

AREA PLANS SUB-COMMITTEE SOUTH

25 November 2015

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Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/2405/15
Site Name:	18A York Hill Loughton IG10 1RL
Scale of Plot:	1/1250

Report Item No:1

APPLICATION No:	EPF/2405/15
SITE ADDRESS:	18A York Hill Loughton Essex IG10 1RL
PARISH:	Loughton
WARD:	Loughton St Marys
APPLICANT:	Mr Simon Pryce
DESCRIPTION OF PROPOSAL:	Demolition of existing garden shed and proposed new single storey side extension.
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=579317

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No 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.

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

Description of Site:

The application site forms the ground floor flat of a two storey (with rooms within the roof) semi-detached building. The application building and its attached neighbour form an attractive pair of brick properties, which would have originally both been in residential use. No. 18 is split into two flats and No.16 (the attached property) is currently used for Offices. The access for No. 18A, the ground floor flat, is to the side, beyond which is a gate the rear/side garden which contains a timber outbuilding. The site is located within the York Hill Conservation Area.

Description of Proposal:

The proposal seeks permission for a single storey rear/side extension. The proposal will extend out to the rear by 3.7m with a width of 7m. The proposal will extend beyond the side wall of the

existing building by 4.2m. The proposal will have an asymmetric pitched roof, to a maximum height of 3.9m. The proposal also includes a timber decking area projecting 1m with a height of 0.5m. The proposal requires the demolition of the existing outbuilding.

Relevant History:

None relevant

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

DBE10 – Design of Residential Extensions

DBE9 – Impact on Amenity

HC6 – Character, Appearance and Setting of Conservation Areas

HC7 – Development within Conservation Areas

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.

Summary of Representations:

LOUGHTON TOWN COUNCIL: The Committee OBJECTED to this application on the grounds of access for the occupants of the first floor above.

9 Neighbours consulted and a site notice erected. One response received:

18 YORK HILL (first floor flat above application site): Objection – overdevelopment, preclude future access for repairs, concern with regards to damp from roof design and stress on existing drains.

Issues and Considerations:

The main issues with this proposal relate to design in the Conservation Area and impact on amenity.

Design

The proposal is for a relatively large extension given the size of the existing flat, but is not considered disproportionate to the existing dwelling. It is contemporary in appearance, particularly with the asymmetric roof design but does match in with the existing building with the use of render.

The Conservation Officer has no objection to the demolition of the existing outbuilding as it does not feature any historic or architectural interest. With regards to the extension, the Conservation Officer considers the design to be sympathetic to the local context in terms of scale, massing and layout.

Amenity

The proposal is not considered to result in any significant impact on neighbouring amenity given that it will be well screened from surrounding properties given the existing boundary treatment and adjacent properties garage. It will be visible from the first floor flat above but will not result in any loss of privacy, outlook or light to this property.

The proposal will result in a very small garden area, but this is acceptable given that it is the owner's choice to decrease the amenity space, and there is suitable surrounding public amenity space.

Other Issues

Due to the location of the property in the Conservation Area and the proximity to nearby trees, the Tree and Landscape Team were consulted but have no objection to the proposal.

Comments on Representations Received:

With regards to the objection from the neighbour regarding impact on access for maintenance, consent is currently needed from the applicant to access the rear of their property through the existing gate. Should this application be approved the applicant's consent will still be required, however access will have to be through the flat rather than around it. This is not an unusual situation.

The extension would prevent a ladder being used to reach the upper level of the rear elevation from the ground. That would make it harder and more expensive to carry out some maintenance work, but it would not physically prevent such maintenance work. The additional difficulty and expense for carrying out some maintenance is a private matter between the owners of the flats concerned rather than a material planning consideration. While the neighbours concern is appreciated, no weight can be given to it when assessing the planning merits of this proposal.

Additionally the concern with regards to the roof design causing damp would be dealt with as part of the building regulations process.

Conclusion:

The proposal is considered an acceptable design within the Conservation area that would safeguard the living conditions of all neighbours. Notwithstanding the objections raised concerning access for maintenance, approval with conditions is recommended.

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



Epping Forest District Council

Agenda Item Number 2



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Application Number:	EPF/2454/15
Site Name:	Queens House Clinic, Queens Road, Buckhurst Hill, IG9 5BX
Scale of Plot:	1/1250

Report Item No:2

APPLICATION No:	EPF/2454/15
SITE ADDRESS:	Queens House Clinic Queens Road Buckhurst Hill Essex IG9 5BX
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Mr Peter Wilkins
DESCRIPTION OF PROPOSAL:	Lime tree felling. TPO/EPF/24/98
RECOMMENDED 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=579405

REASON FOR REFUSAL

- 1 It has not been demonstrated that the need to fell the tree is justified for landscape reasons and although it is recognised that the issues associated with the tree are inconvenient these alone are not sufficient to justify the significant loss of its visual and other amenity. The proposal is therefore contrary to policy LL9 of the Council's Adopted Local Plan and Alterations..

This application is before this Committee since it has been 'called in' by Councillor Patel (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(h))

Description of Site:

This lime is a prominent feature at this busy intersection between Kings Avenue and Queens Road. It stands about 5 metres tall with a recently pollarded crown form within the small hard surfaced play area close to the property boundary of the Queens Baby Nursery,

Description of Proposal:

T1. Lime – Fell.

Relevant History:

The TPO was made in 1998 in response to a threat from development proposals for the site. The loss of the tree's visual prominence on the corner of Kings Avenue and Queens Road was justification for its protection.

TRE/EPF/2453/04 and TRE/EPF/0982/11 were granted permission to crown reduce to above old pruning points and lift the crown to 4 metres above ground level.

TRE/EPF/1010/14 was refused permission to fell the tree.

TRE/EPF/2087/14 was granted permission to heavily reduce the tree to old pruning points.

Relevant Policies:

LL9: Felling of preserved trees.

'the Council will not give consent to fell a tree protected by a TPO unless it is satisfied that this is necessary and justified. Any such consent will be conditional upon appropriate replacement of the tree'.

SUMMARY OF REPRESENTATIONS

BUCKHURST HILL PARISH COUNCIL objects and makes the following comments.

The felling would remove a tree which has held immense community amenity for a great many years. The over-harsh pruning earlier this year has unjustifiably prevented the full and natural development of the tree and thereby its amenity to the community.

Concerns were also raised that any replacement trees that may be considered should not be saplings.

The Parish Council asked that it be noted that it has received numerous complaints from residents over the severity of the pruning that took place earlier this year.

Issues and Considerations:

Introduction

The applicant's agent has set out reasons for wanting to remove the tree. There has been a history of permitted pruning management that has been requested but it is felt that the tree has now lost much of its amenity value following the recent crown reduction and could be replaced by a better tree, more in keeping with the street scheme.

Application

The reasons given for this application may be summarised, as follows:

- i) A suitable replacement tree will not require such regular management and then only formative pruning. It will better complement the street scheme. and improve the green infrastructure.
- ii) The recent pruning management has left the tree with an unattractive compromised form and reduced amenity value.
- iii) Ongoing economic pruning costs are unacceptable.
- iv) Timing of pruning is an unjustifiable burden on the applicant.

Discussion

Historic asset

This mature tree has been a strong green feature for many decades and is a remnant of popular street tree planting dating back to the Victorian era, where large stemmed, pollarded trees provided greenery, shade and structure to urban street layouts. As a survivor of such a planting scheme and maintaining it in the traditional management regime, it has earned its place as a pivotal local landmark in spite of the many recent developments to the immediate area.

Visual value

Its location at a busy intersection increases the lime's visual amenity considerably for both pedestrians and road users. It softens the built environment, even as a closely managed pollard.

Impact on nursery.

It is recognised that the nursery has limited space and is dominated by this large tree but this has been the case since before the space was adopted as a play area and some recognition of existing physical constraints should have reasonably been given to this preserved tree at the point of acquisition.

Planning policy

The policy issue for members is whether a clear need for felling has been established, greater than the benefits identified above. These are assessed in more detail below but it is suggested do not provide sufficient weight to currently justify the tree's loss.

Key issues put forward by applicant

Replacement option

The advantages to the nursery from felling the lime and replacing it with an alternative is assessed, as follows:

- Hornbeam will produce less honey dew than lime but a replacement will be expected to provide instant visual impact to fulfil its claimed benefits, which requires a costly semi mature specimen be planted. Such trees demand careful maintenance to ensure successful establishment and should be noted that fastigate hornbeams have low, dense, bushy crowns, which broaden with maturity.
- Its proposed location shown on the submitted layout for the outside space will result in a more dominant tree than the current tree, closer to the main building.
- Birds will continue to perch and produce similar issues as the lime.

Therefore, there does not appear to be any clear advantage to be gained from the removal of the tree and replacement with a large fastigated hornbeam.

The pruning has devalued the amenity of the tree

The tree's appearance has been negatively affected by the pollarding and will promote a dense, bushy crown rather than the tall graceful form more typical of naturally grown specimens. On the other hand, this hard pruning prevents the tree from coming into contact with the building and addresses the issues previously stated. It might be possible in the future to allow vertical, well attached new leaders to develop into a narrow but elegant tree.

Costs of regular pruning

The costs of maintaining the existing tree against the cost of felling it, grinding out the stump, preparing a large tree pit, planting and installing stabilising and watering apparatus for a large replacement, the cost of the replacement itself and subsequent pruning requirements have not been detailed and must be set against these factors before weight can be given to this argument.

Restrictive pruning times

It is widely accepted that pruning at certain times of year causes more stress to some tree species. In this instance, the pollarding has stressed the tree and therefore it was considered necessary to limit pruning periods to times when the tree's energy levels are likely to be more stable. The lime shows vigorous new shoots, despite the recent re-pollarding. It should be possible to accommodate this constraint with the planning that organisations are expected to make throughout the year.

Conclusion

This historic street tree is an important visual asset, which contributes significantly to local character to this busy intersection, even following the re-pollarding surgery. The difficulties of operating a baby nursery in close proximity to such a tree are recognised, particularly as here where the play area is small and very small children are affected. However, these issues have been minimised by significant recent pruning and the new reasons do not outweigh the loss of this valuable amenity feature. Therefore, the proposal runs contrary to Local Plan Policy LL9 and it is recommended to refuse permission to fell on the grounds of insufficient justification for the tree's removal.

In the event of members allowing the felling of the tree, it is recommended that a replacement planting condition be attached to the decision notice requiring a new semi mature tree of a similar size to the street trees nearby to be planted at the same location within one month of the felling.

