-COMMITTEE SOUTH

26 September 2018

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/0727/18	Vere Road Garages Vere Road Loughton Essex	Grant Permission (Subject to Legal Agreement)	24
2.	EPF/0840/18	1 Tomswood Road Chigwell Essex IG7 5QP	Grant Permission (Subject to Legal Agreement)	30
3.	EPF/1072/18	Phig Na Vira 64 High Road Chigwell Essex IG7 6QB	Grant Permission (Subject to Legal Agreement)	42
4.	EPF/1242/18	143-149 High Road and 2 Old Station Road Loughton Essex IG10 4LY	Grant Permission (Subject to Legal Agreement)	52
5.	EPF/1453/18	142 Buckhurst Way Buckhurst Hill Essex IG9 6HP	Grant Permission (Subject to Legal Agreement)	60
6.	EPF/1610/18	Forest Place Roebuck Lane Buckhurst Hill Essex IG9 5QL	Grant Permission (Subject to Legal Agreement)	68
7.	EPF/1691/18	30 Barrington Green Loughton Essex IG10 2BA	Grant Permission (With Conditions)	82
8.	EPF/1911/18	57 Southern Drive Loughton Essex IG10 3BX	Grant Permission	92
9	EPF/1965/18	Regency House Kings Place Buckhurst Hill Essex IG9 5EB	Grant Permission (Subject to Legal Agreement)	96



Epping Forest District Council

Agenda Item Number 1



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/0727/18
Site Name:	Vere Road Garages Vere Road Loughton Essex IG10
Scale of Plot:	1:500

Report Item No: 1

APPLICATION No:	EPF/0727/18
SITE ADDRESS:	Vere Road Garages Vere Road Loughton Essex
PARISH:	Loughton
WARD:	Loughton Broadway
APPLICANT:	Mrs Amanda Hoadley
DESCRIPTION OF PROPOSAL:	Demolish existing garages. Formation of public car park.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=606934

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: 201802013 d, 201802013 A, 1000004377-2-SK05-02
- 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 installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 4 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

...and subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act to secure a financial contribution towards a) access management and monitoring of visitors to the Epping Forest SAC, and b) towards mitigation of air pollution in the vicinity of the Epping Forest SAC.

This application is before this Committee since it has been 'called in' by Councillor Chris Pond (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The application site comprises of a block of 20 Council owned garages and surrounding land. The garages are accessed either from the surrounding land or directly off Vere Road, which has a

continuous lowered kerb adjacent to the garages. It is not within a Conservation area nor is it Listed. The site is in close proximity to Debden Broadway.

Description of Proposal:

Demolish existing 20 Council Owned Garages. Formation of 40 space public car park. Parking spaces and manoeuvring space is designed to comply with the Essex Vehicle Parking Standards (2009).

Relevant History:

None

Policies Applied:

Adopted Local Plan:

CP2	Protecting the quality of the rural and built environment
DBE9	Loss of Amenity
NC1	SPAs, SACs and SSSIs
STE	Road Safety
ST6	Vehicle Parking

NPPF:

The Revised National Planning Policy Framework (NPPF) has been published as of 24th July 2018. Paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the

weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP 1	Achieving sustainable development
DM 9	High quality design
T 2	Safeguarding of routes and facilities
DM 2	Epping Forest SAC and the Lee Valley SPA
DM 22	Air Quality

Summary of Representations Received

34 Neighbours consulted: No Response from Neighbours

Site Notice posted 05.04.2018

LOUGHTON RESIDENTS ASSOCIATION PLANS GROUP – OBJECT to the planning application unless the spaces are intended for short-stays - for shoppers, etc - rather than long-stay for commuters..

LOUGHTON TOWN COUNCIL – OBJECT to this application unless there was a condition that the new spaces were short-stay for shoppers to the Broadway as this was currently where the need was greatest, in which case it would be happy to withdraw its objection.

Main Issues and Considerations:

The main issues with this application relate to highways, design and impact on the Epping Forest SAC.

Highways and Parking Matters

The proposal would result in net increase in parking of 15 spaces compared with the existing situation of 25 car parking spaces to include the existing 20 garage spaces. The proposed parking spaces would enable modern day vehicles to park in a safe and secure manner compared with the garages which were more suitable for smaller motor vehicles. The proposal would therefore not result in increased parking stress and have received no objection from the County Highway Authority.

The parking spaces are for visitors to the Broadway, businesses and resident permit holders. The Council's Legal Officer on planning matters were consulted on whether it is legally possible to impose a planning condition to restrict the use of the parking spaces for short term use for users of the Broadway Shopping area. They have concluded that firstly the objection from the Town Council is not material to planning and secondly, the imposition of a condition, restricting parking to shoppers, on a short stay basis, would be difficult to enforce. Moreover, planning law stipulates that a planning condition should only be imposed to mitigate the impact of a development, such that without the said condition, permission would have to be refused. As there is no planning policy in either the adopted Local Plan (1998) or in the Submission Version of the Local Plan (2017) to support the imposition of such a condition, it therefore cannot be lawfully imposed.

Loss of Garages

Information with regards to the letting of the garages on this site was submitted with the application. Housing records show of the 20 garages due for demolition only one is vacant. As such 19 garages are occupied. Records indicate that of the 19 garages which are occupied, 3 of the occupants who rent these garages live more than 0.5km i.e. 6 minute walk from the garages. As such it is likely that these occupants of these 3 garages most likely do not use their garages for

parking purposes. It is not known what all the occupied garages are used for as this information is not held by the Council. Based on more general information relating to the use of such garages it is likely that a number of the 19 occupied garages are used for general storage rather than for parking. However, it is nonetheless the case that the particular use of these garages is not known.

Officers at the Council have confirmed that there is no intention of offering dedicated parking spaces to the garage renters.

The Highways Officer from the County Highway Authority has confirmed that the proposed development would have no consequence for Highway Safety. At the time of the site visit it was clear that parking within the area could be difficult but not impossible for those garage renters who used the garages for parking. This is because the new parking spaces will be available for residential and business permit holders as well as short stay parking users. This has been confirmed by the applicant. There is also parking available in nearby Willingale Road which from the Officers site visit, does not appear to suffer from parking stress and there are no parking restrictions along that street.

The applicant has confirmed that the garage tenants will be issued with formal letters to vacate the garages in the event of planning approval. Whilst only one week's notice is required, normally as much notice as reasonably possible would be given.

Design

The proposal would not appear out of character compared with the existing situation. Indeed, it is arguable that the formation of a car park laid out in accordance with the adopted Vehicle Parking Standards 2009 will enhance the appearance of the site.

Epping Forest Special Area of Conservation

The site is currently used for parking of vehicles and this will not change under the current proposal. However, as there will be an increase in the number of parking spaces by 15 spaces, 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 Epping Forest Special Area of Conservation (SAC) as a result from relatively poor local air quality alongside the roads that traverse the SAC. This includes Vere Road which is within 6.2km of the Epping Forest SAC. The Council is therefore currently developing with partners an interim strategy for the management of air quality on the SAC. This will include measures to be funded through the securing of financial contributions from new development in accordance with Policy DM 2. Notwithstanding the fact that this work is yet to be completed the agent has confirmed willingness to enter into a S106 Agreement.

Other Matters

The proposal would have no excessive harm to neighbour living conditions compared with the existing situation.

Land adjacent to the north-east boundary application site is an allocated site for housing within the Submission Version of the Local Plan (2017). Officers at the Council have confirmed that this is still to be progressed as part of the Council's House Building Programme.

The access into the proposed car park will be same as the existing access and this access will be shared by users of the car park and future residents of the adjacent allocated site for approximately 9 Council houses (these proposed dwellings would have their own dedicated off street parking within their site curtilage). This was agreed during a meeting of the Council's Cabinet during 1 December 2016.

Conclusion:

The proposed parking spaces would be acceptable in design and would have no consequence for highway safety on Vere Road. They would reduce parking stress in the locality. The site lies within the SAC area and any permission will need to be subject to an agreement over an appropriate contribution to address the effect on the integrity of Epping Forest, and air quality.

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 564 298

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

Epping Forest District Council



Agenda Item Number 2



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPO/0840/18
Site Name:	1 Tomswood Road Chigwell Essex IG7 5QP
Scale of Plot:	1:500

Report Item No:2

APPLICATION No:	EPF/0840/18
SITE ADDRESS:	1 Tomswood Road Chigwell Essex IG7 5QP
PARISH:	Chigwell
WARD:	Grange Hill
APPLICANT:	111 Invest
DESCRIPTION OF PROPOSAL:	Proposed apartment block (seven flats) on the site at 1 Tomswood Road.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=607414

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: 800.001.00, 801.200.09, 801.201.09, 801.202.03, 801.203.04, 801.204.04, 801.205.05, 801.206.05 801.206.05, 801.208.00 and 801.208.02
- 3 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.
- 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 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.
- 6 Prior to the commencement of the development, a full specification of and a programme for works to the oak tree on the highway verge(TPO/EPF/08/09 T2) shall be submitted to and approved by the Local Planning Authority. No works to the tree shall be undertaken prior to the approval of the said details, and the works shall thereafter be fully completed in accordance with the agreed programme.
- 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 No development other than ground works shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 9 No 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 Prior to the commencement of development other than groundworks, details of fencing and means of access for service vehicles to the refuse storage area shall be submitted to and approved by the Local Planning Authority. The agreed works shall be fully implemented and available for use prior to the first occupation of any of the residential units hereby approved.
- 11 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased during development activities or 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.

- 12 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.

- 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 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.
- 15 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.
- 16 Prior to the first occupation of the development the existing vehicular accesses off of Tomswood Road shall be fully reinstated to include full height kerb, footway construction and any amendments to the road lining as considered necessary.
- 17 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, to include six one day travel vouchers for use with the relevant local public transport operator.
- 19 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.

- 20 Windows above ground floor level in the south facing side elevation of the building hereby permitted (abutting 3 Tomswood Road) shall be fixed and completed in obscure glass below 1.8m above floor levels in the rooms they serve. The said windows shall thereafter be retained in that form, and no additional windows shall be inserted above ground floor in the said side elevation without prior consent from the Local Planning Authority.
- 21 No part of any flat roof area to the building shall be used as a balcony, roof terrace or other amenity area without prior consent from the Local Planning Authority.
- 22 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.

...and subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act to secure a financial contribution towards a) access management and monitoring of visitors to the Epping Forest SAC, and b) towards mitigation of air pollution in the vicinity of the Epping Forest SAC.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than five objections are received on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The application relates to a corner plot located on the west side of Tomswood Road with a longer return frontage to the south side of Manor Road, the road junction being signal controlled. The existing building was originally a bungalow but has been extended over the years to provide accommodation on the lower rear part of the site on three floors, including rooms in the roof. The site is served currently by two vehicle access ways onto the frontage from Tomswood Road, and an extant permission exists for a further access from Manor Road.

The surrounding area comprises a mix of residential properties, including bungalows and larger properties with rooms in the roof at second floor. There is a wide highway verge along the side boundary of the site containing a number of mature trees.

Changes in site levels across the site are evident with a fall from east to west of in excess of 2.5m.

Description of Proposal:

The revised application now before Members is for redevelopment of the site to provide seven flats, consisting of 5 x 2 bed units, 1 x 1 bed and 1 x 3 bed, with 13 parking spaces at the rear. The building appears as two storey at the front with rooms in the roof and an additional lower level at the rear with accommodation in the roof including a Dutch barn style rear gable and a traditional side gable.

The lower floor has external access from the rear and features a reception area and a residents gym. A cycle store is indicated at the rear of the building, abutting the lower floor of a duplex two bedroom unit. The upper ground floor includes a street level front entrance, 2 x 2 bed units and the duplex unit upper floor. The first floor includes 2 further 2 bed units and the one bed, and the 3 bed unit occupies the whole of the roof level floor.

The parking court and cycle store are accessed from Manor Road utilising the approved new access. A detached bin store is also indicated accessed from the same route.

Relevant History:

EPF/1831/16 Formation of new vehicle access to rear of property from Manor Road –
APPROVED December 2016 subject to conditions relating to tree protection and
highway matters

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
NC1	SPA's, SAC's and SSSI's
U3B	Sustainable drainage systems
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions
LL7	Planting protection and care of trees
LL9	Works to preserved trees
LL10	Adequacy of provision for landscape retention
LL11	Landscaping schemes
ST1	Location of development
ST2	Accessibility of development
ST4	Road safety
ST5	Travel plans
ST6	Vehicle parking

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

NPPF:

The Revised National Planning Policy Framework (NPPF) (July 2018) states at paragraph 213 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:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 216 of the NPPF.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1	Presumption in favour of sustainable development
SP7	The natural environment, landscape character and green and blue infrastructure.
H1	Housing mix and accommodation types
T1	Sustainable transport choices
DM2	Epping Forest SAC and the Lee Valley SPA
DM3	Landscape character, ancient landscapes and geodiversity
DM5	Green and blue infrastructure
DM9	High Quality Design
DM10	Housing design and quality
DM12	Subterranean, basement development and lightwells
DM15	Managing and reducing flood risk
DM16	Sustainable drainage systems
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: Twenty

Site notice posted: Yes

Responses received: Neighbour comments relate to the original submitted proposal for 10 units. Six objections were received, from 3 AUDLEIGH PLACE, 46 ELY PLACE, 15A and 36 MANOR ROAD, 5 TOMSWOOD ROAD, and NEWLANDS, TURPINS LANE. Objectors raise the following issues:

- Traffic and parking concerns – concern at the level of on-site parking proposed and the risk of overspill, the suitability of the new access to Manor Road initially designed to serve the existing dwelling and now serving a communal parking area and used for service access, and assumptions made in respect of public transport access.
- Design and scale – the building is considered out of keeping with the local built form and character.
- The general intensity of development proposed.
- Overlooking and overshadowing – particularly raised by the immediate neighbour at 15a Manor Road and the resident at 5 Tomswood Road.
- Overshadowing – also raised by the resident at 5 Tomswood Road
- Adequacy of amenity space provision for future occupiers.

CHIGWELL PARISH COUNCIL: Chigwell Parish Council objected to the original 10 unit scheme. In response to re-consultation on the revised proposal for the seven unit scheme, the Parish Council had no objection.

Main Issues and Considerations:

Development principles:

In assessing the site location, there is evidently a more urban general character to the immediate area. Properties in Turpins Lane and roads to the north east demonstrate more intensive development characteristics of narrower plot widths comprising semi-detached and terraced properties. Other more recent developments including Ely Place and surrounding roads demonstrate more intensive built forms that follow more modern design principles aimed at maximising the use of available land in areas that are better served by local facilities and accessible to a range of public transport. In such locations, a broader mix of built forms can reasonably be expected to be found, including flatted developments.

The application should be considered in the context of policy H1 of the Local Plan Submission Version, particularly in the context of the presumption against the loss of bungalows contained therein. While the existing property was built as a bungalow, subsequent rear additions on multiple floors have altered the general character. The proposal also provides accommodation on a single level and in light of limited weight currently applied to this policy, the proposal is consistent with the objectives.

Design and appearance:

The location suggests in urban design terms that there is some scope for a feature building to mark the transition on the corner. The local context does not suggest a more prominent landmark, but is less constrained than a mid-frontage location.

The building is designed to take advantage of the changes in levels. On Tomswood Road, the building appears two storey with rooms in the roof. The eaves line is kept below that of the substantially different house at no. 5 but this does provide an element of consistency with the properties on the rising ground to the south-east. It is apparent that the building has a crown roof, but so do many other houses in the immediate vicinity, particularly along Manor Road.

Articulation is introduced in the road side and rear elevations in order to break the building up where the site levels are lower. The side includes a gable element similar in character to the frontage. The main taller element at the rear lies across around half the width of the site and features a timber clad upper section set within a half hip roof, the lower element is set back. A mix of external materials are proposed including brick, render, timber that adds variety, drawn together under a traditional tiled roof.

Considered on its architectural merits, the proposals achieve a high standard of interest and variety appropriate to the location. The wider visual impact needs to consider the extent of the tree screening along the existing verge and which is to be retained and will contribute significantly to reducing any wider impact on the street scene.

