

Committee Agenda



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE SOUTH **Wednesday, 7th January, 2015**

You are invited to attend the next meeting of **Area Planning Sub-Committee South**, which will be held at:

Roding Valley High School, Brook Road, Loughton, Essex IG10 3JA
on **Wednesday, 7th January, 2015**
at **7.30 pm** .

Glen Chipp
Chief Executive

**Democratic Services
Officer**

Mark Jenkins (Directorate of Governance)
Tel: 01992 564243 Email:
democraticservices@eppingforestdc.gov.uk

Members:

Councillors J Hart (Chairman), N Wright (Vice-Chairman), K Angold-Stephens, G Chambers, K Chana, L Girling, R Jennings, H Kauffman, J Knapman, A Lion, H Mann, L Mead, G Mohindra, S Neville, Mrs C P Pond, C C Pond, C Roberts, B Sandler, Mrs T Thomas, H Ulkun, Mrs L Wagland, Ms S Watson, S Weston and D Wixley

A PLAN SHOWING THE LOCATION OF RODING VALLEY HIGH SCHOOL IS ATTACHED TO THIS AGENDA. A BRIEFING WILL BE HELD FOR THE CHAIRMAN, VICE-CHAIRMAN AND GROUP SPOKESPERSONS OF THE SUB-COMMITTEE, AT 6.30 P.M. PRIOR TO THE MEETING

WEBCASTING/FILMING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the Chamber and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound

recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should speak to the webcasting officer or otherwise indicate to the Chairman before the start of the meeting.

If you have any queries regarding this, please contact the Public Relations Manager on 01992 564039.

1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast;
2. Members are reminded of the need to activate their microphones before speaking; and
3. the Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

If you are seated in the public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should speak the webcasting officer.”

2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 5 - 10)

General advice to people attending the meeting is attached together with a plan showing the location of the meeting.

3. MINUTES (Pages 11 - 30)

To confirm the minutes of the last meeting of the Sub-Committee held on 26 November 2014 as a correct record. (attached)

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

(Director of Governance) To declare interests in any item on this agenda.

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item

raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

7. DEVELOPMENT CONTROL (Pages 31 - 54)

(Director of Governance) To consider planning applications as set out in the attached schedule

Background Papers: (i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are summarised on the schedule. (ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which consideration is to be given to the enforcement of planning control.

8. PROBITY IN PLANNING (Pages 55 - 82)

(Director of Governance) To consider the attached report.

9. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement: Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the Access to Information Procedure Rules of

the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and members of the Subcommittee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak, you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

Sometimes members of the Council who have a prejudicial interest and would normally withdraw from the meeting might opt to exercise their right to address the meeting on an item and then withdraw.

Such members are required to speak from the public seating area and address the Sub-Committee before leaving.

What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

If you are not present by the time your item is considered, the Subcommittee will determine the application in your absence.

Can I give the Councillors more information about my application or my objection?

Yes you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website www.eppingforestdc.gov.uk. Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

How are the applications considered?

The Subcommittee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

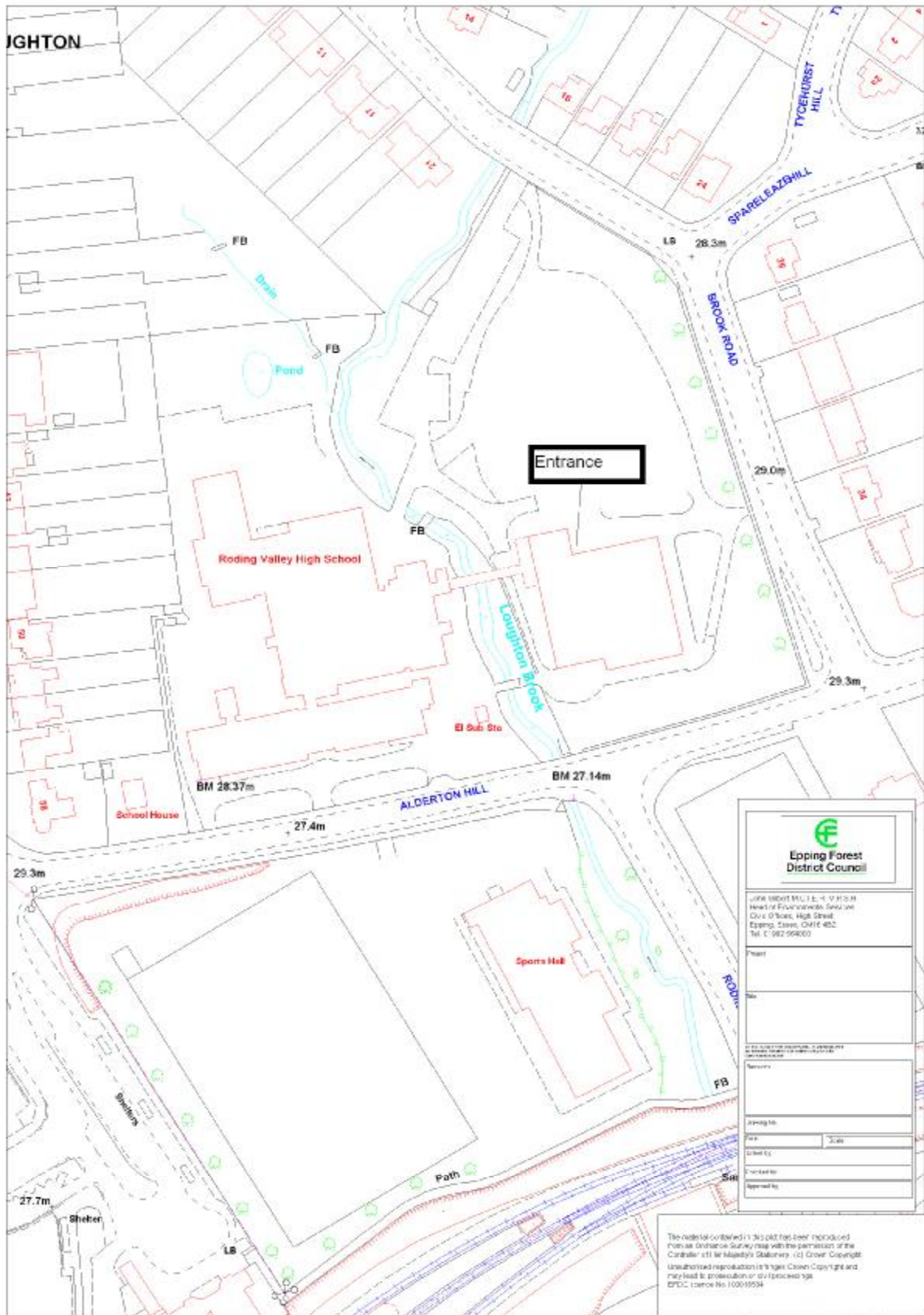
The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

Further Information?

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

Area Plans Subcommittee South – Location Plan



This page is intentionally left blank

Area Planning Subcommittee South 2014-15
Members of the Committee:



Cllr James Hart	Cllr Wright	Cllr Angold-Stephens	Cllr Chambers	Cllr Chana	Cllr Girling
-----------------	-------------	----------------------	---------------	------------	--------------



Cllr Jennings	Cllr Kauffman	Cllr Knapman	Cllr Lion	Cllr Mann	Cllr Mead
---------------	---------------	--------------	-----------	-----------	-----------



Cllr Mohindra	Cllr Neville	Cllr C C Pond	Cllr C P Pond	Cllr Roberts	Cllr Sandler
---------------	--------------	---------------	---------------	--------------	--------------



Cllr Thomas	Cllr Ulkun	Cllr Wagland	Cllr Watson	Cllr Weston	Cllr Wixley
-------------	------------	--------------	-------------	-------------	-------------

This page is intentionally left blank

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee **Date:** 26 November 2014
South

Place: Roding Valley High School, Brook Road, Loughton, Essex IG10 3JA **Time:** 7.30 pm - 9.46 pm

Members Present: J Hart (Chairman), N Wright (Vice-Chairman), G Chambers, K Chana, R Jennings, J Knapman, A Lion, G Mohindra, S Neville, Mrs C P Pond, C C Pond, C Roberts, B Sandler, Mrs T Thomas, Mrs L Wagland, Ms S Watson and D Wixley

Other Councillors:

Apologies: K Angold-Stephens, L Girling, H Kauffman, H Mann, L Mead and S Weston

Officers Present: S Solon (Principal Planning Officer), J Leither (Democratic Services Assistant), A Hendry (Democratic Services Officer) and T Carne (Public Relations and Marketing Officer)

49. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

50. MINUTES

RESOLVED:

That the minutes of the meeting held on 29 October 2014 be taken as read and signed by the Chairman as a correct record.

51. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

52. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Sub-Committee.

53. DEVELOPMENT CONTROL

The Sub-Committee considered a schedule of applications for planning permission.

RESOLVED:

That the planning applications numbered 1 – 13 be determined as set out in the attached schedule to these minutes.

54. EXCLUSION OF PUBLIC AND PRESS

The Sub-Committee noted that there were no items of business on the agenda that necessitated the exclusion of the public and press from the meeting.

CHAIRMAN

Report Item No: 1

APPLICATION No:	EPF/0853/14
SITE ADDRESS:	Tottenham Hotspur Training Ground Luxborough Lane Chigwell Essex
PARISH:	Chigwell
WARD:	
DESCRIPTION OF PROPOSAL:	Redevelopment of former Tottenham Hotspur training ground with an autistic spectrum disorder school, comprising a 3800 sq metre school building to accommodate up to 128 pupils aged 4-19, a mixed use games area, playing fields, 100 parking spaces and a minibus drop off area. Additionally, the development of 60 dwellings on land to the west of the proposed school to act as enabling development to facilitate delivery of the school.
DECISION:	Refer to District Development Control Committee

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=562230

Members referred this item to District Development Control Committee with a recommendation that planning permission be granted subject to an additional condition concerning lighting. Members requested information about where the contribution to secondary education would be spent and expressed concern that it should be spent for the benefit of Chigwell residents. If that were not likely, Members were open to the contribution being diverted towards the provision of affordable housing instead.

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 following approved drawings numbers, unless otherwise agreed in accordance with the terms of the agreement under S106 of the Town and Country Planning Act 1990 that accompanies this planning permission:

Location and masterplan and levels:

1324_0005 D, 1324_0100 H, 1324_0009 A, 1324_0010 A

NAS School:

1324_0110 F, 1324_0120 F, 1324_0121 F, 1324_0130 E, 1324_0131 E, 1324_0133 E, 1324_0134 E, 1324_0135 E, 1324_0136 E, 1324_0137 E, 1324_0140 D, 1324_0200 D, 1324_0202 C, 1324_0203 C, 1324_0204 C, 1324_0205 C, 1324_0220 D, 1324_0221 D

Housing:

1324_0150 F, 1324_0151 B, 1324_0152 B, 1324_0155 F, 1324_0160 B, 1324_0161 B, 1324_0162 B, 1324_0163 B, 1324_0164 B, 1324_0165 B, 1324_0166 B,

1324_0167 B, 1324_0170 A, 1324_0171 A, 1324_0172 A, 1324_0173 A,
1324_0174 A, 1324_0175 A, 1324_0176 A, 1324_0250 B, 1324_0251 B

Adoptable Road Layout:
ST-2012-37

- 3 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to 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.
- 5 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.
- 6 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

- 7 No 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.
- 8 The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (Stomor, Ref ST-2012/FRA-1403-Luxborough Lane, March 2014) has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 9 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- 10 The development hereby approved shall be undertaken only in accordance with the mitigation strategy the recommendations of the Bat Survey and Reptile and Amphibian Survey dated 13 March 2014, ref DFCP 2600
- 11 Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
- 12 Prior to the occupation of the houses referred to in this condition, the entire length of the rear facing balustrades enclosing the roof terraces of houses at plot numbers 8, 27, 28, 35 and 38 (as indicated on drawing number 1324_0152 B) shall be supplemented by an obscure glazed privacy screen that extends from the top of the balustrade to a height of 1.8m above the floor level of the roof terrace. Thereafter the rear facing balustrades shall be permanently enclosed in that manner.
- 13 The first floor rear elevation window in the flat-roofed part of the house at plot 8, as identified on drawing numbers 1324_0152 B and 1324_0175 A, shall be obscure glazed up to a minimum height of 1.8m above the floor level of the room served by the window prior to the occupation of that house and shall thereafter be permanently maintained in that condition.
- 14 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions, roof enlargements, swimming pools, ponds or outbuildings with foundations generally permitted by virtue of Classes A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 15 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no new buildings and extension to any building generally permitted by virtue of Class A of Part 32 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

Subject to the completion, within 3 months, of an agreement under S106 of the Town and Country Planning Act 1990 in respect of the following matters:

- 1. Contaminated land investigation and remediation across the site.**
- 2. A financial contribution of £459,179 towards education, comprising £66,701 towards early years and childcare, £194,994 towards primary education, and £197,484 towards secondary education.**
- 3. A financial contribution of £19,740 towards the capital costs of the NHS for provision of additional healthcare services.**
- 4. Completion of the improvements to/widening of Luxborough Lane prior to first occupation of the development, in accordance with details previously agreed with the Highway Authority.**
- 5. Provision and implementation of a Travel Plan for the proposed school and residential scheme to be monitored and reviewed annually, the provision of a Travel Plan Co-ordinator to give advice and the payment of £3,000 monitoring fee for Essex County Council**
- 6. Completion of the ASD school development prior to first occupation of the residential component.**
- 7. To not permit pupils to attend the school who are not diagnosed with Autistic Spectrum Disorder.**
- 8. The management of the school to become the responsibility of the National Autistic Society.**
- 9. The submission to the Local Planning Authority for approval details of the management company that will be responsible for the maintenance of roads, public open space and landscaped areas and the establishment of a management company in accordance with the approved details prior to the first occupation of the development.**

And subject to any direction given by the Secretary of State following referral to the National Planning Casework Unit under the Town and Country Planning (Consultation) (England) (Direction) 2009.