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: Robin Hellier
Direct Line Telephone Number: 01992 564546***

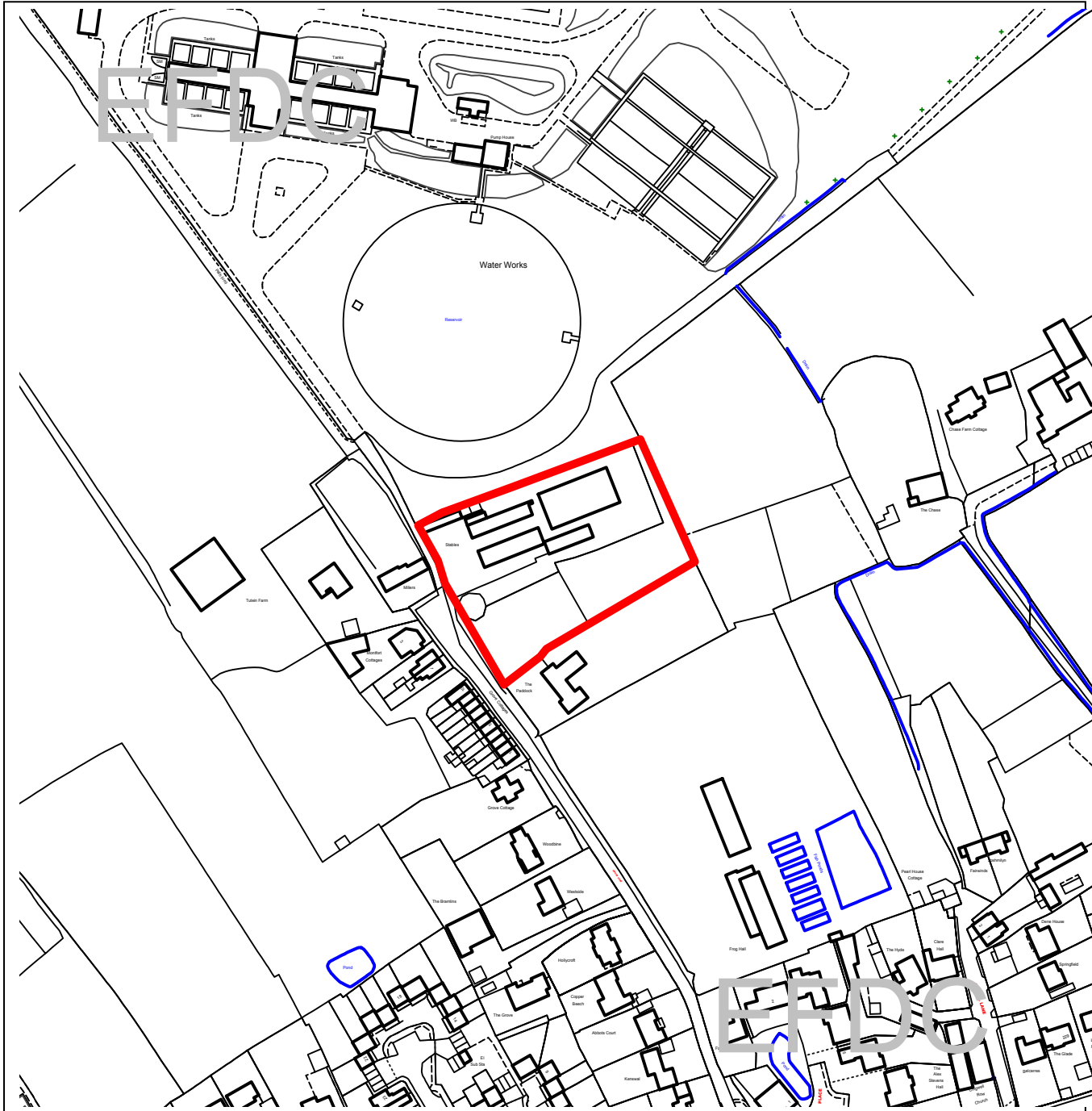
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Agenda Item Number 3



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Application Number:	EPF/1891/15
Site Name:	The Paddock Grove Lane Chigwell IG7 6JF
Scale of Plot:	1/2500

Report Item No: 3

APPLICATION No:	EPF/1891/15
SITE ADDRESS:	The Paddock Grove Lane Chigwell Essex IG7 6JF
PARISH:	Chigwell
WARD:	Chigwell Row
APPLICANT:	Mr Stephen Pomerance
DESCRIPTION OF PROPOSAL:	Demolition of existing stables and warehouse and erection of 8 dwelling houses and associated landscaping.
RECOMMENDED 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=578093

REASONS FOR REFUSAL

- 1 The site lies within the Metropolitan Green Belt. The proposed development is inappropriate in the Green Belt and, by definition, harmful. It fails to protect the openness of the Green Belt and encroaches into the countryside to a significantly greater degree than existing structures on site. The details accompanying the application do not amount to very special circumstances sufficient to outweigh the harm to the Green Belt that would result from the development. The proposal is therefore contrary to policy GB2A and GB7A of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.
- 2 The proposed sub-urban development proposed is at a scale at odds with the surrounding context and would harm the rural setting of Millers Farmhouse, a Grade II Listed Building, by diminishing its significance. Accordingly, the proposal is contrary to policy HC12 of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.
- 3 By reason of its scale and layout, and also due to the absence of clear proposals for the southern part of the site, the proposed development would be detrimental to the visual amenities of the surrounding area and harmful to the character and appearance of this semi-rural location, contrary to policies DBE1, DBE2 and DBE4 of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.
- 4 Insufficient information has been provided with regards to the southern part of the site in terms of intended use, purpose, management plan and public access. Consequently a very significant part of the site is not coherently integrated in to the overall proposal and the land would therefore be open to neglect and abuse to the detriment of the visual amenities and character of the locality. As such the proposal

is contrary to policies CP2 (ii), DBE9 (i) and LL11 of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.

- 5 The proposal fails to provide any affordable housing units and the details accompanying the application fail to provide any information as to why this is not viable. The proposal is therefore contrary to policy H6A and H7A of the Adopted Local Plan and Alterations and aims and objectives of the NPPF.

This application is before this Committee since it has been 'called in' by Councillor John Knapman (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(h))

Description of Site:

The application site is situated at the top north eastern side of Grove Lane, in a rural location on the edge of Chigwell Row. Grove Lane is characterised by linear residential development along the street, with a Grade II listed building 'Millers' at the head of the road and directly adjacent to the application site. The site is currently an equestrian stables with a low intensity use. A number of low height equestrian buildings, hardstanding and equestrian facilities are currently on site.

Beyond the site to the rear is a waterworks and open countryside. The site is within the Metropolitan Green Belt.

Grove Lane narrows towards the top of the lane to little wider than single width with parking on both sides of the road.

Description of Proposal:

The proposal seeks planning permission for the demolition of the existing structures on the site and the erection of 8 dwellings, an access road with parking and associated landscaping.

The 8 dwellings form a linear development with rear gardens backing on to the north boundary of the site. An access road is proposed to the front with 23 parking spaces on the opposite side of the road. The land to the south of the proposed access road will be open land. The houses are 4 detached properties and 4 semi-detached properties and are rather typical pitched roof house designs. The semi-detached houses would be two-bedroom and the detached 4/5 bedroom.

The site, although in the Green Belt is considered (by a former appeal decision) to be previously developed land. The proposal is located directly to the side of the Grade II listed farmhouse (Millers) with approximately a 10m separation.

This is a resubmission following previous refusals (see Relevant History section).

The most recently refused (and dismissed at appeal) application was for 6 properties (of a much larger scale than that now proposed) with development spread across the whole site.

Relevant History:

EPF/2219/14 - Demolition of existing stables and warehouse and erection of 23 no. affordable dwellings - Withdrawn

EPF/1466/14 - Demolition of existing stables and warehouse and erection of 6 detached residential dwellings. (Revised application to EPF/2188/13) - Refused and Dismissed at Appeal (A copy of the Inspector's decision is attached to this report)

EPF/0906/14 - Prior notification application for a proposed change of use of agricultural building to a flexible use - Withdrawn
EPF/2188/13 – Demolition of existing stables and warehouse and erection of 6 detached residential dwellings and new access – Refused

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment
GB2A – Development in the Green Belt
GB7A – Conspicuous Development
HC12 – Development affecting the setting of Listed Buildings
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE4 – Design in the Green Belt
DBE8 – Private Amenity Space
ST1 – Location of Development
ST4 – Road Safety
ST6 – Vehicle Parking
LL10 – Provision for Landscape Retention
LL11 – Landscaping Scheme
H5A – Provision for Affordable Housing
H6A – Site Thresholds for Affordable Housing
H7A – Levels of Affordable Housing

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.

Summary of Representations:

CHIGWELL PARISH COUNCIL: The Council wishes this to go to plan South, and wishes for a clear indication if the points made by the Planning Inspector have been met on this new application.

55 Neighbours consulted and a site notice erected:

1, 2, 3, 4, 5, 6, 8, 9, 10 Grove Cottages, all Grove Lane; Woodbine, Grove Lane; 1 Montford Cottages, Grove Lane; Millers Farmhouse, Grove Lane; Holly Croft, Grove Lane; The Grove, Grove Lane, Abbots Court, Grove Lane – Objection

Summary of Objections: Impact on the Green Belt, impact on the listed building, increase in traffic, proximity to London Loop footpath, construction vehicles movements, site restricts urban sprawl and this will be lost, impact on character of the area, design not in keeping with surrounding houses.

7 Grove Cottages, Grove Lane and The Paddocks, Grove Lane - Support
Summary of support: improvement to area

Issues and Considerations:

The main issues that arise with this application relate to the previous reasons for refusal and whether the current application has made sufficient amendments to overcome these issues or introduced any new concerns.

The previous reasons for refusal were as follows

- 1. The site lies within the Metropolitan Green Belt. The proposed development is inappropriate in the Green Belt and, by definition, harmful. It fails to protect the openness of the Green Belt and encroaches into the countryside to a significantly greater degree than existing structures on site. The details accompanying the application do not amount to very special circumstances sufficient to outweigh the harm to the Green Belt that would result from the development. The proposal is therefore contrary to policy GB2A and GB7A of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.*
- 2. The proposed sub-urban development proposed is at a scale at odds with the surrounding context and would harm the rural setting of Millers Farmhouse, a Grade II Listed Building, by diminishing its significance. Furthermore the materials palette proposed is wholly inappropriate and would detract from the appearance of Millers Farmhouse. Accordingly, the proposal is contrary to policy HC12 of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.*
- 3. The proposed development would be detrimental to the visual amenities of the surrounding area and harmful to the character and appearance of this semi-rural location, contrary to policies DBE1, DBE2 and DBE4 of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.*

This application was dismissed at appeal and the Inspector's decision is attached to this report but to summarise in relation to the above reasons for refusal the Inspector considered the following:

1. The proposal would have a greater impact on the openness of the Green Belt than the existing and therefore be inappropriate development in the Green Belt;
2. The proposal would diminish the rural character but this harm is limited given the arrangement and type of development elsewhere on the Lane;
3. The listed building would be robbed of much of its former setting, be divorced from the countryside and the loss of the open, agricultural-style setting to the east would be harmful and this harm is not outweighed by public benefits.

