

Committee Agenda



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE SOUTH **Wednesday, 31st May, 2017**

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

Council Chamber, Civic Offices, High Street, Epping
on **Wednesday, 31st May, 2017**
at **7.30 pm** .

Glen Chipp
Chief Executive

**Democratic Services
Officer**

R. Perrin Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

As named on the appointments schedule for Sub-Committee South and agreed at Annual Council on 25 May 2017.

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 ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 6)

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

3. MINUTES (Pages 7 - 14)

To confirm the minutes of the last meeting of the Sub-Committee held on 26 April 2017.

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, 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.

7. DEVELOPMENT CONTROL (Pages 15 - 74)

(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 - APPEAL DECISIONS, 1 OCTOBER 2016 TO 31 MARCH 2017 (Pages 75 - 108)

(Director of Governance) To consider the attached report and appendices.

9. AREA PLANS SUB-COMMITTEES - PUBLIC SEATING ARRANGEMENTS (Pages 109 - 110)

(Director of Governance) To consider the attached report.

10. 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.

Background Papers: Article 17 - 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 and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

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Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans Sub-Committees

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 Committee.

Meetings of the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee South and Area Plans Sub-Committee West are held at the Civic Offices in Epping.

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**, by ringing 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 generally allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

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 Committee members.

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

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East or Area Plans Sub-Committee West, you will address the Committee from within the Council Chamber at the Civic Offices. If you simply wish to attend a meeting of any of these Committees to observe the proceedings, you will be seated in the public gallery of the Council Chamber.

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 the application.

How are the applications considered?

The Committee 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 Committee will then debate the application and vote on either the recommendations of

officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.

An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
 - (i) the Council's approved policy framework; or
 - (ii) the development or other approved plan for the area; or
 - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

Further Information?

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

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee **Date:** 26 April 2017
South

Place: Roding Valley High School, Brook Road, Loughton, Essex. IG10 3JA. **Time:** 7.30 - 8.45 pm

Members Present: G Chambers (Chairman), A Patel (Vice-Chairman), R Baldwin, A Beales, R Brookes, K Chana, R Jennings, J Jennings, H Kauffman, J Knapman, C P Pond, C C Pond, C Roberts, D Roberts, B Sandler, S Watson and D Wixley

Other Councillors:

Apologies: L Girling, A Lion, L Mead, G Mohindra and S Murray

Officers Present: J Leither (Democratic Services Officer), A Hendry (Senior Democratic Services Officer), S Mitchell (PR Website Editor), S Solon (Principal Planning Officer) and A Prince (Trainee Planning Officer)

71. 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.

72. MINUTES

RESOLVED:

That the minutes of the meeting held on 29 March 2017 be taken as read and signed by the Chairman as a correct record, subject to Minute Item 69 (1) paragraph 13 new condition 7, which was omitted from the minutes;

7. The route of construction vehicles to the application site.

73. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Member Code of Conduct, Councillors R Brookes, J Jennings, C C Pond, C P Pond and D Wixley declared a non-pecuniary interest in the following item of the agenda, by virtue of the Objector being known to them. The Councillors had determined that their interest was non-pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0338/17 – 51 High Road, Loughton, Essex IG10 4JE

74. ANY OTHER BUSINESS

The Sub-Committee noted that there was no other urgent business for consideration.

75. DEVELOPMENT CONTROL

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

RESOLVED:

That the planning applications numbered 1 – 3 be determined as set out in the attached schedule to these minutes.

76. EXCLUSION OF PUBLIC AND PRESS

The Sub-Committee noted that there was no business which necessitated the exclusion of the public and press.

CHAIRMAN

Report Item No: 1

APPLICATION No:	EPF/0338/17
SITE ADDRESS:	51 High Road Loughton Essex IG10 4JE
PARISH:	Loughton
WARD:	Loughton Forest
DESCRIPTION OF PROPOSAL:	The demolition of the detached house and erection of 6 no. 2 bed flats with 6 parking spaces.
DECISION:	Refuse 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=591673

REASONS FOR REFUSAL

- 1 By reason of its height, length and massing adjacent to the site boundary with 53 High Road, the proposed development would have an excessively overbearing relationship to it. Furthermore, the proposed increase in intensity of residential use adjacent to the site boundary with 53 High Road would be likely to result in an increase in activity and associated noise at the application site. The cumulative impact would be particularly harmful to the enjoyment of the garden of 53 High Road, amounting to excessive harm to its living conditions. The proposal therefore is contrary to the adopted Local Plan and Alterations policies DBE2 and DBE9, which are consistent with the policies of the National Planning Policy Framework.

- 2 By reason of the extent of built form proposed over a restricted site, as indicated by a significant shortfall in private amenity space, together with the scale and massing of proposed building, the proposal as a whole would amount to an uncharacteristically intensive development of land within the locality that is likely to appear cramped within the site. Consequently it would appear as a poor contrast to the prevailing pattern of development in the locality at a prominent corner location. The proposed development would therefore cause significant harm to the character and appearance of the locality, contrary to Local Plan and Alterations policies CP2 (iv), CP7 and DBE1 (i), which are consistent with the policies of the National Planning Policy Framework.

- 3 The Council considers the existing building at the application site to be a non-designated heritage asset, the loss of which would, of itself, be harmful to the character and appearance of the locality. It therefore considers its loss can only be justified if it is replaced by a development that is of high quality design. Having regard to the first and second reasons for refusal, it is clear that the design of the proposal is not of sufficient quality to justify the loss of the existing building. Its loss would only serve to exacerbate the harm caused by the development to the

character and appearance of the locality and living conditions of 53 High Road. The loss of the non-designated heritage asset is therefore contrary to the adopted Local Plan and Alterations policies CP2 (iv) and CP7, which are consistent with the National Planning Policy Framework.

Way Forward

Members concluded their objections were fundamental and could not offer any way forward for the proposal for 6 flats. They considered the implementation of planning permission EPF/0439/16 (extending and converting the existing house to use as 3 flats) would amount to an acceptable alternative development.

Report Item No: 2

APPLICATION No:	EPF/0385/17
SITE ADDRESS:	160 Manor Road Chigwell Essex IG7 5PX
PARISH:	Chigwell
WARD:	Grange Hill
DESCRIPTION OF PROPOSAL:	Amendment to consented application EPF/0679/15 as well as non-material application EPF/1644/16. Internal layouts changed to allow for 5 flats instead of 4. Rear extension at basement level. Compliant parking. Updated landscape.
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=591774

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:
CB/17/12
CB/17/13
NMEF/14/20
NMEF/14/21
NMEF/14/22
CB/17/08
CB/17/10 revision A received 04.04.17
CB/17/01
CB/17/02
CB/17/03
CB/17/04
CB/17/05
CB/17/06
CB/17/07
CB/17/09
Design & Access Statement
- 3 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

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 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.

6 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

7 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

- 8 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 9 Access to the rearmost 5m of the built form, the flat roof over the rearmost 5m of the lower ground floor as 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.
- 10 Prior to first occupation of the development, the proposed private drive shall be constructed to a minimum width of 5 metres for at least 6 metres from the back of the carriageway and provided with an appropriate dropped kerb crossing of the footway.
- 11 Prior to first occupation of the development, the developer shall be responsible for the provision - per dwelling - and implementation of a Residential Travel Information Pack for sustainable transport, approved by the local planning authority.
- 12 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 13 There shall be no discharge of surface water onto the highway.
- 14 Prior to demolition of the existing bungalow on the site, full written details of a permeable surface to the parking area outside the building shall be submitted to and approved in writing by the local planning authority. Such surface treatment as approved shall be implemented concurrently with the construction of the flats hereby approved and made available for use prior to first occupation of any flat hereby approved and be retained thereafter.

Report Item No: 3

APPLICATION No:	EPF/0540/17
SITE ADDRESS:	51 Manor Road Chigwell Essex IG7 5PL
PARISH:	Chigwell
WARD:	Grange Hill
DESCRIPTION OF PROPOSAL:	Demolition of existing private family residence and replacement with new private family residence.
DECISION:	Refuse 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=592241

REASON FOR REFUSAL

- 1 Notwithstanding the design of the replacement house approved at 59 Manor Road, by reason of its detailed design in juxtaposition to the traditional form of neighbouring houses at 49 and 53 Manor Road, the proposal would appear in sharp contrast with its surroundings and inappropriate within its context. The proposal would therefore detract from the character and appearance of the locality, contrary to Local Plan and Alterations policies CP2 (iv) and DBE (i), which are consistent with the National Planning Policy Framework.

Way Forward

Members concluded a proposal of an alternative design congruent with the design of 49 and 53 Manor Road would be likely to overcome their objections.

REA PLANS SUB-COMMITTEE SOUTH

31 May 2017

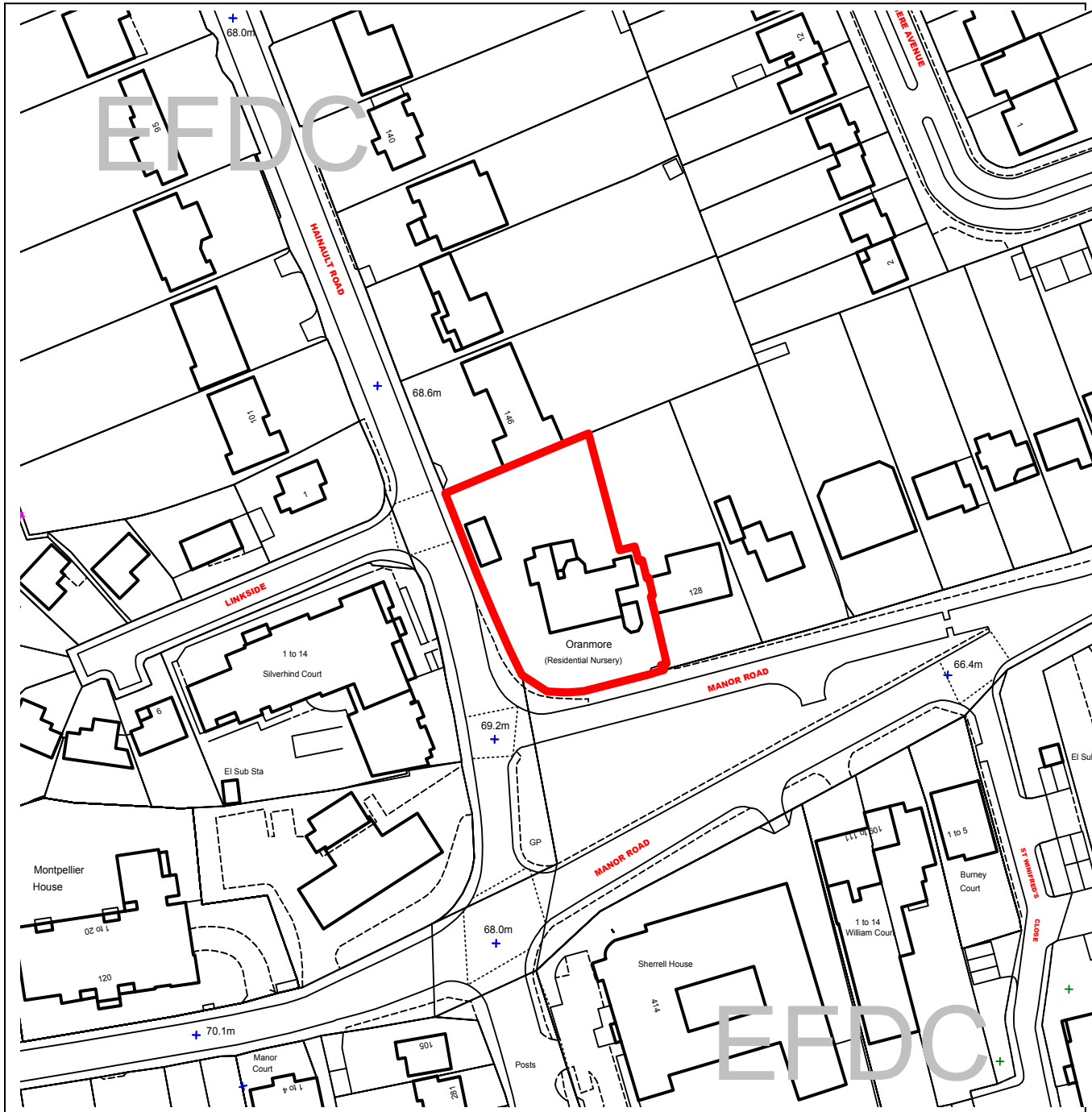
INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/3281/16	126 Manor Road Chigwell Essex IG7 5PR	Grant Permission (With Conditions)	16
2.	EPF/0793/17	18 Russell Road Buckhurst Hill Essex IG9 5QJ	Grant Permission (With Conditions)	24
3.	EPF/0566/17	96 Princes Road Buckhurst Hill Essex IG9 5DZ	Refuse Permission (Householder)	36
4.	EPF/0633/17	11 Westbury Road Buckhurst Hill Essex IG9 5NW	Grant Permission (With Conditions)	40
5.	EPF/0679/17	47 Forest View Road Loughton Essex IG10 4DY	Grant Permission (With Conditions)	46
6.	EPF/0719/17	9-11 High Beech Road Loughton Essex IG10 4BN	Grant Permission (With Conditions)	54
7.	EPF/0862/17	113 Church Hill Loughton Essex IG10 1QR	Grant Permission (With Conditions)	60
8.	EPF/0883/17	3 Station Way Buckhurst Hill Essex IG9 6FA	Grant Permission (With Conditions)	70



Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/3281/16
Site Name:	126 Manor Road, Chigwell, IG7 5PR
Scale of Plot:	1/1250

Report Item No: 1

APPLICATION No:	EPF/3281/16
SITE ADDRESS:	126 Manor Road Chigwell Essex IG7 5PR
PARISH:	Chigwell
WARD:	Grange Hill
APPLICANT:	126 Manor Heights Limited
DESCRIPTION OF PROPOSAL:	To retain the existing dwelling at No. 126 Manor Road and add a new extension to the front and rear; creating 12 x no. residential units in total; with associated parking, cycle storage, refuse store and amenity space.
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=590133

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: FWP_001, 100, 101, 102, 200 rev A, 201 rev B, 203 rev A and 905 rev B
- 3 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 4 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 5 Prior to the commencement of the development, details of the design, internal arrangement and security measures to the cycle store shall be submitted to and approved by the Local Planning Authority. The works as agreed shall be fully implemented in accordance with the agreed details prior to first occupation of any of the dwellings hereby permitted
- 6 Prior to the commencement of development, details of the design and finish of bin stores shown on the approved plan shall be submitted to and agreed by the Local Planning Authority. The works as agreed shall be fully implemented prior to first occupation of any of the dwellings hereby permitted and thereafter retained in accordance with the agreed details.
- 7 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.
- 8 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 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 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed at the site. The installed cleaning facilities shall be used to clean vehicles wheels immediately before leaving the site.
- 11 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 12 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.

- 13 There shall be no discharge of surface water onto the Highway.
- 14 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 15 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 16 All windows at first floor in the eastern flank of the extensions hereby permitted shall be non-opening below 1.7m above finished floor level, finished in obscure glass, and shall be permanently retained in that form. No additional windows shall be inserted in the east elevation of the building without prior consent of the Local planning authority

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

Description of Site:

The application relates to the site located on the north east corner of the junction of Hainault Road and Manor Road, formerly used as a children's home and currently in occupation as a dwelling house. The building is detached and two storeys with rooms in the roof featuring two dormer windows in the front and rear elevations and a side dormer in the west elevation; there is also a two storey wing at the east elevation around half the depth of the building. The rear garden is dominated by a swimming pool, under what is described as a retractable enclosure. Parking is provided on the frontage and the site has vehicular access from Hainault Road and from the slip road on the Manor Road frontage. There is a preserved tree at the site, adjacent to the boundary with Hainault Road.

The surrounding area contains a mix of uses and built forms. The immediate neighbour on Manor Road is a wide fronted bungalow and properties further east are generally two storey. To the rear, 146 Hainault Road is a two storey detached house although is the subject of a new planning application for a residential redevelopment (EPF/0479/17 - three storey building comprising of 11 units). To the west, the site faces the petrol station and Silverhind Court, a 3 / 4 storey flatted block.

Description of Proposal:

The application, which has been revised from the originally submitted scheme, proposes retention of the existing building, to extend it and to provide 12 flats therein.

On the east side of the building, the existing two storey wing will be demolished and replaced by an extension the full depth of the existing building and continuing the existing form across the frontage, including a matching third dormer in the roof. This extension lies a minimum of 1m from the side boundary (which is stepped) and around 1.7m from the boundary at the front.

An extension is also proposed at the rear set 0.5m back from the side boundary wall facing Hainault Road. This extension includes a two storey element including accommodation in the roof space featuring a hipped roof. This steps down to a lower rear section: on the western half (facing Hainault Road) this appears as a two story flat roof element while on the east side, a pitched roof is included in order to reduce the mass. The rear extension lies between 1m and 3m from the angled rear site boundary and a minimum of 6m from the eastern boundary.

The accommodation proposes a mix of unit sizes. Within the frontage building, there is proposed 1 x 2 bed and 1 x3 bed unit on each of the ground and first floors and a further 2 bed unit in the roof space, all served by the front entrance.. In the rear extension, there are 4 x 1 bed flats at ground floor, 1 x 3 bed and 1 x 2 bed units at first floor and a 1 bed in the roof space, using a shared entrance in the side.,

Parking for 14 vehicles is indicated on the site frontage and on the western side of the building. To accommodate this, the access onto Hainault Road is removed and all vehicles will use the Manor Road slip road. A cycle store is proposed in the north west corner of the site. The external areas have been amended to retain landscaping around the preserved tree and by realigning the access, to move frontage parking off the boundary to allow a planting area along the front boundary. Communal refuse stores are indicated on the frontage and at the side both abutting the eastern boundary,

Relevant History:

None

Policies Applied:

Adopted Local Plan:

CP2	Protecting the quality of the rural and built environment
CP7	Urban form and quality
DBE2	Effect on neighbouring properties
DBE9	Loss of Amenity
DBE11	Sub-division of properties
LL7	Planting protection and care of trees
LL10	Adequacy of landscape protection
LL11	Landscaping schemes
ST4	Road safety
ST5	Travel plans
ST6	Vehicle parking

NPPF:

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

Draft Local Plan:

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

SP2	Spatial Development Strategy
-----	------------------------------

SP6	Natural environment, landscape character and green infrastructure
T1	Sustainable Transport Choices
DM5	Green infrastructure: Design of development
DM9	High Quality Design
DM10	Housing design and quality

Consultation Carried Out and Summary of Representations Received

48 residence were consulted and 3 responses have been received, from 128, 130 and 132 Manor Road.

The immediate neighbour at 128 MANOR ROAD comments only that they would wish to ensure the development includes no side windows that overlook their property.