Report Item No: 2

APPLICATION No:	EPF/1793/14
SITE ADDRESS:	59 Manor Road Chigwell Essex IG7 5PH
PARISH:	Chigwell
WARD:	Grange Hill
DESCRIPTION OF PROPOSAL:	Erection of replacement dwelling with basement.
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=566291

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: FDY-10/C, FDY-11/D, FDY-12/C, FDY-13/C and FDY-14/B
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development 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 the house, rear patio and front and rear gardens in relation to neighbouring land. The development shall be carried out in accordance with those approved details.
- 5 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously

damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 6 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 7 No development shall take place, 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.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 8 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 retained for the duration of external works and shall be used to clean vehicles immediately before leaving the site.
- 9 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.
- 10 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.
- 11 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions and roof enlargements generally permitted by virtue of Classes A and B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 12 Other than the first floor roof terrace indicated on drawing no. FDY-12/C, access to the flat roof areas of the house hereby approved shall be for maintenance or emergency purposes only and those flat roof areas shall not be used as seating areas, roof gardens, terraces, patios or similar amenity areas.
- 13 The obscure glazed privacy screens to the flanks of the first floor terrace shown on drawing numbers FDY-12/C and FDY-13/C shall be installed prior to the first use of the terrace and thereafter be permanently retained.

Report Item No: 3

APPLICATION No:	EPF/1946/14
SITE ADDRESS:	30 Lyndhurst Rise Chigwell Essex IG7 5BA
PARISH:	Chigwell
WARD:	Chigwell Village
DESCRIPTION OF PROPOSAL:	Demolition of existing garage. Proposed two storey side extension and single storey rear extension. (Revised application to EPF/2723/13 and EPF/0871/14)
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=567050

CONDITIONS

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

Report Item No: 4

APPLICATION No:	EPF/2104/14
SITE ADDRESS:	29 Luctons Avenue Buckhurst Hill Essex IG9 5SG
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
DESCRIPTION OF PROPOSAL:	Two storey side extension, loft conversion with rear dormer and 3 no. rooflights.
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=567835

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 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.

Report Item No: 5

APPLICATION No:	EPF/2119/14
SITE ADDRESS:	25 Lee Grove Chigwell Essex IG7 6AD
PARISH:	Chigwell
WARD:	Chigwell Village
DESCRIPTION OF PROPOSAL:	Erection of single and two storey rear extension, roof extension and front porch (Revised application to EPF/1096/14)
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=567895

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 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.
- 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.

Report Item No: 6

APPLICATION No:	EPF/2147/14
SITE ADDRESS:	5 Salisbury Gardens Buckhurst Hill Essex IG9 5ER
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
DESCRIPTION OF PROPOSAL:	Two storey side extension and internal alterations.
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=568051

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 4 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.
- 5 Prior to first occupation of the development hereby approved, the proposed window opening(s) in the south facing window (front elevation) at first floor shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

Report Item No: 7

APPLICATION No:	EPF/2186/14
SITE ADDRESS:	9 Bradwell Road Buckhurst Hill Essex IG9 6BY
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill East
DESCRIPTION OF PROPOSAL:	Two-storey rear extension and extension to rear dormer window.
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/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=568211

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 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 the completion by the 1 March 2015 (unless otherwise agreed in writing by the Local Planning Authority) of a legal agreement under section 106 of the Town and Country Planning Act to ensure that the extension is built at the same time as EPF/2187/14 (11 Bradwell Road). In the event that the developer/applicant fails to complete a Section 106 Agreement within the stated time period, Members delegate authority to officers to refuse planning permission on the basis that the proposed development would harm the living conditions of 11 Bradwell Road.

Report Item No: 8

APPLICATION No:	EPF/2187/14
SITE ADDRESS:	11 Bradwell Road Buckhurst Hill Essex IG9 6BY
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill East
DESCRIPTION OF PROPOSAL:	Two-storey rear extension and rear dormer window.
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/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=568212

CONDITIONS

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

And the completion by the 1 March 2015 (unless otherwise agreed in writing by the Local Planning Authority) of a legal agreement under section 106 of the Town and Country Planning Act to ensure that the extension is built at the same time as EPF/2186/14 (9 Bradwell Road). In the event that the developer/applicant fails to complete a Section 106 Agreement within the stated time period, Members delegate authority to officers to refuse planning permission on the basis that the proposed development would harm the living conditions of 9 Bradwell Road.

Report Item No: 9

APPLICATION No:	EPF/2228/14
SITE ADDRESS:	Cycle Rhythm 228B High Road Loughton Essex IG10 1ET
PARISH:	Loughton
WARD:	Loughton St Marys
DESCRIPTION OF PROPOSAL:	Retrospective application for retention of internally illuminated 'Cycle Rhythm' sign on exposed south facing flank wall at first floor level - in connection with gymnasium/leisure use.
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=568371

CONDITIONS

STANDARD ADVERTISEMENT CONDITIONS ONLY

Report Item No: 10

APPLICATION No:	EPF/2232/14
SITE ADDRESS:	12 High Road Buckhurst Hill Essex IG9 5HP
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
DESCRIPTION OF PROPOSAL:	Variation of condition 4 'obscure glazed non opening window' of EPF/1597/14 (Use of 1 bedroom outbuilding as bed and breakfast accommodation) to permit the window to be openable for emergency access.
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=568391

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: D.A.1 and the submitted location Plan and Block Plan
- 2 The use hereby permitted shall cease on or before the following date: 2 September 2017.
- 3 The use hereby approved shall only be carried out by an occupier of the house at 12 High Road, Buckhurst Hill.
- 4 The use hereby approved shall not commence until the window opening to the Cot Room identified on drawing number D.A.1 is fitted with an obscure glass window up to a minimum height of 1.7m above the floor level of the room. Thereafter the window shall be maintained in that condition.
- 5 The new 1.8m high fencing and pedestrian gates between the outbuilding and the house at 12 High Road, Buckhurst Hill, indicated on the submitted Block Plan and drawing number D.A.1 shall be retained so long as the use hereby approved is carried out.

Report Item No: 11

APPLICATION No:	EPF/2237/14
SITE ADDRESS:	50 Princes Road Buckhurst Hill Essex IG9 5EE
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
DESCRIPTION OF PROPOSAL:	Erection of a ground floor side infill extension, ground floor rear extensions, and part one / part two storey rear extension to existing house, including removal of existing conservatory.
DECISION:	Refuse Permission (Householder)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=568452

REASON FOR REFUSAL

- 1 The proposed first floor rear extension, by reason of its depth, width, and flat roof profile, would represent an unneighbourly development which would detract from the outlook, light, and visual amenity of neighbouring residents. The proposal is therefore contrary to policies DBE9 and DBE10 of the adopted Local Plan and Alterations and contrary to the National Planning Policy Framework.
- 2 The proposed use of timber cladding and welsh slate on the walls of the first floor and ground floor extensions would be out of keeping with neighbouring properties, and would detract from the visual amenity of nearby residents. The proposal would therefore be contrary to policy DBE10 of the adopted Local Plan and Alterations, and contrary to the National Planning Policy Framework.

WAY FORWARD

A Way Forward suggested by Members is for a proposal to erect replacement additions that are not materially larger at first floor than that which presently exists. Such an approval should use materials that compliment those of the original house.

Report Item No: 12

APPLICATION No:	EPF/2238/14
SITE ADDRESS:	1 Chigwell Park Drive Chigwell Essex IG7 5BD
PARISH:	Chigwell
WARD:	Chigwell Village
DESCRIPTION OF PROPOSAL:	Remove roof to existing bungalow. Erect full first floor extension with new pitched roof and dormers. (Revised application to EPF/1274/14)
DECISION:	Refuse Permission)Householder)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=568453

REASON FOR REFUSAL

- 1 By reason of its height, bulk and proximity to the site boundaries the proposed extension would appear excessively over-dominant in relation to the bungalow 3 Chigwell Park Drive and disproportionately large in relation to 3 and 5 Chigwell Park Drive. That relationship is exacerbated by the relatively higher level of the application site. As a consequence the extended house would detract from the appearance of the street scene and therefore be harmful to the character and appearance of the locality. Accordingly, the proposal is contrary to policies CP2(iv) and DBE10 of the Local Plan and Alterations, which are consistent with the policies of the National Planning Policy Framework.
- 2 By reason of its height, bulk and proximity to the site boundaries the proposed extension would appear excessively overbearing when seen from the gardens of 3 Chigwell Park Drive and 2 Coolgardie Avenue. Consequently the proposal would detract from the enjoyment of the gardens by the occupants of those houses to the detriment of their living conditions. Accordingly, the proposal is contrary to policy DBE9 of the Local Plan and Alterations, which is consistent with the policies of the National Planning Policy Framework.

WAY FORWARD

In reaching their decision Members gave weight to the positive contribution the group of 3 bungalows comprising of 1, 3 and 5 Chigwell Park Drive make to the character and appearance of the locality. They considered they contributed to a spacious feel to the street scene and, notwithstanding the existence of other two-storey houses in the locality, concluded the character of the area is not sufficiently robust to accommodate an enlargement of the house of the scale proposed without visual harm arising. The fact that the site is on higher land than 3 and 5 Chigwell Park Drive was also given weight when assessing the merits of the proposal.

Although the proposal reduces the upper level bulk of the house adjacent to the boundary with 2 Coolgardie Avenue when compared to the previously refused extensions proposed in application

ref. EPF/1274/14, the bulk and height of the proposal was still considered to be excessive and likely to result in harm to the character and appearance of the locality and to the living conditions of the immediate neighbours.

Members gave consideration to a possible way forward for the applicant that would address their objections. They concluded a proposal that amounted to an enlargement to the existing roof of the house to provide a first floor within it may form the basis for a successful proposal. However, it was recognised that such a proposal would not achieve the additional floorspace sought by the applicant. The Local Planning Authority is willing to give pre-application advice to assist in the development of such a proposal.

Report Item No: 13

APPLICATION No:	EPF/2251/14
SITE ADDRESS:	30 Albion Hill Loughton Essex IG10 4RD
PARISH:	Loughton
WARD:	Loughton Forest
DESCRIPTION OF PROPOSAL:	Retrospective application for revisions to EPF/0823/13 (Loft conversion, hip to gable, two storey front projection and internal alterations). Revisions comprising changes to detailing of windows and door on front elevation, removal of single rooflight. Removal of first floor side window and addition of ground floor porch side window facing Pollards Close. Additional high level rear side facing roof light and new window in rear gable. New rear facing rooflight in main roof and ground floor porch side window facing 28 Albion Hill.
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=568532

CONDITIONS

- 1 Within 6 months of the date of this permission, the proposed roof light in the rear projection facing 28 Albion Hill shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