Since this application the proposal has been altered as described above, taking each reason for refusal as an individual issue the assessment of this current application continues below.

Green Belt

In regard to the first reason for refusal, development within the Green Belt is defined as inappropriate in principle as it inevitably impacts on openness and the purposes of including land in the Green Belt. However, paragraph 89 of the NPPF provides a list of exceptions to this. The site is, as agreed by the Inspector a previously developed site (equestrian use is not the same as agriculture in planning terms). The NPPF allows for the redevelopment of previously developed land (PDL) in paragraph 89 provided such developments '*would not have a greater impact on the openness of the Green Belt and purpose of including land within it than the existing development*'.

The application is accompanied by volume calculations for both the existing buildings on site and the proposed development. The volume of the buildings to be demolished is 4,429m³ and the total volume of proposed buildings is 6, 870m³ and therefore in terms of volume alone the proposal is

clearly greater than the existing site and that is highly indicative of a materially greater impact on openness.

This proposal has been altered since the previous refusal and rather than development across the whole site development has been restricted to the northern half of the application site which is where the existing buildings are concentrated. Although this is an improvement to the previous sprawl of development it is considered to result in new issues, the main being the now, far denser form of development creating a very urban, cul-de-sac appearance of development, in effect creating a 'wall' between this Green Belt site and the surrounding Green Belt. Additionally proposed built form extends to the east further than the existing buildings on site, so that the proposal fills the full width of the site.

The large areas of hardstanding on the site have been removed as part of the proposal, however, they have been partly replaced by the access road and parking space. Although a smaller area of hardstanding it will be very prominent given its forward position and domestic nature and it is considered that this element on its own will have a detrimental impact on the character and openness of the Green Belt.

Additionally the proposed dwellings are substantially higher than the highest building on the site (which is relatively low pitch building). The Inspector previously considered that increase in height impacts on the character and appearance of the Green Belt and as with the previous application it is Officer view that this revised scheme has not overcome the Green Belt reason for refusal and that the proposal will have a greater impact on the openness of the Green Belt than the existing.

Listed Building

The proposed scheme is located 10m from the listed farmhouse 'Millers' and is considered to detract from the setting of this building. Previously the Inspector found that the scheme would result in the listed building being robbed of much of its former setting, be divorced from the countryside and the loss of the open, agricultural-style setting to the east would be harmful and this harm is not outweighed by public benefits. It is not considered that this revised scheme overcomes the previous reason for refusal. It still removes the former setting, divorces the building from the countryside and removes agricultural setting to the east.

It is Officer view that this proposal is more detrimental to the setting of the listed building than the previous scheme. The proposed houses are closer to the listed building now 10m as opposed to 16m and the linear form of development is at odds with the rural farmhouse character.

The Conservation Officer has objected to the proposed scheme on the grounds that the linear development detracts from the appearance of the late 17th century farmhouse creating an urban street adjacent to what should be a rural farmhouse.

Character of the Area

The layout of the proposal, as stated above, has been altered since the previous submission so that development is concentrated in a linear strip to the north of the site rather than the more 'informal' group layout.

This results in the appearance of a suburban street, forming an incongruous cul-de-sac which is out of character with the Green Belt and the surrounding rural character.

Previously the Inspector considered that the development (which covered the whole site) would diminish the rural character of the area but considered the harm was limited given the arrangement and type of development elsewhere on the Lane. The Inspector specifically

mentioned Gainsborough Place, located close to the main road which was similar to the previously refused scheme in that it was a development of large houses grouped around a central area.

This current proposal is not similar to Gainsborough Place, as it is for a row of properties in a linear pattern. It is considered that this proposal again diminishes the rural character of the area and in this case the harm is substantial as there is no similar development, perpendicular to the road, to compare this scheme to in the locality. Although the existing buildings cannot be said to be attractive they are not out of place in this semi-rural location and their replacement with this 'street' of properties is considered detrimental to the visual amenities of this area given its urban feel.

Moreover, the proposal leaves approximately half of the area of the site adjacent to the southern site boundary undeveloped but does not indicate how that land would be used. It is not specifically proposed to use it as public open space and it is not known what the Applicant's intention for that land is. On the face of it the proposal appears to be laid out to facilitate a future residential development on the southern half of the site, however, that is not known. It is clearly not in the interests of proper planning of the locality for that land to not be coherently integrated into a detailed proposal for the site as a whole. In the absence of such proposals there would be no clear responsibility for the land. That would be likely to invite its neglect and abuse by, for example, fly-tipping. Such a scenario would clearly exacerbate the harm to the character of the locality arising from the proposal in any event, as detailed above.

Other Issues beyond the previous reasons for refusal

Detailed Design

The proposed design of the dwellings in isolation are acceptable, they are relatively standard pitched roof properties. However, the urban appearance of the dwellings and close proximity to each other do not respect the wider area as discussed above.

Amenity

The proposal is not considered to result in any significant amenity concerns due to the separation between the development and existing properties there will be no loss of light, outlook or privacy. The proposed dwellings will be clearly visible to the existing properties at the end of Grove Lane but are not considered to result in any detrimental visual impact amenity.

Amenity of Future Occupiers

The proposed gardens all face north and therefore will have limited sunlight. Notwithstanding the poor aspect, given the size of the properties the private amenity space proposed could reasonably be expected to be greater with improved depth. Half of the width of the rear gardens at plots 5, 5 and 8 is only some 5m. The level and form of private amenity space provision is therefore somewhat below the expected standards of DBE8. Additionally the garden space for plots 5 and 8 is not as usable as it could be when taking into account the trees on and adjacent to the site which have large canopy spreads. They would cast significant shadow over the garden areas. Although not fully compliant with Policy DBE8, the harm to living conditions arising is not so great that it could amount to a defensible reason for refusal.

Highway and Parking Issues

Grove Lane currently has parking and access issues due to pressures from existing residents and the width of the lane. Access is clearly an issue around parked vehicles, but Highways have been consulted and have returned no objections. This is subject to conditions covering the width of the access drive, provision of travel packs, submission of details of surface water drainage, provision of no unbound materials within 5m of the highway and seeking payment in advance for construction of the new street. In relation to parking provision, all off-street parking would be outside the curtilage of the proposed houses and therefore unallocated, however, the high level of provision proposed would ensure there is unlikely to be any harmful consequence. Vehicle

parking standards require a total of 20 parking spaces for both the houses and visitors whereas 23 spaces are parking spaces are proposed.

Trees and Landscape

The submitted reports demonstrate that the application could be undertaken without a detrimental impact to the trees on and adjacent to the site, bar the loss of one tree which the Landscape Officer has no objection to the loss of.

The Tree and Landscape Officer has raised concerns with regards to some of the proposed landscaping particularly beside the parking spaces but this could be addressed by condition. A further concern raised is the management of the undeveloped southern part of the site and the future of this area. It is not clear within the information provided as to who or how this land will be maintained, or who will have rights of access. Without this information the impact of this open space on the visual amenities of the locality, in the short and long term cannot be fully assessed. These concerns mirror some of the concerns of the case officer in respect of the consequence for the character of the area, discussed above.

Affordable Housing

The proposal falls within the scope of policy H6A as the site is over 0.5hectares and the site is located within a settlement with a population of more than 3000 and therefore a level of affordable housing is required. Policy H7A requires 40% of the total number of dwellings will be sought as affordable housing. Therefore the applicant would need to provide at least 4 (rounded up figure) of the overall number of homes as affordable. A viability statement was requested at the time of validation but not submitted by the applicant and therefore it has not been demonstrated by the applicant that it would not be viable to provide any amount of affordable housing on site. The Communities Directorate (Housing) have therefore suggested that the application be refused on the basis that the proposal does not include any affordable housing and that the applicant has not provided sufficient information or evidence (as required by the NPPF) to demonstrate it would be unviable to provide any affordable housing on the site.

Conclusion:

The proposal is not considered to overcome the previous reasons for refusal relating to impact on the Green Belt, character of the area and setting of the listed buildings. In addition no affordable housing is proposed on site and, without any proper justification, no financial contribution for off site provision is offered. Furthermore, the proposal does not properly address the southern part of the site, which would remain undeveloped and no information has been provided regarding its long term maintenance with a likely harmful consequence for the visual amenities and character of the locality. Refusal is therefore recommended.

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



Appeal Decision

Site visit made on 26 January 2015

by **S J Papworth DipArch(Glos) RIBA**

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

Decision date: 18 February 2015

Appeal Ref: APP/J1535/A/14/2228901
The Paddock, Grove Lane, Chigwell, IG7 6JF

- 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 Elliot Pomerance against the decision of Epping Forest District Council.
 - The application Ref EPF/1466/14, dated 20 June 2014, was refused by the Council by notice dated 1 October 2014.
 - The development proposed is demolition of existing stables and warehouse and erection of 6 detached residential dwellings.
-

Decision

1. I dismiss the appeal.

Main Issues

2. These are;
 - Whether the proposal is inappropriate development in the Green Belt and if so, whether there are very special circumstances which clearly outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm.
 - The effect of the proposal on the character and appearance of the area.
 - The effect of the proposal on the setting of a listed building.