Parking and traffic:

The application provides all parking on the rear of the site, accessed from Manor Road via the entrance approved in December 2016 but not yet implemented. The previous permission included the closure of an existing front access located on the junction, but retained that abutting the boundary with no. 3. The current proposal also includes the removal of this second access.

The entrance lies around 38m from the signal junction, on the exit side and meets the highway authority's design requirements, being at right angles to the road. Within the site, parking provision of 13 spaces meets adopted standards for the mix of housing proposed, and the scheme benefits from an enclosed secure cycle store designed as part of the building. Communal refuse stores are located adjacent to the car park entrance, accessible to residents and service vehicles.

Objectors comment that the access is designed for a dwelling, but the technical requirements vary little. The Highway Authority are supportive of the application, commenting '*The new access is appropriate for the development and the vehicle movements associated with it will be negligible on the highway network. The parking provision is considered to be acceptable given the location*'.

Impact on neighbours:

Potentially, the proposal is most likely to affect the immediate neighbouring property at 3 Tomswood Road. Potential harm is mitigated however by a number of factors. The change in ground levels means that the ground levels at the application site are a minimum of half a storey lower than on the boundary, and the building at no.3 is elevated above this. The boundary is enhanced by a mature hedge screen along the boundary generally around 2m high within the garden of no.3. The application site also lies west / north-west of the neighbour and use of any daylight and sunlight indicator such as the 45 degree rule clearly illustrates that the building has little direct impact in this regard. This orientation also means the rear elevation of no.3 is angled away from the shared boundary, reducing the direct impact on outlook from the living areas.

The revisions to the application were primarily prompted by initial concerns at the relationship with this property and the alterations result in the scale and depth of the proposed building at this point being not dissimilar to that of a dwelling in the same position. Side windows now only serve bathrooms to limit concerns at overlooking. In the specific context of the site, the relationship between the two buildings at this point is considered to be appropriate.

To the rear, the application site abuts 15a Manor Road and comments from the neighbour at this property are noted. The objectors property lies to the east and the building lies a minimum of 18 metres from the boundary. The proposed building lies at around 18 degrees from the principal rear elevation resulting in no view of the building from any rear facing habitable rooms in no. 15A. Additional screen planting can be installed between the boundary and the parking areas to lessen the perceived overlooking from rear windows in the development, two of which serve living areas and the remainder serve bedrooms.

Properties in Audleigh Place to the south east are built on higher ground, with a more pronounced change than exists between 1 and 3 Tomswood Road, and is further screened by a mature hedge and tree screen. The adjacent house, 2 Audleigh Place will have oblique views of the upper levels of the building but officers consider direct impact to be minimal.

In terms of more indirect impacts, the overall level of vehicle and pedestrian activity is not considered to be so significant as to result in excessive noise or disturbance in the wider area.

Impact on 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 Epping Forest Special Area of Conservation (SAC) as a result of increased visitor pressure arising from new residential development, and from local air quality issues within and adjacent to the SAC. The site lies within the 6.2km zone identified by Natural England within which new development is likely to particularly impact on the SAC.

The Council is continuing to develop with partners a strategy for the management and monitoring of visitor pressures on the SAC, and to monitor air quality. . This will include measures to be funded through the securing of financial contributions from new development in accordance with the relevant policies above. Notwithstanding the fact that this work is yet to be completed the agent has confirmed willingness to enter into a s106 agreement to provide the appropriate contributions.

Other matters:

There are two preserved trees in the grass verge abutting the site and the application is accompanied by an Arboricultural Impact Assessment. This indicates that one of these trees, an oak, will need some pruning to facilitate development but all parties are satisfied this does not affect the future health of the tree. Tree protection measures will be required during construction and this along with other landscaping issues can be adequately addressed by conditions.

The application is also accompanied by a Flood Risk Assessment and SUDS statement which identifies the site as being in flood zone 1, the lowest risk category, and being capable of providing a sustainable drainage system. These recommendations are accepted by officers, subject to appropriate conditions.

Part of the lower floor lies beneath existing ground levels, to which policy DM12 may be applicable. The rear part of the scheme is evidently at ground level, and much of the lower floor lies within the footprint of the existing excavated elements at the rear of the building. As the proposal does not propose significant additional excavation, a Basement Impact Assessment is not required.

The refuse and recycling storage area has been redesigned during the discussions on the application and the current proposals meet the requirements of the Council's Waste Management Team. Conditions on external finishes and completion are appropriate.

Historic records do not identify any potential contaminative sources in the area, and given the extent of the existing built area it is unlikely that any will be revealed by demolition and excavation. A precautionary condition on this matter is included in the event of any unexpected contamination being identified.

Conclusion:

The amendments negotiated during the course of the application have resulted in significant improvement in the scale, form and intensity of development proposed. This is recognised in the Parish Council's response to the amendment of the application to propose only seven units.

The site lies in a mixed built up area and the provision of a flatted scheme is consistent with this general character. Appropriate redevelopment of sites in accessible locations is consistent with national and local planning policy and relieves pressure in other more sensitive locations.

The building is sensitively designed in the context of its principle visible frontage on the corner and uses a variety of materials, architectural features and the site levels and screening to provide interest and to soften the overall appearance of the site. The site location facilitates a feature building and the proposal achieves this without becoming unduly prominent.

The development is helped by the location of the site in relation to the adjoining properties whereby the orientation ensures direct overshadowing will not occur. The proportions of the building abutting the immediate neighbour in Tomswood Road have been scaled back to the extent that despite the proximity to the boundary, the effect on living conditions does not appear

excessive. The car park provides clear separation from the rear neighbour and careen planting can be provided in this area.

The applicant has indicated agreement to a legal agreement in respect of matters relating to air quality monitoring and the impact on the SAC. As such, the proposals are considered acceptable, subject to conditions.

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

***Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481***

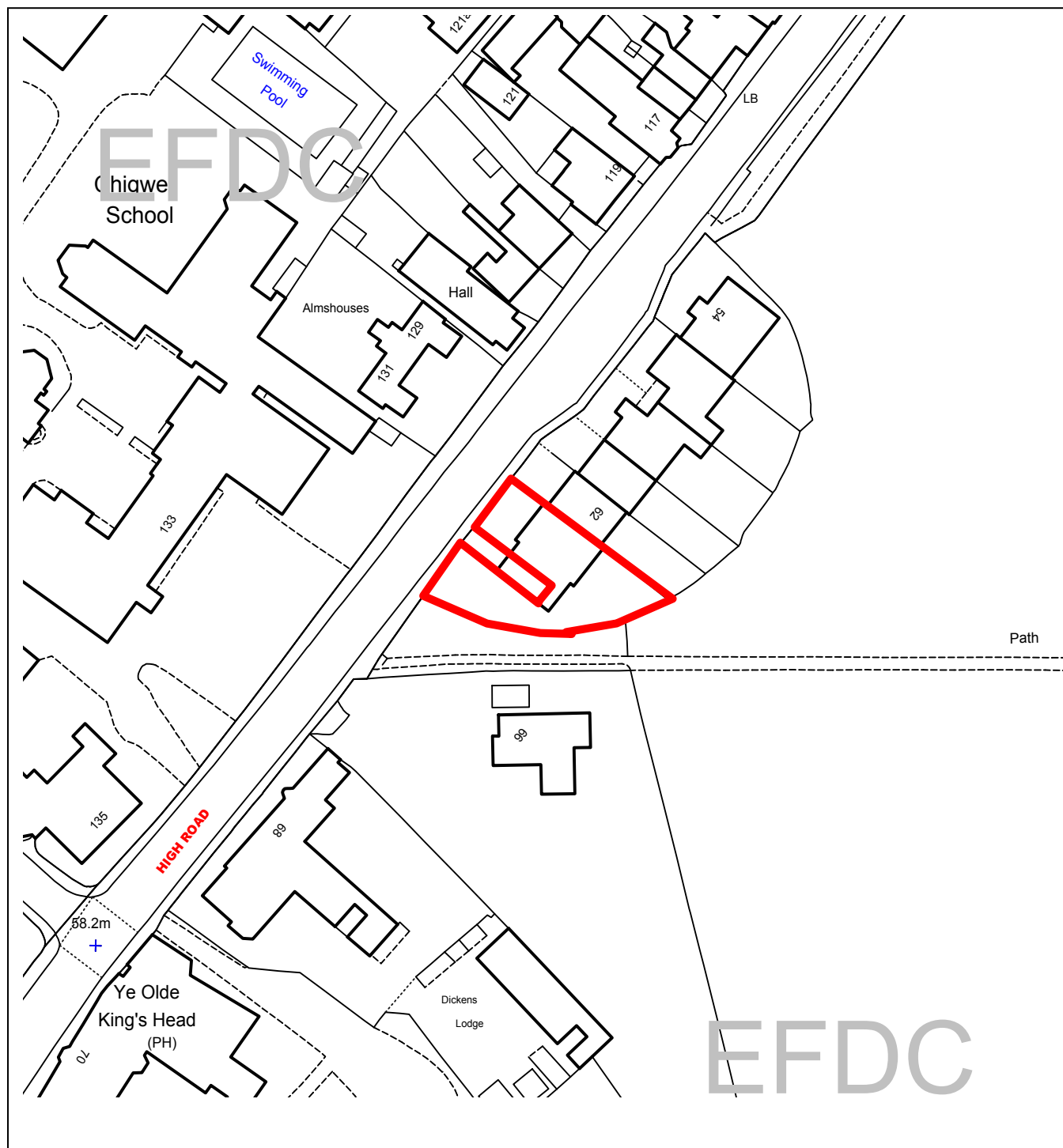
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

THIS PAGE IS INTENTIONALLY LEFT BLANK



Epping Forest District Council

Agenda Item Number 3



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/1072/18
Site Name:	Phig Na Vira, 64 High Road, Chigwell, IG7 6QB
Scale of Plot:	1:500

Report Item No:3

APPLICATION No:	EPF/1072/18
SITE ADDRESS:	Phig Na Vira 64 High Road Chigwell Essex IG7 6QB
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	Mr Ufuk Tulum
DESCRIPTION OF PROPOSAL:	Demolition of the existing garage and erection of new dwelling.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=608268

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 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.

If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased during development activities or 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.

- 4 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.
- 5 Windows and doors shall match in appearance and material those within the existing terrace (nos. 54 to 64 High Road) unless otherwise agreed in writing with the Local Planning Authority.
- 6 No development, including works of demolition or site clearance, shall take place until foundation details have been submitted to the Local Planning Authority and approved in writing. The foundations shall consist of piles and an above ground beam design. Drawings submitted shall include cross sectional detail of pile and beam join and the location of piles in plan form. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 7 No development, including works of demolition or site clearance, shall take place until driveway details have been submitted to the Local Planning Authority and approved in writing. These shall consist of an above ground, no dig construction with a porous finish and included an Arboricultural supervision timetable.

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 No services shall be installed within the root protection area of the sycamore (T2 on Tree protection plan) unless the Local Planning Authority gives its prior written approval.
- 9 An electric vehicle charging point shall be provided for each of the approved dwellings prior to first occupation.
- 10 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.
- 11 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.
- 12 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: HR072017-01, HR072017-02, HR072017-03, HR072017-04, HR072017-05, HR072017-06, HR072017-07, HR072017-08, HR072017-09, HR072017-10, HR072017-11, HR072017-12, HR072017-BP01, HR072017-BP02
- 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 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.

...and subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act to secure a financial contribution towards a) access management and monitoring of visitors to the Epping Forest SAC, and b) towards mitigation of air pollution in the vicinity of the Epping Forest SAC.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Description of Site

The application site comprises one end of terraced two storey dwelling house and 3 single garages. The dwelling was constructed in the late 1970's and has an appearance typical of the era. A protected tree is located to the front of the site. The site is roughly rectangular in shape with a curved edge along the rear boundary. The proposal is located within the Chigwell Village Conservation Area and is not within the Metropolitan Green Belt.

Description of Proposal

This application seeks planning permission for the erection of an additional detached dwelling on the site of a single garage. The proposed dwelling would be located to the side of no. 64 High Road, with an attached single garage in-between. The proposed dwelling would replicate the style of the existing end of terrace dwelling and would be completed in similar materials. The dwelling would be served by one parking space, with cycle storage for two bicycles to the side of the dwelling.

Relevant Planning History

EPF/1308/80 - New garage and crossover - Granted

Policies Applied

Adopted Local Plan

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP4 – Energy Conservation
CP5 – Sustainable Building
CP6 – Achieving Sustainable Urban Development Patterns
CP7 – Urban Form and Quality
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE3 - Design in Urban Areas
DBE6 – Car Parking in New Development
DBE8 – Private Amenity Space
DBE9 – Loss of Amenity to Neighbouring Properties

ST1 – Location of Development
ST2 – Accessibility of Development
ST4 – Road Safety
ST6 – Vehicle Parking
H2A – Previously Developed Land
H3A – Housing Density
H4A – Dwelling Mix
LL11 – Landscaping Schemes
HC6 – Character, Appearance and Setting of Conservation Areas
HC7 – Development within Conservation Areas
NC5 – Promotion of Nature Conservation Schemes

NPPF

A revised National Planning Policy Framework (NPPF) was published setting out national policy on 24 July 2018. Paragraph 213 states that due weight should be given to the relevant policies in existing plans according to the degree of consistency with the framework. The proposed development has been assessed against relevant policies in the adopted Local Plan, the NPPF and the Local Plan Submission Version.

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

On 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. With regards to unresolved objections, some policies of the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight afforded to each of the relevant policies in the context of the proposed development listed below:

SP1 - Presumption in Favour of Sustainable Development
SP6 – Green Belt and District Open Land
SP7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure
DM1 – Habitat protection and improving Biodiversity
DM2 – Epping Forest SAC and the Lee Valley SPA
DM3 – Landscape character, ancient Landscapes and Geodiversity
DM7 – Heritage Assets
DM9 – High Quality Design
DM10 – Housing design and quality

DM15 – Managing and reducing flood risk
DM19 – Sustainable water usage
DM21 - Local Environmental Impacts, Pollution and Land Contamination
DM22 – Air Quality
H1 – Housing Mix and accommodation types
T1 – Sustainable transport choices

Consultation Carried Out and Summary of Representations Received

5 Neighbours consulted – 2 RESPONSES RECEIVED

62 HIGH ROAD, 20 COURTLAND DRIVE – Summarised as –

Loss of parking, Parking Stress, Impact on character and appearance of the conservation area, construction concerns, Impact on District Open Land

CHIGWELL PARISH COUNCIL – OBJECTION – The Council OBJECTS to this application because the proposed structure would represent an overdevelopment of the site and inappropriate to this conservation setting.

Main Issues and Considerations:

This application is for full planning consent. The main issues for consideration are the impact on the character and appearance of the conservation area, neighbouring amenity and highway safety.

Principle of Development

The proposed development is a brownfield site within the sustainable urban location of Chigwell. Paragraph 11 of the NPPF states that:

Plans and decisions should apply a presumption in favour of sustainable development...for decision making this means:

- *Approving development proposals which accord with an up to date development plan without delay*
- *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date⁷, granting permission unless:*
 - i. *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷, or*
 - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework as a whole.*

An important aspect to note however are footnotes 6 and 7. Footnote 6 notes that:

The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those listed in paragraph 176) and/ or designated as Sites of Special Scientific Interest; land designated as Green Belt....

Footnote 7 notes that:

This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites...

The Council is ready to submit the LPSV for examination, but until its adoption, the Council is not currently able to demonstrate a 5-year land supply for housing. As such, this weighs in favour of granting planning permission for this development.

Design and Impact on the Character and Appearance of the Conservation Area

The site sits within the Chigwell Village Conservation Area. The terrace of which no.64 forms a part dates from the early 1970s. It is proposed to demolish an end detached garage and erect a house to match no.64, the house that currently terminates the terrace on the southern end. The proposal received positive feedback at pre-application stage.

The existing terrace is a typical late 20th century domestic design but has been designed to create an element of 'townscape' within this part of the road by varying the heights, facing materials and elevational forms of the individual houses. Although not of notable architectural merit, the terrace is a relatively sympathetic composition within the conservation area.