AREA PLANS SUB-COMMITTEE SOUTH

7 January 2015

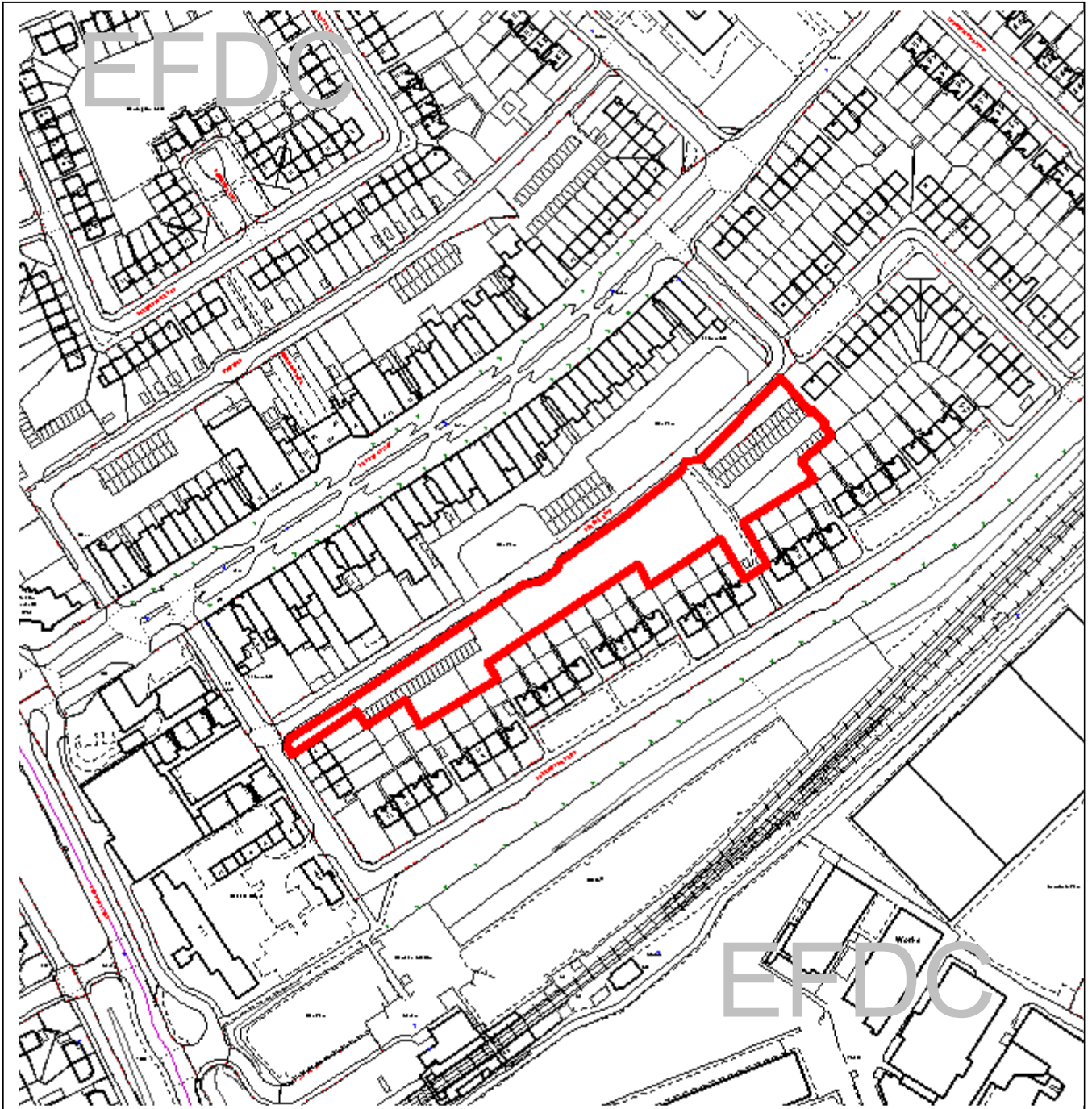
INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/2214/14	Land and garages off Burton Road Debden Loughton Essex IG10 3TA	Grant Permission (Subject to Legal Agreement)	32
2.	EPF/2297/14	32 Rous Road Buckhurst Hill Essex IG9 6BW	Grant Permission (With Conditions)	42
3.	EPF/2300/14	Loughton B B Q 169 - 171 High Road Loughton Essex IG10 4LF	Grant Permission	46
4.	EPF/2869/14	Triangular green area to the front of Shrubs and Tubs Garden Centre High Road Chigwell, Essex, IG7 6NT	Prior Approval Required and Granted	50



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/2214/14
Site Name:	Land and garages off Burton Road Debden, Loughton IG10 3TA
Scale of Plot:	1/2500

Report Item No: 1

APPLICATION No:	EPF/2214/14
SITE ADDRESS:	Land and garages off Burton Road Debden Loughton Essex IG10 3TA
PARISH:	Loughton
WARD:	Loughton Broadway
APPLICANT:	East Thames Housing Group
DESCRIPTION OF PROPOSAL:	Erection of 52 affordable dwellings with 27 parking spaces, private gardens and amenity space.
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=568330

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: 612/033/PL01/A, 612/033/PL02/A, 612/033/PL03/A, 612/033/PL04/D, 612/033/PL05/D, 612/033/PL06/D, 612/033/PL07/C, 612/033/PL08/C, 612/033/PL09/C, 612/033/PL10/C, 612/033/PL11/D, 612/033/PL12/A, 612/033/PL13/A, 612/033/PL14/A, 612/033/PL15/A, 612/033/PL16/B, 612/033/PL17/A, 612/033/PL18/A, 612/033/PL19/B and 612/033/PL20/A
- 3 Notwithstanding the details indicated on drawing number 612/033/PL19/B, no construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where

appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

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

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

- 9 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.
- 10 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.
- 11 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.
- 12 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.
- 13 Prior to first occupation of the development hereby approved, those windows shown to be obscure glazed on drawing numbers 612/033/PL09/C, 612/033/PL10/C and 612/033/PL11/C shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

- 14 Access to the areas of sedum flat roof system of Block C and Block D, identified on drawing numbers 612/033/PL10/C and 612/033/PL12/A, shall be for maintenance or emergency purposes only and those areas of flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.
- 15 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions, alterations to external materials, roof additions, porches or outbuildings with a volume in excess of 10 cubic metres generally permitted at dwellinghouses by virtue of Classes A, B, D and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

This application is before this Committee since:

1. *It is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(d))*
2. *It is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)*
3. *The recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))*

Description of Site:

The application site comprises land on the south-east side of Burton Road between Torrington Gardens to the north east and Torrington Drive to the south west. It is a linear site presently developed as garages at either end separated by a grassed amenity area that includes a right of way between Burton Road and Torrington Drive alongside the northern block of garages. Torrington Drive continues parallel to Burton Road and the gardens of maisonettes on Torrington Drive back on to the application site. Opposite the site, to the north-west, is a large public carpark and parking and yard areas rear of shop premises on the Broadway. A bus stop and bus waiting layby are situated midway along Burton Road adjacent to the site.

Land on the north west of Burton Road forms part of the Broadway Town Centre, as defined in the Local Plan and Alterations. Buildings on the Broadway are three-storey and of substantial bulk. Other buildings in the locality are predominantly two-storey terraces of houses or maisonettes. Via existing footways Debden Underground Station is approximately 130m from the nearest part of the site and 370m from its most distant part adjacent to Torrington Gardens.

Description of Proposal:

This application proposes the erection of 52 affordable dwellings with 27 parking spaces, private gardens and amenity space. The proposal would comprise 17 houses and 35 flats fronting Burton Road.

The houses would take up the western part of the site and predominantly take the form of a part single-storey, part three-storey terrace of 15 three bedroom houses. The single-storey element of each house would be recessed and visually separate that house from the three-storey part of the attached neighbour. It would include a roof terrace that looks towards Burton Road with a screen wall at the rear to obstruct all views towards the gardens of maisonettes on Torrington Drive. The remaining two houses would be sited towards the junction of Burton Road with Torrington Drive and would comprise a two-storey pair of two-bedroom semi-detached houses. All the houses would be finished in facing brick with metal clad upper level bays to the three-storey elements. The single-storey elements would be timber clad. Roofs would be mono-pitched, falling to the rear, and clad in artificial slate. Solar panels would be incorporated into the design of the roofs. Each terraced house would have a private drive capable of accommodating a good sized car.

The flats would be sited at the eastern part of the site and take the form of 2 four-storey buildings either side of the footpath linking Burton Road with Torrington Drive. That nearest the proposed houses is identified as Block C and that nearest Torrington Gardens as Block D. The top floor of each block would be much reduced in area compared to the lower floors and recessed from all edges. The flats would comprise 11 one-bedroom and 24 two-bedroom dwellings. They would be finished in similar materials to the proposed houses but would have flat sedum roofs. Balconies would look to Burton Road and the footpath separating the blocks. The southern edge of balconies looking to the footpath would be enclosed by the southern wall of the building. A total of 10 parking spaces would be provided for the flats. They would be accessed directly off Burton Road, with two adjacent to Block C and 8 adjacent to Block D.

The proposal also includes realigning the footpath linking Burton Road with Torrington Drive, relocating the existing bus stop on Burton Road such that it is at the end of the footpath and relocating the existing bus waiting layby to the western end of Burton Road, adjacent to its junction with Torrington Drive.

The southern site boundary would be enclosed by 1.8m high closeboard fencing topped by 300mm trellis.

The application is accompanied by a signed Unilateral Undertaking in respect of a financial contribution of £17,140 towards healthcare provision in the locality.

Relevant History:

None

Policies Applied:

CP2	Quality of Rural and Built Environment
CP3	New Development
CP7	Urban Form and Quality
H2A	Previously Developed Land
H4A	Dwelling Mix
H5A	Provision for Affordable Housing
H6A	Site Thresholds for Affordable Housing
H7A	Levels of Affordable Housing
H8A	Availability of Affordable Housing in Perpetuity
DBE1	Design of New Buildings
DBE3	Design in Urban Areas
DBE5	Design and Layout of New Development
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity

LL11	Landscaping Schemes
ST1	Location of Development
ST3	Transport Assessments
ST4	Road Safety
ST6	Vehicle Parking

NPPF

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 409

Site notice posted: Yes

Press advertisement: Yes

Responses received: Representations were received from 13A The Broadway, 1, 31, 41, 133 and 134 Torrington Drive and 48 Torrington Gardens.

Responses are in the form of objections or comments but regardless they raise the same main point: the amount of off-street parking provision is not adequate for the number of dwellings proposed and that the under provision would seriously exacerbate an existing on-street parking problem. The existing demand for on-street parking is said to be very high due to the numbers of commuters driving to the locality to access Debden Underground Station.

Other comments:

1. Additional off-street parking should be provided in the locality by removing the green at Torrington Gardens and providing residents with parking permits to use the existing public car park on Burton Road.
2. The design of the houses is not very pleasant looking - the windows look slitty and the flat roofs make the houses look boxy and not pleasing to the street scene.
3. There is no provision for a play area for the extra children to play out. I think this should have been factored in. We have now 3 potential new sites springing up in close proximity within the next 2 years and we need to ensure that these integrate well and more proactive planning to this end is required.

THAMES WATER: Informatives requested on any consent given.

LONDON UNDERGROUND: No comment

LOCAL EDUCATION AUTHORITY: The development is 100% affordable housing and not for profit so on this occasion no S106 contribution for education purposes is sought.

NHS ENGLAND: The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development would give rise to a need for improvements to capacity by way of extension, refurbishment, reconfiguration or relocation at the existing practices. A developer contribution of £17,140 will be required to mitigate the impacts of this proposal, which should be secured in a S106 agreement.

LOUGHTON RESIDENTS ASSOCIATION (PLANS GROUP) – Objection

The amount of parking provided is wholly insufficient in an area which is already subject to considerable parking pressures. The proposal provides for only a quarter of the ECC standard. Even if the location is considered sustainable, the amount of parking is inadequate given existing parking problems.

Should consent be granted, conditions controlling construction hours and the form of internal lighting.

LOUGHTON TOWN COUNCIL: Objection

The Committee OBJECTED to this application on the following grounds.

1. The proposed housing scheme was considered an overdevelopment of the site.
2. The heights of the properties, particularly the flats, were considered overbearing on the Torrington Drive houses. Members appreciated the slanting pitch of the roofs but it was felt this would still impact on those houses.
3. The limited parking provision of only 27 spaces would exacerbate existing parking congestion in the vicinity caused by commuters using Debden Underground Station, and from shoppers and residents of The Broadway.
4. Members commented on the disproportionate inconsistency between the parking provision allocation of 64 spaces for 64 flats approved for application EPF/2163/13 by the District Council for the Sir Winston Churchill site and for this development, and was deemed contrary to policy DBE 6 of Epping Forest District Council's adopted Local Plan & Alterations.
5. The Committee was concerned that the existing bus stand provision on Burton Road was insufficient as buses frequently parked up on the pavement. This highway safety concern should be addressed, as there would be an increase in pedestrians using Burton Road from the proposed development.
6. The Committee regretted that a play area for the development had not been accommodated in the scheme, as the nearest existing ones at Monksgrove (off Oakwood Hill) and Westall Road were some distance away.
7. The Committee would prefer the use of LED street lighting and the use of solar powered lighting in view of Essex County Council's part night street lighting policy.
8. Members asked if the development could include more environmentally sustainable elements, such as solar panels.

Main Issues and Considerations:

The application can be considered to amount to a proposal for Council housing. Should planning permission be granted the applicant, East Thames Housing Group, would carry out the development and the dwellings would be let to Council tenants. The District Council is the freeholder of the application site. The applicant's planning statement says "On 17 April the Council House Building Cabinet approved to progress the proposal to the planning stage". It is not intended to sell the land to the developer therefore the Council will retain control over the development as landowner. Consequently, no S106 agreement requiring the development to be affordable is submitted with the application and none is considered necessary to secure the affordable housing in perpetuity.

The proposal amounts to the development of previously developed land within a residential area. It is on the edge of a Town Centre but would not have any negative impact on the vitality and viability of the Broadway as a shopping area and, indeed, it is more likely to enhance it. As such there is no objection to the principle of the development. The proposal would have a consequence

for healthcare provision in the locality as described by NHS England, and it therefore addresses that consequence by way of a Unilateral Undertaking in respect of a financial contribution sought by NHS England. Although there is likely to be a consequence for Education provision, Essex County Council as Local Education Authority has made clear it wishes to support the development by bearing the additional costs itself.

In terms of design, the proposal is modern but finished using traditional materials. It is well proportioned and would significantly enhance the appearance of Burton Road. The proposal has been carefully designed to include features that improve its sustainability such as solar panels on roofs and the use of sedum roof areas for the two flat blocks. No details of street lighting are submitted and although the comments of the Town Council in respect of LED lighting are noted, the matter of street lighting is an adoption issue and therefore one for the County Council rather than the District.