Reasons

Green Belt

3. The Council have cited policies in the Local Plan (1998) and Alterations (2006), and Policy GB2A on development in the Green Belt lists uses and types of development that would be considered not-inappropriate. Policy GB7A states that development that would be conspicuous in the Green Belt which would have an excessive adverse impact on the openness of the Green Belt, rural character or visual amenities will be refused. These policies are however not fully compatible with the detail set out in the National Planning Policy Framework and particularly at paragraph 89 as to the exceptions to the general consideration of new buildings being inappropriate development in the Green Belt. As a result the contents of paragraph 89 are accorded more weight than those of the Local Plan. The up-to-date national guidance sets out six exceptions and the last provides for the limited infilling or the partial or

complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

4. The proposal involves the complete redevelopment of the site, and it does not matter that the site is in use, although the appellant explains the economic situation. The definition of previously developed land is in the Glossary to the Framework and quoting the first part is sufficient now; *'land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.'* Whilst there is discussion about an agricultural use, that seen at the site inspection was clearly related to stabling and exercising horses. It is concluded here that the site should be considered for the purposes of Green Belt policy to be previously developed land. There may be room for doubt as to compliance with the sixth bullet point of paragraph 89 over temporary buildings and the status of a covered area to the rear of one of the stable blocks, but this has been in place for more than a temporary period whatever its appearance. The main matter to be considered in relation to the exception is therefore the effect on openness.
5. The site at present consists of a relatively compact arrangement of built form, a series of long, low stables buildings and the taller and more squarely rectangular training building. These, together with associated hardstanding, occupy in the order of half the site width and do not extend to the full depth of that half width. Beyond the training building and between the nearest stables and the adjoining dwelling, The Paddocks, there is open land occupied by parking and grazing areas.
6. The proposed development of six dwellings and attached garages would amount to 1,431m² according to the appellant as opposed to the present calculation of 1,024.22m², but with the stated ability to enlarge to at least the area of the proposal through the provisions of the third bullet point to paragraph 89, the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The appellant comments on the greater footprint by reason of it being dispersed around the site with the impact further reduced by soft landscaping. However, it is clear from the site layout plan, when compared with that existing, and the sectional street-scene drawing, with the profile of the existing buildings shown dotted, that the proposed new two storey dwellings would extend into both open land outside the compact arrangement of built form at present, and open air above the buildings.
7. In the former case, built form would be dispersed as claimed, but the effect would be of substantial buildings close to the four corners of the site, with gardens which may contain, in time, permitted further items. Overall the effect would be a reduction in openness with built form placed over a greater extent of the site, leaving some openness in the centre but through views from the lane would be blocked by plot 3 in particular, together with the main range of plots 4 and 5, and bounded to the north by the length of plot 2.
8. With regard to height, the proposal is for two-storey properties of a plan depth that generates a further significant height of pitched roof, particularly evident

in plot 3, and substantially above the height of the highest part of buildings presently on the site, the low pitched roof of the training building. It could be that the alternatives of extensions and intensification would have some further effect than is apparent now, but any extension would need to be not disproportionate additions over and above the size of the original building, and intensification could result in low level activity or parking, and not likely to intrude into the higher levels affected by the proposed buildings.

9. Turning to the purposes of including land in the Green Belt, as stated in paragraph 80 of the Framework, there is no specific evidence of large built-up areas needing to be checked from sprawling, although the Metropolitan Green Belt itself is there to check the sprawl of greater London. Similarly there are no closely neighbouring towns with a risk of merging, nor historic towns, and no clear evidence that urban regeneration and the recycling of land would be prejudiced. However, with regard to the purpose of assisting in safeguarding the countryside from encroachment, the dispersed nature of the development would consolidate the ribbon of development that extends along Grove Lane away from the main road, encompassing partly rural land to the side of The Paddocks. The proposal would introduce development in depth, encroaching in to countryside away from the lane. It is accepted that there is major development further to the north in the water treatment works with tanks and other infrastructure, as well as sizeable and prominent office buildings, but to the north-east, visible from the site and along the back of development on Lambourne Road, there is more open countryside with a risk of the appeal development appearing as an encroachment.
10. In conclusion, it is found that the proposed building of six detached dwellings and the formation of their curtilages would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, allowing for possible enlargement and intensification. The Framework states the fundamental aim of Green Belt policy as being to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. As a result the proposal would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and these will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Before seeing whether there are other considerations which amount to very special circumstances, the next two main issues will be explored in order to assess the degree, if any, of other harm.

Character and Appearance

11. Local Plan Policies DBE1, DBE2 and DBE4 require new buildings to respect their setting and position in the street scene and employ sympathetic materials; to not have detrimental effects on neighbouring properties; and when designing in the Green Belt the location of buildings is to respect the wider landscape setting of the site and they are to be of a design which respects local character in terms of traditional plan form and detailing. The thrust of these policies remains applicable in furthering the aims of section 7 of the Framework requiring good design and in particular paragraph 56 which states that the Government attaches great importance to the design of the built environment, good design is a key aspect of sustainable development, is indivisible from

good planning, and should contribute positively to making places better for people.

12. Grove Lane is a *cul-de-sac* off Lambourne Road and has a generally informal roadway and immediate edges. On leaving the main road there is the gated development of Gainsborough Place which appears to bear similarities with the appeal development of substantial houses grouped round a central area. Following that the visible development is mainly to the west side as varied detached properties. Nearer the site development to the west comprises the attractive terrace of weather-boarded houses, and to the east the large detached property, The Paddocks. At the end of the *cul-de-sac* there are semi-detached and detached properties, the entry to a farm, the listed Miller's Farmhouse and the appeal site, with access to the water treatment works between.
13. The existing character and appearance is therefore predominantly residential but mixed in design and layout, although the terrace and the listed building share design features and use of materials. The existing buildings of the appeal site have a somewhat agricultural appearance, utilitarian and poorly landscaped, but not appearing out of place in a semi rural location such as this. The proposed development would, as stated in the previous main issue, consolidate the appearance of development along the lane and around the far end, whereas at present the site and the farm seen from the other corner remain as a reminder of the rural location. Development as proposed would very much diminish this character although the appearance of houses would not be seriously out of place.
14. As a result, and with regard to the Local Plan policies, the design and arrangement of the proposed dwellings would respect the predominantly residential setting and occupy a similar position in the streetscene to others nearby, use sympathetic materials and would not adversely affect other properties. With regard to the Green Belt aspect of Policy DBE4, the design of the proposed buildings would echo materials and the appearance of traditional rural buildings, but the layout and development in depth would not reflect the form of development at this end of Grove Lane. The harm identified here is nevertheless limited in view of the type and arrangement of existing development along the lane.

Listed Building

15. Miller's Farmhouse is listed Grade II and policy HC12 states that the Council will not grant planning permission for development which could adversely affect the setting of a listed building. This is in line with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 12 of the Framework concerns heritage assets and paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
16. The building is in a prominent location across the head of the lane and displays a rural, farmhouse aesthetic. The appellant limits the significance that can be attached to it due to the severing of the appeal site from the former farmhouse, and considers the development to provide an enhanced view of the

building. Whilst the appellant describes the site as being in a dishevelled state with no possibility of the house being re-united with the farmyard, the tidying brought about by the proposed development would also rob the listed building of much of its former setting, notwithstanding that there would be no physical change to the structure or its immediate curtilage. The building would lose a part of its significance by being divorced from the countryside and would assume the qualities of one further dwelling among similar, particularly with regard to the terrace. There would remain the link with countryside to the rear, but the loss of open, agricultural-style setting to the east would be harmful.

17. Whilst as the appellant says, there would be some visual improvement to the view of the listed building, the loss of its agricultural setting, no matter its state, would be detrimental to its historic interest and the building would risk becoming another boarded dwelling in a suburban or semi-rural setting.
18. The harm would be less than substantial, a differentiation required between paragraphs 133 and 134 of the Framework. In this case the latter applies and this states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. This matter will be considered as part of the overall planning balance along with other considerations and whether very special circumstances exist.

Other Considerations

19. In addition to the harm by reason of inappropriate development, harm has also been identified to the openness of the Green Belt. Framework Paragraph 88 says that when considering any planning application, substantial weight should be given to any harm to the Green Belt. Other harm, albeit limited, has been found to the character of the area, and through the development in depth as opposed to the predominantly frontage development. Less than substantial harm has also been identified to the significance of the setting of the listed building.
20. Against these matters the appellant has listed other considerations which are claimed to amount to the very special circumstances necessary to allow the development, and these will be considered individually and cumulatively as follows;
21. *The Local Plan* is not up-to-date and the Council are not able to demonstrate a five year supply of housing land. Whilst there are policies that are in line with the Framework and which have been referred to in relation to the character and appearance of the area and listed buildings, the policies on the supply and location of housing are out-of-date and there is no early prospect of a new Plan being in place and therefore no early prospect of the supply situation improving. There remains therefore doubt as to if, or how, the objectively assessed housing need would be met, with the present Local Plan providing significantly below that level. Paragraph 49 of the Framework adds that housing applications should be considered in the context of the presumption in favour of sustainable development, and paragraph 14 says that this presumption should be seen as a golden thread running through both plan making and decision taking. For the latter this means approving development proposals that accord with the Development Plan without delay, and where the

Plan is absent, silent or relevant policies are out-of-date, granting permission unless; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. Footnote 9 to this last phrase gives as examples of policies those relating to, among other things, Green Belt land and designated heritage assets, which include listed buildings. On the former, whilst development in the Green Belt such as this may be permitted, the harm to openness has counted against the development being not inappropriate, and on the latter, harm has been found to the setting of the designated heritage asset. In view of these findings, the weight attaching to the local policy situation is limited.

22. *The Three Dimensions of Sustainable Development* are set out in paragraph 7 of the Framework and whilst the development of housing would provide economic benefits in the short term and occupiers would bring spending power to the area, the site is in a beneficial economic use and the possibility of enlargement as the alternative would provide employment and further spending. The social role would be furthered in the supply of housing. The environmental role would not be well supported by the harm identified and by the possibility of reliance on private transport. The site is accessible to bus services and the Central Line at Grange Hill, but whether this site at the far end of the *cul-de-sac* would lend itself to access other than by car is in doubt. The alternatives would be likely to generate additional vehicle journeys but is a use that would be more relevant to a rural area regardless of this.
23. *Release of Green Belt Sites* is a possibility through the Development Plan process and the Council may well need to grapple with this. In that case exceptional circumstances would need to be demonstrated in comparison with other such sites, taking account of the factors set out in paragraph 84 of the Framework, and the consequences of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.
24. *Brownfield Land* is a fact accepted in this Decision, and is preferable to the use of undeveloped land, but subject to the effects, which have been found harmful.
25. *Future Intensification of Use and Enlargement* is a possibility in order to continue the use. It was apparent at the site inspection that limited investment has been forthcoming, with damaged walls not repaired and a general air of a marginal enterprise. These possibilities have been taken into account in determining the effect of the proposal on openness, but there would be some adverse impacts on traffic and hence living conditions for existing residential occupiers. However, the likely effect on the openness of the Green Belt appears to be materially less and this is an essential characteristic of the Green Belt.
26. *Parking* it does appear to be the case that there is parking pressure in Grove Lane, and whatever the reason, at the time of the site inspection the frontage parking spaces were substantially full. The proposal includes some parking to the road side that would be allocated or available to existing residents, but whilst this may be a benefit at times, it could further encourage the use of

vehicles associated with domestic and commuting activities and limited weight attaches to this as a benefit.

