

Report to District Development Management Committee

Date of meeting: 30 January 2019



Address: Woodberrie, Kings Hill, Loughton

Subject: EPF/1950/18 - Proposed swimming pool and associated landscaping

Officer contact for further information: C. Isolda (01992 564380)

Democratic Services Officer: S. Tautz (01992 564180)

Recommendation(s):

That planning application EPF/1950/18 be granted planning permission subject to the following 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) Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be 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;**
- (3) If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, 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) All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority;
- (6) All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority; and
- (7) Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

Report:

This report was submitted to the meeting of Area Plans Sub-Committee South on 21 November 2018 with a recommendation for approval. However, the member vote on the application was tied and the Sub-Committee resolved to refer the application to the District Development Management Committee for determination, without any recommendation. The officer's report to the meeting of Area Plans Sub-Committee is reproduced below and carries forward the officer recommendation to grant planning permission, subject to the seven conditions set out above.

Report that went to Area Plans Sub-Committee South on 21 November 2018

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

Description of Site:

The application site is within the York Hill Conservation Area and Woodberrie is a locally listed building dating from the turn of the 20th century. It was built for the widow of Robin Allen; the Allen family occupied and largely rebuilt the nearby Dryads Hall in the late 19th century. The architect was Herbert Tooley, a local architect based in Buckhurst Hill, and the house is built in his characteristic Arts and Crafts style. It is prominent on Woodbury Hill given its distinctive catslide roof (although a later addition) and typical Arts and Crafts detailing, and it contributes

both to the historic interest and appearance of the area, which contains a number of other buildings of a similar style.

The York Hill Conservation Area's special interest is derived from various examples of Arts and Crafts architecture and varied architectural interest and the spacing and landscaping around the buildings.

The main property Woodberrie is a three-storey pitched roof house with first floor accommodation provided above the eaves within a steeply pitched roof, and the second floor in the upper roof area. The house is set within a generous plot, benefits from a link attached garage to the north and trees around the boundaries of the site are subject to a Preservation Order.

The house has an extant planning permission for a large extension in a modern vernacular to the north of the existing building.

Description of Proposal:

This application seeks planning permission for the creation of an open-air swimming pool within the south-western corner of the site.

The swimming pool will be landscaped and will measure some 10 metres in length by 5 metres in width with a rectangular shape with a decking area to two sides.

Relevant History:

Various applications the most relevant of which:

EPF/1840/14 - Demolition of an existing garage and the erection of a two-storey extension to an existing dwelling house – Refused

EPF/0498/15 - Proposed dwelling adjacent to Woodberrie – Refused – Allowed at appeal

EPF/3407/16 - Demolition of existing garage and erection of two storey extension with two-storey link, single storey rear conservatory extension, and linked garage together with minor external changes - Granted

Policies Applied:

Adopted Local Plan and Alterations:

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
DBE9	Loss of Amenity
HC6	Character, Appearance and Setting of Conservation Areas
HC7	Development within Conservation Areas
HC13A	Local List of Buildings
LL10	Adequacy of provision for landscape retention
LL11	Landscaping Schemes

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:

The Epping Forest Local Plan Submission Version 2017 was submitted for independent examination in September 2018. Accordingly, it can 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:

DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM5	Green and Blue Infrastructure
DM7	Heritage Assets
DM9	High Quality Design
DM10	Housing Design and Quality
SP6	The Natural Environment, Landscape Character and Green Infrastructure

Summary of Representations:

Consulted 11 neighbouring properties
Site notice erected - Yes.

One response received as follows:

15 WOODBURY HILL

I don't object in principle. However, have the following comments to be taken into account:

- Woodberrie is set in the very heart of the conservation area. Woodbury Hill is a beautiful old lane set with high holly hedges. It is a unique part of Loughton & therefore any development should be very sensitive of this;