Residents of 130 and 132 MANOR ROAD raise a number of similar issues:

- Scale of development is excessive and out of character with this section of the road, both in terms of the frontage element and the depth and form of the rear extension. The extent of the hard surface on the frontage is also considered visually to be out of character.
- The building results in overlooking and will lead to excessive noise and disturbance.
- Parking and traffic issues. The overall level of parking is considered inadequate for the number of units, resulting in overspill parking in the slip road, and the single point of access will affect highway safety on the slip road affecting access for emergency vehicles.

CHIGWELL PARISH COUNCIL: While objection was raised to the initial submission on the basis it was an over- development of the site, in response to consultation on the reduced revised proposal the Parish Council states it has no objection to it as amended.

Main Issues and Considerations:

In developing proposals for the site, consideration was given to demolishing the existing building and bringing forward a full redevelopment. While the building is not listed, it is considered to have some character that adds to the richness and diversity of the urban form in this location. Thus development that sees its retention, rather than demolition and replacement, can be seen as preserving local character; this however is likely to require a degree of flexibility in considering adaptations to ensure development is viable.

The extension to the side satisfies usual design criteria for extensions to existing buildings. It matches the form, scale and finish of the existing building, retaining separation from the eastern boundary. The rear projection reflects the fact that the site has two road frontages and lies at the end of the line of buildings where a visual stop is logical in urban design terms. The extension is subordinate to the height of the main building and the rear element further steps down to reduce the mass when viewed from adjoining gardens. Officers considered the form to be cogent and appropriate to the site context.

While objectors do suggest the building is out of character with the area, officers are aware that the site and building has evolved from its previous use as a children's home which has influenced its form and size, such that it has a different character to the traditional single dwellings to the east and the modern flatted development on the site of a former pub to the west. The site also lies in an area of mixed character in terms of land uses which include the above, flatted developments to the west on Manor Road and Sherrell House opposite.

In terms of direct amenity impacts, the side extension replaces an existing two storey side element. The rear wall does not project any further, the eaves height is similar and where the side wall lies beyond the rear of no 128, it is no closer to the boundary; thus the bulk of the extension lies abutting the flank of a garage at 128. While the mass of the roof is greater, this is pitched and

has little direct impact. The rear element is a minimum of 6 metres from the boundary, located to the north-west and steps down. The rear element therefore has little impact on daylight and sunlight.

Issues around overlooking have been acknowledged as being more finely balanced and significant changes to the layout have been made to address concerns raised on this issue. As a result principle habitable rooms in the rear extension face towards Hainault Road. On the east side, first floor windows are at high level only and can be conditioned to be permanently retained in obscure glazing, and the loft level unit has no windows on this side of the building.. Officers consider that these matters have been fully addressed.

The site lies in an accessible location; it is on a bus route and within walking distance of Chigwell Station. An enclosed cycle store is also being provided. In such a location, provision of one space per unit is reasonable and adequate. This view is supported by the Highway Authority. The number of vehicle movements likely to be generated will have little impact on highway safety in the immediate vicinity and can comfortably be accommodated by a single point of access onto the slip road. Thus objections on parking or highway grounds could not be supported.

Conclusion:

Officers consider that the existing building makes a positive contribution to the local built character and its retention is supported. Realistically, the building is not viable as a single dwelling. The proposal for a flatted development is appropriate to the accessible location and to the mixed character of the area. Such development must however be viable.

The proposed extensions are well designed in the context of the existing building; the side extension continues the form of the existing while the rear elements are subordinate, stepping down from the main roof and in the rear section. Such development is logical in light of the corner location of the site. The most sensitive part of the works, immediately adjoining the eastern boundary with no.128 Manor Road is sited in the same position as the existing side addition such that limited additional impact results. The rear projection is located 6 metres from the boundary, will be subject to additional landscape screening and limits potential overlooking to an acceptable degree.

Officers support the Highway Authority view that vehicle access is acceptable and the level of parking adequate, having regard to the accessible location and the provision of cycle stores on the site.

Members must therefore in making their decision consider the broader amenity value of the existing building and whether it is worthy of retention. Refusing an application, which in Officers view is an appropriate level of development on the site and accords broadly with development plan policies is likely to result in alternative proposals for a similar level of development on a smaller footprint as part of a new build scheme. It is therefore recommended to grant planning permission.

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

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

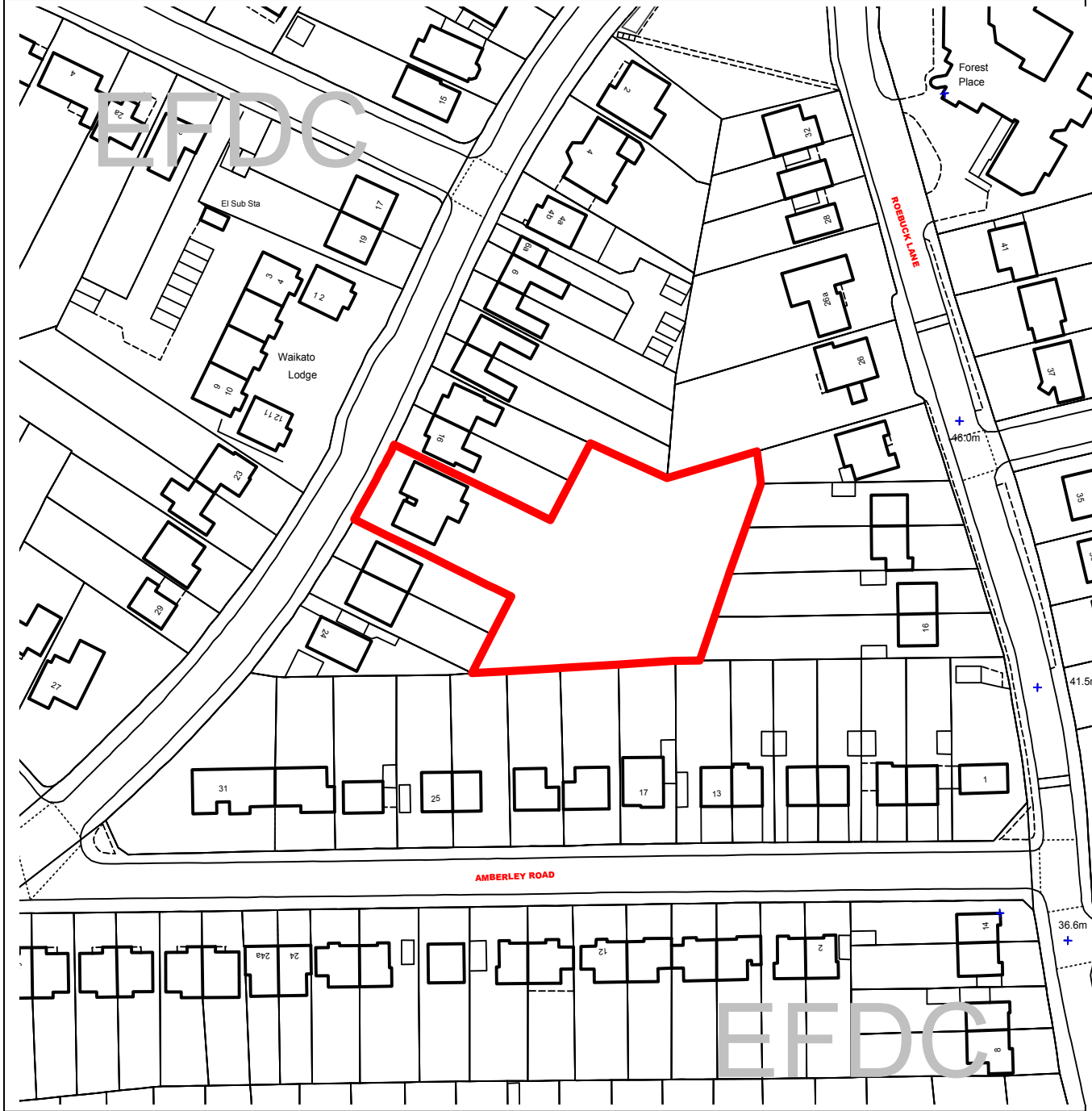
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 2



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Application Number:	EPF/0793/17
Site Name:	18 Russell Road, Buckhurst Hill, IG9 5QJ
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0793/17
SITE ADDRESS:	18 Russell Road Buckhurst Hill Essex IG9 5QJ
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Cecotto Ltd
DESCRIPTION OF PROPOSAL:	Partial demolition of 18 Russell Road and construction of a new two storey replacement side extension, together with the construction of three new dwellings with associated landscaping and car parking.
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=592896

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: FPK_01, FKY_04, FPK_05, FPK_06, FPK_09, FPK_10, FPK_17, FPK_18, FPK_19, FPK_24, FPK_25, FPK_26, FPK_150D, FPK_151, FPK_152, FPK_153, FPK_154, FPK_155, FPK_156, FPK_160, FPK_161, FPK_162, FPK_163, FPK_164, SK01
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development hereby approved, the proposed window openings in the flank elevations shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

- 6 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 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 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 11 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.

- 12 If any tree, shrub or hedge shown to be retained in the submitted arboricultural reports is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 13 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 14 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
- 15 There shall be no discharge of surface water onto the Highway.
- 16 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 17 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.
- 18 Prior to the commencement of any works an initial assessment of the buildings and trees should take place to establish the likelihood of presence of bats. This report shall be submitted to and approved by the Local Planning Authority. If it is concluded that there is a likelihood of the presence of bats, their foraging habitat or commuting pathways, then a dusk and dawn surveys for bats should be undertaken in accordance with guidelines from Natural England (or other relevant body) and submitted and approved by the Local Planning Authority. Should the surveys reveal the presence of bats, or their breeding sites or resting places then an appropriate and proportionate detailed mitigation and compensation strategy must be written in accordance with any guidelines available from Natural England (or other relevant body) and submitted to and approved by the Local Planning Authority. Should a Natural England European Protected Species licence (EPS) be required then this shall also be submitted to EFDC. All works shall then proceed in accordance with such agreed strategies.

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

Description of site:

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

Description of proposal:

The application seeks consent for the partial demolition of 18 Russell Road and construction of a new two storey replacement side extension, together with the construction of three new dwellings with associated landscaping and car parking within the rear garden. This is a revised application following a previous refusal for a similar scheme with four dwellings.

The three properties will be detached, 7.5m in height, 8.2m wide and overall depth of 12.5m. The new houses will be located within 1.5m of the northern boundary and 7m of the southern boundary with a separation of 2m between each house. The rear gardens will have a minimum depth of 11m. An access road will be created adjacent to No. 20 Russell Road with 2 parking spaces provided to the front of each dwelling with one visitor space also provided.

The works to the existing property involve the demolition of a large two storey extension and replacement with a 3.5m wide two storey side extension.

Summary of Representations:

BUCKHURST HILL PARISH COUNCIL: Objection

Overdevelopment of site, loss of amenities to neighbouring properties especially No. 20 Russell Road, adverse impact on the residential amenity of neighbouring properties of Amberley Road and Roebuck Lane i.e. overlooking and privacy

68 Neighbours consulted and a site notice erected and 44 Letters of objection were received from the following addresses:

4B, 10, 20, 4 WAIKATO LODGE – (21),22, 23, 27, 29 RUSSEL ROAD

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

11, 14, 16, 17, 18, 20, 22, 26, 26A and 73A ROEBUCK LANE

5 POWELL ROAD

7 and 26 ORMONDE RISE

31 and Unknown number SCOTLAND ROAD
17 and WOODCOCK THE DRIVE
1 LUCTONS AVENUE
39 PALACE GARDENS
5 POWELL ROAD
3 THE MEADWAY
5 UNKNOWN ADDRESSES

The objections can be summarised as follows:

Reduction in units has not overcome previous concerns, overdevelopment of the site, loss of privacy, increase in traffic, change to character of the area, increase noise, disruption during construction, high density, increase in light/air pollution, loss of trees, TPO's on site insufficient amenity space, loss of view, harm to wildlife, precedent for other similar developments, inadequate parking and access, loss of light, garden grabbing, drainage issues, overbearing, further extensions possible under permitted development, security issues, loss of property value, increased demand on local services, larger vehicles including refuse vehicles can not access.

Relevant History:

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

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

Policies Applied

CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP5 – Sustainable Building
CP6 – Achieving sustainable urban development patterns
CP7 – Urban Form and Quality
GB7A – Development adjacent to the Green Belt
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE3 – Design in Urban Areas
DBE8 – Private Amenity Space
HC13A – Local List of Buildings
ST1 – Location of Development
ST4 – Road Safety
ST6 – Vehicle Parking
H2A – Previously Developed Land
H4A – Dwelling Mix
LL8 – Works to preserved trees
LL9 – Felling of preserved trees
LL10 – Adequacy of provision for landscape retention
LL11 – Landscaping schemes

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

Draft Local Plan Consultation document (2016):

DM5 Green Infrastructure: Design of Development
DM9 High quality design
DM10 Housing design and quality
SP6 The Natural Environment, Landscape Character and Green Infrastructure

At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions.

Issues and Considerations:

The main issues with this proposal relate to suitability of site, design, impact on amenity, highway/parking issues and tree and landscape issues.

Suitability of Site

The site is within the built up area of Buckhurst Hill and is within 1km of Buckhurst Hill Underground Station and the shops and services of Queens Road area and is considered a relatively sustainable location. The site itself is domestic garden land which is not classed as previously developed land, however this does not in itself rule out development on this land if the development complies with other policy.

The proposal will result in development to the rear of Russell Road, which is unusual within the wider area with no nearby cul-de-sacs. However, the site is considered sufficiently large to accommodate some form of development, without detriment to the character of the area. Previously it was considered that although the garden sizes met the requirements of policy DBE9, the shallow depths of the garden did not respect the surrounding character which consists of large dwellings in very deep plots and this was considered to result in an overdevelopment of the site.

This application has been revised increasing the minimum garden depths from 8m to 11m and this increase in overall garden depth, coupled with the reduction in dwellings from 4 to 3 is considered to have overcome the previous reason for refusal (No. 2) relating to the overdevelopment.

Design

Extension to 18 Russell Road:

The proposed extension is considered an acceptable addition to the main house, with matching materials proposed. The proposal is set back from the front elevation by 4m and appears subservient to the main bulk of the dwelling. The proposed extension is not considered to detract from the character of the streetscene in this location.

New Dwellings:

The proposed new dwellings are a relatively standard design. They will have large areas of flat roof due to the overall depth proposed but this is not considered a significant issue given that it will not be noticeable from ground level. Attractive flat roof bay additions are proposed to the front elevations, which draws on the more traditional appearance of surrounding houses.

The dwellings have been reduced in height since the previous refusal and this has reduced the imposing nature of the development. Although previously this was not a reason for refusal but more of a concern, the reduction in height has created a more subservient development.

The overall depth of the houses was previously considered excessive at 13m. This has been reduced to a maximum of 11m which again is considered welcome, creating a better design and less imposing built form.

The proposal will not be easily visible from the Russell Road streetscene due to the distance from the road, some 50m and the slope of the land. The proposed access will be a new feature within the streetscene, however the retention of the existing tree to the front elevation will help to screen the access. Additionally, further to the north of the site is an existing access to garages, so accessways to land rear of houses fronting Russell Road are not an unusual feature within the streetscene.

Amenity

Extension to 18 Russell Road:

The proposed extension to the main building does not raise any amenity concerns because it replaces an existing, much larger extension. There is a side facing window proposed but this is a secondary window and could be conditioned as obscured glazed to avoid any additional overlooking on to No. 20 Russell Road.

New Dwellings:

The proposed scheme results in three detached properties on existing garden land and therefore clearly there will be a change to the views currently enjoyed by surrounding neighbours, however this change will not be as significant as the earlier refusal due to the reduction in house numbers from 4 to 3 and the retention of significantly more trees than previously proposed.

Previously the proposal was considered to result in an unacceptable level of loss of privacy to the rear gardens of Nos. 16-20 Roebuck Lane, 13-19 Amberley Road and to the rear garden of No. 20 Russell Road. This was previously considered the case due to the proximity to the rear boundaries of these properties and due to the loss of the existing screening created by the existing trees and landscaping.

The proposed houses, as with the previous scheme, do not align with any of the neighbouring houses so there are no direct views into neighbouring dwellings. However, this mitigating factor alone was not previously considered sufficient to outweigh any general loss of privacy given their proximity and the proposed loss of trees.

With this revised application the dwellings have been located further away from boundaries. With regards to Nos. 16-20 Roebuck Lane the depth of gardens has been increased from a minimum of 7.7m/maximum of 12.5m to a minimum distance of 10m/maximum of 14.2m. This has increased the overall back to back distances between the houses and, as stated above, the houses would not directly face each other. This increased distance to the boundaries, coupled with the retention of additional trees and the 0.8m reduction in roof height is considered to overcome the previous reason for refusal relating to loss of privacy to neighbouring properties.

Nos. 13-19 Amberley Road are to the south of the development site, and back onto the side of the development. The distance to the rear boundaries of these properties has again been increased from 1m to 6.7m and this provides an acceptable level of separation. Additionally, and more critically a large area of 'woodland' trees are to be retained at this boundary retaining a good level of screening between the rear gardens of these properties and the proposed development site.

A separate reason for refusal specifically centred on 17 and 19 Amberley Road due to the overbearing nature of the previous development. The development site is on higher land and this coupled with the overall depth, loss of the trees and proximity to the shared boundary of just 1m was previously considered unacceptable. This revised scheme is clearly still on higher ground due to the natural slope of the area, however the proposal has been set away from the shared boundary by a minimum of 6.7m, the depth of the properties reduced by 2m, the height of the dwellings reduced by 0.8m and the 'woodland area' of trees at the shared boundary are now to be retained. It is therefore considered that the proposal has overcome reason for refusal 4 relating to the impact on Nos. 17 and 19.

The increased distance, reduction in height and retention of the woodland area is also considered to overcome any loss of privacy issues to Nos. 13-19 Amberley Road which formed part of the first reason for refusal.

Side facing first floor windows are proposed on all of the new dwellings but these all serve non-habitable rooms and therefore can be conditioned to be obscured glazed to avoid any additional overlooking.

With regards to the northern boundary, with No. 26 Roebuck Lane, the relationship between this property and the previously refused scheme was on balance considered acceptable. With this revised scheme the distance to the shared boundary (with Nos. 26 Roebuck Lane and the rear garden of No. 12 Russell Road) has been increased from 1.2m to 1.7m and therefore this relationship is considered better and therefore still acceptable. The relationship has been improved with this slight increase in distance and also with the 0.8m reduction in overall height. Plot 1, of the development site, will be on much lower ground than these two neighbours and due to the orientation of the dwelling and the irregular shaped boundary at this point, as with the previous scheme, is not considered to cause any excessive harm to the amenity of these properties.