In respect of amenity space provision, although rear gardens of the houses are of modest size, the available private amenity space is significantly enhanced by the provision of roof terraces above the single-storey elements of the three-bedroom houses. Adequate amenity space provision is made for the flats and pair of two-bedroom houses by careful siting nearer Burton Road in order to maximise space and take advantage of a southerly aspect. It is not considered appropriate to make provision for public children's play areas within a development of this scale.

The rear elevation of the buildings has been carefully designed to prevent any excessive overlooking of neighbouring gardens. That has somewhat compromised the appearance of the houses by relying on high level windows to some bedrooms. In all cases those windows would be secondary windows.

The proposals would have significant bulk that would be apparent when seen from the rear gardens of maisonettes on Torrington Drive. However, the distance separating the new buildings from the rear elevations of the maisonettes is some 25m, which is more than adequate to ensure they would not appear excessively overbearing. Since they are to the north east of the maisonettes and their gardens, no excessive loss of light or overshadowing would arise.

In relation to the matter of parking, at one space for each house there would be an appropriate level of parking provision for the houses given the town centre location. The proposal would provide significantly fewer spaces for the flats than the Vehicle Parking Standards require were the site outside of a town centre location. However, there is no doubt that the site is within a very short walk of good public transport facilities and a wide range of convenience shopping as well as other goods and services. Consequently there is a very strong case for permitting the lower level of provision and, indeed, this is expressly allowed for in the Vehicle Parking Standards.

The Highway Authority has made clear that the District Council is responsible for deciding whether or not provision less than required by the Vehicle Parking Standards is justified. In this case the combination of the sustainability of the site's location together with the fact that a large public car park is opposite the site is given considerable weight. Moreover, weight is also given to the fact that the proposal is for affordable homes let to Council tenants who are less likely to be able to afford a car. Furthermore, as is recognised by the Local Education Authority, significant weight should be given to the degree of need for affordable housing and the limited opportunities for achieving it within this District when assessing the proposal. In all the circumstances, it is concluded that there is good justification on planning grounds for permitting the development with the level of off-street parking provision proposed.

The parking problems experienced within the locality are recognised and it may be that a Residents Parking Scheme would be an appropriate solution. That cannot be secured in connection with this application, particularly since such schemes are subject to a separate public consultation exercise and if insufficient support for a scheme was apparent, it would not be

implemented. Since the applicant has no control over the response to such a consultation exercise, it would be unreasonable to give permission subject to the implementation of a CPZ. Any proposal for a CPZ should therefore be pursued independently of this application through a proposal to the North Essex Parking Partnership.

Consideration has been given to whether it is possible to require tenancy agreements to prohibit the ownership of a car by tenants. The informal advice of the Communities Directorate (which incorporates the former Housing Department) is that would not be possible.

In relation to highway safety and the repositioning of a bus stop and bus waiting layby, the Highway Authority raises no objection but informally advises it is likely measures would be introduced to prohibit on-street parking along the length of Burton Road due to its narrow width and the need to ensure bus routes along it remain free of potential obstruction from large vehicles.

Conclusion:

The proposal would secure much needed affordable housing in a highly sustainable location without causing excessive harm. While the parking issue is recognised, it is not a matter on which this proposal should be resisted, particularly since an alternative more comprehensive solution may be possible. Accordingly, it is concluded the proposal complies with relevant planning policy and it is recommended that planning permission be granted

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

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

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



Epping Forest District Council

AGENDA ITEM NUMBER 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:	EPF/2297/14
Site Name:	32 Rous Road Buckhurst Hill IG9 6BW
Scale of Plot:	1/1250

Report Item No:

APPLICATION No:	EPF/2297/14
SITE ADDRESS:	32 Rous Road Buckhurst Hill Essex IG9 6BW
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill East
APPLICANT:	Mr Praveen Vadlamani
DESCRIPTION OF PROPOSAL:	Double storey side and part double storey rear extension with new porch to front entrance.
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=568791

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 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.

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

Description of Site:

The application site is a two-storey end of terrace house situated on the west side of Rous Road, between its junctions with Dene Road and River Road

The attached neighbour, no. 30 Rous Road, is situated to the south on slightly higher land. It has a rear conservatory across its width projecting approximately 3m. The detached neighbour, no. 34 Rous Road, is situated to the north on lower ground. It has a relatively recently constructed two-storey side extension that is set 1m from the common boundary with a single-storey rear projection

that extends 4m beyond the original rear wall of the house. The additions were approved in 2009 under planning permission ref EPF/1746/09.

The application site is not in a conservation area and there are no preserved trees on or adjacent to it.

Description of Proposal:

It is proposed to erect a part single, part two-storey side and rear extension. At ground floor the extension would project up to the site boundaries with 30 and 34 Rous Road and 4m beyond the original rear wall of the house. At first floor the extension would be set in 3.4m from the site boundary with no. 30 and 1.1m from the boundary with no. 34. It would have a reduced rearward projection of 3.4m.

Relevant History:

None

Policies Applied:

CP2	Quality of Rural and Built Environment
DBE9	Loss of Amenity
DBE10	Residential Extensions

NPPF

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 8
Site notice posted: No, not required
Responses received: No response received from neighbours.
BUCKHURST HILL PARISH COUNCIL: Objection
Overdevelopment of site
Concern regarding loss of amenity to neighbours.

Main Issues and Considerations:

The proposal was initially amended to pull the first floor off the site boundary in response to Officer advice when the application was checked for validity and subsequently further amended in response to the concerns of the Parish Council by reducing the rearward projection of the first floor to ensure it did not break an imaginary 45 degree line taken across the site from the boundary with the attached neighbour.

In terms of its scale and detailed design the amended proposal would complement the design of the existing house. In particular, the proposal complies with the supporting text of policy DBE10 by setting the first floor of the side extension a minimum of 1m from the site boundary with 34 Rous Road, reflecting the distance the extension to no. 34 is set from the site boundary. Consequently there would be a minimum distance of 2m between the flank walls of the two houses at first floor. At ground floor the flank wall would be set in from the boundary a sufficient distance to allow for the eaves of a hipped roof and attached gutter to be contained within the application site. The fenestration, external materials and roof form of the extension as a whole would match that of the existing house. It is therefore concluded that the proposal would safeguard the character and appearance of the locality.

The amended proposal would also safeguard the living conditions of neighbours. Since the site is to the north of the attached neighbour, no. 30 Rous Road, the proposal would not cause any loss of light. Furthermore, by ensuring the first floor of the rear addition is set further away from the nearest rear facing first floor window of the attached neighbour than the distance it would project from the rear elevation, no overbearing impact would arise. Indeed, that was the case for the original submission and the amendments in response to the objection of the Parish Council's objection serve to improve the relationship. Similarly, the relationship to the detached neighbour, no. 34, is also improved by the amendments. Although no. 34 is at lower level, it has a substantial ground floor rear projection with a gabled roof whose ridge is parallel to the site boundary. Due to its height, bulk and siting the rear addition to no. 34 mitigates the visual impact of the proposal on the rear elevation and garden of no. 34 to a very significant degree. That mitigation together with the degree of separation of the extended houses would ensure no loss of light or overbearing impact would arise.

Conclusion:

The proposal complies with relevant planning policy and it is recommended that planning permission be granted.

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

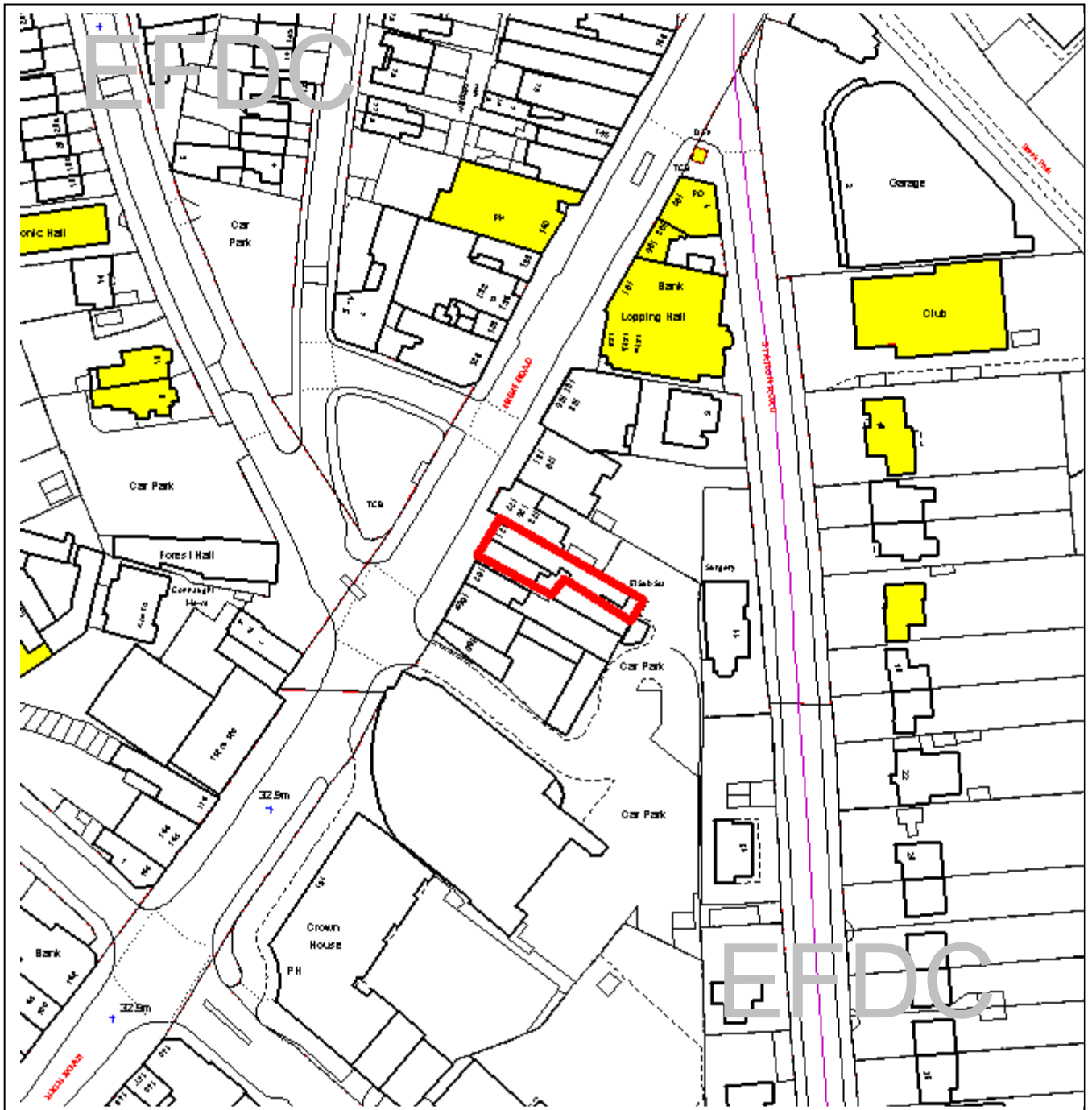
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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



Epping Forest District Council

AGENDA ITEM NUMBER 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/2300/14
Site Name:	Loughton B B Q 169 - 171 High Road Loughton, IG10 4LF
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/2300/14
SITE ADDRESS:	Loughton B B Q 169 - 171 High Road Loughton Essex IG10 4LF
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Mr Hasan Dagdelen
DESCRIPTION OF PROPOSAL:	Change of existing temporary use of ground level of 169 High Road as a restaurant to permanent restaurant use.
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=568830

CONDITIONS

NONE

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

Description of Site:

The premises comprise a combined A5 Hot food take away and A3 restaurant use, with a conservatory style extension at the front extending across both frontages. The premises lie in the High Road shopping area some 30m north of the Marks and Spencer food outlet. The properties are not listed nor do they lie within a conservation area.

Description of Proposal:

To change the existing temporary restaurant use of no.169 to a permanent restaurant use.

Relevant History:

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

EPF/2060/13 – approval granted for a single storey front glazed extension to restaurant and hot food take away – on private forecourt of the premises.

Policies Applied:

DBE9 - Loss of amenity.
TC3 - Town centre function.
TC4 – Non retail frontage.

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

Summary of Representations:

LOUGHTON TOWN COUNCIL – The Committee objected to a permanent change of use of this premises, as it would not wish to lose another retail unit in the key frontage of the High Road.

NEIGHBOURS – 7 properties consulted and no replies received.

Issues and Considerations:

Planning policy in relation to change of use of shops to alternative business uses has changed significantly in recent years. For example, the Government have introduced new legislation making it easier for shops to change to other 'flexible' uses such as A2 banks and estate agents, and B1 offices - in order to promote business activity in town centres and to reduce shop vacancies. On the 30/4/13 an amendment to legislation allowed new uses, such as restaurants, to start up without the need for planning permission for a temporary period of 2 years. The current applicants took advantage of this change and no.169 has now been used as a restaurant for some 12 months - in connection with the hot food take away at no.171. This planning application therefore seeks to convert this temporary 'approval' to a permanent one.