Policy DM7 of the LPSV requires that development should conserve and enhance the character appearance and function of heritage assets. At present there is a wide gap between the end of the attached double garages, spanned with a high brick wall, and a detached garage (proposed for demolition). The proposed house will occupy this gap and exactly mirrors the existing end house with gable end facing the street. It continues the architectural style of the terrace and does not appear cramped within the streetscene. Moreover, the proposed dwelling would be finished with similar materials to neighbouring properties, including finishes of fenestration. It is considered appropriate to secure details of these finishes to ensure that the proposal would positively contribute to the Chigwell Village conservation area. It is therefore considered that the proposed house will be in keeping with the appearance of this part of the conservation area and will not be detrimental to either the character or appearance of the area in line with policies DM7 and DM9 of the LPSV.

Impact on Neighbouring Residents and Amenity of Future Occupiers

Policy DM9 of the LPSV requires new development to take account of the privacy and amenity of the developments users and neighbours. The dwelling which would be most affected by the proposed development would be 64 High road, the host dwelling to the proposed new building. The host dwelling has a large garden at present of some 100 square metres. Under the current proposal the rear garden would be reduced to some 60 square metres, however considering the size of neighbouring gardens, at an average of 70 square metres, this is considered ample for future occupiers of the dwelling. The private amenity space for the proposed dwelling would measure some 40 square metres, which although smaller than neighbouring properties, is considered acceptable due to the sustainable location of the dwelling and its access to open space and public footpaths within the immediate locale.

The proposed dwelling would not be visible from rear windows of 64 High Road and due to its limited scale would not appear overbearing on neighbouring properties. All habitable rooms within the proposed dwelling would have an acceptable level of natural light and outlook, with the layout meeting the national space standards.

Impact on the Epping Forest SAC

Policies DM 2 and DM 22 of the LPSV, sets out issues that have been identified in relation to the effect of development on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of increased visitor pressure arising from new residential development within 6.2km of the SAC, and from the effects of air quality throughout the District. The Council is currently developing with partners an interim strategy for the management and monitoring of visitor pressures and air quality on the SAC. This will include measures to be funded through the securing of financial

contributions from new development in accordance with Policies DM 2 and DM 22. Notwithstanding the fact that this work is yet to be completed the applicant has confirmed willingness to enter into a legal agreement and recognises that the level of contribution is to be agreed once the strategy is in place.

Highway and Access

The proposal would use an existing access and would provide one parking space for the proposed dwelling and leave the host dwelling with two parking spaces. Considering very few properties within the street benefit from off street parking this level of provision is considered ample. Neighbouring residents express concerns that the proposal would impact parking provision to no. 62, however no development is proposed along the boundary with no. 62's parking area and the parking space would remain unaffected. The Highway Team from Essex County Council has no objections to the proposal and is in line with policies ST4 & ST6 of the Local Plan and policy T1 of the LPSV 2017.

Trees and Landscaping

Trees and Landscaping Officers have been consulted as part of the proposal and have no objection to the proposal subject to conditions ensuring the protection of trees on the site and the provision of soft landscaping.

Other Matters

Neighbour objections raise concerns that the proposal may impact district open land and a public right of way. The proposal site is entirely within the ownership of no. 64 High Road and would have no impact on access to the open land or public right of way adjacent to the site.

Policy DM21 of the LPSV requires that potential contamination risks are properly considered and adequately mitigated before development proceeds. As the site has previously been occupied by an electricity sub-station, a contaminated land survey and any necessary mitigation arising from the survey will be required in advance of the commencement of the development.

Policy DM15 of the LPSV requires that new development manages and reduces surface water runoff and manages water and waste water discharges. Additional information relating to drainage of the proposed development will need to be submitted prior to the commencement of the development to ensure that the details of this drainage will be acceptable.

In addition policies DM1, DM19, DM22 and T1 of the LPSV and policies NC5 and CP2 of the Adopted Local Plan require new development to improve ecological value of sites, provide electric vehicle charging points and reduce water usage. Whilst details have not been submitted at present, all of the above matters can be controlled by the issue of planning conditions requiring additional details of the measures to be provided and their implementation.

Conclusion;

In light of the above appraisal, it is considered that subject to the imposition of the planning conditions suggested and subject to a Section 106 obligation in regards to the Epping Forest SAC, the new development would not cause harm to either neighbouring amenity or to the character and appearance of the area. It is, therefore, considered that the proposed dwelling would constitute an acceptable form of development.

All other relevant policies and considerations, including equalities have been taken into account. Consequently, the proposed development is recommended for approval.

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

Planning Application Case Officer: Corey Isolda

Direct Line Telephone Number: 01992 564 380

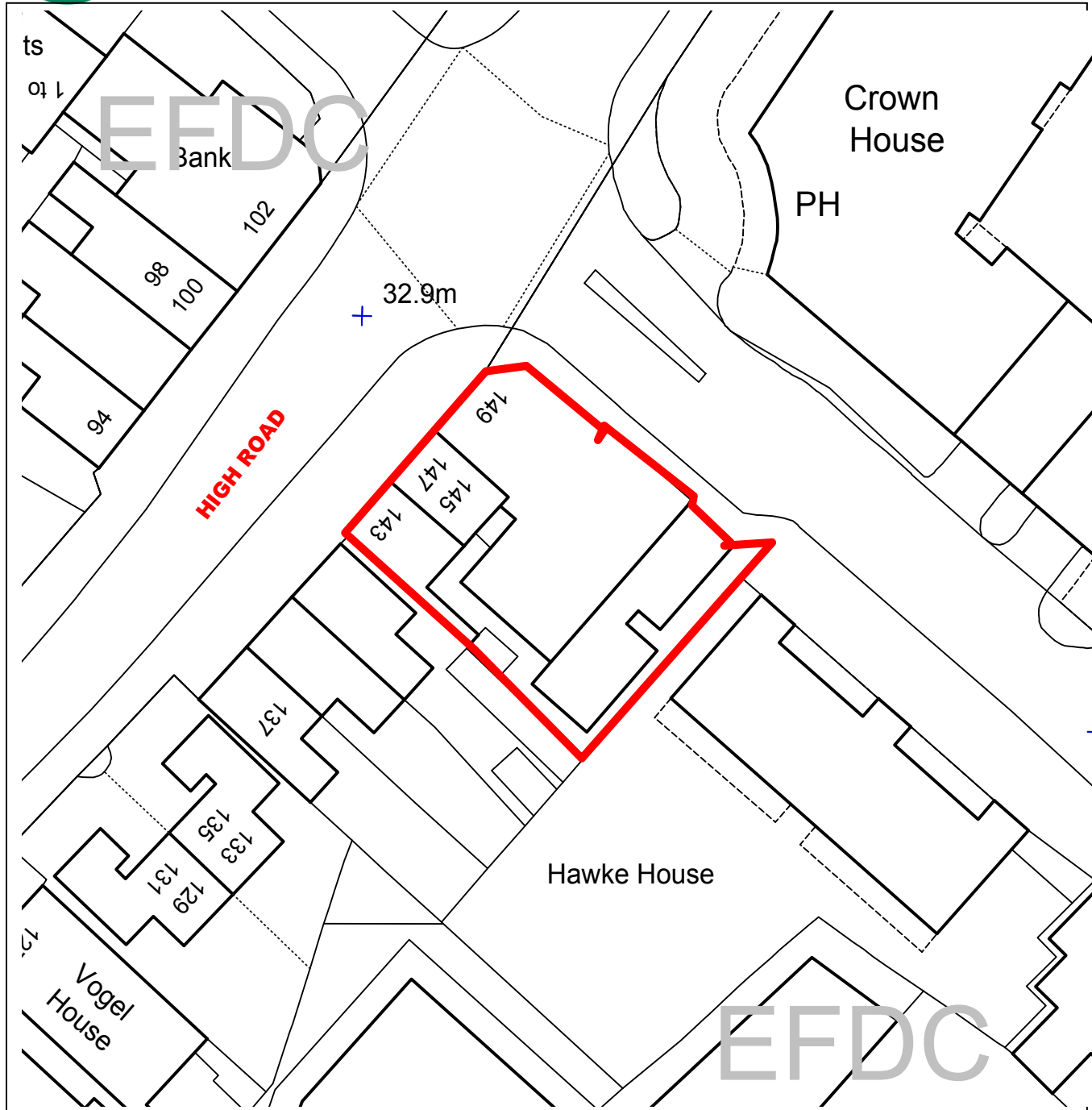
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

THIS PAGE IS INTENTIONALLY LEFT BLANK



Epping Forest District Council

Agenda Item Number 4



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/1242/18
Site Name:	143-149 High Road & 2 Old Station Road, Loughton Essex IG10 4LY
Scale of Plot:	1:500

Report Item No: 4

APPLICATION No:	EPF/1242/18
SITE ADDRESS:	143-149 High Road and 2 Old Station Road Loughton Essex IG10 4LY
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Mr I Umarji
DESCRIPTION OF PROPOSAL:	Extension to the second floor to provide 5 flats (2 x 2 bedroom flats and 3 x 1 bedroom) along with associated alterations and change of use to parts of the existing ground and first floors in order to accommodate the access staircase."
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=609015

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:

PA904-MB-00-102-PR SF August 2018; PA904-MB-04-103-PR Rear August 2018; PA904-MB-04-101-PR Side August 2018; PA904-MB-00-103-PR Roof August 2018; PA904-MB-06-103-PR Section AA; PA904-MB-04-102-PR Side SW; PA904-MB-00-103-PR Roof; PA904-MB-00-100-PR GF; PA904-MB-00-101-PR FF; PA904-MB-00-100-Site; PA904-MB-01-100-PR GF; PA904-MB-01-101-PR FF; PA904-MB-01-103-ROOF; PA904-MB-01-200-Ex Front; PA904-MB-01-201-Ex Side; PA904-MB-01-202-Ex Side PA904-MB-01-203-Ex Rear
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 5 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.

And subject to the completion of a S106 Legal agreement to secure appropriate financial contributions for the management and monitoring of visitors and mitigating impact on air quality within the Epping Forest Special Area of Conservation.

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, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Background:

This application was reported to the 22 August meeting of this Sub-Committee when it was decided to defer making a decision in order that an inspection of the site by the Sub-Committee could be carried out. Arrangements for a site inspection have been made and the application is reported to this meeting on the basis that it will have been carried out beforehand.

Description of Site:

The application site covers an area of 741 sqm and comprises the amalgamation of the second floor area of land at 2 Old Station Road and 143-149 High Road. The host building is a predominately two storeys in height and the section within 2 Old Station Road rising to 3 storeys. It makes a positive contribution to the character and appearance of the street scene.

Adjoining the south western boundary of the site is 141 High Road. This site contains a two storey end terraced mid twentieth century commercial building and yard. The south eastern boundary adjoins Hawke House a two and a half storey commercial building.

The site falls within the Loughton Town Centre. The site is not listed and is outside of a conservation area.

Description of Proposal:

Permission is sought for an extension to the second floor and internal alterations to create 5 new flats.

The extension has a maximum height of 10m from ground level and will be set in at least 1m from both the Old Station Road elevation and High Road elevation. It will provide around 250 sqm of additional residential floorspace. Access to the flats is provided via the entrance off of Old Station Road and staircase. 8 cycle spaces are provided in the rear south west courtyard area. Private amenity space will be provided in the form of balconies.

Schedule of accommodation:

Flat no.	Bedrooms	Total area	Amenity space sqm
1	2	61	6
2	2	63	12.7
3	1	46	4
4	1	42	4.3
5	1	50	8.8

No off-street parking provision is made in the proposal.

Relevant History:

Numerous applications related to the ground floor shopfront and office use of the building. None relevant to this proposal.

Policies Applied:

Adopted Local Plan:

CP2	Protecting the quality of the rural and built environment
CP3	New Development
CP4	Energy Conservation
CP5	Sustainable Building
TC3:	Town Centre function
ST1	Location of Development
ST4	Road Safety
ST6	Parking Provision
DBE1	New Buildings
DBE3	Design in Urban Areas
DBE9	Loss of Amenity
U3B	Sustainable Drainage Systems

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

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 216 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1	Presumption in favour of sustainable development
T1	Sustainable transport choices
DM2	Epping Forest Special Area of Conservation
DM9	High quality design
DM10	Housing Design and Quality
E2	Centre Hierarchy / Retail Policy
DM 11	Waste recycling facilities on new developments
DM16	Sustainable drainage systems
DM22	Air Quality
P2	Loughton

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 31

Site notice posted: Yes

Responses received: No response received from neighbours.

LOUGHTON TOWN COUNCIL: Objection: The Committee objected to this application on the grounds that it was overbearing and wholly out of keeping with the historic design and character of this striking Loughton landmark building, a fine example of the art deco period. Consequently, it would have a negative impact on the street scene. The very limited amenity space would adversely affect residents and the complete lack of parking provision would place further strain on local parking problems.

The Committee was aware of the recent European Court of Justice ruling on Habitats Regulations Assessments. As it appears that all additional residential and commercial developments in Loughton would have a detrimental effect on air quality and result in extra pressure on Epping Forest, the Planning Authority was asked to consider the implications of this application in this regard.

Main Issues and Considerations:

Principle

The site is considered as previously developed land, and in line with Government policy redevelopment of this land is encouraged.

The National Planning Policy Framework (NPPF) presumption in favour of sustainable development requires local planning authorities to positively seek opportunities to meet the development needs of their area. There is a need for additional housing in the District and sites such as these go some way in resisting the pressure for sites within the Metropolitan Green Belt to be brought forward for residential development.

Town Centre

Chapter 7 (Ensuring the vitality of town centres) of the revised NPPF requires that residential uses should be encouraged on appropriate sites as this use often plays an important role in ensuring the vitality of town centres.

This is consistent with policies CP3, TC3 and ST1 of adopted the Local Plan and policies SP 2 of Submission Version Plan.

Design

Plans have been amended to now show a set back from the south east elevation of at least 1.5m. This change was required in order to make the extension appear more subservient and to improve the outlook from the repositioned bedroom window of unit three. The extended second floor is set back by 1.5m from the existing street facing parapets. The highest part of the extension rises 1.6m above the existing parapet level. The proposed materials for the development include red brick for the walls and timber framed windows which follow the vertical line of fenestration on the application building. These features will ensure that the roof extension will appear as a subordinate and complementary feature on the application building, which would still allow the original design of the building to be appreciated.

Number 141 would be 0.8m lower than the highest part of the proposal. However given that there is a gap of 1m between the two properties, the further set in of the roof extension and the varied heights of buildings within the wider Loughton Town Centre including the four storey mid twentieth century building on the north eastern side of Old Station Road. It is considered that the amended proposal has a scale which is proportionate to the application building. It also has an appearance which complements the application property and has an overall neutral impact on the wider street scene. The proposal therefore complies with the requirements of chapter 12 of the NPPF, policy DBE10 of the adopted Local Plan and policy DM9 of the Submission Version Local Plan.

Quality of resulting residential accommodation

The proposed one and two bedroom units are considered suitable for single persons or small households, the proposal would therefore meet an existing housing need within the borough in line with the requirements of policy H4A of the Local Plan.

The units have an internal size, layout, ventilation, amenity space which would meet current standards.

No amenity space or car parking provision has been included in the proposal, this is on balance considered acceptable given that it would be occupied by a small household and is close to local amenities. The proposal therefore complies with policy DM10 of the Submission Version Local Plan.

Impact on neighbouring residential occupiers.

The south east and south west elevations of the roof extension are set in from the walls of the existing building. The property at 141 High Road consists of two floors both of which are in commercial use. This property would not therefore be excessively affected.

Hawke House adjoins the south eastern boundary of the application site, it is noted that this building contains windows on the flank that faces the proposal site. However, since the top of the highest window at Hawke House is below the height of the extension; the separation distance of 4.3m between the two buildings and this neighbouring building being in office use, it is not considered that the impact to Hawke House will be excessive.

The nearest residential property is within the first floor of 137 High Road. The existing building already contains windows within its South West elevation. The rear garden of this neighbour contains tall trees which will protect it against any loss of privacy. It is therefore considered that this neighbour will also not be excessively affected in terms of loss of light, outlook or privacy, in accordance with policy DBE9 of the Local Plan and DM9 of the Submission Version Plan.

Impact on Highway Safety

Paragraph 110 of the revised NPPF requires that developments should “Give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport.”