- There are numerous trees that are going to be disturbed;
- Please ensure that the Plant Room is fully insulated in terms of noise pollution. There is a building next to my garden (other side) which contains a boiler for a swimming pool & the continuous "electric hum" drives me nuts esp during summer nights when my windows are open;
- PILING - my cottage is very old as is No.13. We are both very concerned that when work fully commences in Woodberrie that any piling work is going to affect the foundations of our cottages that are very close by;
- Where is the MAIN ENTRANCE now sited? The main entrance was always the one in Kings Hill. The side entrance into Woodbury Hill was historically deemed dangerous. (I refer you to previous / numerous applications for this site). There doesn't seem to be an allowance for this. The new plans seem to make an assumption that the one into Woodbury Hill is now the main one. I really question this validity;
- There is a section of HEDGEROW that was removed 5 weeks ago along Woodbury Hill. I have a photo to show what it was like taken morning before it was removed. Was this agreed? Please ensure that the hedgerow is reinstated!
- Woodbury Hill is very narrow & steep. Literally one car width. Please ensure all LORRIES are of a suitable size & weight.
- Generally, it has been quite upsetting to see how the rural nature of WH has generally been disregarded & this development will no doubt completely alter this unique Street Scene. I don't object to development in general but the very essence & hard to quantify qualities of what make Woodbury Hill so special are slowly but surely being eroded.

HILLS AMENITY SOCIETY – Objection - Summarised as:

- Swimming pool would represent an over development of the site, particularly when viewed with the previously approved extensions to the property and would detract from the character of the street scene.
- Construction method may damage the foundations of nearby 18th century buildings, particularly no's 13 and 15
- Trees must be protected and removed hedgerow must be replaced.

LOUGHTON TOWN COUNCIL: The Committee was unable to comment on this application, until "the appropriate tree related information had been provided" as requested in the Tree & Landscaping Officer's report.

Issues and Considerations:

The main issues to be considered with this application relate to design in the Conservation Area, impact on amenity and impact on trees.

Design and the Conservation Area:

The proposed swimming pool has been well designed to respect the character of the both Woodberrie and the surrounding conservation area. The proposed pool and landscaping have

been sensitively designed to integrate into the plot and sit behind the high hedge along the road which is so characteristic of this part of the conservation area and use a delicate material palette which softens the appearance of the swimming pool and would create an attractive landscape feature. The pool will be further screened with additional planting and any necessary plant equipment has been placed below the surface to not affect the setting of Woodberrie. The proposed pool would occupy a level plateau within the existing garden and would leave the house with a large area of garden to its rear.

Swimming pools are not an unusual feature within the conservation area, an aerial survey reveals at least 5 swimming pools within York Hill, Kings Hill, Steeds Way and Woodberry Hill, with the two closet pools being in the rear gardens of Woodberry Hollow and 11 Woodberry Hill.

The proposal is not considered to be harmful to the conservation area and is considered to preserve its character and appearance as it is sensitively designed and well screened from the road and retains the existing trees and hedge which lend to the character of the York Hill conservation area.

Amenity

The proposed pool would be set well away from neighbouring properties, in the south-western corner of the site. Due to the land levels of the site and the high volume of protected screening surrounding the proposed pool it would not be visible from long views of the property and would not appear overbearing on neighbouring properties or facilitate any overlooking of neighbour's private amenity space.

Whilst there are some concerns about potential noise which could be generated by the plant equipment associated with the development, the proposed location of the plant machinery is a sufficient distance from neighbouring properties and would be placed below ground as to not cause any significant harm to the amenity of neighbouring properties

Protected Trees/Landscaping

The Tree and Landscape Officer has no objection to the proposal. The site is within a Conservation Area, as such all trees are afforded legal protection. Additionally, several trees on and adjacent to the site are also protected by Tree Preservation Orders. The Tree and Landscape Officer has requested conditions requiring submission of a hard and soft landscaping scheme, tree protection and retention of trees and shrubs as well as a special condition ensuring no crown lifting can be carried out to the protected tree adjacent to the proposed pool.

Other Matters:

Vehicle movements/construction process

It is acknowledged that the road ways within the Conservation Area are narrow and there are no footpaths. As part of the approval for the extension house a condition was attached requesting a Construction Method Statement. A revised Construction Method Statement has been submitted with this application to ensure all works would be carried out in a way which would limit any impact caused by the construction of the development. Nonetheless, it is necessary to include conditions dealing with hours of construction and wheel washing on any consent given. The revised Construction Method Statement is referenced in an informative.

Neighbours have raised concerns about the impact of the proposed development on foundations. The development is a significant distance away from neighbouring buildings, at least 20m, therefore it is very unlikely the proposal would impact on nearby buildings.

Conclusion:

In light of the above appraisal, it is considered that the proposed swimming pool would be acceptable with limited harm to neighbouring amenity or the character and appearance of the Conservation Area and on this basis approval with conditions is recommended.