To the front of the site, adjacent to the proposed access way is No. 20 Russell Road. Given the removal of one dwelling to the south of the site that was directly to the rear of No. 20 there is some 35m from the front nearest corner of plot 3 to the rear nearest corner of 20 Russell Road. This distance and the angle of orientation is considered sufficient to avoid any excessive loss of privacy either actual or perception of. Additionally, the treescape to the rear of No. 20 Russell Road is the 'woodland' area which is the subject of the preservation order and therefore this is retained. This will provide an effective level of screening between No. 20 and the new development.

The proposed access way is, as with the previous refusal, adjacent to the boundary with No. 20 Russell Road and some noise and disturbance will be possible from users of this access. Although there is removal of vegetation along this boundary a 1.8m high fence will separate No. 20 from the access and although there may be some loss of amenity due to possible disruption this is not considered to be excessive, particularly as the access will now only serve 3 dwellings.

With regards to the host property there will be a 35m front to back separation distance and this is considered acceptable to avoid any unacceptable loss of outlook or privacy.

Highways and Parking

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

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

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

Landscaping

Unlike the previously refused application, a large amount of trees are to be retained as part of the proposal and these include the recently preserved trees. The submission of this current application and the serving of the Tree Preservation Order (TPO) coincided and therefore no specific reference is made to the TPO within the documents.

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

Other Matters

Wildlife:

The Council's Countryside team have viewed the proposal and have no objection subject to conditions ensuring appropriate surveys are completed prior to commencement of any works.

Land Drainage:

The application has been assessed by the Council's land drainage team who have no objection to the proposal subject to conditions requiring a flood risk assessment and details of surface water drainage.

Refuse:

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

Conclusion:

The proposal will result in development of 3 new homes within a sustainable location within the built up area of Buckhurst Hill. However, the dwellings will be within the rear garden of an existing dwelling surrounded by a high number of neighbouring properties on varying ground levels. Following careful consideration, of this proposal and the previous reasons for refusal it is considered that on balance, this proposal has overcome the previous reasons for refusal and is therefore recommended for approval.

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

***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: (01992) 564414***

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

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Epping Forest District Council

Agenda Item Number 3



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Application Number:	EPF/0566/17
Site Name:	96 Princes Road, Buckhurst Hill, IG9 5DZ
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0566/17
SITE ADDRESS:	96 Princes Road Buckhurst Hill Essex IG9 5DZ
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Mrs Janet Feigenbaum
DESCRIPTION OF PROPOSAL:	Two storey rear extension (revised application to EPF/3050/16 proposing a smaller 5m depth first floor projection).
RECOMMENDED DECISION:	Refuse Permission (Householder)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592275

REASON FOR REFUSAL

- 1 By reason of its increased depth and width, and position close to the side boundary, the proposed extension will significantly detract from the light and outlook to the neighbouring house at no.94 Princes Road. It would therefore be contrary to policies DBE9 and DBE10 of the adopted Local Plan and Alterations, and contrary to the NPPF.

This application is before this Committee since it has been 'called in' by Councillor Chambers (pursuant to the constitution part three: scheme of delegation, appendix 3).

Description of Site:

A two storey Victorian narrow terraced house with a part one and part two storey 'outrigger' extension at the rear – the ground floor section of which has been significantly extended. The property is not listed nor does it lie in a conservation area.

Description of Proposal:

Erection of part one and part two storey rear extension.

Relevant History:

EPF/3050/16 was a refusal of a two storey rear extension on grounds of its overbearing effect on the outlook and sunlight to no.94, and also loss of privacy to 94 from first floor side facing windows.

Policies Applied:

Adopted Local Plan:

DBE9 – Loss of amenity.

DBE10 – Residential extensions

NPPF:

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

Draft Local Plan

At the current time, only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

- DM9 - High Quality Design

Summary of Representations:

BUCKHURST HILL PARISH COUNCIL – no objections.

NEIGHBOURS – 2 consulted and one reply has been received:-

94, PRINCES TROAD – Object, via a solicitors letter written on behalf of the occupants. Because the two storey extension is both longer and wider than the existing, and because it would be positioned close to the boundary with 94, it will be an oppressive development that would give rise to an unacceptable sense of enclosure, and detract from the outlook and light to the house and garden at 94. In the light of the previous refusal of EPF/3050/16, and also your councils' refusal of a rear extension proposed at my clients other neighbour at no.92, it would be inconsistent in policy terms for this amended two storey rear extension to be approved. We are also concerned that the proposed side facing window in the bathroom could be changed to a clear glass window in the future - thus causing overlooking, and we are aware of another Council not enforcing against such a change.

Issues and Considerations:

The ground floor of the rear outrigger to this house has been extended some time ago and there are no records of it on the property's planning history . The first section of this ground floor outrigger is 6m long and lies 1.4m from the side boundary with no.94. A second section then extends a further 4m rearwards but is wider being only 0.3m from the side boundary with 94. The first floor of this outrigger is an original 2.8m depth bathroom addition which is repeated on no.94 and other houses in this terrace - although no.98 has a different design and is a double width house with a significant one and two storey rear addition.

The proposal seeks approval to the first 6m section of the ground floor outrigger to be widened by some 0.6m so that it lies 0.6m from the boundary with 94. It is also proposed to extend the first floor outrigger by 2m and to also widen it to the same width as the ground floor. The plots of these houses are narrow, and hence the proposed extensions will lie just 0.6m from the boundary and will have an impact on the amenity and outlook of no.94. 94 retains an original window at the back

of the light well area that serves the principal living room in the house. Although this living room is a through room, and hence it is also lit from windows at the front, the proposed extensions will breach both horizontal and vertical 45 degree lines, and hence significantly detract from light to this window. There will also be a loss of light and outlook to the narrow area of patio alongside the outrigger to no.94, but given the restricted size and nature of this space it is not considered that this impact by itself would justify a refusal of consent.

Following the refusal of the previous application (EPF/3050/16) the case officer did suggest a way forward to the applicant's agent – which was to reduce the total projection of the first floor outrigger extension from 10 to 5m (ie a net addition of 2m to the existing 3m). However, given that the neighbours at 94 still maintain a strong objection to this reduced proposal, and given that the reduced proposal will still significantly reduce light to the existing ground floor window at 94, the proposal remains unsatisfactory and in breach of policies DBE9 and DBE10. On similar applications elsewhere affecting the rear of Victorian terraced houses it is often the case that a neighbour does not object to loss of light to the window at the rear of their light well – either because light to it is already partly blocked and/or they too propose to extend at the rear and sometimes remove this window. However this is not the case with no. 94, and it is to be regretted that the way forward suggested in this case is still unacceptable.

I should also be noted that no.98 extends well beyond the rear of no. 96, and consequently sets a form of 'precedent' that the applicant at no.96 wished to follow. However because of the large ground floor outrigger extension at no.96 the one and two storey extension approved for no.98 in 2000 does not have the same level of impact that the current proposal for no 96 has on no. 94.

Conclusions:

For the reasons outlined above the proposal breaches relevant policies and it is therefore recommended that planning permission be refused.

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

***Planning Application Case Officer: 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



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Application Number:	EPF/0633/17
Site Name:	11 Westbury Road, Buckhurst Hill, IG9 5NW
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/0633/17
SITE ADDRESS:	11 Westbury Road Buckhurst Hill Essex IG9 5NW
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Mr & Mrs Cochrane
DESCRIPTION OF PROPOSAL:	Single storey rear extension. Two side dormer windows to facilitate a loft conversion.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592477

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Prior to first occupation of the development hereby approved, the proposed window opening in the dormer on the northern roof slope 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.
- 3 Materials to be used for the external finishes of the dormers and of the walls of the extension shall match those of the existing house, unless otherwise agreed in writing by the Local Planning Authority.
- 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 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.

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: Scheme of Delegation, Appendix 3)

Description of Site:

Detached house on eastern side of Westbury Road. The northern side boundary is contiguous with the rear boundaries of two properties facing onto Scotland Road.

The house has an integral garage and driveway.

Ground levels fall to the north and rise to the south.

Not listed or in a conservation area.

Description of Proposal:

Single storey rear extension. Two side dormer windows to facilitate a loft conversion.

The single storey rear extension would essentially infill an internal corner formed by the footprint of the house; the extension would only project 1m deeper than the existing rearmost part of the house. The single storey extension would be on the side of the plot next to nos. 40 and 42 Scotland Road.

The extension would be 4.5m wide for the first 6.5m of depth and then widen, as the extension wrapped around a corner of the footprint of the house, to a width of 7.2m. The extension would have a flat roof with a height of 3.2m relative to the floor level beneath. A roof light would be set on the flat roof.

The main roof of the house has front and rear gables. It is proposed to create a dormer each side of the main roof. The dormer to the right hand side when viewing the property from the street would be to enable headroom for a staircase. The dormer to the left hand side, facing the property at 42 Scotland Road, would be to a shower-room.

Both dormers would be some 3m wide and have gable roofs. The dormer to the right hand side would be set back 3.9m from the front elevation of the house and the dormer to the left hand side would be set back 5.0m.

A front gable window would be installed.

Relevant History:

EPF/0457/81 - Two storey side extension. – Granted 08/05/1981

Policies Applied:

Adopted Local Plan:

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

NPPF:

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

Draft Local Plan:

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

DM9 High Quality Design

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 5

Site notice posted: No, not required

Responses received:

42 SCOTLAND ROAD – Object, significant loss of amenity, would directly block the southerly views and hence daylight, would result in two-storey development set at a higher ground level than my plot, over-sailing roof would partially project over boundary, loss of privacy from dormer window, clarification sought on boundary treatment.

BUCKHURST HILL PARISH COUNCIL: OBJECTION

Adverse effect on residential amenity to 42 Scotland Road, by reason of overlooking and loss of privacy (dormer overlooking 42 Scotland Road). Visual impact of development on neighbours at 42 Scotland Road.

Main Issues and Considerations:

The side dormers would have a good appearance matching an existing dormer on the front roof slope of the integral garage. The proposed dormers would be well set back from the front of the house and have a limited effect to the appearance of the property.

The single storey extension on the rear elevation would be contemporary in style with extensive full height glazing to much of the rear elevation. However, red facing brickwork to solid elements would tie the appearance of the extension to that of the existing house.

The dormers would be to a traditional appearance and the extension would be set in a well screened position and as such it is considered that the proposal would complement the design of the existing house.

The property has a rear garden depth of some 30m; neighbours that could be affected are to the sides, to the south and to the north.

9 Westbury Road is orientated to the south. The proposed dormer to the staircase would face no. 9 but look onto a side roof slope to no. 9. The extension would be on the far side of the plot from no. 9. Due to the degree of separation, the proposal would safeguard the living conditions of neighbours at 9 Westbury Road.

42 Scotland Road is orientated to the north and at a lower ground level. The proposed dormer to a shower-room would face 42 Scotland Road, though it would be reasonable to impose a condition to ensure that this dormer window be obscure glazed. The proposed extension would be next to the boundary with 42 Scotland Road but would have no side window looking toward no. 42. The floor level of the extension would relate to the floor level of the house as existing. Due to a slope across the application site, the extension would have a height of some 4m relative to natural

ground level at the boundary with no. 42. However, this height would be viewed against a backdrop of the two-storey built form plus roof of the existing house.

The occupiers of 42 Scotland Road and the Parish Council have objected to the proposal but the objections are not supported by Officers. Outlook and sunlight would not be overly obscured to no. 42 as the extension would be set against the existing mass of a two-storey rear bay. There would indeed be an over sailing roof from the flank of the extension but the plans have been examined and a site visit conducted and it has been established that the proposals would not involve any structure projecting beyond a boundary. On this basis no further clarification on boundary treatment is required. As referred to above, no loss of privacy is envisaged from the side dormer facing to the north providing a condition is imposed that this dormer be obscure glazed.

Conclusion:

The objections of the Parish Council and a neighbour are noted. However, the extension is of the nature of a side extension being set between the property of the neighbour in question and existing two-storey built form. Accordingly this element of the proposals is considered acceptable. The proposals would complement the appearance of the existing house with the dormers relating to the style of the existing property and the extension being recessed between the existing house and a side boundary fence. Accordingly the proposals comply 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: Jonathan Doe
Direct Line Telephone Number: 01992 564103***

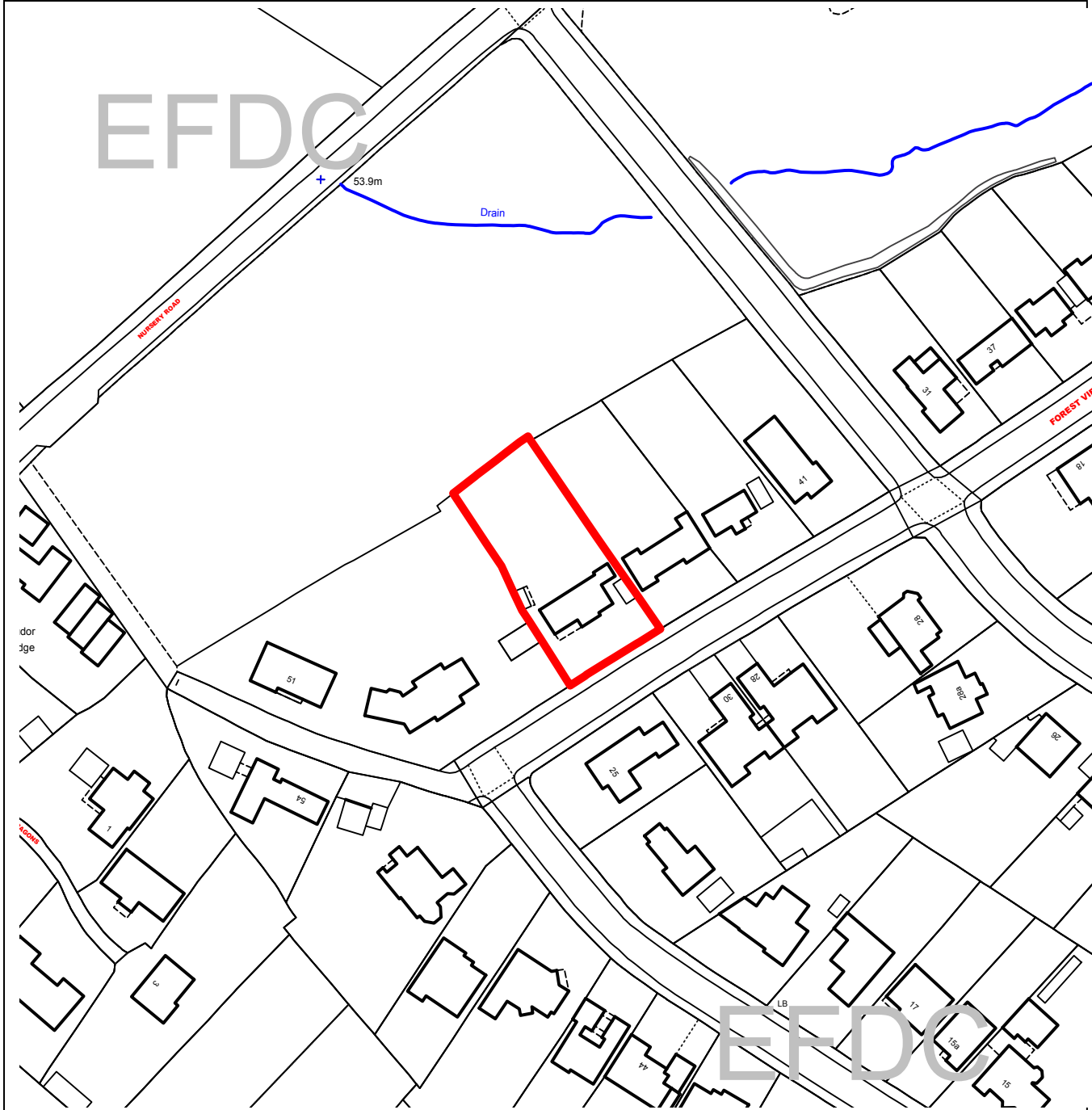
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Epping Forest District Council

Agenda Item Number 5



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Application Number:	EPF/0679/17
Site Name:	47 Forest New Road, Loughton, IG10 4DY
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/0679/17
SITE ADDRESS:	47 Forest View Road Loughton Essex IG10 4DY
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Ms Diana Watmough
DESCRIPTION OF PROPOSAL:	Replace existing two storey single house with pair of integrated three storey semi-detached houses.
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=592577

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: 05, 06, 07, 08A, 09A, 10 and 11A
- 3 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 tool. 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.
- 4 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 5 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.

6 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) for the front garden areas 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; walls fences and other 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.

7 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

Reason:- It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

8 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.

- 9 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed at the site. The installed cleaning facilities shall be used to clean vehicles wheels immediately before leaving the site.
- 10 Prior to first occupation of the development, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 4.1 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
- 11 Prior to first occupation of the development the existing vehicular access shall be permanently closed incorporating the reinstatement to full height of the footway and kerbing.
- 12 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 13 No additional windows shall be installed in the side elevations of the buildings hereby permitted (including any at roof level) without prior consent from the local planning authority.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions and enlargements of the roof generally permitted by virtue of Classes A and B of Part1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

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

Description of Site:

The application site comprises a two storey detached dwelling on the northwest side of Forest View Road. The property sits on a 22m wide plot and the original inter-war house with a tiled pitched roof has been previously extended with a two storey flat roof addition on the southwest side; the site also features a detached single storey garage aligning with the front building line.

The site lies in a wholly residential area comprising of larger family homes, the site backs on to forest land. Land falls to the north, such that the existing dwelling is around 1 metre below the road and there is a more pronounced fall at the rear.

Description of Proposal:

The application proposes the demolition of the existing buildings and replacement with a semi-detached pair of four bedroom houses. The buildings appear two-storey from the road but seek to excavate part of the rear slope to create an additional lower ground floor under around 80% of the upper floors, thereby appearing three-storey at the rear. This provides kitchen and dining areas at lower level and enables both properties to include garages at ground floor.

The central part of the building has a crown roof which steps down to a lower wing on either side, the highest part of the roof is indicated as matching the existing ridge and eaves levels. The front elevation is predominantly brick but is broken up with matching, rendered, projecting two storey bays with low gable roofs and a central projecting cowl (repeated on the rear) to ventilate the roof space. On the rear elevation, contrasting render is used on the lower ground floor and 1m deep centrally placed balconies are provided to each dwelling.

The frontage includes two parking spaces for each unit, one as a tandem bay to the garage, and the remainder is landscaped, on both flanks there is a side access with steps down to the garden level.