27. *Enhancement of Green Belt* is also claimed with reduction in hardstanding, removal of utilitarian buildings and new landscaping. Again, the essential characteristic of the Green Belt is openness, and whilst weight can be attached to tidying and visual improvements where they occur, the reduction in openness brought about through the dispersal of built form and its height is a serious adverse effect. The findings in this Decision over the effect on the character of the area and the setting of the listed building are not in favour of the appellant's stance on these being benefits.
28. The foregoing considerations do not follow exactly the sub-division utilised by the appellant but have covered the points made. In particular, whilst it is accepted that the Local Plan is out-of-date greater weight has been attached to the policies of the Framework as a whole and with particular regard to those on Green Belt and listed buildings, and in those respects the Local Plan, though of some considerable age, is not substantially out-of-date. The harm to the setting of the listed building is not outweighed by public benefits and it has been found that the other considerations in this case do not clearly outweigh the harm that has been identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusions

29. In addition to harm by reason of being inappropriate development in the Green Belt, there would be harm to openness and to the setting of a listed building, with harm to the rural character of the area, albeit limited by the predominantly residential appearance of Grove Lane. There are other considerations, some of which would be beneficial such as the supply of housing in a district that is unable to demonstrate a five year supply. However, in the balance these other considerations together do not clearly outweigh the harm, as required by the Framework, and hence the very special circumstances required to permit inappropriate development in the Green Belt have not been demonstrated. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

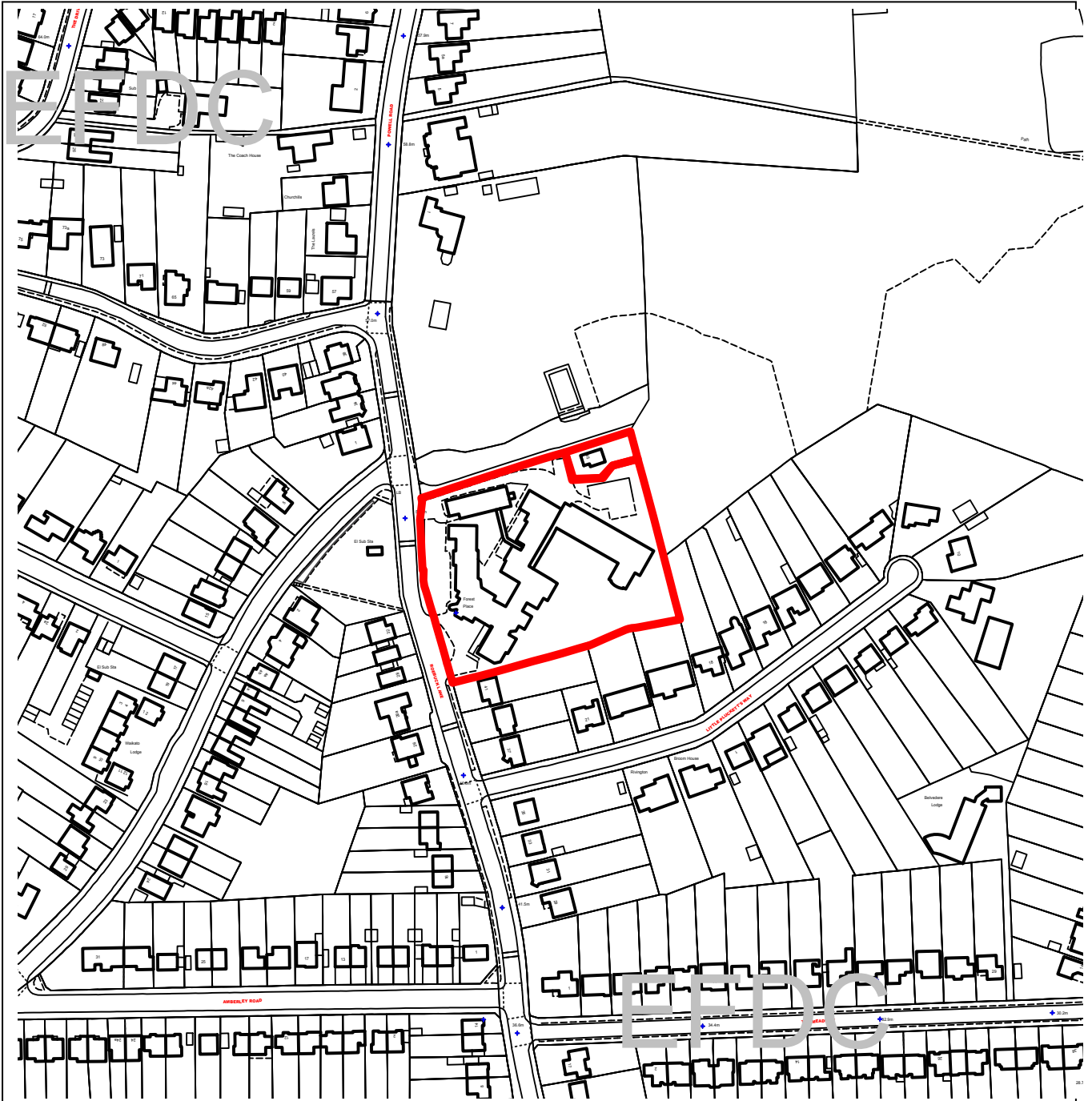
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Epping Forest District Council

Agenda Item Number 4



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Application Number:	EPF/1957/15
Site Name:	Forest Place, Roebuck Lane, Buckhurst Hill, IG9 5QL
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/1957/15
SITE ADDRESS:	Forest Place Roebuck Lane Buckhurst Hill Essex IG9 5QL
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Mr J Patel
DESCRIPTION OF PROPOSAL:	Demolition of 2 storey building fronting Roebuck Lane, single storey detached building and detached house adjoining boundary with Linders Field Nature Reserve. Redevelopment comprising a 2.5, 3 and 4 storey development with basement to create 165 total care units with ancillary medical and recreational facilities and single storey courtyard development. Creation of 57 parking spaces including two level car parking for 40 vehicles in north eastern corner of site and 17 spaces within redesigned frontage area adjacent to Roebuck Lane.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=578219

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: FHY 02, 8619/T/01 REV A, TCP1_FP_15, FHY_106 rev A, FHY_107 rev A, FHY_108 rev A, FHY_109 rev A, FHY_203 rev A, FHY_204 rev A, FHY_205 rev A, FHY_206 rev A, FHY_207 rev A, FHY_208 rev A, FHY_209 rev A, FHY_210 rev A, FHY_211 rev A, FHY_212 rev A, FHY_213 rev A, FHY_214 rev A, FHY_215 rev A, FHY_216 rev A and 212
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.

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

- 7 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 8 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 9 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.
- 10 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 11 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.

- 12 Prior to the first occupation of the development the access arrangements shall be fully implemented, as shown in principle on drawing no.FHY_213 Rev A, and shall include the full reinstatement of the existing layby to a footway and the removal and reinstatement of the redundant vehicular access.
- 13 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 14 There shall be no discharge of surface water onto the highway.
- 15 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.
- 16 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.

Subject to the completion, within 4 months, of an agreement under S106 of the Town and Country Planning Act 1990 in respect of a contribution of £3000 towards monitoring the implementation of a Travel Plan.

This application is before this Committee since it is an application for major commercial and other developments, (e.g. developments of significant scale and/or wide concern) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(c)) and 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: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)

Description of Site:

The application site accommodates a 106 room nursing home on a 0.77 hectare site situated on the east side of Roebuck Lane opposite a green at the junction of Roebuck Lane with Russell Road. To the south and west are houses and their gardens. To the east is Linders Field, a nature reserve and to the north is a footpath linking Roebuck Lane with the nature reserve. Beyond the footpath is the very large garden of 1 Powell Road. That garden together with Linders Field is in the Green Belt. The site and other land in the locality are outside of the Green Belt.

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

Existing buildings on the site comprise a mix of largely linked two and three storey buildings whose greater bulk is partially enclosed a garden in the centre and southern part of the site. Access is off Roebuck Lane at the northern and southern boundaries with limited existing parking areas adjacent to the southern access and in the north-east corner between a modern three storey building and a domestic scale two-storey building on the northern boundary. A total of 21 spaces are available.

Significant trees are situated on northern part of the site frontage with Roebuck Lane, the eastern end of the northern site boundary and along the eastern site boundary with Linders Field. The garden of the nursing home also contains a very significant tree.

Description of Proposal:

This application is for a scheme to rationalise and expand the existing care home use at the site resulting in a total of 181 care units being provided on the site, an increase of 75 units. The units as a whole would be served by ancillary medical facilities, a courtyard at the centre of the site and formal garden adjacent to the southern site boundary with properties on Little Plucketts Way.

The increase in units would be achieved by way of demolishing all existing buildings other than the modern 3-storey building in the eastern part of the site and erecting a building with a broadly L shaped plan adjacent to the site boundaries with Roebuck Lane and the foot path to Linders Field. The existing northern access and driveway would be retained, separating the building from the footpath. The building would be set between 6.5m and 10m from the footpath and between 12m and 16m from the footway of Roebuck Lane.

The building would have varying heights rising to 4 storeys in the north west corner of the site. A lower ground level of the building would only be seen from within the site due to level changes across the site. The northern part of the ground floor would also not be clearly visible from outside of the site. In terms of design, the building would appear of traditional design with the upper floors contained within the roof space. Contrasting materials would be used to distinguish levels, giving a somewhat horizontal emphasis that would be broken up by subtle recessing of parts of the building, varying the materials used at particular points and by enclosures for Juliette balconies. Within the site a strong vertical element adjacent to the retained building would be formed by floor to ceiling glazing of lounge areas on all but the top floor.

The demolition of existing buildings would result in the loss of 48 units together with administration, communal living and care facilities. The proposed buildings would provide 119 units together with administration, communal living and care facilities. An additional 4 units would be achieved within the existing building to be retained by changing the use of existing rooms. The current 58 units in the retained block would be retained.

Employment on site would increase significantly as a result of the proposal from 92 full time equivalent posts to 167, an increase of 75 full time equivalent posts, or an 82% increase in staffing.

Off-street parking would be increased to 57 spaces, split between a screened 17 space parking area adjacent to the site boundary with Roebuck Lane and a split level 40 space car park in the north east corner of the site. The split level car park would replace the existing car park in that location and the domestic scale building between it and the northern site boundary. Trees on the northern and eastern site boundaries would be retained with the car park set a minimum of 2.5m and 5.5m from each respective boundary. The top level of the car park would be at existing ground level of the building to be demolished, the lower level being achieved by way of some limited excavation and utilising the existing changes in levels at this part of the site.