Up till 2 years ago the Council, using policy TC4 of the Local Plan, often refused permission from change of use of shops if 30% of a key frontage was already in non retail use. However, the Government felt that such a numerical approach was too proscriptive and the NPPF allows for more flexibility. Furthermore, many appeals against refusal of change of use of shops were often upheld by planning inspectors who would often conclude that a cafe or restaurant use did encourage pedestrian footfall in a shopping area and that these uses helped to promote vitality and viability rather than harming it.

In the case of this application the use of 169 as a restaurant has allowed an existing business to expand and it now provides 6 full time equivalent jobs. A restaurant is an appropriate use in a shopping area and from 12 noon the restaurant is open till 11pm in the evening – hence for most of the shopping day it does not present a 'dead frontage'. For these reasons the proposed use as a restaurant on a permanent basis is seen as acceptable.

Comments on representations received:

There is some sympathy with the Town Council's concern that another potential shop premises would be lost. However, for many years small shops have struggled to compete with larger retail units and supermarkets, and more recently with newer competition from internet retail sales. In this context it may well be that if this restaurant use was refused permission and closed down there would not be a retail use waiting to move in. Moreover the existing restaurant use is an appropriate one in a shopping area and it provides a useful service and 6 job opportunities. In this context it would be unreasonable to refuse planning permission to convert this temporary restaurant use to a permanent one.

Conclusion:

For the reasons outlined in the above report it is recommended that a permanent planning permission be granted.

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

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

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



Epping Forest District Council

AGENDA ITEM NUMBER 4



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/2869/14
Site Name:	Shrubs and Tubs Garden Centre High Road Chigwell, IG7 6NT
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/2869/14
SITE ADDRESS:	Triangular green area to the front of Shrubs and Tubs Garden Centre High Road Chigwell, Essex, IG7 6NT
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	Telephonica UK Ltd
DESCRIPTION OF PROPOSAL:	Telecommunications installation comprising of the erection of a 15m high Elara street pole, coloured green, together with 3 ground based cabinets and ancillary development.
RECOMMENDED DECISION:	Prior Approval Required and Granted

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=571951

CONDITIONS

NONE

This application is before this Committee since it needs to be decided in 55 days and the proposal may attract either an objection from the parish council or more than 2 objections from third parties, which are material to the planning merits of the of the proposal (pursuant to the constitution part three: planning directorate – delegation of council function, schedule 1 appendix A (f) and (g)).

Description of Proposal:

Determination as to whether prior approval is required for a telecommunications installation comprising of the erection of a 15m high Elara street pole, coloured green, together with 3 ground based cabinets and ancillary development.

Description of Site:

A triangular green in front of an office and shop building at Shrubs and Tubs garden centre. This green is part of highways land next to the road. To the immediate north of the site lies the Chigwell Tube Station and the site lies next to the bridge over the underground railway line.

Relevant History:

None.

Policies Applied:

U5 - masts and aerials under 15m.
NPPF – paras 42 to 46

Policy U5 is compliant with the NPPF - although the latter is more supportive of telecommunications development and its role in achieving sustainable economic growth.

Summary of Representations:

CHIGWELL PARISH COUNCIL – to be reported at Committee.

Neighbours – 28 properties consulted, and any replies will be reported at Committee.

ESSEX CC HIGHWAYS – to be reported at Committee.

EFDC TREES AND LANDSCAPE SECTION. – No objections - a protected tree lies some 12m away on the other side of the hard surfaced access road into Shrubs and Tubs. Given this distance and the fact that much of the intervening land is already hard surfaced the proposed development is most unlikely to have any adverse effect on this protected tree.

Issues and Considerations:

Planning permission is not required for telecommunication masts, columns or poles that do not exceed 15m in height. However, a prior approval application needs to be submitted and a council has 55 days to decide whether the siting and appearance of the proposal is acceptable. If no decision is made within 55 days then the installation can be erected on the basis that deemed consent has been granted. This application was received on 8/12/14. To report the application to the 4/2/15 Area Plans South Committee would have meant going beyond the 55 day deadline, and hence it is expedient to report this application to the 7/1/15 Committee – and any objections received in the consultation period will be reported verbally.

This telecommunications pole and equipment system is to be used by two mobile phone providers i.e. Telefonica (O2) and Vodafone. The pole will provide better mobile phone reception in an area of Chigwell that is not well served at present, including the tube station, and it will also provide 4G services. The application provides details of alternative sites considered for this installation, for example roof top locations in and around Brook Parade – but these have not been made available by the owners - and it has been a trend in recent years for property owners to refuse to accommodate these telecommunications base stations on their buildings. Another site considered was also a roadside one opposite Brook Parade. However the applicants rejected this option because of the narrow width of the pavement - (and it also may not have been acceptable from a planning viewpoint since it would have been likely to have detracted from visual amenity in the adjoining park and children's play area).

The proposed pole will be 15m high and painted green so as to blend in more with nearby trees. It will be 31 cm in width for some two thirds of its height, but at the top the shroud, containing O2 and Vodafone antennae, will be 51cm in width. The nearest dwelling, 187 High Road, lies on the opposite side of the High Road but to the south of the site so it does not directly overlook the proposed installation. Additionally, this property has large trees in its front garden providing screening from angled views. The other nearest dwellings lie on the same side of the road as the application site but to the south – and these are the 12 new flats in the recently erected Charlesworth Court at 118 High Road. These flats also do not overlook the site and many protected trees also would block any low angled views of the proposed pole. The building at Shrubs and Tubs garden centre will experience some amenity loss but given its commercial use this loss of amenity does not warrant a rejection of the proposal.

The application is accompanied by an ICNIRP declaration that certifies that this installation complies with radio frequency standards , and the Government makes it quite clear that if such a certificate is provided then only planning issues of siting and appearance can be considered in assessing the proposal, with health issues being excluded.

Conclusions:

At the time of writing this report only 2 days of the 21 day consultation period have elapsed. It is sincerely regretted that the above report therefore has had to be drafted without the views of third parties being known. Officer's views are that this partly commercial site next to a station is a relatively good one that is located away from dwellings and away from the view of residents. It is acknowledged that it will be a conspicuous and noticeable addition to the street scene - but any loss of amenity has to be balanced by the fact that sites for these base stations have to be found - not least because they provide an important communications service. For these reasons, and those outlined in the above report, it is recommended that the applicants be informed that prior approval for this installation is both required and that it is granted.

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

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

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

This page is intentionally left blank

Report to Area Plans Sub-Committee

Date of meeting: South – 07 January 2015



**Epping Forest
District Council**

Subject: Probity in Planning – Appeal Decisions, 1 April 2014 to 30 September 2014

Officer contact for further information: Nigel Richardson (01992 564110)
Democratic Services Officer: Mark Jenkins (01992 564243)

Recommendation:

That the Planning Appeal Decisions be noted.

Report Detail:

Background

1. (Director of Governance) In compliance with the recommendation of the District Auditor, this report advises the decision-making committees of the results of all successful allowed appeals (i.e. particularly those refused by committee contrary to officer recommendation).
2. The purpose is to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal is found to be unsupportable on planning grounds, an award of costs may be made against the Council.
3. Since 2011/12, there have been two local indicators, one of which measures all planning application type appeals as a result of committee reversals of officer recommendations (KPI 55) and the other which measures the performance of officer recommendations and delegated decisions (KPI 54).

Performance

4. Over the six-month period between 1 April 2014 and 30 September 2014, the Council received 36 decisions on appeals (29 of which were planning related appeals, the other 7 were enforcement related).
5. KPI 54 and 55 measure planning application decisions and out of a total of 29, 10 were allowed (34.5%). Broken down further, KPI 54 performance was 4 out of 18 allowed (22.2%) and KPI 55 performance was 6 out of 11 (54.6%).

Planning Appeals

6. Out of the planning appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6-month period, the Council was not successful in sustaining the committee's objection in the following cases:

COMMITTEE REVERSALS - APPEALS ALLOWED:

Area Committee South

EPF/0942/14	Retention of ground floor rear extension.	69 Queens Road Buckhurst Hill
EPF/2595/13	Change of use from Class A1 Shop to Class A5 fish and chips hot food takeaway use together with installation of extract duct on roof of cold room at the rear.	Chigwell Food & Wine 10 Brook Parade High Road, Chigwell

Area Committee East

EPF/0879/14	Two storey rear extension.	11 Tower Road Epping
EPF/1043/13	Application for engineering operations comprising formation of roadway and installation of cesspool (Resubmitted application to EPF/0132/13)	Great Notts Moreton Road Ongar
EPF/1683/13	Retention (with modifications) of agricultural building and erection of agricultural building.	The Acres Bounebridge Lane Stapleford Abbots

Area Committee West

EPF/1521/13	Variation of condition 16 'Parking Area' of planning permission EPF/0339/13. (Redevelopment to form 28 sheltered apartments for the elderly including communal facilities(Category II type accommodation), access, car parking and landscaping)	The Green Man Public House, Broomstick Hall Road, Waltham Abbey
-------------	---	---

7. Therefore, the committees are urged to continue to heed the advice that if they are considering setting aside the officer's recommendation it should only be in cases where members are certain they are acting in the wider public interest and where the committee officer can give a good indication of some success at defending the decision. However, the committees were successful in the following 5 cases:

COMMITTEE REVERSALS - APPEALS DISMISSED:

Area Committee South

EPF/0219/14	Single storey side and rear extension with part second storey to side and rear.	49 Southern Drive, Loughton
EPF/2664/13	Redevelopment of site to create four detached dwellings, formation of vehicular access and car parking	48 Church Lane, Loughton.
EPF/0941/13	New semi detached house and alterations to existing dwelling.	Land adj 20 Ollards Grove Loughton

Area Committee East

EPF/1052/14	Two storey extension to rear of property together with first floor extension built over existing garage to side (Revised application to EPF/0431/14)	17 Emberson Way, North Weald.
EPF/2075/13	Private stables and log store.	Brook House Farm Barn Epping Lane, S Tawney

8. Out of 7 **ENFORCEMENT NOTICE APPEALS** decided, 2 were allowed and 5 were

dismissed. These are as follows:

Allowed

ENF/0021/13	Without planning permission the change of use of the land from menage to parking and or storage of vehicles and storage of plant and machinery in connection with recycling business and; Without planning permission the change of use of the land from agricultural to storage, sorting, distribution, recycling of concrete, hard core, tarmac and screen waste together with the stationing or related plant and machinery	Marlow High Road Thornwood
-------------	---	----------------------------------

ENF/0251/13	Breach of condition 4 attached to Planning Inspectors decision (EPF/0492/09) dated	Disney Alpacas Hamlet Hill Roydon
-------------	--	---

Dismissed

ENF/0263/13	Without planning permission the change of use of the land from agriculture to residential use	Paslows Field (Oak Tree Lodge) King Street High Ongar
-------------	---	---

ENF/0356/13	Without planning permission the erection of a storage shed	Highfields Gravel Lane Chigwell
-------------	--	---------------------------------------

ENF/0642/12	Without planning permission the erection of a front wall, railings, gates and piers more than one metre in height adjacent to a highway	75 Honey Lane Waltham Abbey
-------------	---	--------------------------------

ENF/0062/11	Without planning permission the material change of use of the land to a mixed use comprising agriculture, residential and storage	Barkers Farm Mount End Road Theydon Mount
-------------	---	---

ENF/0721/11	Without planning permission material alterations to a barn to form a mixed use of residential and agricultural	Land adj. Great Notts Moreton Road Bobbingworth
-------------	--	---

Costs

9. During this period, costs were awarded against the Council in respect of the following.

EPF/1521/13	Variation of condition 16 'Parking Area' of planning permission EPF/0339/13. (Redevelopment to form 28 sheltered apartments for the elderly including communal facilities(Category II type accommodation), access, car parking and landscaping)	The Green Man Public House, Broomstick Hall Road, Waltham Abbey
-------------	---	---

10. Members attention is brought to the fact recent appeal changes allows Planning Inspectors to award costs against a party that has behaved unreasonably even if neither the Council or the appellant has applied for costs. In the case above, Committee West's concern was that despite condition 16 requiring up to 15 spaces to be provided, the developer argued a need for 12 and the application was submitted to vary the condition to 12. Committee West refused on the grounds of increased on-street parking resulting in harm to amenity and traffic hazard. At the appeal, there was no County Council highway objection, and evidence put forward relied on local knowledge and comment from Waltham Abbey Town Council that this was an accident hot-spot.

The appellants produced evidence that 12 were needed. The Inspector concluded that the Council had behaved unreasonably because it could not provide any substantiated evidence why 3 extra cars would result in amenity and traffic hazard harm and awarded costs, which Officers have negotiated down to a final payment of £10,328.

Conclusions

11. Whilst performance in defending appeals has improved during the last couple of years, Members are reminded that in refusing planning permission there needs to be justified reasons that in each case must be not only relevant and necessary, but also sound and defensible so as to avoid paying costs. This is more important now than ever given a Planning Inspector or the Secretary of State can award costs, even if neither side has made an application for them. Whilst there is clearly pressure on Members to refuse in cases where there are objections from local residents, these views (and only when they are related to the planning issues of the case) are one of a number of relevant issues to balance out in order to understand the merits of the particular development being applied for. As the above appeal cost case demonstrates, it is in the area of highway and parking refusals that the Council has difficulty in defending Members objections on these grounds without substantiated evidence. Highway and parking appears to be weighed far more heavily in favour of the developer who usually can justify parking provision from evidence.