The site is located within a sustainable location very close to good public transport links. The proposal provides at least one secure covered cycle storage space for each unit. The units are designed for smaller households and not families. The lack of provision for vehicle parking is therefore consistent with the NPPF and policies CP3 and ST1 of the adopted Local Plan along with policy T1 of the Submission Version Local Plan.

Epping Forest Special Area of Conservation

The proposal will create 5 new residential units which are within a distance of 6.2km from the Epping Forest SAC, therefore policies DM2 (C) and DM22 of the Submission Version Plan require that any permission would be subject to a financial contribution to pay towards access management and monitoring of visitors to the Forest in order to mitigate against the harmful impacts of development on the air quality and biodiversity within the Forest. However, at the time of writing this report, the exact amount of contribution has not been agreed.

Conclusion:

The proposal will provide much needed good quality housing within an existing urban area of Epping Forest District Council. The proposal is located within a highly sustainable location where higher densities are encouraged. The lack of parking provision in this location is acceptable because the site is well served by the Central Line and buses. The use of public transport will make a positive contribution towards promoting air quality and public health goals.

Chapter 11 of the Revised NPPF requires that planning decisions should promote the effective use of land in meeting the need for homes. This should be achieved through the support of opportunities “to use airspace above existing residential and commercial premises for new homes, in particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed and can maintain a safe access and egress for occupiers.”

It is officers opinion that since there is no uniformity in terms of height and form within Loughton Town Centre and the proposed extension being subordinate and complementary to the appearance of the application property; there being an overall neutral impact on the appearance of the streetscene and that there would be the safe access and egress for occupier, this requirement has been achieved.

It is for these reasons that the proposal complies with the requirements of both national and local policy and is therefore recommended for approval subject to conditions and unilateral undertaking to secure appropriate financial contributions for the management and monitoring of visitors to the Epping Forest and mitigating impact on air quality.

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:

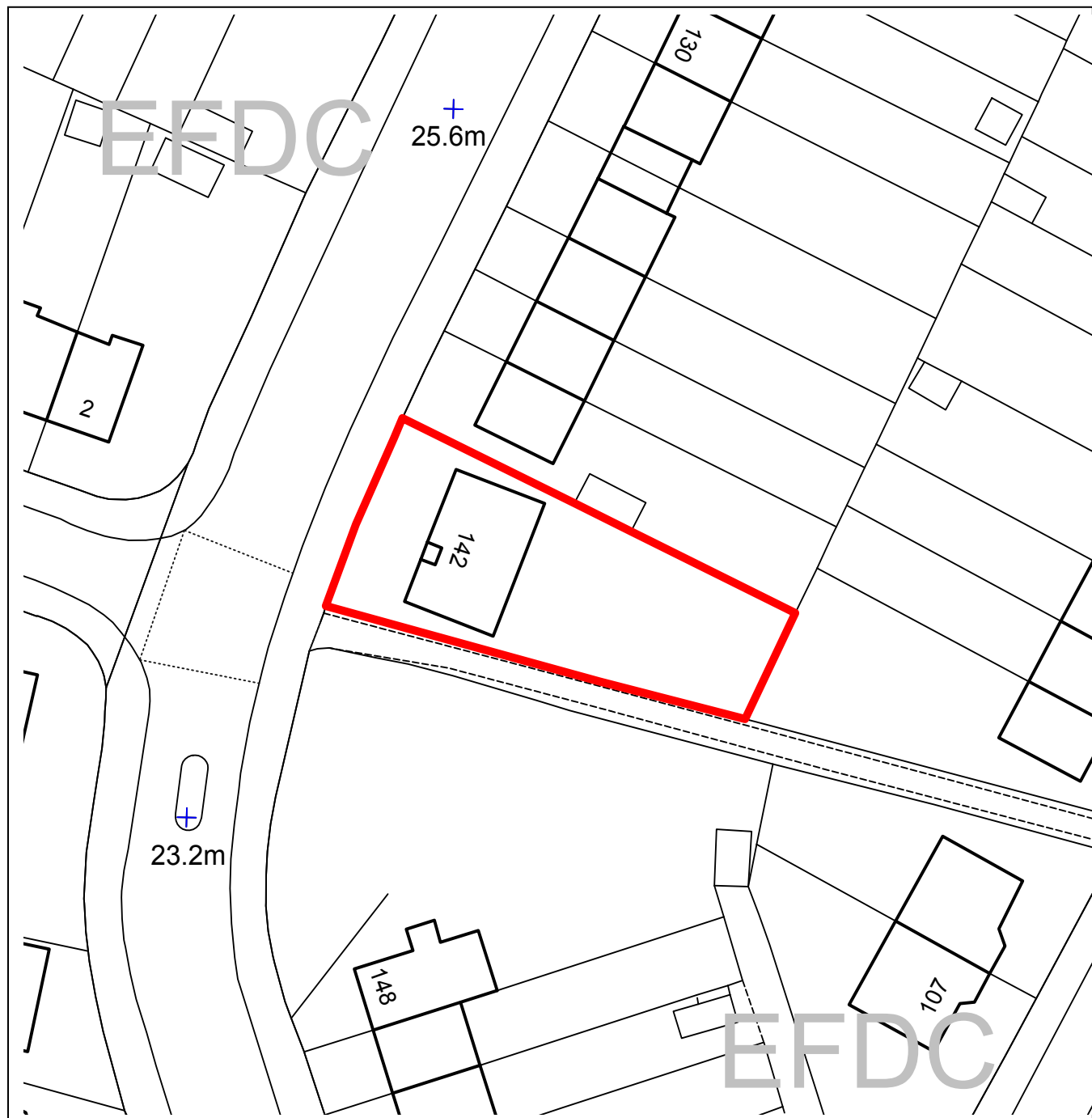
***Planning Application Case Officer: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

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



Epping Forest District Council

Agenda Item Number 5



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/1453/18
Site Name:	142 Buckhurst Way Buckhurst Hill Essex IG9 6HP
Scale of Plot:	1:500

Report Item No:5

APPLICATION No:	EPF/1453/18
SITE ADDRESS:	142 Buckhurst Way Buckhurst Hill Essex IG9 6HP
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill East
APPLICANT:	Mr Balwinda Chahal
DESCRIPTION OF PROPOSAL:	Extension to form new first floor and conversion into two, four bedroom, semi-detached houses
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=609962

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: 15.8 / 10, 11A, 12A, 13A and 14A
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development shall take place until details of the proposed surface materials, boundary treatments and landscaping for the front garden area have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed works shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.
- 5 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.

- 6 The alterations to the vehicle crossover shown on the approved plans shall be fully completed prior to first occupation of the development hereby permitted.
- 7 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 8 Windows in the north facing side elevation of the extensions hereby permitted (abutting 140 Buckhurst Way) shall be fixed non-opening and obscure glazed, and shall be permanently retained in that form. No additional windows shall be installed in the north facing side elevation without prior consent from the Local Planning Authority.
- 9 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, C and E (other than in the case of Class E a single structure not exceeding 10 square metres in area) of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

...and subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act to secure a financial contribution towards a) access management and monitoring of visitors to the Epping Forest SAC, and b) towards mitigation of air pollution in the vicinity of the Epping Forest SAC.

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, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The application site lies on the east side of Buckhurst Way, opposite its junction with Walnut Way. The property comprises a double fronted bungalow with an integral garage at the side accessed from the front. The overall site is around 512 sq.m. and narrows from front to rear.

The surrounding properties are predominantly two storey and in residential use. A pedestrian footpath runs along the southern site boundary linking Buckhurst Way with Chestnut Avenue

behind, extending on to open land further east, the site has no access onto this path. The site lies close to a bend and on ground rising from south to north at this point.

Description of Proposal:

Following the appeal allowed under application EPF/2064/17 (see below) for the erection of a block of flats, this application effectively presents an alternative proposal comprising of extensions to the existing building to create two x 4 bedroom houses.

The proposal is similar in form to the appeal scheme in that it includes a crown roof element within a half hip roof form. The front elevation retains the elevational form of a matching pair of semi-detached dwellings with gabled bays common to the local area.

At the rear, the ground floor projects to the same depth as the previously approved scheme. Above, three quarters of the width comprises a full height two storey projecting element mirroring the half hip of the main roof, rooms in the roof of this element are served by rooflights. The northern portion is recessed with a first floor dormer consistent with the previously approved schemes albeit with an additional roof element, side windows are included to the stairwell and bedroom both indicated as obscure glazed.

Parking is indicated on the frontage for 4 vehicles served from an enlarged crossover.

Relevant History:

- EPF/2688/13 Demolition of existing and construction of three storey building comprising 5 x 2 bed flats.
- EPF/0049/15 Demolition of existing and construction of a two and a half storey building comprising 4 x 1 bed and 1 x 2 bed flats refused and an appeal dismissed.
- EPF/3122/15 Extension to form new first floor and conversion into two semi detached houses – approved
- EPF/0716/16 Revision to above, proposing increased footprint by widening on southern side - approved.
- EPF/1652/16 Extension to form new first floor and conversion into two semi-detached houses (enlarged proposal) - approved
- EPF/2825/16 Extension to form new first floor and conversion into two semi-detached houses (amended scheme) - approved
- EPF/0879/17 Demolition of bungalow and construction of block of six flats with rooms in roof and basement car park - refused
- EPF/2064/17 Demolition of bungalow and construction of two-storey block of four flats with rooms in roof and integral carport – refused. An appeal against this decision was allowed, the Inspector considered the scale of the building appropriate in the location close to Roding Valley Station, and in the context of other buildings in the vicinity. The Inspector also considered the development would not adversely affect living conditions of neighbours, particularly at 140 Buckhurst way to the north.
- EPF/0608/18 Application for variation of condition 2 'plan numbers' on planning application EPF/2825/16 comprising alterations to frontage to provide an additional vehicle crossing - approved

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
DBE8	Private amenity space
DBE9	Loss of Amenity
ST4	Road safety
ST6	Vehicle parking

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

NPPF:

The Revised National Planning Policy Framework (NPPF) (July 2018) states at paragraph 213 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:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

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
DM2	Epping Forest SAC and the Lee Valley SPA
DM9	High Quality Design
DM10	Housing design and quality
DM22	Air quality

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: Six

Site notice posted: No, not required

Responses received: No response received from neighbours.

BUCKHURST HILL PARISH COUNCIL: Buckhurst Hill Parish Council objected to the application on the following grounds:

- The proposed development is out of keeping with the street scene
- The height of the roofline and overall size and mass of the development provides a negative visual impact
- Overdevelopment of the site
- Poor standard of amenity to potential residents

Main Issues and Considerations:

Consideration of the application is affected by the previous extant permissions, particularly the latest appeal decision in respect of the scale and mass of the rear elements, and the previous scheme for two dwellings on the site (EPF/2825/16, amended by EPF/0608/18).

The change in roof form results in a reduction in the height of the highest part of the roof overall of around 0.5m. While the reduction of itself is limited, it illustrates that the building is evidently proportionate to the street scene. The use of a half hip roof reduces roof mass in comparison to other roof forms in the area including hip to gable alterations and the three storey flatted block at Honeysuckle Court which the appeal Inspector considered to be material to consideration of local character. The front elevational treatment includes a gabled bay wholly consistent with the street scene.

The rear extension is consistent at ground floor with previous approved schemes in its depth and form. The first floor element extending across three quarters of the rear is also consistent in depth and width and officers consider the changes arising from the altered roof form to be minor and not so substantial as to suggest materially greater impact on the wider area.

The adjoining property at 140 Buckhurst Way lies to the north of the development site and concern at potential harm to the property has been a main consideration in the evolution of proposals for the site. Officers have consistently sought to achieve a reduced mass of the first floor projection at this point by way of limiting this element to a recessed dormer. This element remains unchanged in the current application. Although additional space is added at roof level, above and beyond this dormer, that space primarily lies adjacent to the flank of the neighbouring property and has little additional impact beyond the previously agreed form.

Parish Council comments on the overall level of development are noted, however, in the context of the previously approved schemes – EPF/2825/16 for one x 3 bed and 1 x 4 bed house and more particularly the appeal scheme for 4 x 2 bed flats, the overall intensity of development has been established. In terms of the living conditions of the future occupiers, internal floorspace comfortably meets national housing standards, each property is provided with a garden area of around 100 sq.m. and parking proposals meet adopted standards, and are acceptable to the Highway Authority on safety grounds.

The current proposals are the first in the context of the application site to be affected by ongoing work in respect of the application of policies DM 2 and DM 22 of the emerging Local Plan relating to the effect of development on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of increased visitor pressure arising from new residential development, and from local air quality issues within and adjacent to the SAC. The site lies within the 6.2km zone

identified by Natural England within which new development is likely to particularly impact on the SAC.

The Council is continuing to develop with partners a strategy for the management and monitoring of visitor pressures on the SAC, and to monitor air quality. . This will include measures to be funded through the securing of financial contributions from new development in accordance with the relevant policies above. Notwithstanding the fact that this work is yet to be completed the agent has confirmed willingness to enter into a s106 agreement to provide the appropriate contributions.

Officers have also had regard to policy H1 of the Local Plan Submission Version in relation to the loss of bungalows. The extant permissions however effectively preclude reconsidering this issue.

Conclusion:

Consideration of this application cannot be detached from the extant permissions, the 2016 approval for two houses and the recently allowed on appeal redevelopment for four x 2 bed flats. In terms of the character and intensity of development, officers consider there is little material difference in any of the three options in terms of general activity and use.

The alterations to the built form retain the key elements of the front elevation with the front gabled bays common to the surrounding area. The additions to the roof are balanced by the reduction in the ridge line, and the limited additions to the roof profile have no materially greater impact on the immediate neighbour, or wider amenity interests.

The application is therefore considered acceptable subject to conditions, and completion of a legal agreement in relation to the protection of the Epping Forest SAC and monitoring air quality.

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

***Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481***

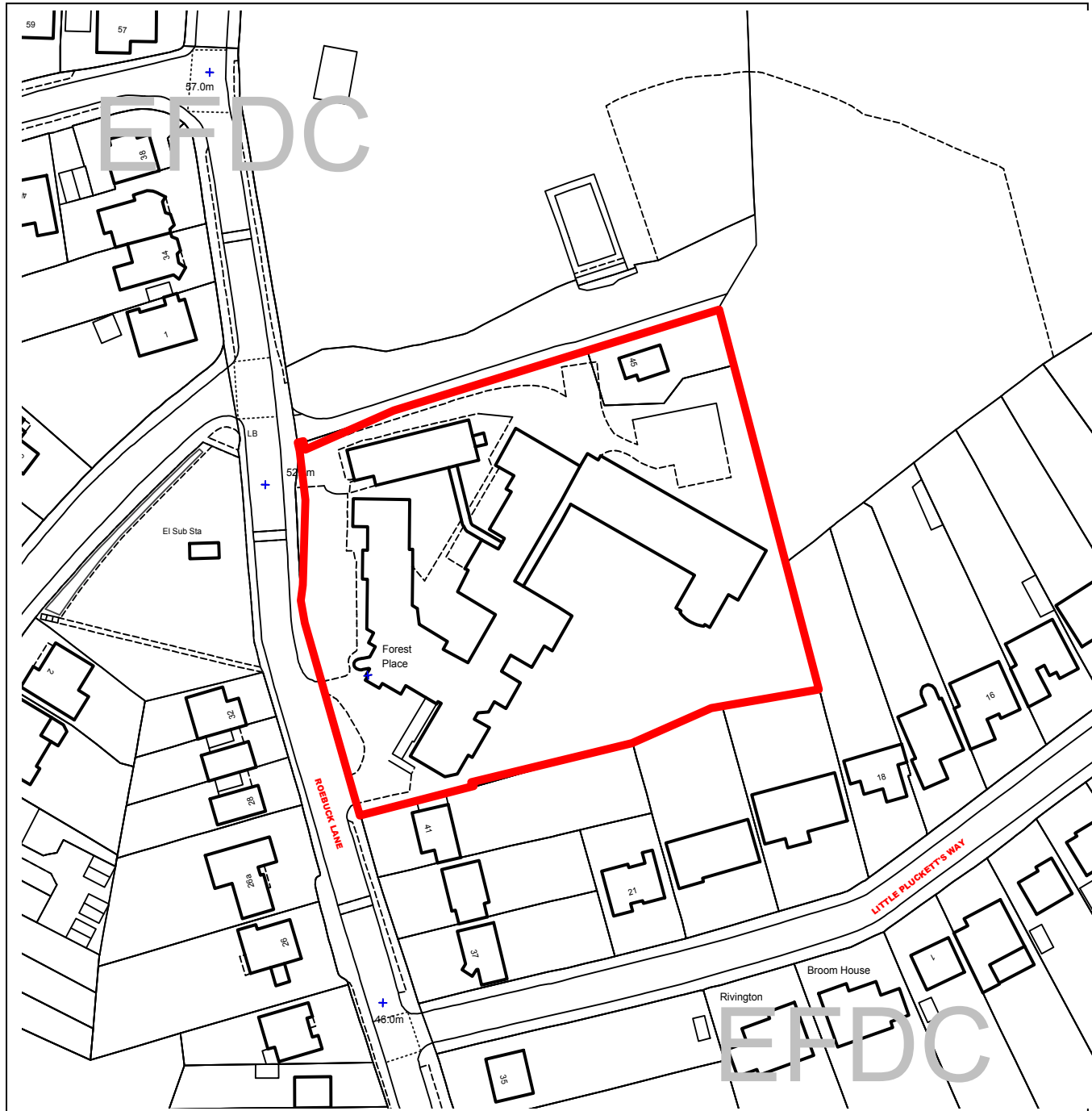
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