Relevant History:

EPF/0449/87 Alterations, extensions and change of use to provide elderly persons home.
Approved
EPF/2144/04 Erection of roof extension to Nightingale Unit, and two single storey infill extensions.
Creation of additional parking spaces. Approved

Policies Applied:

CP2	Quality of Rural and Built Environment
CP3	New Development
CP6	Achieving Sustainable Urban development Patterns
CP7	Urban Form and Quality
CP7A	Conspicuous Development
NC2	County Wildlife Sites
NC4	Protection of Established Habitat
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 174
Site notice posted. Yes
Responses received:

Letters commenting on/raising objection to the proposal were received from the 14 following addresses:

6, 11, 12 & 14 AMBERLEY ROAD, BUCKHURST HILL
4 & 8 LUCTONS AVENUE, BUCKHURST HILL
26A, 41, 52 & 59 ROEBUCK LANE, BUCKHURST HILL
1, 9 & 15 RUSSELL ROAD, BUCKHURST HILL
27 STRADBROKE GROVE, BUCKHURST HILL (Buckhurst Hill Residents' Society)

The comments/grounds of objection are summarised as follows:

1. The character of the locality is residential and the use as a care home is a business. As a business use it would be better suited to a main road amongst other businesses and away from residential streets.
2. The proposal is too high, especially on the Roebuck Lane frontage. It would affect the skyline and not fit in with the character of the locality. It would appear overbearing and should be restricted to three-storeys..
3. The scale of the development is too large for the site and out of proportion to the environment around it.
4. The current footprint of Forest Place Nursing Home is of historic interest and its loss would be a shame.
5. Harm to historic conservation area.
6. Harm to outlook for properties opposite.
7. Overlooking of properties opposite.
8. Reduction in natural light to properties opposite.
9. Unpleasant smells from kitchens.
10. Dramatic increase in traffic using Roebuck Lane, which is already a 'rat run' adversely affecting amenity, traffic flows and pollution.
11. Increase in delivery vehicles affecting traffic and amenity due to noise.
12. Increase in noise from ambulances.
13. Increase in the already high demand for on-street parking on Roebuck Lane restricting the flow of traffic and harming highway safety. Although close to an Underground station, the route too it is steep deterring pedestrian access and therefore use of public transport.
14. Insufficient off-street parking.
15. The proposal for a two-storey 40 space car park would be unsightly, inadequate and incompatible with a residential street.
16. The adjacent road is dangerous due to bends and gradients.
17. Harm to adjacent nature reserve from the development and cars accessing it.
18. Harm to views from nature reserve.
19. Cumulative impact of harm from the proposal and separate proposal for development at 1 Powell Road.
20. If a GP surgery were also provided on site that would further harm the environment of the locality.
21. Disruption and harm to amenity during construction.

Letters expressing support of the proposal were received from the following 3 addresses:

18 ROEBUCK LANE, BUCKHURST HILL
THE RIVER SURGERY, 16 ROUS ROAD, BUCKHURST HILL
ST MARGARETS HOSPITAL, THE PLAIN, EPPING

The comments in support are summarised as follows:

1. There is a need for the development in the locality and a need to better manage the complex needs of older people.
2. The integrated vision for the management of these residents within the proposed development would improve access to health care services and provide an increased continuity and an even better quality of care.
3. The proposal will help local planning in Epping Forest in managing older patients by, in particular, preventing inappropriate hospital admissions and protecting hospital beds for acutely ill patients who really need them.
4. The proposal will contribute to preventing people having health care crises through multi-disciplinary input at very early stages.
5. A meeting of multiple agencies including West Essex CCG Group and GP colleagues

concerning the project had a very positive perception that the proposal is one of the best ways forward in providing best care for older people in Epping Forest.

BUCKHURST HILL PARISH COUNCIL:

Concerns over height of the building on the north-west corner (Roebuck Lane/Linders Field)

Design in keeping with the area.

Good car parking provision.

The proposed inclusion of a GP surgery and on site healthcare provision accessible to residents and the wider community offers a potential significant asset to the Parish.

ESSEX COUNTY COUNCIL (Economic Growth and Development)

Early years and childcare places are needed within the Buckhurst Hill West Ward and this proposed development would add to this need. The approximately 75 new job roles that would be created would generate a requirement for up to 3 early years and child care places. A financial contribution of £41,634 in respect of the expansion of early years and childcare provisions within the ward is therefore requested. If the application is to be refused in any event, the lack of provision should be included as a reason for refusal.

Main Issues and Considerations:

The proposal would result in an intensification of the existing care home use and a very significant change to the appearance of the site. It also has potential to impact on a number of trees and the living conditions of neighbours. The main issues are therefore the consequence for employment, parking stress, highway safety, living conditions and character and appearance of the locality. Related issues include the impact on the openness of the adjacent green belt and upon the value of Linders Field Nature Reserve for amenity and biodiversity. The matter of an appropriate contribution for education provision is also a main issue.

Employment:

The proposal would create an additional 75 full-time equivalent jobs at the site, an 82% increase. That is very significant in terms of both numbers and proportion. The Applicant maintains much of the new posts would be likely to be filled by people living locally and bases that on the fact that much of the existing employees live locally. There is certainly no doubt that the proposal would create a significant number of new jobs within the locality and that is clearly an opportunity that local residents are well placed to compete for. On the matter of employment it is concluded that the proposal would be beneficial to the locality.

Parking and highway safety:

This issue is a matter of considerable concern for local residents. The consequence for demand for on-street parking spaces is the most common issue raised in responses to the Council's consultation exercise on the application. Related to that are concerns about congestion and highway safety. These matters require careful consideration. The starting point for such consideration is the context of the application site together with the scale and impact of the existing use.

The application site is in an urban area and is very accessible by public transport. Buckhurst Hill Underground station is a 650m walk from the site and the locality is well served by bus services. It

is therefore concluded it is in a sustainable location which people are more likely to choose to access by public transport.

The existing use employs 92 full time equivalent staff and has 106 rooms, all served by 21 parking spaces. It therefore has a ratio of 1 parking space for every 4.4 employees or 1 parking space for every 5 rooms. There is no evidence that the existing use causes any significant parking stress in the locality. The case officer has inspected the site more than once without the prior knowledge of staff on site and found the existing parking areas under utilised.

In deciding what level of parking provision to make the Applicant approached the Council prior to the submission of this application and has had regard to demand for parking spaces at the existing use and other care homes operated by the Applicant. Officers made the Applicant aware of the degree of local concern about parking raised in connection with an unrelated planning application for assisted-living dwellings on land at 1 Powell Close that was withdrawn earlier this year following Officers recommendation that planning permission be refused.

The Applicant's proposal would intensify the existing use at the site to 181 rooms serviced by 167 full time equivalent staff. They would be served by 57 off-street parking spaces. That amounts a ratio of 1 parking space for every 3 employees or one parking space for every 3.2 rooms. Having regard to the existing level of provision it is clear the proposal would achieve a significant increase in the amount of parking provision in relation to staff numbers and care rooms.

At its existing intensity the use does not make a significant contribution to parking stress in the locality. Since the proposed development would achieve an increase in off-street parking provision in relation to the intensity of the use at the application site it is very unlikely the proposal would have any increased impact on parking stress. Indeed, having regard to the degree of additional provision and the fact that the site is in a sustainable location it seems more likely the proposal would achieve a reduction in the demand for on-street parking spaces in the locality.

In relation to the consequence for the safe and free flow of traffic in the locality, the advice of the Highway Authority has been sought. That advice is the proposal would not of itself cause any harm to those interests subject to the implementation of a staff travel plan. That can be secured by condition, although a requested financial contribution of £3,000 for monitoring its implementation would require the completion of a S106 agreement. The Highway Authority also requests a condition requiring the implementation of a construction method statement designed to prevent on street parking of construction vehicles and spillage of loose material onto the highway.

On the matters of parking and highway safety, therefore, it is concluded the proposal is acceptable subject to the imposition of necessary conditions on any consent given.

Living conditions:

The proposal would push the main bulk of buildings on the site towards the northern and western boundaries, keeping that part of the building adjacent to the nearest neighbouring house, 41 Roebuck Lane, 3-storeys with the top floor in the roof space. The ridge height of that part of the building would be 9m and a distance of 8m would separate it from the flank of 41 while a distance of some 6.5m separates it from the site boundary with that house. That distance is more than sufficient to prevent the building from appearing overbearing when seen from no. 41, even when allowing for that property being set some 2m lower than the ground floor slab of the proposed building. There is no possibility of the building causing any loss of light or harm to outlook from 41 Roebuck Lane. All other neighbouring houses and gardens are further away for harm to be caused to them. The garden to garden relationship between the proposal and houses on Little Plucketts Way would safeguard their living conditions.

Some objectors raise concern that the building would cause harm to outlook and light received by houses on the opposite side of Roebuck Lane. Since the building is set a minimum of 26m from the front elevation of those houses with an eaves height of not more than 5.5m there is no possibility of the building causing any loss of light to any rooms in those houses. Ridge heights are greater, but the building's ridge is even further away from the houses concerned, mitigating the impact of that additional height.

In terms of outlook, the scale and detailed design of the building is appropriate to the locality, a matter discussed in more detail below, and set a good distance from the houses opposite. Views from those houses will clearly change as a result of the development, taking in the additional bulk and scale of the proposal. However, given the appropriate scale and separation of the building the houses concerned would continue to enjoy good outlook.

Concern is raised about a likely increase in numbers of ambulances likely to access the site in emergency and consequently causing disturbance to residents. Some objectors also maintain that since the use is a business it is better located outside of a residential area. Given the nature of the use its residents are more likely to require medical attention in an emergency than the population of the locality in general. There is no evidence to demonstrate the number of instances likely to occur would amount to excessive harm to the living conditions of neighbours. Fundamentally, however, the use of the site is as a residential care home serving the purpose of providing a place for elderly people to live and also receive care appropriate to their needs. It is not a hospital and its primary purpose is not solely the provision of health care. The residential character of the use is not in doubt and such use is entirely appropriate within a residential area.

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

Character and appearance:

As described in the description of the proposal, the development would have a traditional appearance with the higher part of the building in the north west corner opposite the green. In terms of its detailed design the proposal would complement the domestic character of the locality. In relation to its scale and height, the proposal makes full use of the natural changes in level across and beyond the site to ensure that is also consistent with the character of the locality. At its highest point the adjacent level of Roebuck Lane is such that the lower ground floor of the building would not be visible and that a significant part of the ground floor would be below the level of the carriageway. Its height in relation to the road at that point would therefore be akin to a 3 ½ storey building. Furthermore, that part of the building would look onto a green that is significantly higher than road level and the top floor would be designed to appear within the roof space. That serves to considerably soften the visual impact of the highest part of the building.