Relevant History:

None

Policies Applied:

Adopted Local Plan:

CP1	Achieving sustainable development objectives
CP2	Quality of Rural and Built Environment
CP7	Urban form and quality
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE8	Private amenity space
DBE9	Loss of Amenity
ST6	Vehicle parking

NPPF:

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

Draft Local Plan:

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

SP1	Presumption in favour of sustainable development
SP2	Spatial Development Strategy
SP6	Natural Environment, Landscape Character and Green Infrastructure
T1	Sustainable Transport Choices

DM9 High Quality Design
DM10 Housing Design and Quality

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: Twelve
Site notice posted: Yes

Responses received: OBJECTIONS have been received from residents OF 28 AND 43 FOREST VIEW ROAD, 28 CONNAUGHT AVENUE AND 52 OLLARDS GROVE. Objectors particularly raise concerns around the development of semi-detached properties in an area where all existing dwellings are detached which is seen to be out of character; one objector highlights the applicants design and access statement which describes the houses opposite the site as being semi-detached, which they are not. On a similar theme, two objectors consider the provision of three floors at the rear to be out of character with the surroundings.

Three objectors raise issues around vehicle parking and the impact on the existing road capacity. Other comments include reference to the flat roof element being bulky and out of scale, the intensity of development compared to the local form and the precedent that may be established.

LOUGHTON TOWN COUNCIL: Objection

The development is not in keeping with the area which predominantly comprises single detached properties. Members also commented on the lack of on-site parking provision given that two 4-bedroomed properties were proposed. Parking is a continuing problem in this road due to commuter parking.

Main Issues and Considerations:

The main issue arising from public consultation is that of local character. Officers acknowledge the immediate surrounding properties are predominantly detached but there is significant variety within such a description – a wide mix of plot widths, site areas and coverage and most significantly in built form. The NPPF is clear in its guidance, stating at paragraph 65:

Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset...)

Thus, in design terms, the building is proportionate to the adjoining properties and to the building it replaces (matching the eaves and ridge heights). The front elevation is broken up with the projecting bay windows and the use of a mix of materials while the mass of the roof is scaled down on the flanks. At the rear, the lower floor replaces a substantial raised patio, is not visible from any public land and is set in the context of the locally listed building at 449 Forest View Road which features a prominent rear gable with a window at roof floor and habitable rooms on at least three floors. Officers consider therefore that the development represents good design, is highly sustainable and a refusal of the grounds that the scheme does not provide a detached property could not be sustained.

Adopted parking standards require provision of two spaces per unit for 4 bedroom houses. The application indicates capacity for three vehicles on each property taking account of a space directly in front of the garage which itself meets design standards in adopted policy. This is achieved from a shared central access which would ensure on-street parking in front of the development is not compromised. Parking provision is therefore fully in accordance with adopted policy. While issues around commuter parking in the area are noted, other powers exist to deal with this and their use is a matter for the highway authority.

In terms of direct amenity impact, the building does not project beyond the front or rear walls of no. 45 to the north east which has secondary windows in the side elevation at first floor and roof level only and is thereby unaffected. The main house at no.49 lies at least 10 metres from the boundary and has a garage built up to the boundary and is similarly unaffected. Objectors refer to the mass and impact of the crown roof, but in this regard officers note that no. 45 Forest View Road has recently been extended with a crown roof and rear dormers added over the whole property (application ref EPF1910/15) and in this context it cannot be argued that the roof proposed is any more intrusive to surrounding occupiers.

Conclusion:

The provision of two dwellings on a site of this size and in this location represents a sustainable form of development of appropriate intensity. The siting of the building ensures there is no direct adverse impact on neighbours and car parking is provided off street that meets adopted standards and does not compromise on-street spaces. The built form is appropriate in scale in relation to the adjoining buildings and is well designed in its context.

While noting the general detached form of buildings in the vicinity, the site does not lie in an area of specific heritage merit and there is wide variety in all regards in built form, plots sizes and site coverage and it is difficult to argue that simply being detached gives an identifiable local character. While the building does include three floors at the rear this takes advantage of site topography with out unduly affecting the building height, is not readily visible and could be argued as performing a similar function to the rooms in the roof at neighbouring properties. Permitted development rights can be withdrawn to allow further extensions at roof level to be considered in their proper context.

Guidance in the NPPF is clear that townscape issues of the type raised in consultations should be given less weight where all other considerations point to the development being acceptable and officers contend that the proposals are therefore entirely consistent with that approach.

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

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

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

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Epping Forest District Council

Agenda Item Number 6



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Application Number:	EPF/0719/17
Site Name:	9-11 High Beech Road, Loughton, IG10 4BN
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/0719/17
SITE ADDRESS:	9-11 High Beech Road Loughton Essex IG10 4BN
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Mr H Winston
DESCRIPTION OF PROPOSAL:	Change of use, conversion and enlargement of ground floor and first floor B1 offices to create 6 no. one bed flats and 1 no. two bed flat and 1 no. studio flat with 6 car spaces at the rear to serve the new flats and two existing flats.
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=592642

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 4 approved drawings numbered 911HRL/16/P/001 as revised, /002, /003, and /004.
- 3 The 6 off street car spaces shown on plan no. 911HRL/16/P/002 shall be retained on a permanent basis for the parking of cars associated with the 8 flats hereby approved and the 2 existing flats on the site. They shall not be used in connection with any other use.
- 4 Details of the provision of fixed obscured glazing panels to the existing first floor side facing windows in flat 8 shall be submitted to and approved by the Local Planning Authority before any work commences on site. Once approved these details shall be implemented in full and these fixed obscured glazing panels shall thereafter be retained on a permanent basis.
- 5 The proposed 3 triangular windows in the first floor rear elevation shall be constructed in strict accordance with plan number 911HRL/16/P/004 hereby approved. Thereafter they shall be retained in that form on a permanent basis.

- 6 The proposed landscaping at the front of the block in High Beech Road, and associated enclosure, as shown on the plans hereby approved, particularly on plan number 911HRL/16/P/002, shall be completed within 6 months of occupation of the first of the eight proposed flats.
- 7 Prior to the first occupation of the development the existing dropped kerb crossing on to High Beech Road shall be fully reinstated to include full height kerbing and footway construction.
- 8 Prior to the 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, to include six one day travel vouchers for use with the relevant local public transport operator.
- 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.

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: scheme of delegation, appendix 3).

Description of Site:

A two storey building with residential accommodation in the roof at second floor level. The ground and first floors are in use as small suites of offices but the second floor has been converted and altered to 2 one-bedroom self contained flats. A parking area for some 6 cars lies to the rear of the building with vehicular access being out on to Smarts Lane at the rear. The property is not listed nor does it lie in a conservation area. The site lies close to the High Road shopping area but just outside the town centre boundary. With the exception of another office building at the adjoining 13 -17 High Beech Road surrounding buildings are predominantly in residential use.

Description of Proposal:

Change of use, conversion, and enlargement of ground floor and first floor offices to create 6 one bedroom flats, 1 two bedroom flat, and 1 studio flat, with 6 car spaces at the rear to serve the proposed 8 flats and 2 existing flats.

Relevant History:

EPF/2337/12 gave approval to the change of use of the second floor from offices to two residential flats, including extension to roof area with mansard roof, and provision of rear staircase. This consent was implemented and the two flats are occupied.

EPF/2596/14 gave approval to a ground floor side/rear extension and first floor rear extension to the existing offices. This consent was not implemented but the extensions proposed under this approval EPF/2596/14 are the same as proposed in this current application.

Policies Applied:

Adopted Local Plan:

DBE9 – Loss of amenity.
CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
ST6 – Vehicle parking

NPPF:

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

Draft Local Plan

At the current time, only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

- DM9 - High Quality Design
- T1 – Sustainable Transport Choices

Summary of Representations:

LOUGHTON TOWN COUNCIL – object – The Committee noted the contents of two letters of objection. There were concerns for the overlooking of no.7 High Beech Road and the lack of amenity space for the residents of the new flats. The proposal would also result in the increased use of the access road from Smarts Lane detrimental to the amenities of the other properties. As insufficient on site parking has been provided members asked for a planning condition to prohibit occupants of the flats from being issues with residents parking permits, if such a scheme was brought into Loughton in the future.

NEIGHBOURS – 23 consulted and five replies have been received:-

14, SMARTS LANE – I consider this to be an overdevelopment of the site as the flats will be a matter of a few feet from my patio garden. With the extra building there will be a loss of light in my lounge as the development is too near my property. Privacy will be lost from my conservatory and there will also be noise from radios etc in the flats.

16a, SMARTS LANE – object because the building will encroach on my privacy and will cause problems with the influx of people and cars. My property will be overlooked by the new flats.

14a, SMARTS LANE - I do not agree to any more building extensions to this building – it will block more lighting to my house and this is an overdevelopment.

21, HIGH BEECH ROAD – the provision of off street is not sufficient. The development will only increase the parking problems in High Beech Road.

26, HIGH BEECH ROAD – no objections to the flats but would want reassurance that the tree to the front of the building would not be removed – it gives some privacy to my house and neighbours houses since we have very large windows in our town houses.

ESSEX CC HIGHWAYS – It is noted that the parking provision is less than the number of flats proposed but Loughton is considered to be a very accessible location with good access to sustainable modes of transport. Therefore, from a highways and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions being imposed requiring 1) the reinstatement of the High Beech Road dropped kerb to a normal pavement, and 2) the developer to provide a Residential Travel Information Pack to each dwelling.

Issues and Considerations:

The proposed extensions to the property are fairly modest in scale and have been already approved by EPF/2596/14. They consist of a ground floor extension to infill the undercroft to the building (which provides pedestrian access to the office suites and to the rear parking area) and a first floor rear extension - to infill a small recess to bring it out to the same line as the existing main first floor rear wall of the building. It should be noted that without these extensions this change of use from offices to flats would be a permitted development - subject to a prior approval determination being lodged - as a result of changes to legislation introduced in 2013 by the Government designed to encourage provision of dwellings in office buildings.

The need for a planning permission because of the proposed extensions provides an opportunity to change the design of windows at first floor rear so as to reduce the potential for overlooking to houses in Smarts Lane, the rear walls of which lie close by - between 11 and 17.5m from the first floor rear wall of the building. Three projecting triangular windows will be installed which will only have clear glazing in one face providing views to the north away from the Smarts Lane houses, with the other faces to be fixed with obscured glass. This design will limit the loss of privacy to the Smarts Lane house and their gardens, and partly addresses the concerns of the objection received from the occupants of Smarts Lane houses.

The ground floor infill extension will be extended rearwards by some 1.5m and this will increase the existing sense of enclosure to the rear yard/garden area of the adjoining house at no. 7 High Beech Road, which the applicants own. However, this house has a side garden which is used to provide its primary amenity space, and the extension and infill of the undercroft area will not seriously harm to the amenity of no.7. There are also two existing side facing first floor office windows that overlook the rear yard/garden area of no.7. Use of these offices as a habitable room will increase a sense of loss of privacy and the applicant is prepared to install obscured glazing on the lower sections of these windows to prevent overlooking. This detail will be covered by a condition. Finally, the ground floor rear extension, and first floor recess extension, will have a minimal net effect on the outlook and amenity of the objectors houses at the rear in Smarts Lane.

In respect of concerns raised about car parking the existing rear car park can provide 6 spaces for the proposed 8 flats and the two existing flats. The flats are non family dwellings and given that the site lies in a sustainable location next to the town centre, and close to bus routes and the Loughton underground station, the Essex CC Highways Authority has no objection to the proposal. Loughton Town Council are concerned that the proposal will result in more use of the Smarts Lane access (which has an automatically controlled gate) which could impact on the amenity of nearby dwellings. However the existing use of the building by some 16 office suites is considered to give rise to more vehicular trips than the proposed flats, and the amenity of residents will not be adversely affected by this change.

With regard to of the Town Council's concern about lack of amenity space, the proposed flats are too small for family occupation. As with other flatted developments it is likely that residents of the

flats will place more importance on the sites proximity to the town centre, its services, and to the tube station. In this context it would be unreasonable to insist that amenity space be provided.

Finally the tree referred to in the comments received from 26 High Beech Road is a tree in the pavement and therefore falls outside the application site and is not affected by the proposals.

Conclusion:

The proposal will make beneficial use of an existing building, and will provide 8 much needed flats for small households in a very sustainable location close to facilities. Changes to the design of first floor windows at the rear will reduce the potential for overlooking of Smarts Lane houses that lie to the rear. The comings and goings of pedestrians and cars to the proposed flats is likely to be lower than for the existing small office suites. For these reasons, and those set out above, it is recommended that planning permission be granted subject to conditions.

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

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

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



Epping Forest District Council

Agenda Item Number 7



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Application Number:	EPF/0862/17
Site Name:	113 Church Hill, Loughton, IG10 1QR
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/0862/17
SITE ADDRESS:	113 Church Hill Loughton Essex IG10 1QR
PARISH:	Loughton
WARD:	Loughton St Johns
APPLICANT:	Mr James Litherland
DESCRIPTION OF PROPOSAL:	Outline application for residential development with details of access (up to 10 no. units) Resubmission of application EPF/1741/16.
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=593081

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.

- 2
 - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (i) layout;
 - (ii) scale;
 - (iii) appearance;, and
 - (v) landscaping.

 - b) The reserved matters shall be carried out as approved.

 - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings no 6009(P) 102 rev A and 6009(p)109 rev B (as it relates to site access):.

- 4 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]

- 5 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]

- 6 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.

- 7 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.

- 8 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.
- 9 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 10 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.
- 11 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; 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.
- 12 No construction works above ground level shall take place until documentary and photographic details, including samples where required 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.

- 13 Prior to the commencement of the development, details of all walls, fences gates and other means of enclosure, and including where practical retention of existing boundary walls, shall be submitted to and approved by the Local Planning Authority. The works as agreed shall be fully implemented prior tot first occupation of the development. No further gates or means of enclosure shall thereafter be added without prior consent from the Local Planning Authority.
- 14 Prior to the commencement of development, details of all external lighting to be installed on buildings and within the site shall be submitted to and approved by the Local Planning Authority/ The works as agreed shall be fully implemented prior to first occupation of the development.
- 15 Prior to the commencement of development and notwithstanding any details shown on the submitted plans, details of the layout and finishes of the refuse storage facilities shall be submitted to and approved by the Local Planning Authority. The works as agreed shall be completed prior to first occupation of the development and thereafter retained free from obstruction solely for the storage of refuse and recyclable materials and for no other purpose.
- 16 Prior tot he commencement of the development, details of the siting and design, including security measures of a cycle store with capacity for a minimum of 10 bicycles shall be submitted to and approved by the Local Planning Authority. The works as agreed shall be fully implemented prior to first occupation of the development and thereafter retained for use by residents of the site.
- 17 All parking spaces and turning areas shall accord with the adopted Essex County Council Revised Parking Standards (2009). Details of measures to secure such compliance shall be submitted to and approved by the Local Planning Authority prior to works to construct any parking area commencing. The works as agreed shall be completed prior to first occupation and thereafter retained for residents parking.
- 18 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.
- 19 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed at the site. The installed cleaning facilities shall be used to clean vehicles wheels immediately before leaving the site.
- 20 Prior to first occupation of the development the existing redundant vehicular dropped kerb crossing shall be fully reinstated to full height kerbing and footway.

- 21 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- 22 There shall be no discharge of surface water onto the Highway.
- 23 Any external amenity area at ground floor shall remain available for use by all residents and shall not be enclosed or sub-divided to limit or prevent access thereto for any resident unless otherwise agreed in writing by the local planning authority.
- 24 No meter boxes, vents, grilles or ducting shall be fixed to the fabric of the building without the prior written approval of the Local Planning Authority.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

The application relates to the former milk delivery depot site on the south-east side of Church Hill, comprising around 0.1 ha on an L-shaped plot extending behind the adjoining petrol station. Other than the forecourt area, a mix of single storey buildings give total coverage to the remainder of the site; these have been vacant for around two years.

The site is adjoined on two sides by residential properties. The site also adjoins a petrol station to the north east, beyond which is the recently built Sainsbury Local store in a three storey building including residential accommodation on the upper floors.

The location of the site on Church Hill means there are significant changes in ground levels, rising to both south and east

Description of Proposal:

The application is a revised scheme submitted in outline for residential redevelopment of the site, following previous refusal. The application again includes similar illustrative material to demonstrate a scheme for 10 residential units on the site, on this occasion set within a two storey building

The scheme indicates 6 x 2 bed and 4 x 1 bed flats in a building that aligns with the frontage of the adjoining house and extends to a minimum of 8 metres from the rear boundary. Although the illustrative plan indicates a front gable with a glazed façade rising into the roof area, no accommodation is required in the roof area in order to provide the 10 units indicated.

The building is indicated as being set in from the adjoining residential property with a reduced roof height to this section.

The remainder of the scheme remains as indicated in the previous scheme. Parking for 10 vehicles is provided to the rear of the petrol station, accessed from a shared surface that also serves the main building entrance in the flank. Cycle stands are indicated at the rear adjacent to the communal amenity space that is around 110 sq.m. (reduced from 180 sq.m to accommodate the larger footprint), and bin stores are on the front screened by landscaping.

Relevant History:

EPF/1845/14 Part demolition and part retention of existing building to provide a convenience foodstore (A1 use) (344 sq m gross), the provision of 12 car parking spaces and a dedicated delivery bay. The installation of an ATM within the shopfront. The application was approved, but not implemented due to the nearby Sainsbury development which was allowed on appeal

EPF/1741/16 Outline application for residential development of 10 no. apartments with details of access. The application was initially refused for the following reasons:

1. The quantum of development proposed, together with appropriate off-street car parking and private amenity space provision, is likely to require a three-storey building. A building of that height would be unlikely to relate well to the neighbouring house at 111 Church Hill and would be likely to appear over-dominant in the street scene. As a consequence, the proposal is very unlikely to respect the character and appearance of the locality, contrary to Local Plan and Alterations policies CP2(iv), CP3(v), CP7, and DBE1(i), which are consistent with the National Planning Policy Framework.
2. The quantum of development proposed, together with appropriate off-street car parking and private amenity space provision, is likely to result in a development that could not allow for a refuse vehicle to conveniently enter the site for the purpose of collecting refuse. As a consequence, the refuse from the proposal is likely to be collected by a refuse vehicle stopping on the highway adjacent to the site, causing temporary obstruction to the free movement of vehicles on Church Hill that could amount to an excessive degree of traffic congestion. The proposal is therefore contrary to Local Plan and Alterations Policy ST4(ii), which is consistent with the National Planning Policy Framework.
3. The proposed vehicular access arrangements fail to provide for a visibility splay of 1.4m by 90m where the 1.4m distance is that from the back edge of the footway into the site. As a consequence the proposal is likely to be detrimental to highway safety, contrary to Local Plan and Alterations Policy ST4(iii), which is consistent with the National Planning Policy Framework.

Members will no doubt recall that following reconsideration, reasons 2 and 3 were subsequently withdrawn. An appeal has been lodged against this decision and a decision is awaited, although officers understand this may be withdrawn if an alternative acceptable proposal is agreed.