THIS PAGE IS INTENTIONALLY LEFT BLANK



Epping Forest District Council

Agenda Item Number 6



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/1610/18
Site Name:	Forest Place, Roebuck Lane, Buckhurst Hill Essex IG9 5QL
Scale of Plot:	1:1250

Report Item No:6

APPLICATION No:	EPF/1610/18
SITE ADDRESS:	Forest Place Roebuck Lane Buckhurst Hill Essex IG9 5QL
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Mr J Patel
DESCRIPTION OF PROPOSAL:	Application for variation of condition 2 'plan numbers' on planning application EPF/1957/15 (Demolition of two storey building fronting Roebuck Lane, single storey detached building and detached house adjoining boundary with Linders Fields Nature Reserve. Redevelopment comprising a 2.5, 3 and 4 storey development with basement to create 125 new care units at the application site, together with ancillary medical and recreational facilities and single storey courtyard development. Retention of existing 40 bed facility in Maple Unit. Creation of 57 parking spaces including two level car parking for 40 vehicles in north eastern corner of the site and 17 spaces within redesigned frontage area adjacent to Roebuck Lane). Amendments to design of building and parking layout, together with construction of access way, erection of privacy fencing and erection of outbuildings and bin storage.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=610653

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:

FHY 02
FHY_213 rev F
FHY_217
FHY_218
FHY_219
FHY_220
FHY_231 rev C
FHY_232
FHY_233 rev C
FHY_234 rev B
FHY_237
FHY_238 rev C

101264 FP-HLN-A 1026-NB-XX- C
101264 FP-HLN-A 5009-NB-B- CC
101264 FP-HLN-A 5010 -NB-00- CC
101264 FP-HLN-A 5011-NB-01- CC
101264 FP-HLN-A 5012-NB-02- CC
101264 FP-HLN-A 5013-NB-03- CC
101264 (90)205 rev C5
101264 (90)210
LC-2523-02 Revision B
LC-2523-10 Revision C
EL-01 Rev. B
EL-02 Rev. C
EL-03 Rev. C
EL-04 Rev. C
TCTC-11017-PL-02

- 2 The development shall be implemented in accordance with the details of external finishes approved under permission EPF/1706/16, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The development hereby approved shall be completed in accordance with the recommendations of the Phase 2 investigation report approved under permission EPF/0165/17.
- 4 No further construction work 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]
- 5 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.
Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

- 6 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.
- 7 The measures specified in the flood risk assessment and management and maintenance plan approved under permission EPF/1678/16 shall be carried out prior to the substantial completion of the development and thereafter shall be maintained in accordance with the approved management and maintenance plan.
- 8 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased during development activities or 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 The tree protection, methodology for construction adjacent to trees and Arb site supervision shall be undertaken in accordance with the submitted Tree Survey/Arboricultural Method Statement unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be implemented as shown on Tracy Clarke 'revised tree protection plan' drawing number TCTC-11017-PL-02 dated March 2018.
- 10 Within 3 months of the date of this consent. 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.

- 11 Prior to the first occupation of the development the access arrangements shall be fully implemented, as shown in principle on drawing no.FHY_213 Rev F, and shall include the full reinstatement of the existing layby to a footway and the removal and reinstatement of the redundant vehicular access.
- 12 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.
- 13 There shall be no discharge of surface water onto the highway.
- 14 The development hereby approved shall be carried out in accordance with the construction method statement approved under permission EPF/1173/16.
- 15 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 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.
- 16 The nursing home shall be operated in accordance with the Travel Plan approved under permission EPF/1678/16 unless otherwise agreed in writing by the Local Planning Authority.
- 17 The accessway adjacent to the southern and eastern site boundaries shall not be used by motor vehicles other than emergency vehicles.
- 18 Within 3 months of the substantial completion of the building hereby approved, gates of a design submitted to and approved in writing by the Local Planning Authority shall be erected across the accessway adjacent to the southern site boundary between the south facing flank of the building and the site boundary with 41 Roebuck Lane. Thereafter the gates or replacement gates of similar design shall be retained permanently and kept shut to motor vehicles other than in the case of an emergency.
- 19 The access to the car deck car park hereby approved from the accessway adjacent to the eastern site boundary shall be restricted in width to not more than 1.5 metres by way of walls, as indicated in drawing numbers 101264 (90)205 rev C5 and 101264 (90)210.

Subject to the completion, within 6 months, of an agreement under S106 of the Town and Country Planning Act 1990 in respect of a contribution of £3000 towards monitoring the implementation of a Travel Plan and £41,634 towards early years education and child care provision.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds

material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Background:

This application was reported to the 22 August meeting of this Sub-Committee when it was decided to defer making a decision in order that an inspection of the site by the Sub-Committee could be carried out. Arrangements for a site inspection have been made and the application is reported to this meeting on the basis that it will have been carried out beforehand.

Description of Site:

The application site previously accommodated a 106 room nursing home on a 0.77 hectare site situated on the east side of Roebuck Lane opposite a green at the junction of Roebuck Lane with Russell Road. It is presently being developed to provide a total of 165 care units achieved by way of demolition of buildings containing all but 40 of the original units and erecting buildings to provide 125 units. The development also includes new parking areas, including a split level car park towards the rear of the site, together with alterations to access arrangements. The development was approved on 26 February 2016 following completion of a S106 agreement securing financial contributions towards early years education and child care provision and monitoring the implementation of a Travel Plan.

To the south and west are houses and their gardens. To the east is Linders Field, a nature reserve and to the north is a footpath linking Roebuck Lane with the nature reserve. Beyond the footpath is the very large garden of 1 Powell Road. That garden together with Linders Field is in the Green Belt. The site and other land in the locality are outside of the Green Belt.

Levels across the site fall to the south and east. The northern part of the site is at a lower level than the highway. The change in levels across the site continue beyond it such that Linders Field and houses at Little Plucketts Way to the south are at somewhat lower level while the green west of the site and the garden of 1 Powell Road are at higher level.

Significant trees in terms of their contribution to visual amenity are situated on northern part of the site frontage with Roebuck Lane, the south east corner of the site, the eastern end of the northern site boundary and along the eastern site boundary with Linders Field. The garden of the nursing home also contains a significant tree. The latter tree together with that in the south east corner and two on the northern part of the site frontage with Roebuck Lane are protected by a Tree Preservation Order.

Description of Proposal:

This application is for a scheme to amend the previously approved development, which was commenced. It follows the refusal of a similar proposal that was refused by Members on 5 June, reference EPF/1608/17.

The amendments proposed to the originally approved development are the erection of bridge link/porch from the rear split level car park to adjacent building; alterations to elevation details; alteration to frontage parking area layout and accesses, provision of an accessway adjacent to the southern site boundary linking the rear of the site to Roebuck Lane, erection of fencing/privacy screens on the southern and eastern site boundaries, erection of a single-storey summerhouse/store building in the south eastern part of the site, alterations to bin store and provision of two small meter buildings adjacent to Roebuck Lane. A revised landscaping scheme and arboricultural report is submitted with the application.

The bridge link/porch would connect the upper ground level of the split level car park to the retained and proposed buildings where they meet each other. It would pass over the access to the lower ground level of the car park. The porch component would be single-storey with a gabled roof and entirely glazed external walls. The porch would be visible through planting on the boundary with the footpath providing access to Linders Field. The Linders Field elevation would also be altered by way of the provision of a full height gable feature adjacent to the bridge link. A dormer window and shorter gable feature are deleted. Three previously proposed gable features are widened and the roof height of the part of the building adjacent to the northern access off Roebuck Lane would be increased by approximately 2m to accommodate plant in the roof space. Window positions are slightly altered. Alterations to dormer windows previously proposed in application EPF/1608/17 have been deleted.

The alterations to the elevations of the proposed building that face into the centre of the site are alterations where the building meets the retained building to facilitate provision of a lift and accommodation of plant. The latter would create a flat roofed area enclosed by safety railings. Those alterations at roof level and similar changes to gable features and dormers would be visible through planting on the boundary with the footpath providing access to Linders Field. They would not be evident when seen from Roebuck Lane. Alterations to dormer windows and gable features previously proposed in application EPF/1608/17 have been deleted.

A gable elevation in the southern elevation would be slightly increased in size and window openings slightly repositioned. The increase in roof height at the northwest corner of the building to accommodate plant in the roof would be largely obscured by the length of the building, although it is shown clearly in the submitted south elevation drawings. Again, alterations to dormer windows previously proposed in application EPF/1608/17 have been deleted.

When viewed from Roebuck Lane, the main change would be an enlarged gable feature in the north west corner adjacent to the northern site access and a 2m increase in roof height at that point to accommodate plant in the roof. That change corresponds to a similar increase in height in the adjacent part of the north elevation, described above. Elsewhere, nearer 41 Roebuck Lane, an 8m length of roof is reduced in height by approximately 1.5m. Alterations to the number (an increase of 1) and positions of dormer windows and roof lights are also proposed. The design of the dormer windows to the Roebuck Lane elevation would be similar to that originally approved, with a slight reduction in roof mass. Chimney features shown in the Roebuck Lane elevation drawing would be recessed significantly and therefore visible from the street.

Changes are proposed to access arrangements to the car park fronting Roebuck Lane. They comprise of deleting the access nearest 41 Roebuck Lane and providing an alternative at the approximate centre of the parking area. Two parking spaces nearest the preserved trees on the Roebuck Lane frontage are deleted and small meter buildings erected in their place. Overall there would be a loss of three parking spaces from this parking area. To form the revised parking area, a retaining wall that also serves as a boundary wall has been constructed on the site boundary with 41 Roebuck Lane.

A 3.1m wide accessway is proposed adjacent to the southern site boundary with the rear /side garden of 41 Roebuck Lane and the rear gardens of 18 to 21 Little Plucketts Way. It would link the southern part of the site to a split level car park previously approved at the northern part of the site. Vehicular access to the car park would be prevented by walls restricting the width of access to 1.5m, sufficient for electric buggies used at the nursing home but not for a car or larger vehicle.

The accessway has been constructed and links the front of the site to the rear via a shallower gradient than the adjacent land at the application site, which would be used as communal garden. As a consequence the accessway is raised above that garden area. In connection with the accessway, a privacy screen of close-boarded fencing has been erected on the site boundary with the rear gardens of neighbouring properties on Little Plucketts Way and Roebuck Lane. The

height of the screen follows the gradient of the accessway and tree planting has been carried out on land between the accessway and screen.

A summerhouse constructed in the south-eastern part of the site also forms part of the proposal. It has a ground area of 4.1m by 12.3m and is 3.3m high at its ridge. It is situated well away from the site boundaries and a preserved tree in the south east corner of the site.

Relevant History:

- EPF/0449/87 Alterations, extensions and change of use to provide elderly persons home.
Approved
- EPF/2144/04 Erection of roof extension to Nightingale Unit, and two single storey infill extensions.
Creation of additional parking spaces. Approved
- EPF/1957/15 Demolition of 2 storey building fronting Roebuck Lane, single storey detached building and detached house adjoining boundary with Linders Field Nature Reserve. Redevelopment comprising a 2.5, 3 and 4 storey development with basement to create 125 new care units at the application site, together with ancillary medical and recreational facilities and single storey courtyard development. Retention of existing 40 bed facility in Maple Unit. Creation of 57 parking spaces including two level car parking for 40 vehicles in north eastern corner of site and 17 spaces within redesigned frontage area adjacent to Roebuck Lane.
- EPF/1608/17 Application for variation of condition 2 'plan numbers' on planning application EPF/1957/15 (Demolition of 2 storey building fronting Roebuck Lane, single storey detached building and detached house adjoining boundary with Linders Field Nature Reserve. Redevelopment comprising a 2.5, 3 and 4 storey development with basement to create 125 new care units at the application site, together with ancillary medical and recreational facilities and single storey courtyard development. Retention of existing 40 bed facility in Maple Unit. Creation of 57 parking spaces including two level car parking for 40 vehicles in north eastern of site and 17 spaces within redesigned frontage area adjacent to Roebuck Lane). AMENDMENTS PROPOSED: erection of bridge link from rear car park to adjacent building; erection of porch; alterations to bin store; alterations to elevation details; alteration to frontage parking area layout and accesses. Refused on the basis that the use of the accessway by motor vehicles would be likely to give rise to noise that would harm the living conditions of neighbouring dwellinghouses, and on design grounds, particularly concerning amended dormer windows.

Policies Applied:

Adopted Local Plan

CP2	Quality of Rural and Built Environment
CP3	New Development
CP6	Achieving Sustainable Urban development Patterns
CP7	Urban Form and Quality
CP7A	Conspicuous Development
NC2	County Wildlife Sites
NC4	Protection of Established Habitat
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
LL10	Adequacy of Provision for Landscape Retention

LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

NPPF:

The Revised National Planning Policy Framework (NPPF) has been published as of 24th July 2018. Paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

DM 5	Green and Blue Infrastructure
DM 9	High Quality Design
DM 11	Waste Recycling Facilities on New Development

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 17

Site notice posted. Yes

Responses received: Letters of objection were received from 3 neighbours and summarised as follows

19 LITTLE PLUCKETTS WAY, BUCKHURST HILL

- Considerable concern about siting and usage of accessway adjacent to rear garden. Planting and screening will not mitigate noise and pollution from motor vehicles.
- The accessway is regularly used by vehicles and gates at the Roebuck Lane end are kept open.
- If permission is granted, the accessway will continue to regularly be used by motor vehicles

regardless of any restrictions on its use e.g. gates.

20 LITTLE PLUCKETTS WAY, BUCKHURST HILL

- Concern expressed about the effectiveness of bollards to restrict access between the decked car park and accessway and the potential for the accessway to become a thoroughfare. Something more substantial should replace the bollards.
- The accessway should be reduced in width and converted to a footpath following completion of construction works.
- I am told gates proposed on the southern accessway would be kept locked and only opened in emergency. Presently there is only one gate near Roebuck Lane. It is rarely closed and I hear lorries and other vehicles using it, particularly in the mornings.

Officer comment: The proposal was amended in the course of consideration to replace bollards with a 1m high wall as a means of restricting access to the decked car park from the accessway.

41 ROEBUCK LANE, BUCKHURST HILL

- Concern about potential overlooking.
- The accessway is sited adjacent to my house and full length of my rear garden. Gates controlling access to it from Roebuck Lane are always left open.
- Cars and vans regularly use the accessway and HGV's back into it. Such usage takes place from early morning until the evening. Metal trolleys for food deliveries are moved along the road, which is incredibly annoying, especially in the early hours of the morning.
- Comment about a long delay in the applicant starting remedial work.

BUCKHURST HILL PARISH COUNCIL: Objection.

It appears that the ridge line is now higher than the approved scheme, if that is correct then we object.

We have no other objections on the other changes.