12. Finally, at a previous request from Planning Services Scrutiny Standing Panel, appended to this report are the 11 appeal decision letters, which are the result of Members reversing the planning officer's recommendation (and therefore refusing planning permission) at planning committees, 5 of which were dismissed and therefore refused planning permission.

13. A full list of appeal decisions over this six month period appears below.

Total Appeal Decisions April to September 2014

Allowed

Buckhurst Hill

1	EPF/0312/14	First floor rear extension. (Revised application to EPF/0024/13)	146 Queens Road
2	EPF/0584/14	Prior notification application for an 8 metre deep single storey rear extension, height to eaves 3.0 metres and maximum height of 4.0 metres.	5 Forest Side
3	EPF/0942/14	Ground floor rear extension.	69 Queens Road

Chigwell

4	EPF/2595/13	Change of use from Class A1 Shop to Class A5 fish and chips hot food takeaway use together with installation of extract duct on roof of cold room at the rear.	Chigwell Food & Wine 10 Brook Parade High Road
---	-------------	--	--

Epping

5	EPF/0159/13	Change of use from 4 no. 1 bed self contained flats to single dwelling (Appeal against a condition).	66A Bower Hill
6	EPF/0879/14	Two storey rear extension.	11 Tower Road

Moreton, Bobbingworth and the Lavers

7	EPF/1043/13	Application for engineering operations comprising formation of roadway and installation of cesspool (Resubmitted application to EPF/0132/13)	Great Notts Moreton Road
---	-------------	--	-----------------------------

Stapleford Abbotts

8	EPF/1683/13	Retention (with modifications) of agricultural building and erection of agricultural building. *** Revisions to building ***	The Acres Bournebridge Lane
---	-------------	---	--------------------------------

Waltham Abbey

9	EPF/0365/13	Installation of illuminated fascia sign.	Castles 2-4 Highbridge Street
10	EPF/1521/13	Variation of condition 16 'Parking Area' of planning permission EPF/0339/13. (Redevelopment to form 28 sheltered apartments for the elderly including communal facilities(Category II type accommodation), access, car parking and landscaping)	The Green Man Public House, Broomstick Hall Road

Dismissed**Chigwell**

11	EPF/2397/13	Retrospective application for the retention of a storage shed.	Highfields Gravel Lane
12	EPF/2615/13	Proposed two storey rear extension.	The Shaws

Lambourne

13	EPF/0679/13	Construction of three new 3 bedroom houses with associated access and parking.	92-110 London Road Abridge
14	EPF/1641/13	Installation of 648 ground mounted photovoltaic panels.	Patch Park Farm Ongar Road

Loughton

15	EPF/0014/14	Formation of additional bedrooms in re-profiled and extended roof, including new window with juliet balcony at second floor rear, and first floor side extension over integral garage.	65 Roundmead Avenue
16	EPF/0219/14	Single storey side and rear extension with part second storey to side and rear.	49 Southern Drive
17	EPF/0941/13	New semi detached house and alterations to existing dwelling.	Land adjacent to 20 Ollards Grove
18	EPF/2664/13	Redevelopment of site to create four detached dwellings, formation of vehicular access and car parking	48 Church Lane

Nazeing

19	EPF/2081/13	Variation of condition 4 'Removal of mobile home and shed structures' of planning permission EPF/2133/12. (Proposed barn conversion and demolition of redundant former farm buildings by removing any reference to the mobile home structure from condition 4)	Church Farm Back Lane
----	-------------	--	--------------------------

North Weald Bassett

20	EPF/0733/14	Proposed garage and domestic store (Revised application to EPF/2471/13)	Amber Cottage Foster Street Hastingwood
21	EPF/1052/14	Two storey extension to rear of property together with first floor extension built over existing garage to side	17 Emberson Way

(Revised application to EPF/0431/14)

22	EPF/2030/12	Removal of condition 5 'Demolition of Unit 7A' of planning permission EPF/2562/11 (Retention of building on site of former agricultural buildings for small scale B1 use (unit 50) and the demolition of Unit 7A to provide access to rear)	Chase Farm Vicarage Lane
23	EPF/2056/12	Retain change of use from residential to vehicular access to and parking for small scale B1 use in connection with business centre	Chase Farm Vicarage Lane
Ongar			
24	EPF/0914/13	1 non-illuminated projecting sign and 1 trough lit externally illuminated sign in middle of fascia.	Co-operative Retail Services Ltd 198 High Street
25	EPF/1097/13 T	Listed building application for installation of 1x rough light above existing fascia sign, installation of 1x projection sign with wrought iron bracket fixed to existing fascia sign. (No alterations of shop front)	Co-operative Pharmacy 198 - 202 High Street Ongar Essex CM5 9JJ
Stapleford Abbotts			
26	EPF/1629/13	Replacement dwelling.	Underwoods Nupers Hatch
Theydon Bois			
27	EPF/2469/13	Single storey rear and single storey side extensions, raising existing roof to accommodate rooms in roof and insertion of two front dormers	121 Theydon Park Road
Theydon Mount			
28	EPF/2075/13	Private stables and log store.	Brook House Farm Barn Epping Lane Stapleford Tawney
Waltham Abbey			
29	EPF/1029/13	Phase 1 of mixed use development to the rear of 54 Sun Street, to include new office (B1) at ground floor and 1 no. one bedroom flat at first floor.	54 Sun Street

Appeal Decision

Site visit made on 15 September 2014

by C A Newmarch BA (Hons) MRICS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 September 2014

Appeal Ref: APP/J1535/D/14/2220944

49 Southern Drive, Loughton, Essex, IG10 3BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nicholas Rust against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0219/14 was refused by notice dated 7 May 2014.
 - The development proposed is single storey side and rear extension with part second storey to side and rear.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The proposed development would effectively fill the space between the existing house at No 49 Southern Drive and its common boundary with the non-attached house at No 51. Although a garage/shed previously existed on part of this land, the submissions indicate that it was a modest single storey, pitched roof, structure, which was set further from the common boundary than the proposed extension.
4. The first floor element of the extension would be set back some 3.6m from the main front wall of the host property, and there would also be a modest set back at ground floor level. Nonetheless, the minimal separation of around 0.2m between the flank wall of the extension and the neighbouring property along the common boundary would have a terracing effect.
5. Policy DBE10 of the Epping Forest District Local Plan (1998) and Alterations (2006) (LP) provides, among other things, that a residential extension will be required to complement, and where appropriate enhance, the appearance of the street scene and the existing building. LP policy DBE10 requires close attention to be given to the separation of an extension from any neighbouring buildings. This policy does not stifle innovation, but seek to reinforce local distinctiveness. Notwithstanding the age of the LP policy, it is broadly consistent with the principle of taking account of the character of different areas in the National Planning Policy Framework (NPPF). Accordingly, I give it significant weight.

6. The predominantly residential street scene is characterised by short terraces, typically of six or four houses, facing the street. Notwithstanding its first floor set back, the almost complete closure of the gap between Nos 49 and 51 would give the visual impression of an uninterrupted terrace of 12 dwellings.
7. The appellant refers to the Council's decision to grant planning permission for a two storey side extension at No 51, which occupies the full width of its site. While it is a material consideration, in the absence of the full details and circumstances of that decision, it does not justify the proposal before me, and I give the matter limited weight.
8. The appellant also refers to the existence of similar extensions at many of the properties along Southern Drive, but, other than the reference to the extension at No 51, no specific details are before me. However, the gaps which I saw at the time of my visit all contribute positively to the general rhythm and suburban character of the street scene.
9. By contrast, the negligible separation between the flank wall of the proposed extension and the dwelling at No 51, would give rise to a cramped appearance and a terracing effect. This would be significantly out of keeping with the prevailing character and appearance of the area, where the gaps between the terraces give some sense of spaciousness. As such, the proposal conflicts with LP policy DBE10 and the core principles of the NPPF.
10. The proposal would not protect or enhance the built environment, and would, therefore, fail to meet the economic, social and environmental dimensions of sustainable development set out in the NPPF. Consequently, the presumption in favour of sustainable development does not apply.

Other matters

11. The appellant contends that the proposal reflects guidance derived from the Council officer's report on an earlier application for the extension of the dwelling, Ref EPF/2439/13. The Council does not, however, object on the basis of the design of the extension. Given the proportions of the proposed hipped roof, the pattern of fenestration and suggested materials, I have no reason to disagree, but this does not outweigh the harm identified.
12. The Council has not objected to the 2 storey rear element of the extension, but as the access to it at first floor level would be taken through the side extension, I consider that it is neither physically nor functionally separate from the remainder of the proposal. A split decision would not, therefore, be possible.
13. The Council has not objected on the basis of the effect on the living conditions of the occupiers of No 51 Southern Drive. Nevertheless, some disagreement exists regarding the accuracy of the plans, particularly regarding the positions of the rear access doors at No 51 and its nearest first floor rear window in relation to the corner of the proposed rear extension. While these matters would be pertinent to the living conditions of the occupiers of No 51, I have decided to dismiss the appeal for the reasons explained above, and so this is not a determinative matter in this instance.
14. The Council indicates that its objection to the extension of the appeal premises would be overcome by setting the entire flank wall 1m from the common boundary with No 51. This matter is not before me, and has formed no part of my consideration of the appeal.

15. I have also taken account of the officer-level recommendation that conditional planning permission be granted for this proposal. While this is a material consideration, the appellant acknowledges that the Council is entitled to reach a different view.

Conclusion

16. I have considered all other matters raised, but they do not outweigh the identified harm or the conflict with the development plan and the NPPF.

CA Newmarch

INSPECTOR

This page is intentionally left blank

Appeal Decision

Site visit made on 19 February 2014

by Nick Moys BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 April 2014

Appeal Ref: APP/J1535/A/13/2207443
20 Ollards Grove, Loughton, Essex IG10 4DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr P Hiam (L & C Design) against the decision of Epping Forest District Council.
 - The application Ref EPF/0941/13, dated 29 April 2013, was refused by notice dated 7 August 2013.
 - The development proposed is described as '4 bedroomed semi-detached house built on land adjacent to No 20 Ollards Grove'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case concern the effects of the proposal on: i) the living conditions of the occupants of 16 Ollards Grove in respect of outlook and visual impact, and ii) the character and appearance of the surrounding area.

Reasons

3. The appeal site comprises a detached house and garden, and is located within a residential area close to Loughton town centre. The proposed dwelling would occupy the side garden of No 20, and would be linked to the existing house to create a pair of semi-detached properties. An existing detached garage would be demolished to make way for the new house, and a second access onto to Ollards Grove would be formed to serve No 20. The appeal site is adjoined on both sides by semi-detached houses. Ollards Grove rises steeply from east to west.

Living conditions

4. The flank elevation of the neighbouring property at No 16 which faces the appeal site contains four windows: two ground floor openings which serve habitable rooms, and two first floor windows to bathrooms. Of the two ground floor openings, one is a secondary window to a habitable room that also has windows at the front of the property. However, as I was able to see during my site visit, the rearmost ground floor window serves a habitable room, which, contrary to the suggestion contained in the appellant's evidence, does not benefit from an additional window in the rear elevation.

5. The proposed dwelling would be located approximately 4 metres away from the flank elevation of No 16, and around 1.5 metres from the boundary. The side elevation of the proposed dwelling would be deeper than that of No 16, extending further to the rear, and due to the sloping nature of the ground, would sit at a noticeably higher level. Although the outlook from the side of No 16 is already partially restricted by the existing garage and the intervening boundary screening, the proposal would significantly worsen this situation, and would appear as a dominant and overbearing feature because of its close proximity, height and overall scale.
6. I appreciate that due to the orientation of the properties and the presence of trees on the side boundary to the west, the proposal would not result in a significant loss of sunlight. I note too that the roof of the proposed dwelling would slope away from No 16, and that the Council is satisfied that the proposal would meet appropriate standards in terms of daylighting. However, for the reasons set out above, I consider that the proposal would result in material harm to the living conditions to the occupants of No 16 due to its overbearing visual impact.
7. I acknowledge that the proposal would reduce the level of potential overlooking of No 16 from windows in the flank elevation of No 20. However, given the degree of separation between the properties and existing boundary screening, I do not consider that this benefit would be significant or would outweigh the harm caused to outlook.
8. I conclude therefore that the proposal would conflict with Policy DBE2 of the Epping Forest District Adopted Local Plan (1998) (the Local Plan) which seeks to prevent development that would have a detrimental effect on the amenity of neighbouring properties. The proposal would also be inconsistent with the objective of the National Planning Policy Framework (the Framework) of securing a good standard of amenity for both existing and future occupants of buildings.

Character and appearance

9. Development along Ollards Grove consists mainly of large detached dwellings, but also includes some semi-detached properties. Although not particularly widely spaced, most houses are set in generous plots, with good sized front gardens and long rear gardens. Established landscaping and trees enhance the pleasant suburban character of the area. Older properties are generally built in Tudor revival and Arts and Crafts styles, and typically feature extensive architectural decoration, projecting gables and bays, and half-timbering. Later infilling and additions have created a more varied pattern of development in terms of building design, plot width and building spacing.
10. Although narrower than immediately adjacent properties, the proposed plot, and that retained with No 20, would be of a similar width to a number of other properties nearby, including the semi-detached houses at Nos 10-12 and detached properties at Nos 15A, 17, 26, 30 and 46 and 50. I disagree with the Council's suggestion that these properties are not comparable with the appeal proposal. The situation of Nos 10-12 is similar to that of the appeal site, as that absence of houses on the opposite side of Ollards Grove gives both a similarly open aspect. Furthermore, I agree with the appellant that detached properties generally need more space around them than semi-detached dwellings to create a similar degree of spaciousness.