Policies Applied:

Adopted Local Plan:

CP1	Achieving sustainable development objectives
CP2	Quality of Rural and Built Environment
CP3	New development
CP4	Energy conservation
CP5	Sustainable building

CP6	Achieving sustainable urban development patterns
CP7	Urban Form and Quality
RP4	Contaminated land
RP5A	Adverse environmental impacts
H2A	Previously developed land
H3A	Housing density
H4A	Dwelling mix
U3B	Sustainable drainage systems
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE6	Car parking in new development
DBE8	Private amenity space
DBE9	Loss of Amenity
LL11	Landscaping schemes
ST4	Road safety
ST6	Vehicle parking

NPPF:

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

Draft Local Plan:

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

SP1	Presumption in favour of sustainable development
SP2	Spatial Development Strategy 2011-2033
SP6	The Natural Environment, Landscape Character and Green Infrastructure
H1	Housing Mix and Accommodation Types
H2	Affordable Housing
T1	Sustainable Transport choices
DM5	Green Infrastructure: Design of Development
DM9	High Quality Design
DM10	Housing Design & Quality
DM16	Sustainable Drainage Systems
DM21	Local environmental impacts, pollution and land contamination

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 47 (as previous application)

Site notice posted: yes

Responses received: Comments have been received from 6 properties and from the LOUGHTON RESIDENTS ASSOCIATION PLANS GROUP.

Objections are submitted by residents of 16, 24, 30 AND 32 MARJORAMS AVENUE AND FLAT 6 COBALT PLACE, 121 CHURCH HILL. Several objectors consider parking provision to be inadequate at 1 space per unit and that this is indicative of an over intensive development in the local context. More specific issues include:

- 24 MARJORAMS AVENUE – resubmitted previous objections to the three storey building including issues of overlooking, the scale of the building and loss of outlook.
- 30 MARJORAMS AVENUE – consider the height of the building excessive as it is higher than the neighbouring dwelling and causes loss of outlook.
- 32 MARJORAMS AVENUE – resident is concerned at possible loss of light and loss of security from the removal of the existing walls, the resident would wish to see tree planting along the boundary.

The resident at 22 MARJORAMS AVENUE has advised that they have no objection to a two storey building, but seek a restriction to preclude any additional floors being added.

LOUGHTON RESIDENTS ASSOCIATION PLANS GROUP: Commented that the principle of residential development on the site and a two storey building would be acceptable in principle. However, they consider car parking provision to be inadequate, even allowing for a reduction in applying full standards to take account of the accessible location. LRAPG would wish to see condition requiring landscaping, working hours and wheel washing to be included if Members are minded to approve the application.

LOUGHTON TOWN COUNCIL:

The Committee NOTED the contents of two letters of objection.

The Committee made NO COMMENT on this resubmitted application.

Main Issues and Considerations:

The application seeks to address Members specific concerns at the scale of the building shown on the previous application, specifically that a three storey building would be inappropriate. The building is now indicated at two storeys and can therefore take more of a cue from the neighbouring house in particular with the introduction of gabled roofs to the front and side and lower hipped roofs to the rear, thus the building can be seen as more evidently in context with the local vernacular.

The indicative building will have a bigger footprint but maintains clear separation from adjoining properties to the rear and side, a minimum of 8 metres from the rear and 3.5m from the side where the neighbouring property lies to the south west. In the context of the depth and elevation of properties to the rear (the houses sit on elevated ground), officers are satisfied that there is no significantly greater impact on adjoining properties from the larger footprint.

The amended scheme introduces a revised mix of units; from 8 x 2 bed and 2 x 1 bed in the original to 6 x 2 bed and 4 x 1 bed which indicates a reduced intensity of development arising from the previous scheme.

In noting objections on other issues from local residents, most of these issues were considered in the previous application and not raised in the refusal notice. Members accepted that car parking of one space per unit was appropriate in this sustainable location and that the access thereto was acceptable, views shared by the Highway Authority. The previous report also concluded that separation distances to properties in Marjorams Avenue, where buildings lie a minimum of 25 metres from the site boundary .were sufficient to minimise harm. Matters of detail, such as boundary treatments, tree planting and landscaping, are adequately dealt with by conditions and are not appropriate to be considered at outline stage.

Conclusion:

The proposal deals specifically with the issue that resulted in the refusal of the previous application by demonstrating that ten units can be accommodated within a two storey building on the site without demonstrable harm to surrounding occupiers and in a form and scale that is in keeping with the local built form as identified by Members.

As with the previous application, only access is to be determined at this stage, and is acceptable, while all other matters are covered by conditions.

Officers consider there are no grounds on which this application could now reasonably be refused.

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

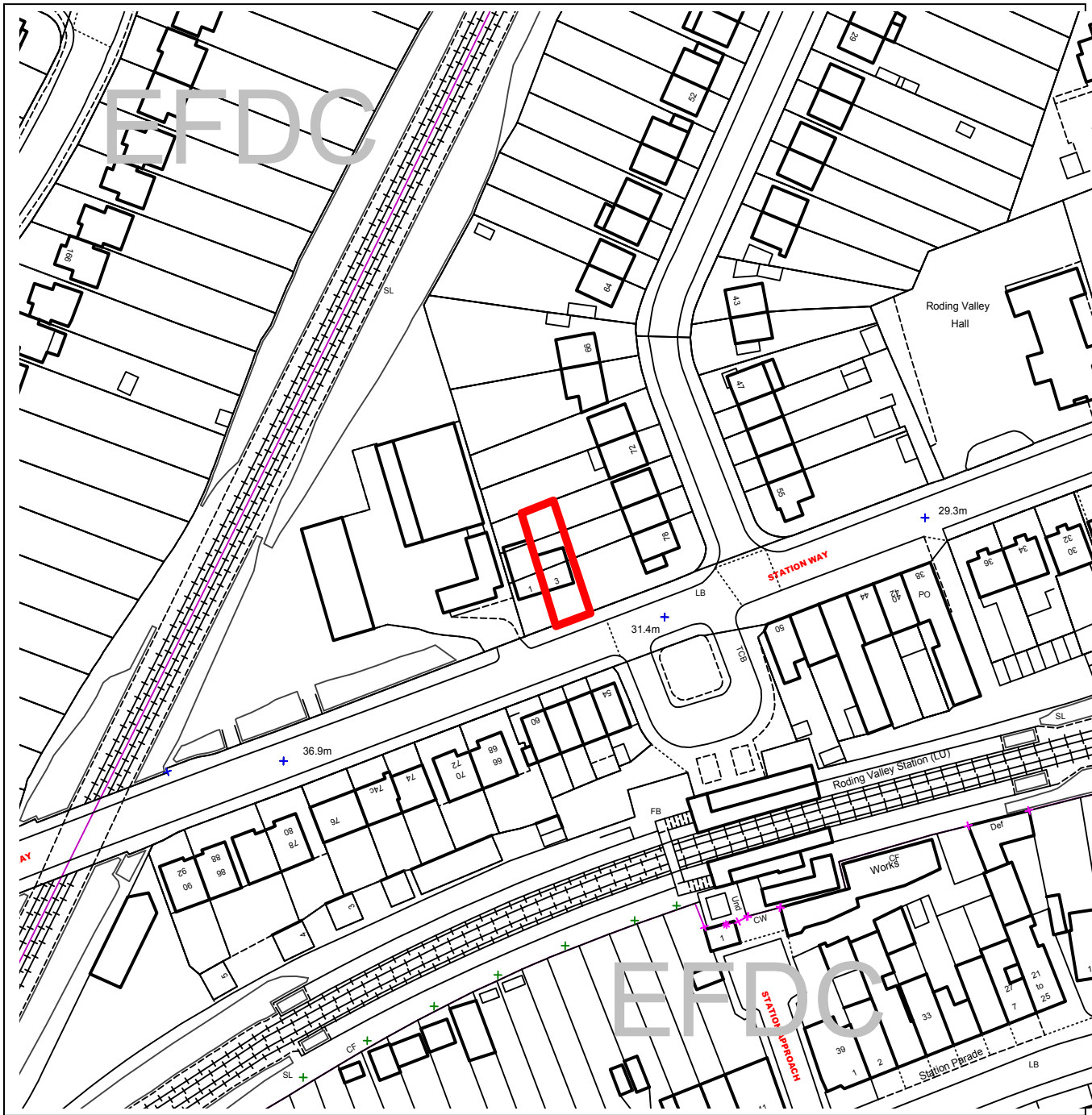
***Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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



Epping Forest District Council

Agenda Item Number 8



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Application Number:	EPF/0883/17
Site Name:	3 Station Way, Buckhurst Hill, IG9 6FA
Scale of Plot:	1/1250

Report Item No: 8

APPLICATION No:	EPF/0883/17
SITE ADDRESS:	3 Station Way Buckhurst Hill Essex IG9 6FA
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill East
APPLICANT:	Mr Craven
DESCRIPTION OF PROPOSAL:	Proposed retrospective planning application for a pair of semi detached dwellings with rear decking to replace previous planning approval ref PL/EPF/0131/12
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=593175

CONDITIONS

- 1 The development hereby permitted must be completed not later than the expiration of three months from the date of this notice. The decking areas and their sight screens shall thereafter be retained as hereby permitted unless the local planning authority gives written approval for any alteration.

- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:
101
310 Revision B
320 Revision B
321 Revision A

- 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 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: Scheme of Delegation, Appendix 3)

Description of Site:

The application site is formed of the curtilages of a pair of semi-detached houses. The houses are of relatively recent construction with the site having been formed from the rearmost portions of properties at 74, 76 and 78 Walnut Way.

To the north of the site is part of the rear garden of 72 Walnut Way. To the east are the remaining rear gardens of 74, 76 and 78 Walnut Way. To the west of the application site a development of apartments is being constructed on a former site of an electricity transformer station.

Ground levels fall significantly to the north.

There is a raised decking which projects by 1.8m from the rear wall of the single storey rear extension at 1 Station Way. This decking is 6m in width and has access to the garden by steps situated towards the western side boundary. The height is in the region of 0.9m when measured from the highest point to west, where the decking is situated 1m from the side boundary. Given that they are built on raised land, the decking areas have resulted in increased overlooking and a significant reduction in privacy to the rear gardens of 3 Station Way, 74 and 76 Walnut Way.

There is also raised decking at 3 Station Way which projects by 2.4m from the rear wall of the house. The decking is 1m in height when measured to its highest point. It maintains a 1m separation distance from the eastern side boundary. Given that land falls significantly from the south to the north of the site, and that the decking is built on high ground, this has resulted in increased overlooking and reduced privacy to the rear garden areas of 1 Station Way, 74 and 76 Walnut Way.

The site is not in a Conservation Area and there is no Listed Building in the locality.

Description of Proposal:

Proposed retrospective planning application for a pair of semi detached dwellings with rear decking to replace previous planning approval ref PL/EPF/0131/12

Relevant History:

EPF/0131/12 - Outline Planning Application for two semi-detached two storey dwelling houses. – Granted at appeal 26/02/2013

EPF/1273/14 - Application for approval of reserved matters described in condition 1 of the Outline planning permission dated 26 February 2013 for two semi-detached two storey dwelling houses allowed on appeal (Local Planning Authority reference EPF/0131/12) and for approval of a construction method statement, landscaping scheme and scheme for the disposal of foul and surface water pursuant to conditions 7, 9 and 14 of the Outline planning permission. – Granted 18/07/2014

EPF/0154/17 - Retrospective application for a pair of semi detached dwellings with rear decking to replace previous planning approval ref PL/EPF/0131/12 – Refused 14/03/2017 for the following reason:

“Due to significant changes in ground levels across the sites and siting of the existing decking on raised land to the rear of 1 and 3 Station Way, the development by reason of its height has resulted in excessive loss of privacy from increased overlooking into the rear gardens of 1 and 3 Station Way and the rear gardens of 74 Walnut Way, to the significant detriment of the level of amenities enjoyed by the occupiers of those properties, contrary to policies DBE 2 and DBE 9 of the Adopted Local Plan and Alterations and guidance in the NPPF.”

Policies Applied:

Adopted Local Plan:

CP2	Protecting the Quality of the Rural and Built Environment
CP3	New Development
DBE1	Design of New Development
DBE 2	Effect on Neighbouring Properties
DBE 3	Design in Urban Areas
DBE 9	Loss of Amenity
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping

NPPF:

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

Draft Local Plan:

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

DM9	High Quality Design
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Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 26

Site notice posted: Yes

Responses received: 78 WALNUT WAY – Object, loss of privacy to my rear garden, any timber screening will be an eyesore from the gardens of 78, 76 and 74 Walnut Way.

72, 74 and 76 WALNUT WAY (Single letter from freehold owners of the three properties) – Object, loss of privacy, overshadowing.

BUCKHURST HILL PARISH COUNCIL: No objection

Main Issues and Considerations

The main issue in this case is considered to be impact to neighbours.

The houses have not been built in accordance with approved plans in that they each have a raised area of decking immediately beyond the rear elevation. This current application proposes to provide sight screens to the areas of decking. The screens are intended to prevent overlooking of neighbouring gardens. Overlooking was the sole reason for refusal to the previous application.

The previous planning decision involved the identification and definition of a way forward as follows:

- 1 Station Way: The timber screening above the decking level at the common boundary with 3 Station Way should be installed in such a way that it projects from the rear wall of existing single storey rear extension along that eastern side elevation by 1.8m deep, and continued to the rear of the decking by 2.5m wide in an L-shaped appearance. The overall height of that L-shaped screening timber should not exceed 1.8m from above the surface of the decking.
- 3 Station Way: The timber screening above the decking level at the side boundary adjacent to the rear gardens of those properties to the east of the site, should be installed in such a way that it projects from the rear wall of the existing house by 2.4m deep, and continued to the rear of the decking by 3.5m wide in an L-shaped appearance. The overall height of that screening timber should not exceed 1.8m from above the surface of the decking.

The current application has a design of sight screens that accord with the way forward previously defined.

In considering the impact of neighbours there are two aspects; whether the screens would prevent overlooking and whether the screens would represent overbearing or overshadowing structures which would adversely affect neighbours. The timber screens would prevent overlooking and the depth of adjoining gardens, some 13m, are adequate for the sight screens, which have a height of 2.5m relative to ground level, to not be excessively overbearing.

Conclusion:

The design of the houses as built was not as approved in that decking areas were created. These have caused a problem of overlooking. The sight screens would overcome the problem without causing any alternative problem. Retrospective applications have to be considered in the same way as any other application. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The decking with sight screens would not result in an excessive loss of amenity for neighbouring properties and the appearance of the sight screens is acceptable. It therefore follows that the recommendation is one of approval.

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

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

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

Report to Area Plans Sub-Committee

Date of meeting: South – 31 May 2017



**Epping Forest
District Council**

Subject: Probity in Planning – Appeal Decisions, 1 October 2016 to 31 March 2017

Officer contact for further information: Nigel Richardson (01992 564110).

Democratic Services Officer: Rebecca Perrin (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 key performance indicators (KPI's) , one of which measures all planning application type appeals as a result of committee reversals of officer recommendations (GOV08) and the other which measures the performance of officer recommendations, which are in the main delegated decisions (GOV07).

Performance

4. Over the six-month period between 1 October 2016 and 31 March 2017, the Council received 54 decisions on appeals (51 of which were planning related appeals, the other 3 were enforcement related).
5. GOV07 and 08 measure planning application decisions taken at appeal and out of a combined total of 51, 16 were allowed (31%). Broken down further, GOV07 officer performance was 8 out of 40 allowed (20%) and GOV08 committee reversal performance was 8 out of 11 (73%) for the 6 month period.

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 8 cases:

COMMITTEE REVERSALS - APPEALS ALLOWED:

Area Committee South

Buckhurst Hill

- | | | | |
|---|-------------|--|----------------|
| 1 | EPF/0837/16 | Conversion and extension of existing premises. Retention of Class A1. Retain unit on-street frontage. Change of use of first floor from use ancillary to A1 use to class C3(a) residential. Rear part of existing retail unit to change use from A1 to class C3 (a) residential. | 53 Queens Road |
|---|-------------|--|----------------|

Chigwell

- | | | | |
|---|-------------|--|---------------------|
| 2 | EPF/2987/15 | Demolition of house at 46 Stradbroke Drive and the erection of a new building with five flats. | 46 Stradbroke Drive |
|---|-------------|--|---------------------|

Loughton

- | | | | |
|---|-------------|--|------------------------------|
| 3 | EPF/0257/16 | Erection of brick boundary wall on Forest View Road. | 72 High Beech Road |
| 4 | EPF/2774/15 | Provision of 34 space car park and dropping off area for use by Oaklands School only, formation of related vehicular access from Warren Hill and provision of associated landscaping and increase in school roll from 243 to 273 pupils. | Land adjacent to Warren Hill |

Area Committee East

Epping

- | | | | |
|---|-------------|--|----------------|
| 5 | EPF/0206/16 | Retrospective planning for a single storey and part second storey rear extension, loft conversion with rear dormer and internal alterations. | 10 Bridge Hill |
|---|-------------|--|----------------|

North Weald Bassett

- | | | | |
|---|-------------|---|--|
| 6 | EPF/0983/16 | Timber framed office and store. (Revision to planning permission EPF/0269/14) | Saint Clements Vicarage Lane |
| 7 | EPF/2716/15 | To erect a steel portal framed agricultural chemical sprayer cover and chemical store. Lean-to off one end. | Field adj to Horse Shoe Farm London Road |

Sheering

- | | | | |
|---|-------------|-----------------------|--------------------|
| 8 | EPF/3255/15 | Replacement dwelling. | Vailima The Street |
|---|-------------|-----------------------|--------------------|

7. The appeal performance for GOV08, committee reversals, was noticeably outside of its KPI target of 50% target at 73%. There were though 3 cases where the committees were successful, as follows:

COMMITTEE REVERSALS - APPEALS DISMISSED:

Area Committee East

North Weald Bassett

- | | | | |
|---|-------------|---|---------------|
| 1 | EPF/1247/16 | Outline application for demolition of existing house and construction of 4 detached houses, each with 4 bedrooms - Revised application to EPF/2460/15. (Access and layout to be determined) | 171 High Road |
|---|-------------|---|---------------|

Area Committee South

Chigwell

- | | | | |
|---|-------------|--|---|
| 2 | EPF/0653/16 | Demolition of the existing 2 no. detached dwellings and the redevelopment of the site to provide 11 no. flats within a part 2, part 3 and part 4 storey building with associated basement car/cycle parking and landscaping. | 105 Manor Road &
281 Fencepiece Road |
|---|-------------|--|---|

Area Committee West

Waltham Abbey

- | | | | |
|---|-------------|---|----------------------------|
| 3 | EPF/2305/16 | Double storey extension to existing dwelling. | North Villa
Mott Street |
|---|-------------|---|----------------------------|

8. Out of 4 **ENFORCEMENT NOTICE APPEALS** decided, 3 were dismissed, 1 allowed. These are as follows:

Allowed With Conditions

- | | | | |
|---|-------------|--|---|
| 1 | ENF/0022/11 | Without planning permission the use of the land for the stationing of caravans for residential purposes for two gypsy pitches together with the formation of hard standing, laying of paving slabs and the erection of | Sunnyside
Carthage Estate
Nazeing |
|---|-------------|--|---|

Dismissed, but Varied

- | | | | |
|---|-------------|---|---|
| 2 | ENF/0415/15 | Without planning permission the erection of a building for use as a dwelling | Lowershott Nursery
Sedge Green
Roydon |
| 3 | ENF/0416/15 | Without planning permission the stationing of a portable building for use as a dwelling | Lowershott Nursery
Sedge Green
Roydon |
| 4 | ENF/0417/15 | Without planning permission the stationing of a caravan numbered 18 for residential use | Lowershott Nursery
Sedge Green
Roydon |

Costs

9. During this period, there were three cases where costs have been paid by the Council regarding planning appeals.

10. Bridge House, Roding Road, Loughton - The appeal was against the refusal of planning permission made by Area Plan South (in this case, supporting the officers recommendation to refuse planning permission) for the demolition of existing house and erection of 3 two bedroom and 3 one bedroom flats in three storey block (EPF/1997/15). The Inspector concluded that the Council has acted unreasonably in that it had failed to provide evidence to substantiate their reasons for refusal at appeal in relation to identifying alternative sites less prone to flooding than this one, which is located in Flood Zone 2, and that they failed to follow the approach required in assessing the sequential test having regard to the National Planning Policy Framework, the PPG and the associated Environment Agency guidance in that it was not sufficient to compare this small site against much larger sites that were at least risk from flooding. Furthermore, the Inspector considered that the Council could have addressed a requirement for a Flood Risk Assessment through suitably worded planning conditions as recommended by the Council's Engineering, Drainage and Water Team and finally, the Council did not balance the issues against the Council's position in relation to lacking having a five year housing land supply. The Council paid the appellant £2,400.00, which given the issues, was a very reasonable sum in this case.