The new building would not intrude into views from Linders Field, but would be seen from the footpath leading to it. The visual impact of the building on the footpath would be mitigated by the distance separating it from the footpath, between 6.5m and 10m, and the retention of trees along side it that would break up the appearance of the building.

Wherever the building would be seen from good use of contrasting materials and inclusion of upper floors within the roof space together with sensitive detailed design would serve to effectively break up its visual bulk and give it a domestic appearance. Distances generally from Roebuck Lane are more than 12m while the building would be set well away from the nearest neighbouring house on Roebuck Lane, no. 41. Consequently the visual relationship of the building to no. 41 and the street would be appropriate and certainly not over-dominant.

Some concern has been raised about the impact of the proposal on a conservation area. Notwithstanding the high quality of the residential environment, for the avoidance of doubt it is

pointed out that the site is not in a conservation area. Even if it were, however, the proposal would preserve its character and appearance.

On the matter of impact on the character and appearance of the locality, therefore, it is concluded that the proposal is sensitively designed and would complement that character. On the related matter of impact on the openness of the adjacent Green Belt, the sensitive design and siting will ensure the proposal does not appear excessively conspicuous and therefore no harm to openness would arise. Similarly, the retention of trees achieved, together with the siting of the split level car park away from the site boundaries, will ensure the value of Linders Field nature reserve for amenity and biodiversity would not be harmed. Neither the Council's Tree and Landscaping Team nor Countrycare raise any objection to the proposals subject to the imposition of appropriate conditions.

Provision for Education:

Essex County Council advise they seek £41,634 to fund a need for 3 additional places of early years education and child care provision within the ward. They calculate the need arising from the increased employment generated. The matter of a contribution for early years education and child care provision in the locality is the subject of discussion with the Applicant who informally questions whether the proposal actually generate a need to meet such provision in connection with a care home for the elderly. The outcome of that discussion will be reported verbally to the Committee. However, Officers recognise the proposal will provide the benefit of increased residential care for the elderly in the context of an aging population in the locality, and that it will generate significant local employment. In the circumstances, should the Applicant decline to make the requested contribution Officers do not consider that should be a sole reason for refusing planning permission.

Conclusion:

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

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

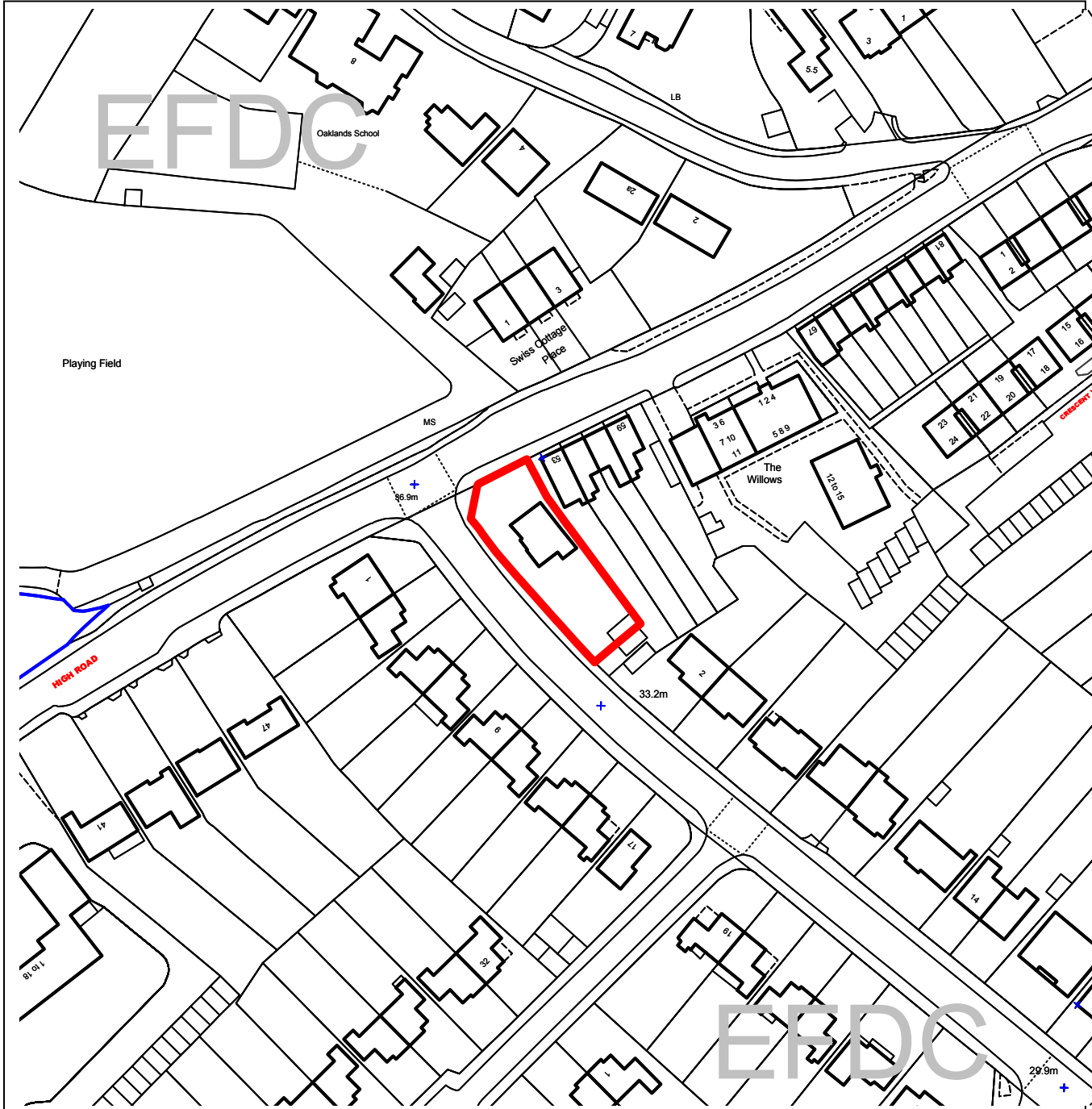
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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



Epping Forest District Council

Agenda Item Number 5



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Application Number:	EPF/1973/15
Site Name:	51 High Road, Loughton, IG10 4JE
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/1973/15
SITE ADDRESS:	51 High Road Loughton Essex IG10 4JE
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Spring Grove Limited
DESCRIPTION OF PROPOSAL:	Demolition of existing house and construction of eight residential flats with associated car parking spaces, amenity space and refuse collection area.
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=578293

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:
Site location plan
Block plan
5331 (P) 010 Revision A
5331 (P) 011 Revision A
5331 (P) 100
5331 (P) 101
5331 (P) 102 Revision D
5331 (P) 102-1 Revision A
5331 (P) 103 Revision C
5331 (P) 104 Revision B
5331 (P) 105 Revision B
5331 (P) 106 Revision A
5331 (P) 200
5331 (P) 200 Revision D
5331 (P) 202 Revision C
5331 (P) 203 Revision C
5331 (P) 204 Revision C
5331 (P) 210 Revision A
5331 (P) 211 Revision A
5331 (P) 300 Revision A
5331 (P) 001
SP01 Revision A

SP02 Revision A
Planning Statement August 2015
Design & Access Statement by Archer Architects

- 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 eastern flank elevation at first floor level 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 the landscaping of the site, including retention of trees and other natural features and including the proposed times of proposed planting (linked to the development schedule), have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be carried out in accordance with the approved details and at those times.
- 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) 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.
- 7 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 8 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents (staff) and visitors vehicles.

- 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 The refuse storage facility shown on the approved plans shall be completed prior to the first occupation of the development and shall thereafter be retained free of obstruction and used for the storage of refuse and recycling only and for no other purpose, unless otherwise agreed in writing by the Local Planning Authority.
- 11 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.
- 12 The development shall be carried out in accordance with the flood risk assessment (Flood Risk Assessment Rev 1 - Crosby Energy & Sustainability, 4 August 2015) and drainage strategy submitted with the application unless otherwise agreed in writing with the local planning authority.
- 13 Prior to first occupation of the development the access, 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 development the existing redundant dropped kerbs shall be fully reinstated to full height kerbing and footway.
- 15 Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation – per dwelling - of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- 16 There shall be no discharge of surface water onto the Highway.

This application is before this Committee since the recommendation is for approval and is for more than five dwellings, there are more than two expressions of objection received, contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(d) (f) and (g))

Description of Site:

The site is that of a house and its curtilage on the corner of High Road with Spring Grove. The house on the site has five bedrooms and has two storeys and loft accommodation, of two of the bedrooms, with gable end and dormer windows.

The site is a maximum of 44m in length, north/south, by some 15m wide at a mid point along the site.

The site is within part of the built up area of Loughton. The property is not Listed and is not in a Conservation Area.

Ground levels of surrounding land rise from south to north. There is a gentle slope to the surrounding land falling from west to east. The site itself rises in level from south to north although the ground at the northern end of the site is lower than that of the adjoining footway of High Road; the ground to the northernmost end of the site is effectively terraced into a slope.

Description of Proposal:

Demolition of existing house and construction of eight residential flats with associated car parking spaces, amenity space and refuse collection area.

The flats would be accommodated within a building with three storeys. The flats would consist of 2 three-bedroom flats, 5 two-bedroom flats and 1 one-bedroom flat.

The ground floor of the proposed development would consist of two flats, a three-bedroom flat and a two-bedroom flat, at the northern end of the site, by the junction of High Road with Spring Grove, and car parking to the southern end of the site. The parking area would access onto Spring Grove.

The first floor would consist of two two-bedroom flats; a three-bedroom flat; and, the open plan living room/dining room/kitchen of a flat with its bedrooms on the floor above. The flats on the first floor would have balconies to the northern and western elevations, to High Road and to Spring Grove respectively. Two of the bedrooms to the flat at the southern end of the site at first floor, flat 6, would have a Juliette balcony arrangement taking advantage of the southern aspect. Flat 6 would be above the parking area.

The second floor would be set on the northern end of the proposed building to accommodate the flats; the building would be three-storey at the northern end and two-storey at the southern end. The second floor would have two two-bedroom flats and the bedroom to a one-bedroom flat that would have its living room/dining room/kitchen on the floor below. The second floor flats would have balconies to the northern and the western elevations.

A lift would access all floors.

The footprint of the building (including the car park) would be a maximum of 36.5m long, running north/south, by a maximum of 14m deep. The first floor would essentially follow the footprint of the ground floor although the elevation to High Road would be set back by nearly 2.5m to create a balcony/terrace to flat 3. The second floor would follow the footprint of the northern end of the first floor; it would be the same widths as the first floor, though the second floor would be a maximum of 21m long.