Main Issues and Considerations:

The proposal is for a number of changes that are minor in the context of the overall approved development but would nonetheless be apparent. The main issues raised by the proposal are the consequence for the character and appearance of the locality, consequence for living conditions of neighbouring properties and the consequence for preserved trees. The alterations to access arrangements and the parking area are acceptable in terms of highway safety and demand for on-street parking. As with the approved development, the proposal would achieve a significant increase in the amount of off-street parking provision in relation to staff numbers and care rooms.

This application is designed to overcome the Council's objections to application EPF/1608/17. The main focus of this assessment, therefore, is on the extent to which the reasons for refusal are overcome. The first reason for refusal concerned the impact of use of the accessway for the living conditions of neighbours. The second related to design, especially of dormer windows.

Following its decision to refuse application EPF/1608/17 this Committee offered the following way forward. *"Members considered either deleting the accessway from the proposal or proposing an enforceable mechanism for mitigating the harm likely to be caused by its use by motor vehicles using it may address the first reason for refusal. In relation to the second reason for refusal, Members considered sensitive alterations to enhance the appearance of the building, including the replacement of modern design dormer windows with dormer windows of traditional design, would be likely to address their objection."*

Living conditions:

The proposed building and parking areas would not have a materially different impact to the approved building on the living conditions of neighbours. The main impacts arise from works in the southern part of the site.

Most contentious is the accessway constructed adjacent to the southern site boundary which is at higher level for much of its length. The difference in levels is a consequence of the accessway bridging a sharp change in original land levels between Roebuck Land and the rear of the site. The accessway is therefore significantly elevated in relation to rear garden levels at 41 Roebuck Lane, 19, 20 and 21 Little Plucketts Way. The degree of change in levels varies but is not more than 1m. That is verified by survey information submitted by the applicant that is consistent with the degree of change noted at inspections.

The access way is required for operational reasons and would link through to the northern side of the retained care home building to a split level car park structure previously approved. The car park would be accessed from Roebuck Lane. Submitted plans indicate a gate across the access way adjacent to the eastern flank of the retained care home building, a further gate adjacent to the summerhouse and a width restriction to 1.5m where the accessway meets the split level car park. In addition, the submitted plans propose a reduction in the width of that part of the roadway nearest the car park to 2m and the inclusion ornamental features that serve to define that part as a pedestrian walkway.

The Applicant clearly wishes to retain the accessway and sets out proposals to mitigate potential harm caused by use of the accessway. The potential harm is overlooking of rear gardens from the accessway due to its elevated position and noise and pollution from motor vehicles using the accessway. The potential for overlooking is addressed first in this report, followed by the potential for noise and pollution.

Potential for overlooking:

When originally constructed the accessway did cause excessive overlooking into the rear gardens of 19 to 21 Little Plucketts Way and 41 Roebuck Lane, with no. 20 Little Plucketts Way being most severely affected. The applicant has mitigated the harm by erecting close boarded fencing adjacent to the site boundaries and planting trees between the access way and fence. The fencing is erected to a height of approximately 2m above the level of the accessway. This serves as a privacy screen and was provided following communication between the applicant's agent and the occupants of the affected houses. Inspections of the site following implementation of mitigation measures confirm the mitigation is effective in safeguarding the privacy of all affected neighbours.

Due to natural level differences between the site and adjacent rear gardens the fencing appears up to 3m high when seen from the gardens. Since the screening is to the very rear part of back gardens that are approximately 20m in length it does not appear excessively overbearing.

Potential for noise and pollution:

When refusing application EPF/1608/17, Members found the potential for overlooking had been addressed acceptably. Their main objection to the accessway concerned its use by motor vehicles and the potential for noise and pollution to harm the living conditions of neighbouring properties by impacting adversely on the amenities of their rear gardens.

The design changes to the accessway described in the third paragraph of the living conditions section of this assessment properly addresses the potential for the access way to form part of a through route around the site. The physical measures described would prevent cars and larger

vehicles from travelling between the split level car park and the accessway therefore no through route for such vehicles would exist.

Residents have made clear that the present use of the accessway results in noise and disturbance that they experience as causing harm to their living conditions. Notwithstanding the Applicant's statement that the use of the accessway is currently limited to pedestrians and emergency vehicles, it is evident that the primary use of the accessway is by non-emergency vehicles.

The development underway is being constructed in phases that allow for the continuation of the operation of the care home use during construction. It is expected that Phase 1 of the development at the site will be completed by September 2019. Once Phase 1 is completed the accessway would only be used by emergency vehicles and pedestrians, including staff and visitors. With regard to emergency vehicle use, ambulances will park at the upper level of the car park, which is currently under construction, in the north-eastern corner of the site. Consequently, the only time that an emergency vehicle may need to travel along the accessway is when equipment to be used in the event of a fire may not be used efficiently from the northern side of the site. On that basis, the amount of vehicles using the accessway once Phase 1 of the construction is complete would be negligible.

The Applicant has stated that he has no objection to the imposition of a condition restricting the use of the accessway to emergency and pedestrian use only that takes effect on the grant of planning permission. That is necessary to properly safeguard the living conditions of neighbouring properties. Such a condition is enforceable, however, the effectiveness of the condition in the longer term would be supported by a further condition requiring the erection of gates between the approved building and 41 Roebuck Lane in accordance with details to be submitted to and approved by the Local Planning Authority. Furthermore, such gates should be kept shut to vehicles other than in the case of an emergency requiring vehicular access to the rear of the approved building. Existing gates cannot be relied upon since they do not relate to the approved building and may therefore be removed in the course of its construction. The applicant has agreed to the condition, stating that, other than in the case of an emergency, the gates would allow for pedestrian access only.

On the matter of impact on living conditions, it is concluded that, subject to the imposition of the conditions referred to above, proposal would safeguard those of all neighbouring dwellings and would certainly not cause any excessive harm.

Character and appearance:

As described in the description of the proposal, the amended development would retain a traditional appearance with the higher part of the building in the north west corner opposite the green. Alterations to the detailed design of the building would not significantly alter its appearance therefore the building would complement the domestic character of the locality. In relation to its scale and height, the proposal is also not significantly different to that approved, making full use of the natural changes in levels across and beyond the site to ensure the building complements the character of the locality.

The additional height of the building is limited in location and is for the purpose of containing plant that would otherwise appear unsightly. The Parish Council's concerns about height are acknowledged, but in these circumstances it is concluded the limited raising of ridge height is not unacceptable and falls within the scope of a minor material amendment to the approved development.

In relation to the Committee's concerns about the design of dormer windows, the previously refused modern design has been deleted and the design now proposed is traditional and not materially different to the design originally approved.

It is therefore concluded the building will have an acceptable appearance that is not significantly different to that originally approved.

All other works, including the erection of a summerhouse and accessway adjacent to the southern site boundary together with privacy screening are of no consequence for the character and appearance of the locality since they cannot be seen from any public area. A boundary wall on the site boundary with the front garden of 41 Roebuck Lane is visible but would not appear out of place.

Trees and landscaping:

In the course of dealing with the previously refused application the Council's tree and Landscape Officer had ongoing discussions with the applicant and arboriculturalists / landscape architects employed by the applicant. They were able to resolve objections in relation to works in the vicinity of three preserved trees on site and secure remedial proposals that would complement other necessary works for the development. In particular, works to levels adjacent to the preserved tree in the south east corner of the site are to be modified in accordance with arboricultural advice. The Council's Tree and Landscape Officer raised no objection to the proposal subject to the imposition of suitable conditions in respect of landscaping and tree protection. That was justified as follows:

"Tree protection information has now been provided in respect of the proposed development – which are now well underway. However, given the fact that some of these trees are now legally protected by a Tree Preservation Order, on going Arboricultural supervision will be necessary. Information on this has been included within the recently received, and updated, Arb reports which allows us to specifically condition tree protection.

Although a landscaping scheme has been provided, and is acceptable in terms of where planting is to take place, it lacks sufficient detail to allow us to condition the submitted plan. Eg details of what trees are to be planted where, density details for proposed hedging, details of the green wall and planting of it etc. The soft areas highlighted as 'unaffected by the proposal', have been affected by the proposal, and will require remediation and planting. Also hard landscaping information in respect of, for example the steel planter to the frontage is required, etc. We have therefore included our standard landscaping condition, amended to take into account the fact that development works have commenced."

The position has not changed in relation to the amended proposal now before Members.

Provision for Education:

In connection with the approved development Essex County Council advised they seek £41,634 to fund a need for 3 additional places of early years education and child care provision within the ward. Officers' report on the original application stated:

"They calculate the need arising from the increased employment generated. The matter of a contribution for early years education and child care provision in the locality is the subject of discussion with the Applicant who informally questions whether the proposal actually generate a need to meet such provision in connection with a care home for the elderly. The outcome of that discussion will be reported verbally to the Committee. However, Officers recognise the proposal will provide the benefit of increased residential care for the elderly in the context of an aging population in the locality, and that it will generate significant local employment. In the circumstances, should the Applicant decline to make the requested contribution Officers do not consider that should be a sole reason for refusing planning permission."

In the event, the applicant completed a S106 agreement with the Council to secure the contribution prior to the use of the new buildings commencing. There has been no change in circumstances since that decision therefore the obligation is still required. Should Members resolve to grant consent it will be necessary to secure the same obligation in connection with this application.

Other matters:

It remains necessary to secure a contribution £3000 towards monitoring the implementation of a Travel Plan, as previously secured through a S106 agreement.

Conclusion:

The revised alterations to the building are minor and, although material, would safeguard the quality of its design and as a consequence the building would not have a significantly different impact on the street scene to the approved building. Members previous design concerns, particularly in relation to dormer window design, have been overcome. All other works would not be readily visible from outside of the application site. It is therefore concluded the proposal would safeguard the character and appearance of the locality.

The potentially harmful impact of the accessway and other works carried out in the vicinity of preserved trees has been addressed in revisions to the proposal. The potential for excessive overlooking from the accessway is properly mitigated and changes to the arrangement of the accessway would effectively prevent its use as a through route around the rear of the site by cars and larger vehicles. The Applicant agrees it is necessary to restrict the use of the accessway by condition in order to safeguard the living conditions of neighbouring dwellings. He also agrees it is necessary to require the provision of gates at the western end of the accessway and require them to be kept shut to vehicles other than in an emergency. Such arrangements to safeguard the living conditions of neighbours are enforceable. Works to levels adjacent to the preserved tree in the south east corner of the site are to be modified in accordance with arboricultural advice. For those reasons it is concluded the proposal as amended would safeguard the living conditions of neighbours, the character and appearance of the locality and the amenity value of preserved trees.

Accordingly, the proposal is acceptable and complies with relevant planning policy. It is recommended that planning permission be granted subject to suitable conditions and the completion of a S106 agreement in respect of monitoring the implementation of a Travel Plan and of early years education and child care provision.

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

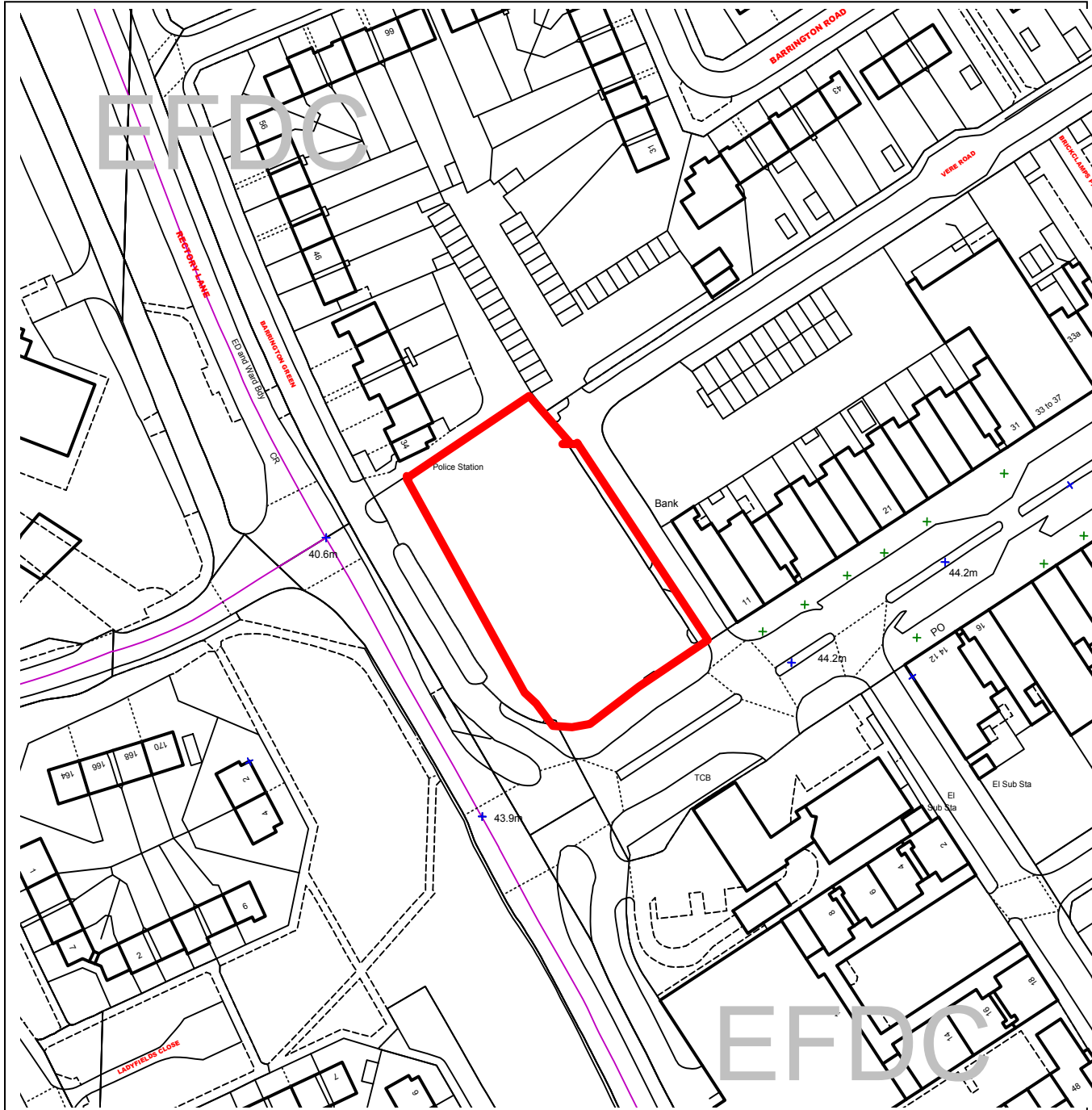
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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



Epping Forest District Council

Agenda Item Number 7



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/1691/18
Site Name:	30 Barrington Green Loughton Essex IG10 2BA
Scale of Plot:	1:1250

Report Item No:7

APPLICATION No:	EPF/1691/18
SITE ADDRESS:	30 Barrington Green Loughton Essex IG10 2BA
PARISH:	Loughton
WARD:	Loughton Broadway
APPLICANT:	Mr Cem Yaman
DESCRIPTION OF PROPOSAL:	Change of use of Units 2, 3 and 4 previously permitted to be used for purposes within Use Class A3 (restaurants and cafes) under planning permission EPF/2163/13 to use for a mix of purposes within Use Class A3 (restaurants and cafes) and Use Class A5 (hot food takeaways). Provision of outside seating area of 8 tables for 32 covers. Installation of extractor ventilation system connected to external acoustic aluminium weather louvres to the rear at ground floor level.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=611026

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:
Site plan, A101 rev:0 received 13.9.18
TQRQM18169215234389
A102 rev: 0
A103 rev: 0
A104 rev: 0
A105 rev: 0
A106 rev: 0
A107 rev: 0
A109 rev: 0
A110 rev: 0
A111 rev: 0
A112 rev: 0
A113 rev: 0
Grease Goblin brochure
Waterloo external louvres brochure
Acoustica brochure
Details of torin-sifan fan

Details of Helios attenuator
Details of GigaBox centrifugal fan
Details of UV-0 1000 air purification system
Details of electrostatic precipitator
Details of filters by Purified Air Ltd.
Specification and Defra Report dated 12th April 2018
Design and specifications of extraction ventilation system
Internal flue section
Design & Access Statement

- 3 The outside seating area shall only be used between the hours of 09:00 and 21:00. No table, chair, umbrella or other item associated with the outside seating area shall remain in the area of the outside seating area other than between the hours of 08:30 and 21:30.
- 4 Equipment shall be installed to suppress and disperse cooking/food preparation fumes and smell to a minimum. The equipment shall be effectively operated and maintained for so long as the use continues. Details of the equipment shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.
- 5 The commercial uses hereby permitted shall not be open to customers / members outside the hours of 07:30 to 23:00 on Monday to Thursday, 07:30 to 00:00 (midnight) on Fridays and Saturdays and 09:00 to 23:00 on Sundays.
- 6 The A5 use, hot food takeaway use, hereby permitted shall be limited to the extent shown on approved plan A107 Rev. 0. and shall not be enlarged from the figure of 32.6 sq m stated on the completed application form as being the area of A5 use.
- 7 Tables and chairs outside of the premises, as indicated on the submitted site plan, shall not be placed more than 2 metres from the shopfront of the premises.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The application relates to commercial units on the ground floor of Landmark House, Debden.