11. Field adjacent to Horse Shoe Farm, London Road, North Weald Bassett - Appeal was

against the refusal of planning permission for a steel portal framed agricultural sprayer cover and chemical store lean-to off one end (EPF/2716/15). Area Plans East refused planning permission because of the lack of agricultural justification for the need for the building in the Green Belt, following a late representation from Natural England and secondly, because of its excessive size and visual impact. The Planning Inspector considered that this was not substantiated because the applicant had provided sufficient evidence for its need and the late representation was not objecting to the necessity of the building. There were also other features and developments in the landscape that help merge the development into its surroundings. A cost settlement of £4,629.41 has been agreed.

12. 10 Bridge Hill, Epping - Appeal against the refusal of planning permission for single storey and part two storey rear extension, loft conversion with a rear dormer (EPF/0206/16). Having regard to the planning committee minutes, the Planning Inspector considered there was little evidence within them that expanded on the reasons for refusal set out within the Council's decision notice to allow a full understanding of the matters that resulted in the planning application being refused. Consequently, the Council has not demonstrated with any clear evidence why it considers that the combined elements of the proposal, in light of what has previously been consented, would be harmful to the living conditions of an immediate neighbour, contrary to the views of the Planning Officer. A cost was settled on £2,000.00 to the appellant.

Conclusions

13. Performance in defending appeals at 31% appears high, but there is no national comparison of authority performance. Members and Officers 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.

14. 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 and as can be seen in paras. 10 -12 above, there can be costs against the Council where they are considered to have behaved unreasonably.

15. Finally, appended to this report are the appeal decision letters, which are the result of Members reversing the planning officer's recommendation (and therefore refusing planning permission) at planning committees, 8 of which were allowed and 3 which were dismissed and therefore refused planning permission. Only those appeals relevant to the relevant Area Plans Sub-Committee are attached.

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

Total Planning Application Appeal Decisions 1st October 2016 to 31st March 2017

Allowed With Conditions

Buckhurst Hill

1	EPF/0837/16	Conversion and extension of existing premises. Retention of Class A1. Retain unit on-street frontage. Change of use of first floor from use ancillary to A1 use to class C3(a) residential. Rear part of existing retail unit to change use from A1 to class C3 (a) residential.	53 Queens Road
---	-------------	--	----------------

Chigwell

- | | | | |
|---|-------------|--|---------------------|
| 2 | EPF/1593/16 | First floor rear extension (Revised application to EPF/0533/16) | 49 Manor Road |
| 3 | EPF/3160/15 | Two storey side extension following demolition of side detached garage. | 40 Ely Place |
| 4 | EPF/2987/15 | Demolition of house at 46 Stradbroke Drive and the erection of a new building with five flats. | 46 Stradbroke Drive |

Epping

- | | | | |
|---|-------------|--|----------------|
| 5 | EPF/0206/16 | Retrospective planning for a single storey and part second storey rear extension, loft conversion with rear dormer and internal alterations. | 10 Bridge Hill |
|---|-------------|--|----------------|

Loughton

- | | | | |
|----|-------------|--|---------------------------------|
| 6 | EPF/1997/15 | Demolition of existing house and erection of 3 two bedroom and 3 one bedroom flats in three storey block | Bridge House
Roding Road |
| 7 | EPF/0617/16 | Replacement dwelling house with basement and roof accommodation (amended design to EPF/0504/15 to include extension of first and second floors to rear). | 60 Tycehurst Hill |
| 8 | EPF/0257/16 | Erection of brick boundary wall on Forest View Road. | 72 High Beech Road |
| 9 | EPF/1503/15 | Retrospective application for a single storey rear extension with relocating of the external metal staircase for the residential units and alter shop front. | Molens
209D High Road |
| 10 | EPF/1505/15 | Retrospective application for outbuilding to the rear of the property. | Molens
209D High Road |
| 11 | EPF/2774/15 | Provision of 34 space car park and dropping off area for use by Oaklands School only, formation of related vehicular access from Warren Hill and provision of associated landscaping and increase in school roll from 243 to 273 pupils. | Land adjacent to
Warren Hill |

Nazeing

- | | | | |
|----|-------------|------------------------------|---|
| 12 | EPF/1341/16 | Single storey side extension | Willow Tree House
23a Shooters Drive |
|----|-------------|------------------------------|---|

North Weald Bassett

- | | | | |
|----|-------------|---|--|
| 13 | EPF/2716/15 | To erect a steel portal framed agricultural chemical sprayer cover and chemical store. Lean-to off one end. | Field adj to Horse Shoe
Farm, London Road |
|----|-------------|---|--|

Sheering

- | | | | |
|----|-------------|-----------------------|-----------------------|
| 14 | EPF/3255/15 | Replacement dwelling. | Vailima
The Street |
|----|-------------|-----------------------|-----------------------|

Allowed Without Conditions**North Weald Bassett**

- | | | | |
|----|-------------|---|---------------------------------|
| 15 | EPF/0983/16 | Timber framed office and store. (Revision to planning permission EPF/0269/14) | Saint Clements
Vicarage Lane |
|----|-------------|---|---------------------------------|

Dismissed

Buckhurst Hill

16 EPF/1718/16 Erection of a single storey dwellinghouse and formation of parking area to existing dwellinghouse 40 Princes Road

Chigwell

17 EPF/2223/16 Two storey front extension with a canopy and alterations to front entrance door. Two storey side extension. Single storey rear extension with a flat roof. Rear dormer window across the rear roof slopes of existing house and proposed two storey side extension together with 4no. front roof lights 31 Coopers Close

18 EPF/1239/16 First floor side extension above garage. Alterations to roof, including rear dormer, and creation of accommodation within roof space. 13 High Elms

19 EPF/1027/16 Proposed sub-division of rear garden to 8 Whitehall Close (fronting Orchard Way) to create a single level, courtyard house. 8 Whitehall Close Chigwell

20 EPF/0653/16 Demolition of the existing 2 no. detached dwellings and the redevelopment of the site to provide 11 no. flats within a part 2, part 3 and part 4 storey building with associated basement car/cycle parking and landscaping. 105 Manor Road & 281 Fencepiece Road

Epping

21 EPF/0800/16 Additional dwelling 77 Parklands

22 EPF/0628/16 Prior approval of proposed change of use of agricultural building to residential. Plot 1 (Rose Cottage) Old Piggery Land Behind Parish Rooms, Coopersale

Epping Upland

23 EPF/1373/16 Proposed ground floor front extension; alterations and extensions to form loft conversion incorporating front and rear dormers and new vehicle access Fairbourne Lodge

24 EPF/2146/16 Retrospective planning application for the erection of walls and gates 2 Takeleys Manor Cottages Upland Road

Lambourne

25 EPF/1560/16 Outline planning application with all matters reserved for a four-bedroom detached one-and-a-half storey, chalet bungalow fronting Knights Walk. 65 Alderwood Drive

Loughton

26 EPF/2224/15 Certificate of Lawful Development for proposed completion of previously approved (planning permission EPF/0674/74) but not fully completed two storey rear and side extension with garage. 12 Marjorams Avenue

27 EPF/3210/15 Proposed single storey rear extension - revised application to EPF/1353/15 1 Woodbury Hollow Cottage Woodbury Hill

28 EPF/0026/16 Listed building application for proposed single storey rear extension. 1 Woodbury Hollow Cottage Woodbury Hill

29	EPF/2134/16	Raising of roof to provide additional residential accommodation with front balcony (revised scheme to refused application EPF/0849/16)	6A High Road
30	EPF/2673/15	Grade II listed building application for a proposed 2 storey extension (with a further floor contained in the roof space), partial demolition of existing single storey building adjoining proposed extension, and demolition of existing outbuilding in the area of the proposed extension.	Loughton Hall Rectory Lane
31	EPF/2674/15	Proposed 2 storey extension (with a further floor contained in the roof space), partial demolition of existing single storey building adjoining proposed extension, and demolition of existing outbuilding located in the area of the extension	Loughton Hall Rectory Lane
Moreton, Bobbingworth and the Lavers			
32	EPF/0364/16	Change of use and alteration works to convert existing stable block to residential use	Stable building Land opposite Moreton Lodge Pedlars End Moreton
33	EPF/0886/16	Outline application (all matters reserved) for proposed new housing development.	Land north of 1 and 2 Landview and Aldebury Dale Harlow Road Moreton
North Weald Bassett			
34	EPF/1247/16	Outline application for demolition of existing house and construction of 4 detached houses, each with 4 bedrooms - Revised application to EPF/2460/15. (Access and layout to be determined)	171 High Road
35	EPF/2517/14	Proposed development of Plot A of site for B1 (business) and B8 (storage and distribution) purposes by C.J. Pryor Ltd see also linked enabling development proposals EPF/2516/14 and EPF/2518/14)	Land at Harlow Gateway South A414 London Road
36	EPF/2518/14	Application for full planning permission to redevelop site with enabling residential development to provide 65 residential units together with associated car parking, open space and refuse and recycling units (Enabling development for linked application EPF/2517/14).	C. J. Pryor Cecil House Foster Street
37	EPF/0718/16	Outline Application (all matters reserved) for between 45 and 80 dwellings.	Debbies Garden Centre Riddings Lane
38	EPF/2460/15	Outline planning application with some matters reserved for demolition of existing house and construction of 3 pairs of semi-detached houses (Appearance, landscaping and scale reserved for future determination)	171 High Road
Ongar			
39	EPF/2375/15	Prior approval of proposed change of use and	Greensted Wood Farm

	conversion of agricultural storage barn and curtilage to single dwelling house and curtilage.	Greensted Road
The Rodings - Abbess, Beauchamp and Berners Roding		
40	EPF/0773/16 Proposed annex dwelling and garage to approved dwelling under ref: EPF/1659/14.	Bumble Bee Barn Woodend Lane Abbess Beauchamp and Berners Roding
Theydon Bois		
41	EPF/1838/16 Formation of new boundary wall.	Oak Grove Theydon Road
42	EPF/1839/16 Formation of new boundary fence. Theydon Road	Oak Grove
43	EPF/2687/15 Removal of existing dwelling and erection of replacement two storey dwelling with rooms in attic and detached garage at the front. Provision of pitched roof to existing garage at rear. Front wall/railings and gates with altered access point/crossover.	26 Piercing Hill
Waltham Abbey		
44	EPF/1274/16 Demolition of garage/workshop and erection of replacement garage/workshop (Revised application to EPF/1757/15)	The Cottage Long Street
45	EPF/0609/16 Change of use of land through incorporation into curtilage of existing dwellinghouse and construction of '5-a-side' 3G artificial grass football pitch with boundary fencing including associated engineering operations (part retrospective).	Land adjacent to 8 Woodgreen Road
46	EPF/2305/16 Double storey extension to existing dwelling.	North Villa Mott Street
47	EPF/1901/16 Single storey rear extension.	The Cottage Long Street
48	EPF/0794/16 Erection of an orangery extension.	The Farmhouse Warlies Park Farm Woodgreen Road
49	EPF/2833/15 Demolition of existing glasshouse and erection of 5 residential dwellings and two storey office extension.	Brooklyn Nursery Mott Street
Willingale		
50	EPF/1489/16 Removal of existing garage, porch, weatherboard, render. Proposed new garage, porch, rear first floor extension, external storage. Alteration to existing windows, doors and external facing materials. Proposed new vehicular access.	Hoddydodd Hall Spains Hall Road
Part Allowed - with Conditions and Part Dismissed		
Sheering		
51	EPF/0044/16 To construct a new garage in the front of the site and to convert the existing garage into home office with	Crown Lodge The Street

ensuite bathroom over with insertion of front and rear dormer windows.

Enforcement Appeals

Allowed With Conditions

- | | | | |
|---|-------------|--|---|
| 1 | ENF/0022/11 | Without planning permission the use of the land for the stationing of caravans for residential purposes for two gypsy pitches together with the formation of hard standing, laying of paving slabs and the erection of | Sunnyside
Carthagena Estate
Nazeing |
|---|-------------|--|---|

Dismissed, but Varied

- | | | | |
|---|-------------|---|---|
| 2 | ENF/0415/15 | Without planning permission the erection of a building for use as a dwelling | Lowershott Nursery
Sedge Green
Roydon |
| 3 | ENF/0416/15 | Without planning permission the stationing of a portable building for use as a dwelling | Lowershott Nursery
Sedge Green
Roydon |
| 4 | ENF/0417/15 | Without planning permission the stationing of a caravan numbered 18 for residential use | Lowershott Nursery
Sedge Green
Roydon |

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Appeal Decision

Site visit made on 18 January 2017

by **D J Board BSc (Hons) MA MRTPI**

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

Decision date: 17 February 2017

Appeal Ref: **APP/J1535/W/16/3159754**

53 Queens Road, Buckhurst Hill, Essex, IG9 6DN

- 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 Howard Winston against the decision of Epping Forest District Council.
 - The application Ref EPF/0837/16, dated 24 March 2016, was refused by notice dated 24 August 2016.
 - The development proposed is conversion and extension of existing premises. Retention of Class A1 retail unit on street frontage. Change of use of first floor from use ancillary to A1 use to Class C3 (a) residential. Rear part of existing retail unit to change use from A1 to Class C3 (a) residential.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion and extension of existing premises. Retention of Class A1 retail unit on street frontage. Change of use of first floor from use ancillary to A1 use to Class C3 (a) residential. Rear part of existing retail unit to change use from A1 to Class C3 (a) residential at 53 Queens Road, Buckhurst Hill, Essex, IG9 6DN in accordance with the terms of the application, Ref EPF/0837/16, dated 24 March 2016, subject to the conditions in Annex A.

Main Issues

2. The main issues are the effect of (a) the proposal on the character and appearance of the area and (b) the proposed parking arrangement on highway safety.

Reasons

Character and appearance

3. The buildings along Queens Road respond to the change in levels along it. The extension that would form the flats would increase the height of the building. The Council are concerned about the impact on the group of buildings and the wider street scene. The design approach of the extension has been redesigned. The approach would be simple with the roof sloping away from the road and the use of well-proportioned dormer windows. In addition it would be constructed from suitable materials.
4. The frontage of the building and the roof would be visible within the wider street scene, albeit the views would be limited. The main view would be looking up the hill from the south and east. From this perspective a small amount of the side elevation would be visible. It would be seen within a roof

scape that is varied. It would sit within the gable projections and No 51 and No 55 which are within the existing street scene. This would serve to lessen its impact. Overall, for these reasons, the addition would not be unduly prominent.

5. Overall views of the scheme would be within the context of a varied roof scape that contains a number of existing additions and different roof forms. Given the design approach and proposed facing materials shown on the plans I do not consider that the architectural form proposed would be out of place or harmful to the character and appearance of the area.
6. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the area. It would not be in conflict with policies CP2, CP7 and DBE1 of the Epping Forest Local Plan (LP) in so far as they seek new developments to respect their setting in terms of scale and proportion.

Highway safety

7. There is no dispute that the schemes would not provide parking on site for either the retail floor space or the new residential units. The plans show that an area to the rear of the site is within the same ownership and the Council suggest that it should be used to provide parking.
8. The Council's decision refers to the Essex County Council Parking Standards (2009) (EPS) and LP policy ST6. The applicable standard would require a minimum of one space per dwelling. However, the parking standards allow for a reduction if the development is located within an urban area that has good links to sustainable transport.
9. Considering the application site area the minimum amount of parking would not be met on site. Consequently I consider whether there is available on street parking for use by future residents of the development or if there are alternative means of transport available with good public accessibility that would allow the development to be occupied without the need to have a car.
10. The officer's report identifies that the site lies on the end of a designated 'District Centre'. It is in close proximity to other shops and services. It would not be possible to park on the street in front or to the rear of the site. Parking on the surrounding streets is generally controlled. However, the site is within walking distance of an underground station. The officer's report also notes that the site is within a location '*...close to public transport and a wide range of local services...*'
11. Provision for the extended building would not be made on the site. In addition it is clear that there would be limited options to park on street close to the site. Nevertheless, the site could be accessed means other than private car. In addition services would be available to future residents without the need to use a car. I note that the use of on street car parking would not be a realistic option. However, it would be close to the site and could be available should customers of the commercial unit require parking.
12. Therefore, overall, I consider that the combination of the site location and access to public transport alongside the availability of on nearby paid on street car parking lead me to the conclusion that, overall, the development could be accessed without the need to use a car and should future customers or occupiers chose to use a car there would not be a significant increase in

parking pressure that would lead to a highway safety issue. I therefore conclude that the development proposal would not have a harmful effect on highway safety. As such it would not be in conflict with LP policy ST6 or the EPS.

Other matters

13. Whilst not a reason for refusal the effect on the living conditions of existing occupiers is raised by interested parties. The Council's officer report identifies that due to the orientation of the building and the separation there would not be a harmful effect. I have no reason to disagree.