11. The set back of the new dwelling from the road would also be similar to that of other nearby properties, and ample garden space would be retained to the front and rear. The separation distance of approximately 4 metres to the neighbouring house at No 16 respectively would be consistent with, and in some instances greater, those seen elsewhere in the street. The proposed dwelling would be similar in size to the existing house at No 20, in terms of its built footprint and overall scale; and its gable ended design, projecting wings and staggered roofline would help to reduce its overall visual bulk and massing.
12. Taking these matters into consideration, I find that whilst the proposal would inevitably result in a loss of openness in the immediate vicinity of the appeal site, it would not appear unduly cramped or be out of keeping with the general pattern of surrounding development due its height, bulk and massing.
13. Although not forming part of the grounds of refusal, the Council contends that the design of proposed dwelling would not relate well to the host dwelling No 20. However, whilst the proposal would not create a symmetrical pair of dwellings, it would adopt the same architectural style as the host property, and with similar massing and materials would create a balanced composition. Moreover, many other properties in the vicinity are asymmetrical in form, including the semi-detached houses immediately to the north-west at Nos 22-24.
14. The difference in roof levels between the proposed house and No 20 would be more pronounced than is typical in the vicinity, and I accept that this would create a somewhat awkward visual relationship. However, this difference in levels is a function of the sloping nature of the site, and in the context of the varied rooflines of other nearby properties, this would not cause material harm to the appearance of the area.
15. I have taken into account the findings of the Inspector who determined the previous appeal for a dwelling adjacent to No 20 which was dismissed (Ref APP/J1535/A/88/102869). However, the proposal in that case was for a detached dwelling on a smaller plot, and is not therefore directly comparable with the scheme under consideration here.
16. I conclude therefore that the proposal would not result in material harm to the character and appearance of the surrounding area. Accordingly, there would be no conflict with Policy DBE1 of the Local Plan or Policy CP2 of the Epping Forest Local Plan Alterations (2006), which amongst other things require new development to respect its context and safeguard the character of the surrounding built environment. The proposal would also be consistent with the guidance set out in paragraph 58 of the Framework that development proposals should respond to local character, reflect the identity of their surroundings, and optimise the potential of sites to accommodate development. However, this does not outweigh the harm that I have found in respect of living conditions, as detailed above.

Other matters

17. In addition to the issues considered above, I have taken into account the objections raised locally, including in respect of loss of trees, increased on-street parking, lack of outdoor amenity and ground conditions. However, consideration of these matters has not led me to a different conclusion on the appeal.

Conclusion

18. I acknowledge that the proposal would add to the local housing stock and make efficient use of land in an established residential area with good access to local services and facilities. Whilst these factors weigh in favour of the proposal, the benefits of the scheme would be substantially outweighed by the harm that would result to the living conditions of the occupants of No 16 due to the overbearing visual impact of the development.
19. The Government's Planning Practice Guidance was published on 6 March 2014. I have considered the content of this guidance, but in the light of the facts of this case, the document does not alter my conclusions.
20. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Nick Moys

INSPECTOR

Appeal Decision

Site visit made on 15 September 2014

by C A Newmarch BA(Hons) MRICS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 September 2014

Appeal Ref: APP/J1535/A/14/2221785

'Queens Rooms, 69 Queens Road, Buckhurst Hill, Essex IG9 5BW'

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Sevi Stamboliyski against the decision of Epping Forest District Council.
 - The application Ref EPF/0942/14, dated 22 April 2014, was refused by notice dated 11 June 2014.
 - The development proposed is a 'rear ground floor extension – repeat applic for previously approved applic Ref 1487/13. (Copy to James Rogers – Planning Enf Officer).'
-

Decision

1. The appeal is allowed and planning permission is granted for a rear ground floor extension at Queens Rooms, 69 Queens Road, Buckhurst Hill, Essex IG9 5BW in accordance with the terms of the application, Ref EPF/0942/14, dated 22 April 2014, and the plans submitted with it.

Procedural matters

2. There is an error in the address given on the application form. It is clear from the appeal form, other documentation, and my visit that the address is No 69 Queens Road.
3. There is no dispute that the development has been carried out, and I saw that work broadly in accordance with the submitted plans was in place at the time of my visit. I have, therefore, considered the appeal as being against the refusal of retrospective planning permission for a rear ground floor extension.
4. A copy of the previously approved application referred to in the description of development has not been provided. However, the Council officer's report explains that the depth of the extension granted by planning permission Ref EPF/1487/13 was 4m, whereas the appeal proposal is for an extension some 5m in depth. Since there is no objection to the permitted scheme, my consideration relates to the effect of the additional depth of around 1m of the built scheme.
5. The appellant explains that the 'over extending of the rear extension' was entirely due to a misunderstanding with the builders.' She further contends that it was too late to demolish it when the error was discovered. However, I have not taken this submission into consideration, since I am concerned with the effects of the additional depth of the rear extension, as explained above.

Main Issues

6. The main issues are whether it is necessary to provide for the storage of refuse within the site, and the effect of the extension on the living conditions of neighbouring residential occupiers, in relation to odours.

Reasons

Refuse storage

7. The extension has reduced to the rear yard to a minimal area with a depth of around 1.5m. It fails to leave adequate space for on-site refuse storage, which the Council considers to be necessary for the lawful use of the premises within Use Class A3.
8. There is no dispute that the refuse storage bin for the premises is located some distance away within a parking bay in Back Lane. However, there is no evidence before me to demonstrate that the permitted scheme required the on-site storage of refuse. Furthermore, I have not been referred to any policy requiring the provision of an on-site refuse store. Accordingly, while the existing arrangements are unusual and possibly inconvenient, it has not been demonstrated that they give rise to material harm.
9. The Council further submits that the extent of the built form has a cramped appearance, which fails to maintain or enhance the quality of the urban area. This does not, however, form part of the Council's refusal reason, and no submissions have been made in support of the contention. Local objectors refer to the appearance of the extension, but it is not highly visible from the public domain, other than glimpses through an archway from Kings Avenue.
10. Policy CP7 of the Epping Forest District Local Plan, 1998, and Alterations (2006) (LP), provides for the fullest use of existing urban areas while seeking to prevent over-development, unsympathetic change or loss of amenity. LP policy CP7 generally accords with the need to take account of the different roles and character of different areas identified in the core planning principles of the National Planning Policy Framework (NPPF), and I give it due weight.
11. However, while the extension has changed the appearance of the building and removed the possibility of on-site refuse storage, I do not consider that it is necessary to provide for the storage of refuse within the site, or that it has been demonstrated that it amounts to an over-development of the site. It does not, therefore, conflict with LP policy CP7 or the NPPF.

Living conditions

12. The rear wall of the extension includes a single extract vent from the WC into the rear yard. The Council and local objectors are concerned that this gives rise to unpleasant odours adjacent to the common shared boundary with Nos 2 and 2A Kings Avenue. Although the extract from the WC is at a high level, it is lower than the top of the tall close boarded fence along the common boundary, and is not immediately adjacent to the neighbouring dwellings. I have not been referred to any relevant standards, but, to my mind, the proximity of the WC vent to the common boundary is not unusual in an urban setting. Moreover, I did not discern any unpleasant odours in the yard.

13. LP policy DBE9(iv) requires that an intensification of use or an extension does not result in an excessive loss of amenity, including noise and smell, for neighbouring properties. The policy accords with the principle of promoting healthy communities in the NPPF, and I give it significant weight. However, in this instance, it has not, therefore, been demonstrated that the extension is materially harmful to the living conditions of the neighbouring residential occupiers, in relation to odours. As such, it does not conflict with LP policy DBE9(iv) or the NPPF.

Other matters

14. The Council further contends that the toilet could give rise to excessive noise disturbance to neighbouring residents, although this does not form part of its refusal reason. In any event, no evidence has been submitted regarding the sound rating of the WC extractor, or how this relates to relevant standards or policies. No conditions relating to the use of the yard have been suggested by the Council, and, in any event, the Council has other powers to control noise.
15. Concerns have been raised concerning the use of the yard by staff and customers for smoking, but the restricted space would limit the number of smokers using the space at any time, and the fire risk to the wooden fence is limited. Accordingly, I give these matters limited weight.
16. It is submitted that the extension results in a loss of privacy for local residents, but given the relative heights of the yard and the boundary fence, neither the yard, nor the rear-facing folding glass doors at the rear of the Queens Rooms, give rise to inter-visibility with the neighbouring properties.
17. Local objectors further refer to various matters including the insertion of a roof lantern into the extended building, the erection of an external metal flu, and the installation of a new grill within the premises. While these may be matters for the Council, they do not form part of the scheme before me, and have not formed part of my consideration of the appeal.
18. The neighbouring occupier at No 2 Kings Avenue refers to an alleged encroachment over the common boundary. This, however, is a private matter, which cannot form part of my determination of the planning appeal.
19. The appellant comments on the representations made by local people, but I have not considered these comments, but have determined the appeal on its merits.
20. The Council has not suggested that any planning conditions are necessary in the event of the appeal being allowed. Since the development has already taken place, and the decision refers to the submitted drawings, I agree.

Conclusion

21. I have considered all other matters raised, but it has not been demonstrated that the extension gives rise to significant harm, and does not conflict with the development plan policies or the NPPF.

CA Newmarch

INSPECTOR

This page is intentionally left blank

Appeal Decision

Site visit made on 6 August 2014

by Cullum J A Parker BA(Hons) MA MRTPI AIEMA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 September 2014

Appeal Ref: APP/J1535/A/14/2219451

Chigwell Food & Wine, 10 Brook Parade, High Road, Chigwell, Essex, IG7 6PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Hasan Dagdelen against the decision of Epping Forest District Council.
 - The application Ref EPF/2595/13, dated 5 December 2013, was refused by notice dated 7 May 2014.
 - The development proposed is change of use from Class A1 Shop to Class A5 fish and chips hot food takeaway use together with extract duct at rear.
-

Decision

1. The appeal is allowed and planning permission is granted for a change of use from Class A1 Shop to Class A5 fish and chips hot food takeaway use together with extract duct at rear at Chigwell Food & Wine, 10 Brook Parade, High Road, Chigwell, Essex, IG7 6PF in accordance with the terms of the application, Ref EPF/2595/13, dated 5 December 2013, subject to the conditions in Appendix A.

Procedural Matter

2. I note that amended plans, labelled Rev.01, have been submitted. The main difference appears to be that the extraction flue would be located further away from the upper floor residential accommodation and the ducts would be located internally rather than on the flat roof. Both parties have had an opportunity to consider these revised plans. For the avoidance of doubt, I consider that it is the amended drawings for which permission is sought.

Main Issue

3. The main issue is the effect of the proposed change of use on the economic viability, and consequently the character and appearance, of the Brook Parade local centre.

Reasons

4. The appeal property is located within a terraced block of commercial properties at ground floor level facing onto Brook parade. My site visit confirmed that the parade contains a mixture of uses including a bank, beauty/hair salons, estate agent, restaurant/cafe and convenience stores. To the front of the units there is a wide pedestrian pavement with a number of public bins, and off street parking beyond.

5. The proposed development seeks a change of use from A1 retail shop to A5 fish and chip takeaway. Whilst there are a variety of uses taking place along the parade, there were no obvious examples of any A5 types uses present. Policies CP2 and CP3 of the Epping Forest District Local Plan Alterations 2006 (EFDLP), indicate that the Council seeks to safeguard and enhance the setting, character and townscape of the urban environment, and that the scale and nature of development respects the character and environment of the locality.
6. In this case, there would be no alterations to the front elevation of the building, thereby retaining the visual appearance of the area and parade. It is also clear that there is already a mixture of uses within the Parade. There is no conclusive evidence before me which demonstrates that by allowing the A5 use sought in this case would result in the A1 retail uses being in danger of disappearing and changing the overall character of the street. It was clear during my site visit, during the mid-morning, that the Parade is a vibrant mix of well used services, providing a diverse local centre for residents. The evidence, in that in allowing this appeal the character of the area would change to an extent that would be materially harmful to its continuing vitality or affect the overall viability of the local centre, is unpersuasive.
7. In terms of the visual impact of the extraction equipment to the rear of the building, the amended Rev.01 drawings show that a majority of this would now be situated within the internal part of the building, with a short flue pipe located at the rearmost end of a single storey rear extension. The rear elevation of the parade is significantly different to the front, appearing more as a service area with off road car parking and various examples of extraction and condensing equipment. Given the relatively small size of the flue pipe, or 'extract duct', in relation to the overall scale of the Parade and the more service orientated appearance, I consider that the extract duct to be acceptable in terms of character and appearance.
8. I therefore conclude that the proposed development would not have an adverse effect on the character and appearance of the area or the parade. Moreover, given the distance from the Chigwell Village Conservation Area, it would not have an adverse impact its setting. Accordingly, the proposal accords with Policies CP2 and CP3 of the EFDLP, the aims of which I have aforesaid.