Landmark House has an L-shaped footprint. A northern arm has commercial units numbered 1 to 5. A common entrance to the upper floor residential flats is positioned where the northern arm and an eastern arm conjoin. The eastern arm accommodates a commercial unit which was the subject of an application associated with the Co-op supermarket (EPF/2884/17). The northern arm faces onto Barrington Green and Rectory Lane, these roads running parallel where the proposal is sited. The eastern arm faces onto The Broadway.

The proposals relate to the mid part of the northern arm. The proposal relates to units 2, 3 and 4, with frontages facing Rectory Lane. The currently empty commercial units are next to fairly busy roads and there are retail and other commercial units to the east, along The Broadway, and to the south, in the form of a petrol filling station and further to the south a Sainsbury supermarket. The

character of the setting to the site is that of a commercial centre albeit with residential development at upper levels and nearby. Debden LUL station is a short walk to the south.

The commercial units to which this application relates are within the defined Town Centre of Loughton Broadway on an inset map of the adopted Local Plan. The commercial units are within the Small District Centre boundary of Loughton Broadway as defined in the Submission Version of the Local Plan (Map 5.5 refers). However, the commercial units are outside the area defined as Primary Shopping Area, such area being somewhat to the south; the commercial units the subject of this application are neither Primary Frontage nor even Secondary Frontage in the Submission Version of the Local Plan.

Description of Proposal:

Change of use of Units 2, 3 and 4 previously permitted to be used for purposes within Use Class A3 (restaurants and cafes) under planning permission EPF/2163/13 to use for a mix of purposes within Use Class A3 (restaurants and cafes) and Use Class A5 (hot food takeaways). Provision of outside seating area of 8 tables for 32 covers. Installation of extractor ventilation system connected to external acoustic aluminium weather louvres to the rear at ground floor level.

The application documentation also seeks a change to the hours of use from those specified by a condition to EPF/2163/13. This is addressed below.

Relevant History:

EPF/2163/13 - Demolition of Public House and garages and replacement with construction of a mixed use development, comprising retail and food and drink units (within classes A1, A3 and A4) at ground floor level and 64 residential units at upper floor levels (first to sixth floors), together with 64 car parking spaces, service yard, access and car parking. – Granted subject to legal agreement 28/03/2014

Policies Applied:

Epping Forest Local Plan (1998) and Alterations (2006):

RP5A – Adverse Environmental Impacts
TC1 – Town Centre Hierarchy
TC2 – Sequential Approach
TC3 – Town Centre Function
TC5 – Window Displays
DBE9 – Loss of amenity
DBE12 – Shopfronts
LL5 – Protection of Urban Open Spaces
ST4 – Road safety
ST6 – Vehicle parking

The National Planning Policy Framework

The National Planning Policy Framework (NPPF) has been adopted as national policy since July 2018. Paragraph 213 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:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP 1 - Presumption in Favour of Sustainable Development

SP 2 F. (i) - Spatial Development Strategy 2011-2033

SP 3 - Place Shaping

E 2 - Centre Hierarchy/Retail Policy

DM 9 - High Quality Design

DM 11 - Waste Recycling Facilities on New Development

DM 14 B. - Shopfronts and On Street Dining

DM 19 A. (i) - Sustainable Water Use

DM 21 - Local Environmental Impacts, Pollution and Land Contamination

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 68

Site notice posted: yes

Responses received:

FLAT 13, 1 LANDMARK HOUSE – Object, noise pollution and foul smells, disagree with any bin area being located under our flat without the correct cover/storage/safety precautions being taken into consideration, late licenses will only be justified if liquor is sold up until 11pm at the latest.

1 LANDMARK HOUSE, 1 THE BROADWAY – Object, noise and smell from the extractor fan at the rear of the property, noise of customers during the evenings and weekends, noise from food deliveries and general operation, increase risk of fire, we are first-time buyers and although we were aware that the units would be A3 we were unaware of inclusion of an A5 element, detrimental effect to our overall happiness within the area.

19 LANDMARK HOUSE, 1 THE BROADWAY – Object, our children will be unable to sleep due to the excessive noise the venue will cause, strong smell of food, additional heat, increase in rubbish, vermin and public nuisance, catering/hospitality venues directly under a large residential housing will lead to future complications, it will be hazardous.

APPARTMENT 61 LANDMARK HOUSE – Comment, concerned at aesthetics and brand.

5 LANDMARK HOUSE – Object, will not feel safe inside my property, adverse impact to emotional wellbeing and job performance, health will be at risk from passive smoking, was told shops to be beneath, late night activities will result, adequate and good quality rest in between shifts required as I am a Anaesthetist involved in life-threatening emergencies which require decisive and quick practical action, noise and clientele disruption by the businesses below would be incompatible with my life, I do shift work, no part of my property that is not directly impacted, noise, constant smell of cooked food and alcohol is not compatible with my life as a Muslim by background, smell of alcohol nauseating, loitering of customers after opening hours means that there will always be people just below my bedroom windows and my balcony would make me feel unsafe, increased fear of crime, litter.

12 LANDMARK HOUSE, THE BROADWAY – Object, disturbance from smells, flood risk, inadequate access or highways safety, inadequate parking and servicing, noise and disturbance, overbearing nature of proposal, overlooking or loss of privacy from increase of people it will attract, risk of creating a precedent, traffic generation, anti-social behaviour and increase of crime due to the licence of alcohol and late hours it is open.

64 LANDMARK HOUSE, THE BROADWAY – Object, we were assured that a takeaway would not take occupation, objections to an A5 use, change of use is purely economic, a takeaway would detract from character and vitality and viability of the area, alternative takeaway eateries exist on The Broadway, no need for a takeaway and any additional takeaways would have a detrimental impact on those existing businesses, not compatible with aim of improving healthy eating, detrimental effect to quality of life and property prices, litter, smells, would encourage groups to congregate causing obstruction and diminishing sense of security, possible increase in anti-social behaviour, increase in cars pulling up on edge of kerb.

LOUGHTON TOWN COUNCIL: OBJECTION. The impact of the heat, noise and smell from the extractor ventilation system was considered to be detrimental to the amenity of neighbours above the property.

Furthermore, as the Landmark block is primarily residential, the Committee objected to the change of use from A3 to A5 to include a takeaway element and outside seating as the resulting increase in noise and the numbers of customers would cause considerable disturbance to the neighbours above.

Main Issues and Considerations:

There are two main planning issues to consider when assessing the merits of this application: the consequence of the use for the vitality and viability of the Broadway shopping area; and the consequence for the living conditions of neighbours.

The original planning permission for the development of landmark House, reference EPF/2163/13, has no condition preventing a takeaway, however, the description of the planning permission refers to uses on the ground floor of the building as a whole as comprising of uses within Use Class A1 (shops), Use class A3 (restaurants and cafes) and Use Class A4 (drinking establishments). The lawful use of the premises is as a restaurant/café (Use Class A3). That component of the new use may therefore be commenced without the need for any further planning permission. Consequently, this report focuses on the consequence of the proposed hot food takeaway component of the new use, since that part would be materially different to the lawful use as a restaurant and café, together with the proposed outdoor seating area and changes to opening hours.

Vitality and viability:

The proposed change of use is from lawful use as a restaurant/café to use for purposes comprising of a restaurant/café and a hot food takeaway. Information set out below is given to assist an appreciation of the proposed use.

On 23 August the Councils Licensing Sub-Committee, gave a new premises licence for the application site, permitting the following activities:

Late Night Refreshment: Monday to Thursday 23:00-23:30, Friday to Saturday 23:00-00:00 (no late night refreshment for Sunday).

Supply of Alcohol: Monday to Thursday 10:00-23:00, Friday to Saturday 10:00-23:30, Sunday 10:00-22:30 (both on and off the premises).

The new premises licence was given subject to a condition that tables and chairs are removed from the outside area at 21:00 hours.

The above information is given to assist in illustrating the nature of the mixed use proposed. The reference to the grant of a new premises licence should not be construed as an indication that planning permission should necessarily be granted. The decision on this application must be made on planning grounds alone, and while there may on the face of it be some crossover with matters relevant to licencing, the decision on this application is independent of that on the licence application.

To further illustrate the nature of the use proposed, members are advised the detailed floor plan, number A107, shows the majority of space taken up by seating around tables, restaurant style seating. There would be a dedicated bar but this would be in a rear corner of the front of house area and only be some 4m long.

These plans also show a take away area, with a dedicated takeaway entrance. However this takeaway element would have a frontage, or “shopfront”, of only some 4.5m width. The width of the entire frontage, or “shopfront”, to the commercial units the subject of this application would be some 22m. The takeaway area would extend to some 32.6 sq m, 10% of the gross internal floorspace, some 326 sq m.

An argument could be made that the proposed element of takeaway use would be ancillary and incidental to the planning unit as a whole. However, this application is for planning permission to use the premises for a specific mixed use, not a Certificate of Lawfulness for a proposed use, and must be determined on that basis. Notwithstanding the possibility that planning permission is not required, it is considered that the proposal as presented would be acceptable in terms of its consequence for the viability of the Broadway shopping area since the lawful use of the premises is for a non-retail use as a restaurant/cafe and the new use would predominantly be a restaurant/café while hot food takeaway uses are not out of character within shopping areas.

It may, however, be necessary to limit the floor area given over to the hot food takeaway component of the use in the interests of safeguarding living conditions. That matter is considered further below.

Living Conditions:

There are four main matters to consider under this heading: activity from the take away use; the outside seating area; the ventilation system, and; the proposed opening hours.

Activity from the take away use

The first matter to consider under this heading is the consequence of activity arising from the hot food takeaway component on the living conditions of neighbouring dwellings.

There are flats above the position of the vents but it is considered reasonable to expect that purchasers would have been aware that the residential properties were in a mixed commercial and residential setting. The hot food takeaway element of the proposed use, while significant, would very much be a subordinate component. As a consequence, activity associated with it is likely to be perceived as distinct from the restaurant/café component.

Moreover, the setting of the takeaway is that of a commercial centre. As referred to in the description of the site description section above, the takeaway would be within the boundary of the Debden commercial centre as defined in both the adopted and most recent versions of the Local Plan. Residential uses above takeaways are a common situation in commercial centres generally.

An Inspector's decision letter (APP/J1535/W/17/3181197), dated 7th December 2017, relating to planning application EPF/1288/17, is considered of some relevance. The appeal site was 76 Borders Lane. The appeal related to a café/restaurant in a situation with residential use above. The appeal was dismissed though on the ground of the loss of an A1 use; the provision of local shops and the vitality and viability of the parade. The other main issue identified by the Inspector was the living conditions of surrounding residents in respect of noise and disturbance and smells and odours. This appeal decision is not directly comparable, with the café having a closing time of 22:00 and an existing takeaway use elsewhere on the parade. Nevertheless, it is considered noteworthy that in that case the Inspector found that the proposed development would be unlikely to cause unacceptable harm to the living conditions of surrounding residents in respect of noise and disturbance and smells and odours.

In relation to an appeal at 1 Brook Parade, Chigwell (APP/J1535/W/17/3175558) the Inspector concluded that as food would generally be taken away to be consumed elsewhere, there would not be likely to be a significant effect on levels of litter (paragraph 16). The Inspector imposed a condition to the effect of a closing time of 23:00, in the interests of protecting the living conditions of neighbouring occupiers, when granting planning permission.

The impact of noise from activity within the premises does depend on the form of shop front that would be installed. A fully openable shop front comprising of bi-fold doors would clearly let out a significantly higher amount of noise when open than closed. Condition 11 of the original planning permission for the development of landmark House, reference EPF/2163/13 requires the submission of details of shop fronts for the units to be submitted to and approved by the Council, giving it the power to ensure a non-openable shopfront. To date, no details of shop fronts have been submitted to the Council for approval. Condition 11 remains enforceable, and, in any event, the installation of a shop front amounts to a material change in the appearance of a building that requires planning permission. This matter therefore remains under the Council's control.

Outside seating area

The second matter to consider under the heading of living conditions is the outside seating area.

Policy DM 14 requires such proposals to demonstrate the suitability with regard to residential development. There are residential properties on upper floors of Landmark House and to the north. The upper floor flats have windows and balconies in proximity to the proposed outdoor seating area. However, some of these balconies are recessed back from the level of the commercial unit frontage and all face onto a busy road where traffic is normally stationary as a result of the junctions of Rectory Lane with Borders Lane and with The Broadway. The nearest

residential property to the north is 34 Barrington Green and is some 15m away. This is at a higher ground level and there is a concrete panel fence on the boundary between 34 Barrington Green and Unit 1 on the ground floor of Landmark House.

The footway next to Rectory Lane is at least 2m higher in level than the area immediately outside the “shop front” of units 2, 3 and 4. Accordingly pedestrian traffic would seem almost certain to use the footway at a higher level than the area of the proposed seating.

Given the circumstances – including changes in level between the proposed seating area and its surroundings; general noise levels of surroundings; isolation distances and settings – the proposed seating area is considered acceptable. However, a condition that tables and chairs are removed from use from the outside area after 21:00 hours, is considered necessary and reasonable given that after such time background noise would be much less. That would be consistent with the terms of the recently given licence.

Ventilation system

The third matter to consider under the living conditions heading is the ventilation system.

Environmental Health has responded in writing to recommend a condition to any planning permission; no objection has been raised. The condition would relate to effective operation and maintenance.

Opening hours

The fourth matter to consider under this heading is the proposed change to approved opening hours for this premises.

The application sets out the proposed hours of use. In terms of how the proposed hours would change from those specified in planning permission EPF/2163/13 the proposal is presented as a table below:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Now	9:00 to 23:00	7:30 to 23:00	7:30 to 23:00	7:30 to 23:00	7:30 to 23:00	7:30 to midnight	7:30 to midnight
Proposed (uses A3 and A5)	7:00 to 23:00	9:00 to 00:00	9:00 to 00:00	9:00 to 00:00	9:00 to 00:00	9:00 to 00:00	9:00 to 00:00

The significant change is that the premises be open to midnight, rather than 23:00, during the week.

Whilst the occupiers of the flats were in a position to be aware that commercial units would exist below then, by the same token they could reasonably expect that the hours of use would be as per the planning permission for Landmark House as a whole. Therefore this aspect of the proposal is considered to be unacceptable and any planning permission for the current proposals should reasonably be subject to hours of use limitations, by condition, as per the original planning permission.

Design:

In terms of appearance, the fresh air intake and the extraction vent would be on the rear elevation, the eastern elevation, adjacent to a service yard. The vents would be small in proportionate terms, unobtrusive and of acceptable appearance.

The documentation indicates that the front elevation, the “shop front” to the restaurant/bar premises would essentially be full height glazing. This would be in keeping with the modern building of Landmark House as a whole. The appearance of the outside seating area would be consistent with the use and, due to levels changes would have limited visibility.

Other matters:

The indicated outside seating area is shown to be restricted to an area not more than 2m beyond the shop front of the premises. The available space between the shopfront and embankment beyond is limited and there is potential for the seating area to creep beyond the indicated limit. Such creep would be likely to restrict pedestrian access to adjacent units. In order to maintain such access in the interests of safeguarding their viability and emergency access, it is necessary to limit the extent of the seating area to not more than 2m from the shopfront. That can be achieved by way of a suitable condition.