Conditions and Conclusion

14. The Council have not attached a list of conditions to the questionnaire. The committee report for the application includes conditions and I have considered these. Conditions are necessary that relate to the standard time limits and a condition regarding the identification of the approved plans is required for the avoidance of doubt. In the interests of the character and appearance of the area conditions to secure appropriate materials and the detail of refuse and cycle storage would also be necessary. A condition to control the times of construction works is also suggested. Given the location of the site in close proximity to its neighbours such a condition would be reasonable in this case.
15. The Council suggest a condition to control the use of the commercial unit. It is identified that the size of the unit would be in demand. Therefore it would be reasonable to apply a condition in this case.
16. Therefore, for the above reasons and having regard to all other matters raised, including the fact that the parish council objected, I conclude that the appeal should be allowed.

D J Board

INSPECTOR

Annex A – Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 53QR/16/P 001; 002; 003; 007; 008; 009.
- 3) The materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the local planning authority.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 5) No development shall take place until details of the storage of refuse and cycle storage areas shown on the approved plans have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to occupation of the residential units.
- 6) The ground floor commercial premises shall be used for A1 and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Appeal Decision

Site visit made on 20 September 2016

by **L Fleming BSc (Hons) MRTPI**

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

Decision date: 20th October 2016

Appeal Ref: APP/J1535/W/16/3152186

46 Stradbroke Drive, Chigwell, Essex IG7 5QZ

- 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 Robert Davis against the decision of Epping Forest District Council.
 - The application Ref EPF/2987/15, dated 25 November 2015, was refused by notice dated 3 February 2016.
 - The development proposed is demolition of 46 Stradbroke Drive and the erection of a new building with 5no flats.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of 46 Stradbroke Drive and the erection of a new building with 5no flats at 46 Stradbroke Drive, Chigwell, Essex IG7 5QZ in accordance with the terms of the application Ref EPF/2987/15, dated 25 November 2015, subject to the conditions set out in the Schedule to this decision.

Main Issue

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

Reasons

3. The appeal site is a large detached dwelling set in a generous plot, in a residential area characterised by large detached properties set in spacious plots positioned a similar distance back from the road behind parking and front gardens with space between the buildings. These features together with street trees, trees and hedging in front gardens give the area a relatively formal, spacious and leafy character and appearance.
4. A similar proposal was dismissed at appeal in May 2016¹. The Inspector found that scheme would be very wide within its plot at 30 metres, with little space between the building and its side boundaries. The Inspector noted that as a result, the gap between the proposed development and the neighbouring properties would be around the smallest amount possible, and particularly narrow with No 44 Stradbroke Drive (No 44). Furthermore, the Inspector stated that the proposal would also result in the building having a particularly large and dominant presence in the street scene.

¹ APP/J1535/W/16/3142876

5. However, the proposed building although wider than the building it would replace would be some 26.9 metres wide and would be set in from its side boundaries with the neighbouring buildings, such that a gap of some 6.2 metres would remain between the proposed building and No 44. Furthermore, the proposed building would be set in from the boundary with Nos 48-52 Stradbroke Drive, such that when viewed from the road the proposed building would leave a gap of some 1.65 metres from the shared boundary.
6. On my site visit, I noticed varying separation distances between other buildings nearby, some comparable and others substantially less than that proposed. On this basis, I find the space between the proposed building and neighbouring building is comparable to that of other buildings in the area thus the proposed development would not appear out of place.
7. I note the change in levels on Stradbroke Drive and that parts of the front elevation would sit further forward of the line of the neighbouring buildings. However, the proposed building is only marginally taller than the building it would replace. Moreover, the proposed front elevation would have a number of changes in depth, such that at the points closest to the side boundaries it would sit behind the line of the front elevations of both neighbouring buildings, thus adding to the feeling of space between the buildings. Furthermore, the majority of the trees within the appeal site would be retained, which together with the street trees would soften the impact of the proposed building on the street scene.
8. Overall, I therefore find that the proposed development would not appear cramped or overly dominant within the street scene nor would it comprise a form of development that would be out of character with the layout of development in the area.
9. Furthermore, even though the proposed building would accommodate five flats and the other buildings in the area are predominantly single dwelling houses, there are other flats nearby and the proposed flats would have a single main entrance and appear similar in character to other buildings in the area. Thus, I find the proposed building's use as flats would not harm the character or appearance of the area.
10. In reaching these conclusions, I have noted the concerns with regard to the proposed development setting a precedent for other similar forms of development in the area. However, I have assessed the appeal on its merits and in this case there is no substantive evidence before me to suggest that buildings in use as flats would be harmful to the character or appearance of the surrounding area or would result in any other harm to the area or residents living conditions.
11. I have also considered Council decision reference EPF/0073/15 and appeal decision APP/J1535/A/12/2183105. However, the full details of those schemes are not before me and I have considered the proposal on its merits with regard to the character and appearance of the area in the immediate vicinity of the appeal site. Even though, I note the Inspector's comments with regard to the suburban character of the area, I have found the proposed building would be in keeping with the character of the area.
12. For these reasons, I find that the proposed development would not harm the character or appearance of the area. It would therefore accord with the

development plan, specifically, saved Policies CP2 and CP7 of the Epping Forest Local Plan Alterations (2006) and saved Policies DBE1 and DBE11 of the Epping Forest Local Plan (1998) and the National Planning Policy Framework which taken together, aim to ensure good design and that new development does not harm the character and appearance of an area.

Other Matters

13. I have noted the concerns with regard to the impact of the proposed development on the living conditions of the occupants of No 44 with particular regard to light and privacy. However, the front and rear elevations of the proposed building would be stepped, which together with the separation distance between the appeal proposal and No 44 and that any views towards No 44 would be from an oblique angle, I consider that the scheme would not materially harm the living conditions of the occupants of No 44 in terms of light or privacy.
14. I also note the concerns with regard to the impact of the proposed development on trees. However, even though, some the trees within the appeal site will require pruning and felling, I am satisfied that with the proposed tree protection measures in place the majority and the most significant trees within the appeal site and on adjacent land will be unaffected by the proposed development. For the same reasons, I am satisfied the proposed development would not harm ecology in the area. Nonetheless, I have imposed a planning condition which requires an appropriate landscaping scheme to be agreed and implemented.
15. I have also considered the concerns with regard to the increase in overall activity as a result of the appeal site accommodating five dwellings. However, the building which would be demolished is a substantial property, which could also be more intensively used and there is no substantive evidence to suggest that the proposed development would generate any harm to nearby residents living conditions with particular regard to noise and disturbance.
16. With regard to parking, I note this matter is not contested between the main parties, nevertheless I find that the provision of two car parking spaces per flat is sufficient for there to be no risk to highway safety or the flow of traffic in the area.
17. I also acknowledge the concerns with regard to contractors parking, materials deliveries and general disturbance associated with construction. However, I consider that due to the relatively small scale of the development these effects would be relatively short term and could be appropriately managed.
18. I have also considered the comments that the proposed units of accommodation would not be suitable for families or capable of being adapted to changing needs over time. However, there is no substantive evidence before me which suggests the proposed flats would not meet the housing needs of the area. Furthermore, the proposal would provide a net increase in four dwellings adding to the supply of housing in the District.

Conditions

19. The conditions imposed are those which have been suggested by the Council but with some variation in the interests of clarity and precision having regard

to the advice on imposing conditions in the Framework and the Planning Practice Guidance.

20. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty. I have also imposed conditions which require materials, landscaping and boundary treatments to be agreed in the interests of safeguarding the character and appearance of the area.
21. Furthermore, a condition is also necessary to ensure appropriate parking provision is put in place and retained thereafter in the interest of highway safety. Moreover, as requested by the Council conditions are necessary to ensure the development and its occupants are safeguarded from the risks associated with flooding and contaminated land.
22. Given the excavations necessary for the proposed basement, a condition is also necessary to ensure the excavated materials are removed from site in the interests of safeguarding the living conditions of residents living nearby. For the same reasons a condition is also necessary to limit the hours of construction.
23. Finally, in the interest of encouraging more sustainable modes of transport than the private car a condition is necessary to ensure sustainable travel packs are provided to future occupants.

Conclusion

24. For the reasons given above and with regard to all other matters raised, I conclude that the appeal should be allowed.

L Fleming

INSPECTOR

SCHEDULE 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: FKS_001 Site Location Plan; FKS_101 Existing Plans and Elevations revision A; FKS_105 Existing Site Survey; FKS_201 Proposed Plans revision D; FKS_202 Proposed Elevations revision D; FKS_203 Existing and Proposed Overlays revision D; FKS_204 Proposed Site Plan revision A; FKS_205 Proposed & Existing Street Elevations & Site Plan revision B; FKS_206 Proposed Basement Plan with Parking revision B; FKS_208 Existing and Proposed Building Footprints revision A; Tree survey of 19 August 2015 by Philip Wilson Arboriculture with addendum of 23 November 2015 and Tree Position and Constraints Plan to accompany 150801 v1; and, Design and Access Statement.
- 3) No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the local planning authority, in writing. The development shall be carried out in accordance with the 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. The development shall be carried out in accordance with the approved details.
- 5) The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles
- 6) A flood risk assessment and management and maintenance plan shall be submitted to and approved in writing by the local planning authority prior to commencement of development. The assessment shall include calculations of increased water run-off and the associated volume of storm water 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.

- 7) The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non- soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
- 8) All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the local planning authority.
- 9) 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 and 18:30 Monday to Friday and 08:00 to 13:00 hours on a Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the local planning authority.
- 10) Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include five one day travel vouchers for use with the relevant local public transport operator.

END OF SCHEDULE

Appeal Decision

Site visit made on 5 October 2016

by **Christa Masters MA (hons) MRTPI**

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

Decision date: 07 October 2016

Appeal Ref: APP/J1535/D/16/3153953

72 High Beech Road, Loughton, Essex IG10 4BL

- 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 Debbie Stubbs against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0257/16, dated 29 January 2016, was refused by notice dated 27 April 2016.
 - The development proposed is erection of brick boundary wall on Forest View Road.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of brick boundary wall on Forest View Road at 72 High Beech Road, Loughton, Essex IG10 4BL in accordance with the terms of the application, Ref PL/EPF/0257/16, dated 29 January 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) No development shall commence until samples of the materials to be used in the construction of the wall hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: FKK_460, FKK_001.

Procedural Matters

2. I have used the description of development as provided in the decision notice as this represents the most accurate description of the appeal proposal.

Main Issue

3. The effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site comprises a dwelling located on a prominent corner plot between High Beech Road and Forest View Road. It is within an established residential area. There is a wide variety in the front garden boundary treatments including hedges, brick walls and fencing of varying heights and styles. All of these contribute to the established character and appearance of the area.
-

5. The Council have explained how the brick wall would replace a previous fence which was a similar height to the appeal proposal. The appeal proposal would create a 1.8m high wall along the frontage to Forest View Road. This boundary is unique to this corner plot location as, unlike other visible boundary treatment along the road, it in effect represents the boundary to the rear and side garden of the host dwelling. As acknowledged by the Council in the officers report, boundary treatments of this height are not unusual in situations like this where the rear garden of a corner plot adjoins the highway. I agree with this statement and the proposal must be seen within this context.
6. The appellant has detailed how the wall would be constructed with piers positioned at intervals, a header course and flemish bond brick. All of these details would add interest and to my mind ensure that the wall would complement the existing pallet of materials in the area and complement the existing variety of boundary treatments. Furthermore, the wall would step down to a lower level along the boundary to take account of the gradual slope in the road.
7. As a result of the appearance of the wall, detailing and materials proposed, I conclude the proposal would not result in harm to the character and appearance of the area, or the street scene generally. It would therefore accord with policy CP2 (iv) of the Local Plan (LP) 2006. Policy CP2 (iv) advises, amongst other things, that proposals should safeguard and enhance the setting, character and townscape of the urban environment. Policy DBE1 has also been referred to however this is a three part policy which relates to new buildings. As this proposal is for a wall, I am not convinced it is directly relevant to the issue before me.

Conditions

8. A standard condition limiting the life of the permission is necessary. I also agree that it is necessary to specify the approved plans as this provides certainty. In the interests of character and appearance, I have also included a condition to require samples of the materials proposed to be used on the wall hereby permitted to be submitted and approved by the local planning authority.
9. I note that the Loughton Residents Association Plans Group have suggested a number of other conditions concerning landscaping, a restriction on demolition work and a requirement for wheel washing facilities. However, given the modest scale of the proposal, and the fact that the proposal relates to a private residential dwelling, I do not consider such additional conditions would be either reasonable or necessary.

Conclusion

10. I therefore conclude that having considered all matters raised, the appeal should be allowed.

Christa Masters

INSPECTOR

Appeal Decision

Site visit made on 15 September 2016

by **Jane Miles BA (Hons) DipTP MRTPI**

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

Decision date: 14 October 2016

Appeal Ref: APP/J1535/W/16/3152795

Land adjacent to Warren Hill, Loughton, Essex, IG10 4RA

- 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 M Hagger of Oaklands School against the decision of Epping Forest District Council.
 - The application ref: EPF/2774/15, dated 20 October 2015, was refused by notice dated 2 March 2016.
 - The development proposed is provision of 34 space car park and dropping off area for use by Oaklands School only, formation of related vehicular access from Warren Hill and provision of associated landscaping.
-

Decision

1. *The appeal is allowed and planning permission is granted for provision of 34 space car park and dropping off area for use by Oaklands School only, formation of related vehicular access from Warren Hill and provision of associated landscaping on Land adjacent to Warren Hill, Loughton, Essex IG10 4RA, in accordance with the terms of the application, ref: EPF/2774/15, dated 20 October 2015, subject to the conditions listed at the end of this decision.*

Procedural Matters

2. A planning statement accompanying the application explains that, since 1983, pupil numbers at the school have been restricted to 243 by means of legal agreements negotiated in association with previous planning applications¹. In association with the current planning application for a car park and drop-off facility the school requested that any grant of permission be subject to a new s106 agreement limiting pupil numbers to 273. The Council amended the description of development to include the increase of 30 pupils. However, although an increase in pupil numbers, as requested, is a matter to take into account, it is not itself development for which planning permission is required. I have therefore determined the appeal on the basis that it relates to a scheme for a car park and dropping off area, as originally described on the planning application form and set out in full in the banner heading to this decision.

¹ Initially a Section 52 agreement under the Town and Country Planning Act 1971 and subsequently (in 2010) a Section 106 (s106) agreement under the Town and Country Planning Act 1990

3. A complete signed and dated unilateral undertaking pursuant to s106 of the 1990 Act has been submitted by the appellant during the appeal process and the Council has had an opportunity to comment on it. It contains planning obligations including the limitation in pupil numbers described and a revised Green Travel Plan. However the previous s106 agreement is a binding legal document and there is no provision in the legislation for it to be revoked unilaterally by just one party. Thus clause 10 of the unilateral undertaking (which specifies that on the grant of planning permission for the appeal scheme the 2010 agreement shall be of no more effect) can have no legal force. The s106 agreement made in 2010 will remain in force unless and until it is modified or discharged through the appropriate process². I shall however refer to the unilateral undertaking again in the reasoning which follows.
4. An application for costs, made by the appellant against the Council, is the subject of a separate decision.

Reasons

5. The **first main issue** in this case is the effect of the proposed development on the character and appearance of the surrounding area. Having regard to officers' advice at the pre-application stage, information in the planning and transport statements submitted with the application, the structure of the officers' report to the Planning Committee and the refusal reason as it appears on the decision notice, the **second main issue** is the effect of the proposed development in relation to car parking and highway safety.

Character and appearance

6. Oaklands School occupies an extensive, sloping site with boundaries to Albion Hill, the High Road and Warren Hill. Its principal buildings, close to Albion Hill, are on the highest part of the site and sit between residential property curtilages. The larger part of the overall site (to the south and west) is mainly open, comprising playing field and other 'green' areas. It excludes an adjoining and roughly triangular open area at the junction of the High Road and Warren Hill (the corner site) which includes trees, a pond and grassed areas. The appeal site is part of a 'green' area at the lower end of the school grounds, currently fenced off from the more manicured areas. It fronts onto Warren Hill, and is currently separated from that highway and from the corner site by close-boarded fencing. Various mature trees along those boundaries are protected by a Tree Preservation Order (TPO).
7. A private residential driveway runs alongside the western appeal site boundary and to the south, on the opposite side of Warren Hill, there is mature woodland which is part of Epping Forest. An extract from the LP³ Proposals Map, in the appellant's statement of case, indicates that the forest and the corner site are designated as Green Belt, but that all of the school grounds including the appeal site are outside that designation. The south east side of the High Road, opposite the corner site and continuing a short distance southwards, is mainly characterised by relatively low density residential development.
8. Thus, in the approach to Loughton along the High Road from the south, the forest on the west side of the road and then the corner site with its trees create

² As set out in The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992

³ In full, the Epping Forest District Local Plan Alterations (2006)

an attractive sylvan and verdant character which contributes positively to the overall character of the locality. The trees and greenery in the school grounds form a backdrop to the corner site, reinforcing that sylvan and verdant character, albeit set well back from the main road. The combination of the setback, boundary trees and fencing is such that very little of the enclosed appeal site is readily discernible from the High Road, even when trees are not in leaf. Such views, where they do exist, are at relatively short range.

9. A similar situation applies along Warren Hill, where the forest is on one side of the road and the appeal site on the other is largely hidden by boundary trees and fencing. Moreover, in many instances, views along the High Road or when travelling up or down Warren Hill also include existing housing, associated built development and, more often than not, vehicles.
10. The appeal scheme would retain most of the mature boundary trees⁴ and measures to protect those trees could be secured by condition, such that they would continue to contribute to the area's character. A 6m wide opening into the car park area means vehicles would be visible to some extent from Warren Hill. However such views would only be possible from a very short length of the road, not least because there is no footpath on the opposite side of it. A grassed finish to the car park surface and landscaping within the site, around the parking bays, would help to minimise the visual impacts of the two rows of parked vehicles. Moreover it would seem unlikely that all the parking spaces would be occupied all the time, all year round.
11. The submitted plans also indicate more substantial landscape screening to the car park's north-east and north-west boundaries. Although not indicated on the plans, there also appears to be some scope for additional tree or shrub planting on the south-east side. Additional planting in that location would be beneficial in filtering views from the south-east, including when trees are not in leaf. In those views, across the corner site and above the existing fencing, ground levels are such that parked vehicles might be visible to some extent.
12. Without the benefit of any more detailed explanation I take the reference in the Council's refusal reason to an 'absence of landscaping proposals' to mean the absence of a fully detailed planting scheme. However many different species of trees, hedging plants and other shrubs are commonly available, in varying sizes, such that attractive landscape screening can become effective within relatively short timescales. Given also advice on appropriate species in the results and recommendations of the Extended Phase 1 Habitat Survey, I cannot find any compelling grounds to conclude that the absence of detailed landscaping proposals supports the Council's case to any significant degree.
13. The scheme would of course change the character and appearance of the appeal site itself but, not least because Warren Hill is already used by all those driving up it to then travel down Albion Hill, I am not persuaded it would detract from the character and tranquillity of Epping Forest to any significant degree. Some limited views of parked vehicles from around the site could potentially have some limited adverse impacts on the immediate locality's sylvan and verdant character. However, appropriate landscaping (to be secured by planning condition) would adequately address those potential adverse visual impacts. I therefore conclude the appeal scheme would neither

⁴ The Arboricultural Impact Assessment submitted with the application indicates that three trees (with structural flaws) would need to be removed at the proposed access point from Warren Hill

result in material harm to the area's character and appearance nor materially conflict with LP Policy CP2 which seeks to protect the quality of the rural and built environment.