Other matters

9. A number of concerns have been raised by neighbours and local residents. I now consider these before reaching my final conclusion. In terms of the potential for smells and the noise of the extraction equipment, this would be located to the rearmost part of the building and some distance from the rear upper windows of the Parade. The revised plans also show that this would also be located inside the building rather than positioned on the flat roof, thus assisting in reducing the potential for noise. Moreover, I consider that specific details of such equipment could reasonably be controlled by condition. As such, the potential noise and smells arising from the proposed development could be suitably mitigated by ensuring that the proposed development would not result in material harm to neighbours in terms of smells and extraction equipment noise.
10. I acknowledge the concerns that the fish and chip use could result in the congregation of youths, and that this may result in anti-social behaviour. However, there is no conclusive evidence before me to indicate that such a

problem exists or that this specific use would result in such an outcome. I also note the concerns relating to the potential for increased littering. However, it was clear from my site visit that there are a number of public bins available along the parade which patrons could use. I do not therefore find that the proposed development would result in a materially harmful impact in terms of littering or other associated anti-social behaviour.

11. In terms of parking and traffic concerns, there is an area of on-street parking directly in front of the Parade. This allows customers to pull off of the main highway and park up to use the local parade. I do not, therefore, find that proposal would result in a detrimental impact on highway safety.
12. With regard to the risk of fire in the upper floors of the building, which are residential in use, any internal works are likely to be subject to both building regulations and environmental health legislation. Moreover, I note the concerns in terms of the proposal potentially resulting in a negative impact on property values. However, the effect on property values is a separate matter from planning controls. I have also considered the point made that the proposal would result in setting a precedent within this location. Nevertheless, it is well established planning practice that each proposal is considered on its own merits, as I have done in this case.
13. I therefore consider that these and all other matters raised, whether considered individually or cumulatively, do not weigh significantly against allowing the proposed development.

Conditions

14. A number of conditions have been suggested by the Council, and in considering these I have had regard to Paragraph 206 of the National Planning Policy Framework and the Planning Practice Guidance with regard to the use of planning conditions. A condition requiring the proposed development to be carried out in accordance with the submitted drawings is necessary for the avoidance of doubt and in the interests of proper planning.
15. A condition requiring the submission of further details for the extraction equipment to control fumes and smells, including the provision for such equipment to be installed and maintained, is reasonable to ensure that the extraction equipment adequately mitigates the impact of the proposed development in terms of smells and noise. For similar reasons, a condition restricting opening hours is necessary to ensure that the use permitted does not operate continuously and provides respite for residents during the early morning and late evening periods.
16. A condition relating to the submission of details for litter and waste is reasonable and necessary to ensure that any waste arising from the new use is sufficiently managed in the interests of nearby residential living conditions.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

Cullum J A Parker

INSPECTOR

Appendix A – List of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Proposed Block Plan, Existing Block Plan, 13.03.01.REV.01, 13.03.02.REV.01, 13.03.03.REV.01, 13.03.04 and 13.03.05.REV.01
- 3) Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.
- 4) The premises and use hereby permitted shall not be open for customers outside of the hours 10:00 – 22:00 Monday to Sunday inclusive.
- 5) Before the use hereby permitted begins, details of measures to deal with litter and waste arising from the proposed use shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented, and thereafter retained.

Appeal Decision

Hearing held on 2 July 2014

Site visit made on 2 July 2014

by G J Rollings BA(Hons) MA(UD) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 August 2014

Appeal Ref: APP/J1535/A/14/2217549
48 Church Lane, Loughton, Essex, IG10 1PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Banner Homes against the decision of Epping Forest District Council.
 - The application Ref EPF/2664/13, dated 13 December 2013, was refused by notice dated 2 April 2014.
 - The development proposed is redevelopment of the site to create four detached dwellings, formation of vehicular access and car parking.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the living conditions of nearby occupiers, with particular reference to visual impact and outlook.

Reasons

Character and appearance

3. The appeal site accommodates a detached house located towards the front of the site, with a semicircular driveway in the front garden, and an expansive, landscaped rear garden. Other houses within this part of Church Lane are similarly large and sited close to the road, with front boundaries generally defined by either walls and fences, or well-established landscaping. Combined with the relatively narrow width of this part of the street, the street's character is reminiscent of an outer suburban or village lane.
4. The character of Church Lane changes just to the south of the appeal site, where it intersects with Wellfields. Here, the road becomes wider and both this street and Wellfields, as well as their intersecting roads, display more modern characteristics in terms of housing types and siting. Some newer infill development has occurred adjacent to this part of Church Lane, creating new cul-de-sacs at Clerks Piece and Elmores. There has also been some subdivision

- of plots, creating new homes with a direct street frontage, such as those at 1a and 1b Wellfields.
5. The proposed development would replace the existing house on the appeal site with four new houses. Two would face the street, with a staggered front building line that would appropriately respond to neighbouring properties. These would be separated by a private driveway which would lead from the street towards the rear of the site, where a further two dwellings would be located. Each plot would have its own area of garden space, as well as dedicated garaged and open car parking.
 6. The layout of the homes would be distinctive within the area. The increase in the number of homes on the site invites comparisons with the southern part of Church Lane, with its denser character and more suburban appearance. However, despite the proximity of the southern part of Church Lane to the appeal site, there is a clear and stark shift in character at the intersection, and into the northern part of the Church Lane. The proposed layout would be unlike that of the aforementioned cul-de-sac developments, which are akin to traditional street layouts, with homes arranged in a traditional street-facing format. The appeal proposal would create a cluster of homes with a private driveway and the two rear homes would have characteristics of backland development. This would be demonstrated within the views through the property towards additional built form, which although would only be visible as glimpsed views, would reinforce the denser nature of the site when compared with its neighbours. Given the absence of this form of development within this section of Church Lane, the proposed development would be out of character with its surroundings.
 7. The landscaped character of the site is also apparent when viewed from neighbouring properties, across rear gardens. The retention of much of the border planting is welcomed but the proximity of the new homes at the rear of the site would introduce new and obvious built form within these private views, and would thereby be harmful to the otherwise established garden appearance of the site, and its sylvan character. I note the appellant's comments regarding the potential revision of the Tree Preservation Order (TPO) on the site and the condition of some of the trees to be removed. Nonetheless, whilst replacement landscaping would assist in preserving this character, it would take many years to mature, with resultant harm in the meantime.
 8. I note that the scheme would provide some limited benefits in terms of its character and appearance, particularly with regard to the restoration of driveway entrances and the retention of much of the landscaping. Similarly to the considerations within the previous paragraph, the verdant character of the street boundary would be compromised by the combination of landscape replacement and the scale of the built form behind. This would harm the appearance of the street scene, with replacement landscaping likely to take some time to mitigate this impact.
 9. I have taken into account the Council's acceptance of the principle of development of the land. A previous appeal decision for development on this site allowed outline permission for the demolition of the property and its replacement with new homes, including an aged persons' complex. This decision dates from 1989. While the character of the area does not appear to have substantially changed since then, the statutory framework within which my decision is taken has been updated. Primarily, the *National Planning Policy Framework* (the

Framework) gives significant importance to the importance of good design and ensuring that new development has regard to local distinctiveness and character. In particular, the Framework provides clear guidance with regard to setting out policies resisting inappropriate development to local gardens (paragraph 53), and in the reinforcement of local distinctiveness (paragraph 60). Although the Council's Local Plan (1998/2006) Policies predate the Framework, they are generally consistent with its aims, and have also been updated, including with regard to ensuring that development is relevant to its context. Given that the character of the development would be at odds with the prevailing context, I do not consider this proposal to be acceptable.

10. I therefore conclude that the proposed development would have a harmful effect on the character and appearance of the area. It would conflict with Local Plan Policies CP2, which requires new development to safeguard the urban environment's setting, character and townscape, and DBE1, which requires that new buildings respect their settings in terms of their design features, amongst other factors. It would also conflict with CP7, which has similar aims, and advocates the use of higher densities only where the character of the area would be compatible. I have also taken into account the relevant sections of the Framework, as set out above.

Living conditions

11. The two proposed rear dwellings would be visible from surrounding properties, despite the areas of retained vegetation. The subject of the Council's greatest concern would be the impact of the proposed dwellings in views from 1a and 1b Wellfields. The proposed dwelling on plot 3 would be that which would have the most impact on these properties. I had the benefit of viewing the appeal site from the rear gardens and rooms of both of these neighbouring properties.
12. The proposed plot 3 dwelling would be visible from 1b Wellfields, although its position would be offset and it would be diagonally visible from the property. Although there would be a negative impact with regards to local character, as set out in the previous section, there would not be a significant restriction of views out of the property, nor would the proposal result in any sense of enclosure around the garden. As such, I do not consider that there would be resultant harm on visual impact from No. 1b.
13. The plot 3 dwelling would be constructed directly behind 1a Wellfields. The first floor of the dwelling would be set back from the opposing property boundary, but would be clearly visible in direct rearward views from both the dwelling and garden of No. 1a. Despite the retention of an existing large tree, and the aforementioned setback, the occupants of No. 1a would face the side wall of the dwelling, with a resultant enclosing effect beyond the garden's rear boundary. This would be exacerbated by the lack of openings within the dwelling, which although necessary to prevent overlooking, would present a wall with a bulky appearance at first floor level. The development would therefore have a harmful visual impact and be detrimental to the outlook of the occupiers of No. 1a.
14. I have also taken into account neighbours' comments regarding the likelihood of the development to result in additional harm to living conditions, with regard to overlooking and loss of privacy, loss of light, and additional noise and disturbance. In relation to the latter, I have no evidence that this would occur, and although it is likely that there would be some increase in noise and disturbance, nearby houses are already in close proximity to others, where

similar levels of noise and disturbance would be likely to occur. It is therefore unlikely that any increase would result in significant additional harm to living conditions.

15. There would be no first floor side windows in the dwellings which would abut the property's external boundaries. Whilst there could be overlooking of adjoining properties from other upper floor windows, the distances between windows of opposing dwellings would be significant, and views would fall into areas already overlooked by neighbouring properties. Loss of light would also be unlikely to be significant as a result of the separation distance between buildings, and the orientation of new development with regard to the path of the sun. As such, I do not consider that the proposal would result in any new overlooking or loss of light that would be significantly detrimental to living conditions.
16. Nonetheless, the impact that the proposal would have on the living conditions of neighbours, with regard to visual impact, is sufficient for me to reach a decision on this issue. I therefore conclude that the proposed development would have a harmful impact on the living conditions of the occupiers of 1a Wellfields, with particular reference to visual impact and outlook. The proposal would conflict with Policies CP7 and DBE2 of the Local Plan, which seek to protect the amenity of neighbours, and the Framework's core planning principle (paragraph 17) of seeking a good standard of amenity for occupants of buildings.

Other issues

17. Matters of housing land supply were discussed at the Hearing. The Council cannot identify an up-to-date five-year supply of deliverable housing land. I have taken into account the advice set out in paragraph 49 of the Framework, with regards to housing supply. This paragraph also sets out that housing proposals should be considered in the context of the presumption in favour of sustainable development. Keeping in mind the proposal's impact on local character and appearance and living conditions, it would not represent sustainable development, given the conflicts with adopted local policies, and that its benefits do not outweigh its adverse impacts¹.
18. Representations were made to the effect that a neighbour's rights under Article 8, and Article 1 of the First Protocol of the European Convention on Human Rights would be violated if the appeal were allowed. As I have decided to dismiss the appeal, I do not need to deal with the question of whether the decision would result in a violation of these rights.
19. I have taken into account the other issues raised by interested parties, which include but are not limited to ecology, and highway safety. These are also important issues, but in this case, my decision on the basis of the main issues, as set out above, is sufficient for me to dismiss the appeal.

Conclusion

20. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G J Rollings

INSPECTOR

¹ With reference to paragraph 14 of the Framework.

APPEARANCES

FOR THE APPELLANT:

Neil Cottrell	Planning Manager, Banner Homes
Jamie Braha	Land Manager, Cottrell Homes
Duncan Abbot	Site owner
Mark Welby	ACD Arboriculture
Philip Wright	Banner Homes

FOR THE LOCAL PLANNING AUTHORITY (EFDC):

Jenny Cordell BSc MSc	Senior planner, EFDC
Jill Shingler BA(Hons) MRTPI	Principal planner, EFDC
Clr Chris Pond	Councillor, EFDC, Loughton Town Council, Essex County Council.

FOR MR HOWARD KAUFFMAN:

Howard Kauffman	Local resident
David Reid	Montagu Evans
Mark Challis	BDB Law
Sharon Hosegood	DF Clark Bionomique Ltd
Joe Ellis	WSP Transport

INTERESTED PARTIES:

Chris Bond, Mrs Angold-Stevens	Loughton Town Council
Rose Kauffman, Leslie Collischon, David Collischon, Emma Murray, Caroline Loureda, Luis Loureda	Local residents

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Letter from Cityscape
- 2 Transport conditions
- 3 Copies of Land Registry certificates
- 4 Marked copy of Council's committee report, highlighting Essex Design Guide Issues
- 5 Essex design Guide Extracts
- 6 Copy of the Council's application validation checklist
- 7 Book: Loughton and its Trees