Conclusion:

The proposals raise a number of difficult issues and, as can be seen from comment from local residents, are far from popular. However, the frontage to the units in question is not protected retail frontage. Neither the restaurant style use nor the takeaway is unacceptable in broad policy terms. Accordingly the recommendation is one of approval subject to conditions, including a condition to the effect that the closing time be 11pm Monday to Thursday and a condition clarifying and restricting future change to ensure that the takeaway and outside seating area be limited to the extent shown on the approved plans.

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:

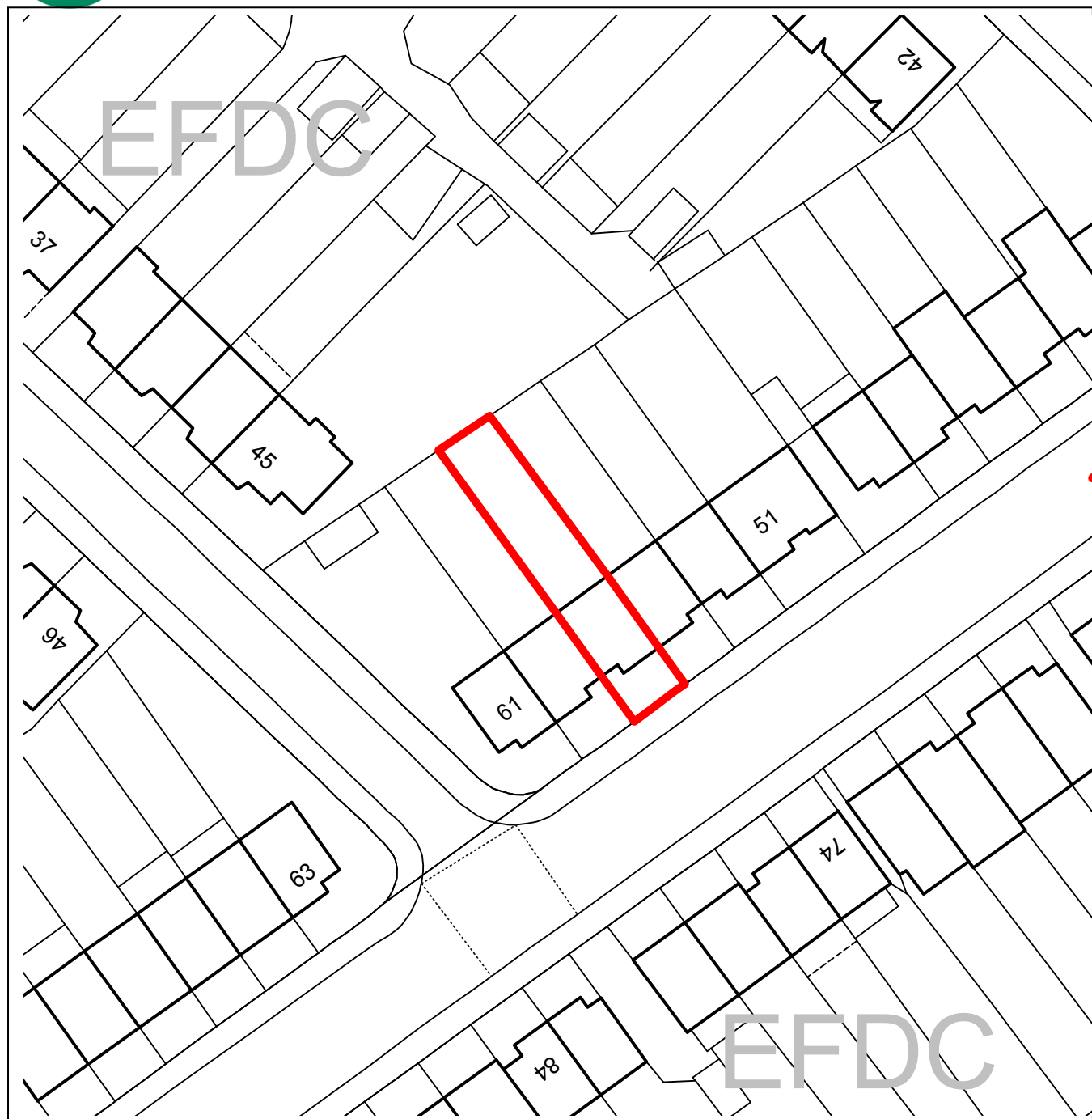
***Planning Application Case Officer: Jonathan Doe
Direct Line Telephone Number: 01992 564103***

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



Epping Forest District Council

Agenda Item Number 8



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/1911/18
Site Name:	57 Southern Drive, Loughton, Essex, IG10 3BX
Scale of Plot:	1/500

Report Item No:8

APPLICATION No:	EPF/1911/18
SITE ADDRESS:	57 Southern Drive Loughton Essex IG10 3BX
PARISH:	Loughton
WARD:	Loughton Roding
APPLICANT:	Mr John Padington
DESCRIPTION OF PROPOSAL:	Retrospective application for a loft conversion with a rear dormer, ridge to be raised 350mm
RECOMMENDED DECISION:	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=612013

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The application site comprises of a two-storey mid terrace dwelling. It is not within a Conservation Area nor is it a Listed Building.

Description of Proposal:

Retrospective application for a loft conversion with rear dormer and roof ridge raised by 350mm

Relevant History:

None

Policies Applied:***Adopted Local Plan:***

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

NPPF:

The Revised National Planning Policy Framework (NPPF) has been published as of 24th July 2018. Paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP 1	Achieving sustainable development
DM 9	High quality design
DM10	Housing Design and Quality

Summary of Representations Received

6 Neighbours consulted:

ONE OBJECTION WHERE NO ADDRESS GIVEN: Proposal would appear out of character when viewed from different angles from the street and surrounding streets

40 KENILWORTH GARDENS- Proposal would lead to similar developments which could impact on light and privacy. Other comments from this neighbour related to building regulations which is not a planning related matter and is dealt with by a separate unit of the Council who work under different sets of legislation notably the Building Regulations and the Building Act 1984.

LOUGHTON TOWN COUNCIL –OBJECT as development is out of proportion and grossly overbearing on neighbours

Main Issues and Considerations:

The main issues with this application relate to design and impact on living conditions of neighbours

Design

The roof of the existing house has been raised 350mm in order to screen a rear facing dormer window that projects above original ridge level. When seen from the street the primary indication of the existence of a dormer window is the provision of high level roof lights.

Rear dormer windows are part of the predominant character of this locality. It is evident from the case officer's site inspection that similar scale rear dormer windows have been implemented in the locality as permitted development. What distinguishes the dormer proposed is its projection above ridge level and associated raising of the ridge, facts that result in the development as a whole requiring planning permission.

The increased ridge height of the existing roof of 0.35m is a small increase that has been carried out in a sensitive manner such that it does not result in the roof of the house appearing incongruous, over dominant or significantly out of keeping with the roof lines of neighbouring dwellings. The roof lights to the front roof slope are not an uncommon feature. The visual impact of the proposal therefore respects the street scene and broader character and appearance of the locality.

Living Conditions

The proposal would have no consequence for living conditions. While it is visible from neighbouring gardens, its bulk is contained within the rear roof slope, set some 200mm from the edge of the original eaves, while its height above ridge level is not readily appreciated from ground level. Moreover, the design of the dormer is simple, avoiding any Juliette balcony which might have given an undue perception of additional overlooking. Consequently, the proposal does not appear materially different to a permitted development dormer window when seen from neighbouring properties. It is therefore concluded the dormer does not appear excessively overbearing and that it does not cause any excessive loss of privacy to neighbours.

Conclusion:

Notwithstanding the increase in ridge height, the dormer window does not appear incongruous or out of character when viewed from the general street scene to justify refusal of planning approval. It also safeguards the living conditions of neighbours.

Should Members disagree with Officers assessment in respect of design, it is necessary to consider the expediency of taking planning enforcement action. Following discussion with the Council's Planning Enforcement Team it is agreed the cost to the householder of rebuilding the roof ridge and rear dormer to comply with Permitted Development limitations is likely to be disproportionate in relation to the benefits gained to the appearance of the house and the character and appearance of the locality. It is concluded it would not be expedient to take enforcement action in these circumstances. That assessment adds further weight to the case for granting planning permission.

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:

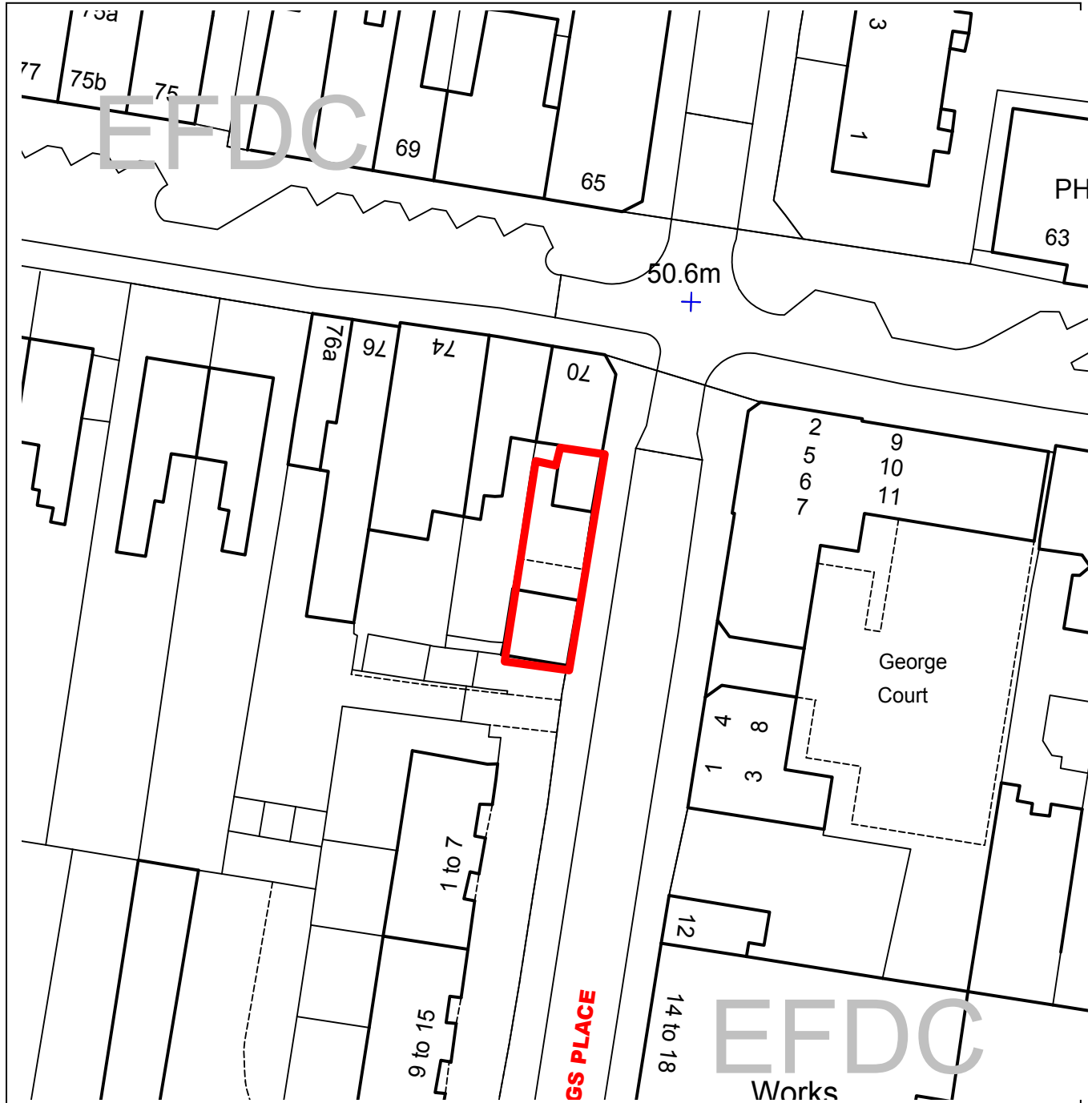
***Planning Application Case Officer: Sukhdeep Jhooti
Direct Line Telephone Number: 01992 564 298***

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



Epping Forest District Council

Agenda Item Number 9



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/1965/18
Site Name:	Regency House, Kings Place, Buckhurst Hill, IG10 5EB
Scale of Plot:	1:500

Report Item No:9

APPLICATION No:	EPF/1965/18
SITE ADDRESS:	Regency House Kings Place Buckhurst Hill Essex IG9 5EB
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Mrs B Seeley
DESCRIPTION OF PROPOSAL:	Conversion and extension of existing first floor office/store premises to a self-contained flat.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=612234

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 numbers RH-1, RH -2, RH-3, and a 1/200 block plan and a location plan..
- 3 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.

**...and subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act to secure a financial contribution towards a) access management and monitoring of visitors to the Epping Forest SAC,
and b) towards mitigation of air pollution in the vicinity of the Epping Forest SAC.**

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, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Description of Site:

A single storey commercial building, with loft floor, in use as a chartered surveyor's office. It lies close to the junction of Kings Pace with Queens Road, and has an off street parking space alongside the building. The property is not listed nor does it lie in a Conservation area.

Description of Proposal:

Conversion and extension of existing first floor office/store to a self-contained flat.

Relevant History:

None

Policies Applied:*Adopted Local Plan:*

DBE9 – Loss of amenity.
DBE1 - Design of new buildings.
ST6 – Vehicle parking.

NPPF:

A revised National Planning Policy Framework (NPPF) was published setting out national policy on 24 July 2018. Paragraph 213 states that due weight should be given to the relevant policies in existing plans according to the degree of consistency with the framework. The proposed development has been assessed against relevant policies in the adopted Local Plan, the NPPF and the Local Plan Submission Version.

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

On 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. With regards to unresolved objections, some policies of the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight afforded to each of the relevant policies in the context of the proposed development listed below:

DM2 – Epping Forest SAC and the Lee Valley SPA
DM9 – High Quality Design

DM10 – Housing design and quality
T1 – Sustainable transport choices.

Summary of Representations:

BUCKHURST HILL PARISH COUNCIL – Objection – the proposed flat is too small and does not comply with the London Plan. It is too small a dwelling space for one person and is far too small for two persons. There is no amenity space for residents and there is concern over the loss of commercial office space to this application.

NEIGHBOURS – 27 properties notified and no replies were received. -

Issues and Considerations:

The Parish Council has raised concern over the size of the proposed flat. Although the proposed accommodation is an open plan bedsit flat it is of a usable rectangular shape and has a floor area of 36.9 sq. m excluding the downstairs hall and cloaks cupboard - which adds another 2.5 sq m. Unlike the existing 1998 Local Plan the 2017 SVLP (policy DM10) now contains minimum dwelling sizes as set out in the 2015 National Prescribed Space standards. The latter requires that a 1person flat, with shower room, should have a floor area of 37 sq m. The proposed flat evidently complies with this space standard.

The Parish also raise concern over the lack of amenity space. However non family flats of this size would not normally be provided with their own garden space, and, as the applicant points out, Epping Forest and a children's play area lie 150m away at the southern end of Kings Place. In addition policy DM10 only requires balconies or communal amenity space to be provided for upper floor *family* dwellings. In this context it would be unreasonable to refuse consent for this bed sitting room flat on the grounds of lack of amenity space.

The proposed flat would lie in a sustainable location next to the Queens Road shops and within 400m of the Buckhurst Hill tube station. In this type of location an off street parking space does not always have to be provided as set out in the Essex Parking Standards.

With regard to the Parish's concern over the loss of commercial office space the existing ground floor surveyor's office will remain in use. The proposal does however seek to make better use of the existing loft space.

The roof of the existing building will be extended and a front mansard roof form provided, with front dormer window. However, the height of the roof will not be raised. The amended roof form will have an acceptable appearance in the street scene.

The proposal results in an additional dwelling close to Epping Forest. Consequently, the development needs to make a contribution to provision of access and management facilities in the Forest, and also for mitigation of air pollution. As members are aware the appropriate sums of money to be provided for these two requirements has yet to be decided, and hence any consent for this development cannot be issued until these sums have been finalised to enable a S106 to be completed and signed.

Conclusion:

For the above reasons the proposal complies with Local Plan policies. It is therefore recommended that conditional planning permission is granted, but that a decision notice is not issued until a S.106 agreement has been completed and signed.

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