Car parking and highway safety

14. Largely due to factors such as the positions of the principal buildings and the site topography the school currently has only a very limited on-site parking area and no on-site drop-off/collection facility, despite the overall size of the grounds. Unsurprisingly this creates various problems, most notably at peak morning arrival times and to a lesser extent in the afternoon (because leaving times are staggered), notwithstanding the various measures adopted by the school to minimise them. This is especially evident on Albion Hill, a narrow lane with a footpath on one side only which serves both the school's main entrance and numerous residential properties. The school promotes a one-way system for people dropping-off children via this route, and provides a staff member at the access point to assist children out of one car at a time and into the school grounds as quickly and safely as possible.
15. I was able to observe this procedure during the morning peak period on the day of my visit: I recognise that it represents just one 'snapshot' but my observations were consistent with the findings in the appellant's transport statement. I saw that the drop-off process operates reasonably efficiently, with relatively short queues of vehicles waiting either to drop-off children or just to drive down to the main road, thereby helping to minimise inconvenience for all drivers as much as possible.
16. However it was also apparent that a not insignificant number of people were using this route to escort children into school themselves, resulting in cars stopping to park on the footpath side of Albion Hill or in Albion Park. The narrowness of the road, drivers searching for a space, vehicle manoeuvring, car doors opening, obstruction of the pavement and people with small children walking in and/or crossing the road together create significant safety hazards.
17. The appellant's transport statement provides further details of various matters, including the proportion of pupils who are siblings⁵, the numbers of staff and pupils arriving by different transport modes and locations where staff park their vehicles. I had no means of knowing whether vehicles parked on Albion Hill and other nearby streets throughout my visit were school staff cars, but I did see that streets including Warren Hill and Spring Grove are used for short term parking by people who then walk children to school, entering by a gate on the High Road. For those using Spring Grove and other roads on the opposite side of the High Road that involves crossing a busy road and, although there is assistance to do so, that too is less than desirable in safety terms.
18. The car park scheme would provide staff parking spaces, some short term parking spaces and a well planned dropping-off/collection facility that could accommodate up to fifteen vehicles clear of the highway and entrance point on Warren Hill. It would provide a very much safer place within the school grounds for dropping-off and collecting children, thereby also reducing hazards more generally on Albion Hill, the High Road and, to a lesser extent, other nearby streets. That would be the case even though it is likely that some of the youngest children would still be dropped off in Albion Hill. Any queuing at

⁵ And thus likely to travel together, thereby reducing vehicle numbers

the car park at the staggered collection times is unlikely to be any more problematic than currently occurs in the school environs.

19. Some local residents' responses suggest the distance between car park and school buildings, and/or adverse weather would discourage use of the drop-off facility. However I find that unlikely, given the improved safety, the distances children already walk from cars parked in nearby streets and the school's well-organised approach to managing arrivals and departures. With regard to concerns about traffic movements in Warren Hill, this road is part of the route already used to drop children off in Albion Hill. Moreover, as the Highway Authority noted in its consultation response, Warren Hill is wider than Albion Hill and has better capacity, and there is nothing of substance to indicate that the Warren Hill/High Road junction is inadequate in any way.
20. In the light of all the above points, I concur with the Highway Authority's conclusion that the scheme "will be highly beneficial to highway safety and efficiency on Albion Hill and will not cause any detriment to highway safety or efficiency on Warren Hill". I find also that it is likely to be beneficial to safety on the High Road and other local streets and to reduce the demand for parking associated with the school in streets around the school.

Increase in pupil numbers and the unilateral undertaking

21. It appears this is also a matter of concern to local residents, amenity societies and the Council. The Council's refusal reason asserts that the car park scheme does not justify the proposed increase because it "does not properly address the component of parking stress in the locality generated by Oaklands School". However the Council has neither provided any analysis of 'parking stress' nor explained how any existing highway safety problems might change as a result of an additional 30 pupils at the school. Nor has it disputed the findings of the Highway Authority or the appellant's transport statement, or cited any development plan policy to support its case on this point.
22. In any event and firstly, for the reasons given in my paragraph 3, it is not possible to vary the previous s106 agreement by means of a unilateral undertaking to allow for the requested increase in pupil numbers. Secondly, if planning obligations in a unilateral undertaking are to be taken into account, they must meet all three statutory tests⁶. One of those tests is that the obligations must be necessary to make the development acceptable in planning terms. The proposed car park and dropping-off area is a freestanding development and none of the obligations in the unilateral undertaking are necessary to make it acceptable in planning terms. It follows therefore that I cannot take it into account in determining this appeal.

Other matters, overall conclusions and conditions

23. I have taken account of all other matters raised in responses to the application and appeal, including in particular local concerns about possible further expansion of the school. A covenant restricting buildings on the site because it is 'buffer land' to Epping Forest is not a material planning consideration and, in any event, the City of London (as Conservators of Epping Forest) have confirmed that a car park would not be a breach of that covenant. A

⁶ Regulation 122 of the *Community Infrastructure Levy Regulations 2010*

- consultation response from the County Council's Historic Environment section advises that any archaeological interest could be addressed by condition.
24. The comprehensive Extended Phase 1 Habitat Survey report submitted with the application considers the potential for impacts on protected species and habitats, including on locally, nationally and internationally designated sites. It found negligible potential for ecologically significant adverse impacts on any statutorily designated sites in the wider locality or on the features for which they were designated. In particular, given the nature and small scale of the proposed scheme the report concludes, and I agree, that there will be no likely significant effect on Epping Forest Special Area of Conservation (SAC) which is a site of European importance for nature conservation. In relation to the appeal site and adjoining land, including the nearby pond, the report includes various recommendations to ensure that all necessary measures are taken to identify the presence/absence of protected species and to mitigate any impacts on them and their habitats. Implementation of the recommendations could be secured by condition.
25. Neither the above matters nor any other matter raised is sufficient to alter or outweigh my conclusions on the two main issues, which indicate the appeal should succeed and planning permission should be granted subject to conditions.
26. A condition specifying the approved plans is needed for the avoidance of doubt and in the interests of proper planning. I have already mentioned conditions addressing tree protection, landscaping, archaeological and ecological matters. These are necessary, respectively, to: ensure the health and well-being of trees that contribute positively to the area's visual amenity; to integrate the development into its setting, in the interests of visual amenity; to ensure matters of archaeological interest are properly investigated and recorded; to understand and mitigate the scheme's impacts on any protected species and their habitats. A condition relating to any future lighting is also reasonable in the interests of visual amenity. It is reasonable to restrict use of the car park facility until its key features (as shown on the submitted plans) are in place, in the interests of highway safety. However, given the site topography and the intentions for surfacing the suggested condition relating to surface water drainage is not necessary.
27. The Loughton Residents Association has suggested restricting use of the car park. However, as this is private land it is unlikely to be available to anyone unconnected with the school and limiting the hours of use as suggested would be unnecessarily restrictive. The conditions which follow are based on those in the Council officers' report recommending approval of the application, with some variation and consolidation in the interests of clarity and precision.
28. *Planning permission is therefore granted subject to the following conditions:*
- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos. 3519/1 and SK06 REV B.
 - 3) No other works on the site shall commence until the following surveys have been carried out in accordance with the recommendations in the Extended Phase 1 Habitat Survey report (by D F Clark Bionomique Ltd

and dated 13th July 2015) and the results have been submitted to and approved in writing by the local planning authority:

- a) a reptile presence/likely absence survey;
 - b) a fish presence/likely absence survey (on the pond to the east of the application site);
 - c) if no fish or only a minor population of fish are found in the survey under (b), full surveys of the pond for great crested newts.
- 4) No other works on the site shall commence until a reptile mitigation strategy, informed by the results of the survey pursuant to condition 3(a) above, has been submitted to and approved in writing by the local planning authority. All works shall be carried out in accordance with the approved strategy.
 - 5) If surveys pursuant to condition 3(c) above find great crested newts to be present then, before any other works begin on site, a detailed mitigation and compensation strategy shall be submitted to and approved in writing by the local planning authority including, if required, an application for a European Protected Species licence. All works shall be carried out in accordance with the approved strategy.
 - 6) No other works on the site shall commence until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the local planning authority.
 - 7) No other works on the site shall commence until a detailed, site-specific arboricultural method statement, based on the tree protection plan included in the Arboricultural Impact Assessment (by D F Clark Bionomique Ltd and dated 23.07.2015), together with provisions for site monitoring, has been submitted to and approved in writing by the local planning authority. All works shall be carried out in accordance with the approved arboricultural method statement.
 - 8) No development shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include details of: surfacing materials for the access, car park and footpath link to the school buildings; finished levels or contours; any new boundary treatments or other means of enclosure; specifications and schedules of new planting, to include a 2m margin of wildflower and rough grass as recommended in the Extended Phase 1 Habitat Survey report, together with details of species, sizes at planting and numbers and/or density for all new planting; an implementation programme. All hard and soft landscaping works shall be carried out in accordance with the approved scheme.

Any trees or shrubs which within a period of 5 years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise approved in writing by the local planning authority.
 - 9) No development shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of provisions for the parking of vehicles of site operatives and visitors; loading, unloading and storage of

- plant and materials; wheel washing facilities. Development shall be carried out at all times in accordance with the approved plan.
- 10) No removal of vegetation shall take place between 1 March and 31 August inclusive unless a competent ecologist has confirmed in writing to the local planning authority, following a detailed check for active birds' nests immediately before any such removal, that no birds will be harmed and/or that appropriate measures are in place to protect any nesting birds on the site.
 - 11) The car park and dropping-off facility hereby permitted shall not be brought into use for those purposes until the access, visibility splays, parking bays and circulation routes have been provided and made available for use in accordance with the layout indicated on the approved plan, drawing no. SK06 REV B.
 - 12) No external lighting of the car park and dropping-off facility or the footpath link to the school buildings shall be provided other than in accordance with details that have first been submitted to and approved in writing by the local planning authority.

Jane Miles

INSPECTOR

Appeal Decision

Site visit made on 22 February 2017

by **D J Board BSc (Hons) MA MRTPI**

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

Decision date: 24 March 2017

Appeal Ref: APP/J1535/W/16/3162357
105 Manor Road, Chigwell, Essex, IG7 5PN

- 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 Chigwell Limited against the decision of Epping Forest District Council.
 - The application Ref EPF/0653/16, dated 9 March 2016, was refused by notice dated 1 June 2016.
 - The development proposed is Demolition of the existing 2no. detached dwellings and the redevelopment of the site to provide a part 2, part 3, part 4 storey building comprising 11no. self-contained flats with associated car and cycle parking and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the scheme on (a) the living conditions of the occupiers of existing dwellings, with particular regard to outlook; (b) the character and appearance of the area and (c) highway safety.

Reasons

Living conditions of existing occupiers

3. Nos 279 and 277 Fencepiece Road are detached two storey dwellings located adjacent to the appeal site. They have rear facing windows and the garden of No 279 shares a common boundary with the site. There is also a level change with a rise in level to the junction with Manor Road.
4. The part two and part three storey element of the building would be located close to the common boundary with No 279. The building would project beyond the rear of No 279 and would be visible above any boundary treatment. The four storey element would be set further away again from the boundary. However, it would add to the overall depth of the building. In spite of the set in from the boundary a large proportion of this part of the building would be visible from the home and garden of No 279. Furthermore a large proportion of this would be a blank wall.
5. Overall, a large proportion of the side elevation of the building, albeit with varying setbacks, would be visible from No 279 along the full extent of the shared boundary. In combination the various elements of the building would appear prominent and imposing. This would be compounded by the level

change. Consequently the outlook from No 279 would be obstructed by an imposing building of significant depth and height. The effect would be overbearing. It would result in substantial harm to outlook.

6. I therefore conclude that the proposal would have a harmful effect on the living conditions of the occupiers of existing dwellings, with particular regard to outlook. It would therefore be in conflict with Local Plan and Alterations (LP) policies CP2, CP7, DBE1, DBE2 and DBE9 in so far as they require new development to not have adverse effects on neighbouring or adjoining properties. It would also be in conflict with the National Planning Policy Framework (the Framework) which seeks to ensure a good standard of amenity for future occupiers of land and buildings.

Character and appearance

7. The site is located at the corner of Manor Road and Fencepiece Road. The building would be a mix of three and four storey in height. No 279 Fencepiece Road is a two storey dwelling. The submitted plans demonstrate that adjacent to No 279 the building would be three storey. It would then build up to a four storey scale, with some set back, on the corner with Manor Road. In this way the massing of the building would be focussed on the corner. Along Manor Road the building would be read in conjunction with the adjacent building at Manor Court. This building is four storeys in height and has a pitch roof form. The overall height of the proposed building would be lower. For these reasons the scale of the appeal scheme would not appear out of place within the street scene.
8. I therefore conclude that the building would not have a harmful effect on the character and appearance of the area. It would not be in conflict with LP policies CP2, CP7, DBE1, DBE2 and DBE9 in so far as they require new development to safeguard the character of the urban environment and respect their setting in terms of scale, proportion, massing and height.

Highway safety

9. The proposal would be for 11 flats. Parking would be provided in the basement which would be accessed from Fencepiece Road. The Council state that the Essex Parking Standards (EPS) would require 20 spaces and 3 for visitors. The plans show 13 allocated spaces plus 3 for visitors. As such the scheme would be 7 spaces below the standard.
10. The officer report highlights that the EPS allow for a reduction in allocation where there are good links to public transport. In this case the site is within walking distance of a station. In addition the report is clear that the Local Highway Authority (LHA) did not raise an objection to the proximity of the access to the signal controlled junction. This was on the basis that the amount of movements in peak hours would not be significant and that there would be keep clear markings put in place. I understand that the junction is sometimes busy and that there is a level change on approach. Nevertheless, I have not been provided with any qualification that the scheme would lead to the 'substantial intensification' the Council assert. Therefore with the provision of the marking the LHA recommend and appropriate conditions, I have no reason to suppose that vehicles could not safely enter the site or leave and join the traffic on Fencepiece Road.

11. Therefore, the sites proximity to a station, amount of parking provided and absence of highway safety issues arising from the scheme as proposed taken in combination allow me to conclude that there would not be a harmful effect on highway safety. In this regard the proposal would not conflict with LP policies ST4 and ST6 which seek new development that would not be detrimental to highway safety and provide appropriate on site parking.

Other matters

12. I note that the site has a lawful C3 use and would provide an additional mix of housing in a location that is generally suitable for residential development, that there are a number of flatted schemes permitted in the locality¹ and that it is close to the station and local facilities. I also appreciate that there would be no harm to trees and that within the Council's draft plan the site is identified for development, albeit for 6 dwellings. However, none of these matters alters or outweighs my conclusions on the determining issue in the appeal.

Conclusion

13. I have found that the scheme would not harm the character and appearance of the area or highway safety. However, it would lead to substantial harm to the living conditions of existing occupiers. It would be in conflict with the development plan in this regard, to which I attach significant weight. Therefore, for the above reasons and having regard to all other matters raised, including the fact that officers recommended the scheme for approval, I conclude that the appeal should be dismissed.

D J Board

INSPECTOR

¹ Appellants' statement of case 3.0 Planning History

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Report to Area Plans Sub-Committee South

Date of meeting: 31 May 2017



**Epping Forest
District Council**

Subject: Area Plans Sub-Committees – Public Seating Arrangements

Officer contact for further information: S. Tautz (01992) 564180

Democratic Services Officer: R. Perrin (01992) 564532

Recommendations/Decisions Required:

That members consider and agree appropriate arrangements for public seating for all future meetings of the Sub-Committee.

1. Members will be aware that a disturbance occurred amongst members of the public at the meeting of Area Plans Sub-Committee West on 19 October 2016.
2. The Council takes its responsibilities for the safety of its elected members very seriously and, following representations subsequently received from a number of members of Area Plans Sub-Committee West in response to the incident, Management Board proposed that the following changes be made to the existing operational arrangements for meetings of Area Plans Sub-Committee West, Area Plans Sub-Committee East and the District Development Management Committee:
 - (a) members of the Sub-Committee/District Development Management Committee to be seated on the opposite side of the Council Chamber from the current seating layout, so that they are able to vacate the meeting through the ante-room in the event of disturbance, without the need to cross the Chamber and pass by any 'troublesome' members of the audience; and
 - (b) only registered speakers to be allowed to sit in the Council Chamber itself. All other members of the public to be directed to the Public Gallery on the second floor (Democratic Services Officers to exercise discretion in this regard where a speaker needs to be accompanied by a (non-speaking) partner or spouse etc.).
3. The views of the Chairmen and Vice-Chairman of Area Plans Sub-Committee West, Area Plans Sub-Committee East and the District Development Management Committee, were sought in connection with the proposed changes to the existing operational arrangements for meetings of these committees. No concern in this respect was raised by any member consulted on the proposed arrangements. The implementation of the new arrangements was therefore publicised in the Council Bulletin on 4 November 2016 and implemented with effect from the meeting of Area Plans Sub-Committee East on 9 November 2016.
4. Whilst these arrangements did not originally apply to Area Plans Sub-Committee South, they are now relevant as a result of the venue for meetings of the Sub-Committee having transferred Civic Offices from the current municipal year.
5. Since the implementation of these new public seating arrangements, members of Area Plans Sub-Committee East have raised concerns with regard to members of the public (i.e. those not already registered as speakers on specific applications) being seated in

the Public Gallery as a matter of course. The Sub-Committee does not generally support the need for only registered speakers to be allowed to sit in the Council Chamber itself and considers that the direction of all other members of the public to the Public Gallery means that it is difficult for it to gauge public opinion on specific proposals and for the public to hear and observe the proceedings of the meeting.

6. Management Board has considered the differing views of Area Plans Sub-Committee East in regard to the segregation of members of the public (non-registered speakers) to the Public Gallery and suggested that a way forward in this respect should be considered by the joint meeting of Development Management Chairman and Vice-Chairman.
7. At their meeting on 20 April 2017, the Development Management Chairman and Vice-Chairman agreed that each of the three Area Plans Sub-Committees should individually consider and determine arrangements for public seating at this first meeting of the municipal year. The Sub-Committee is therefore requested to consider and agree its own arrangements for public seating for all future meetings.
8. The joint meeting of Development Management Chairman and Vice-Chairman has also requested that investigation be made of the possibility of a visible 'security' presence being provided in the Council Chamber for all meetings of the Area Plans Sub-Committees and the District Development Management Committee, in order to ensure the safety of members and officers. The views of the joint meeting in this regard will be considered by the Governance Select Committee in due course.