The building would have a crown roof and, at the lowest adjacent land (by the rear elevations), a maximum height of 10m to the three-storey element and 6.5m to the two-storey element. The eaves height of the two-storey element adjacent to neighbouring gardens would be 4.5m. Due to

level changes, in relation to the High Road the maximum height of the building would be 8m, increasing to 8.4m adjacent to Spring Grove.

Relevant History:

EF\2015\ENQ\00420 – Pre-application advice for demolition of existing house and construction of eight residential flats.

Policies Applied:

CP1	Achieving Sustainable Development Objectives
CP2	Quality of Rural and Built Environment
CP3	New Development
CP6	Achieving Sustainable Urban Development Patterns
CP7	Urban Form and Quality
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
DBE1	Design of New Buildings
DBE2	Affect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car parking in new development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
GB2A	Development in the Green Belt
LL11	Landscaping Schemes
LL12	Street Trees
ST1	Location of Development
ST2	Accessibility of development
ST4	Road Safety
ST6	Vehicle Parking

Essex County Council Revised Parking Standards 2009 SPG

NPPF

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 13

Site notice posted: No, not required

Responses received:

76 responses of objection have been received from the following addresses:

1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 16, 17, 19, 20, 21, 24, 27, 29, 30, 32, 33, 35, 36, 38, 41, 44, 46, 50, 52, 58, 60, 64, 76, 79, 81, SPRING GROVE

8, 27, 29, 30 32, NEWNHAM CLOSE

1 HILLCREST ROAD

41, 42, 46, 47, 53, 55, 57 HIGH ROAD

12 ALBION PARK

6, 17 SUMMERFIELD ROAD

LOUGHTON RESIDENTS ASSOCIATION

The points of objection are as follows:

The points of objection are as follows:

- object to intrusion of flats being nearer to us,
- loss of trees means no privacy,
- noise and the mess would be very disruptive,
- would create an ugly view, negative effect to the value of our house,
- inadequate parking, out of character and inadequate landscaping,
- gross overdevelopment with a density out of keeping with surrounding properties,
- loss of amenity to neighbouring properties,
- a beautiful tree was removed by the owners of the site,
- breaks numerous policies,
- being opposite to Oaklands School this application would add to parking mayhem and exacerbate the dangers,
- this type of development could happen to every corner plot,
- an imposition on its neighbours,
- not in keeping with the style of buildings in Spring Grove,
- potential to be a local notoriety,
- an unwelcome precedent,
- overdevelopment,
- intrusive,
- design undistinguished and out of character with surrounding Victorian, Edwardian and Thirties properties,
- mature streetscene would be destroyed,
- near what is often an extremely busy junction,
- larger building on this corner would make the area more dangerous,
- part of a trend of urbanisation,
- loss of privacy due to balconies,
- proposed amenity space would lack privacy,
- a covenant prevents the proposal,
- too many flats for the size of the site,
- significant additional parking for Spring Grove, Newnham Close and Summerfield Road,
- a monitored traffic enforcement programme would be essential as part of the approval otherwise it will be total chaos during building,
- removal of a street tree would be against policy,
- assertion that this is comparable to the development of 8 flats at 2 Lower Park Road, Loughton is a totally erroneous comparison, Lower Park Road site is a third dwellings, a third garden and a third car parking.

LOUGHTON RESIDENTS ASSOCIATION PLANS GROUP objects to overdevelopment, lack of amenity space, lack of parking spaces. If nevertheless, the application is approved wheel-washing and limited working hours should be secured by conditions.

LOUGHTON TOWN COUNCIL: The Committee OBJECTED to this application which was considered an overdevelopment of the site and out of keeping with the streetscene, particularly the adjoining Victorian cottages at nos 53 – 59 High Road. The Committee also deplored the removal of so many trees from the site, the balconies which were considered overly large structures and voiced concern at the lack of parking provision to be provided – 8 spaces for residents' cars, which included one disabled bay.

Main Issues and Considerations:

The main issues are considered to be the appearance and visual impact of the building; impacts to neighbours; and, future residential amenity of the occupiers of the proposed flats. Parking provision is also considered below.

The application site is in the urban area of Loughton. The proposals result in the demolition of the existing building which does not have any heritage designations but is still considered a non-designated heritage asset under paragraph 135 of the NPPF as it is a large, attractive late Victorian/early Edwardian Arts and Crafts style property on a prominent corner plot. It has previously been expressed to the developer that a scheme to convert/extend the property would be preferable. The provision of new homes on previously developed land is acceptable in principle, subject to siting, design, access, and impact to neighbouring properties.

Appearance of the proposed building

The style of the building is generally traditional with the appearance of pitched roofs and external materials consisting of white render and brickwork to external walls and a clay tiled roof. The mass of the building is broken up visually by stepping down from three to two storeys and the arrangement of stepping in the footprint along the Spring Grove frontage and the gable ends and dormers to the elevation facing Spring Grove and the bays, balconies and gable ends to the elevation facing High Road. The overall height of the building in relation to the terrace of houses to the east is considered acceptable with the proposed building to be some 8m in height compared to a height to the ridge of the roof to the terrace of 7.4m.

Amended plans have modified the crown roof of the two-storey part of the building, bringing down both its overall height and the height of the eaves by 1m. Officers are of the opinion that it would appear convincing as a hipped roof. This would be important in views from the southern end of Spring Grove, especially when the southern elevation and the western elevation were seen together, and due to lower ground forming the vantage point in these positions; it is considered that the crown roof would have a good appearance.

The stepped arrangement whereby a narrow strip of landscaping adjoining High Road would step up to the terrace serving flat 3 would be an unusual arrangement that would announce the corner and the Architect has achieved an arrangement in keeping with the overall traditional appearance of the building. This is also the case with the parking arrangement that would occupy an undercroft arrangement. The upper structure would be visually supported by substantial form. Whilst the proposal would represent a significant increase in plot coverage it is considered on balance that the building would have an adequate visual setting. The design of the building is considered acceptable in itself and in general terms the building would relate well to its setting. The southern elevation would adjoin two domestic scaled garages where there would be a contrast in scale of buildings but a landscaped area would avoid this aspect appearing incongruous at this point.

The Trees and Landscaping Team is concerned about the lack of space for landscaping. Such landscaping would serve to provide a soft setting for the building and in response to the concerns raised the Applicant modified the proposal to achieve a hedge between piers in the site boundary. Railings would be set into the hedge therefore, until such time as the hedge had grown, the site boundaries would appear enclosed by a low brick wall with railings above set between brick piers. That does not overcome the objections of the Team however, who express opinion about the siting and scale of the proposal. On those matters Planning officers do not share the concerns raised, finding the proposal to appear appropriate in its context.

To the south of the application site and on the opposite side of Spring Grove, to the west, development is characterised by established semi-detached houses. The surrounding development on High Road near the site is more mixed in character. However, the site is in a corner position where a change in style could be expected.

In conclusion, with regard to appearance, it is considered that the proposal would maintain and conserve the quality of the built environment as required by Policy CP2.

Impacts to neighbours

The built form of the proposed building would be close to the eastern boundary of the site. This boundary is a side boundary of 53 High Road. At the area immediately behind the house the proposed building would be a metre off the common boundary and be three storeys (including the roof storey) in height, a height of approximately 9m above the adjacent garden level of 53. However, the built form of the existing house is of the same scale and it projects the same overall distance rear of the rear elevation of 53 High Road as the three-storey part of the proposed building. The proposed mass of built form would only be set 1m from the common boundary for the first 5m it projects beyond the rear of 53. Thereafter it would be set 3m away from the common boundary whereas the existing building actually steps toward and abuts the boundary. This significant mass of built form orientated due west of a rear garden is considered acceptable in this particular case since it amounts to an improvement in relationship to 53 when compared to the relationship of existing building to no. 53.

Adjacent to the southern part of the rear garden of 53 High Road the proposal would contain the two-storey element of the building. That would be set 3m from the site boundary with an eaves height of 4.5m and a ridge some 2m higher. Due to the degree of separation from the site boundary and the fact that it would be over 10m rear of the rear elevation of 53 the relationship is considered acceptable. The impact of this part of the building would only be perceived from the adjacent rear garden and modifications to it achieving a 1m drop in ridge and eaves height together with the distance from the site boundary is sufficient to prevent it appearing excessively overbearing when seen from the garden of 53.

The nearest neighbour to the south, 2 Spring Grove, is a semi-detached house with its principal windows to the front and the rear, the west and the east. The house is set back a generous amount into its plot such that the southern boundary of the application site is level with the front garden of 2 Spring Grove. The front garden of 2 Spring Grove is separated from the application site by land occupied by two domestic scaled garages. The setting of the nearest neighbour to the south is such that it is considered that there would not be an adverse impact to the occupiers of this property to justify a reason for refusal.

In conclusion with regard to impact to neighbours, the proposal would not have an impact to the residential amenity of occupiers of neighbouring properties in terms of loss of light and outlook or over dominant bearing that would be sufficient to justify refusal. No excessive harm to their living conditions would be caused.

Residential amenity to occupiers of flats

Part of flat 1 would be partially terraced into the slope of the ground by the northern boundary of the site. Sitting on the terrace to flat 3, and to a lesser extent using a balcony of flat 7, one could feel somewhat on display as these amenity areas are close to the High Road. Similarly, the balconies on the Spring Grove elevation would be open to public view. Flats 2 and 4 would have windows, including bedroom windows, not much more than a metre away from the boundary with Spring Grove. Flat 6 would be directly above the parking area and its window to bedroom 3 would be by the vehicular access/egress below. Nevertheless, care appears to have been taken in the layout of the flats to ensure that bedrooms and living rooms adjoin vertically to avoid disturbance and internally the flats seem to be of an adequate size and practical layout.

Other than balconies and terraces, no meaningful external amenity space is included in the development. Space around the building primarily serves the purpose of providing access for maintenance and to provide a setting for the building. While the lack of private amenity space provision is contrary to Local Plan and Alterations Policy DBE8, since the site is situated within 200m of accessible parts of Epping Forest, it would not result in the flats having poor living conditions.

Highways and Parking

Parking provision on a one-for-one basis is considered to be acceptable in this location. It is noted that the site is not distant from public open space, in the form of the Warren Hill part of Epping Forest, and that part of the commercial centre of Loughton and Loughton London Underground Station are within a reasonable walking distance. It is therefore concluded the site is in a sustainable location.

ECC Highways has raised no objection on the basis of impact on highway safety. The matter of car parking is for Planning Officers to gauge having regard to the Vehicle Parking Standards 2009.

Conclusion:

The proposal would make efficient use of land in a sustainable location to provide additional housing. 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:

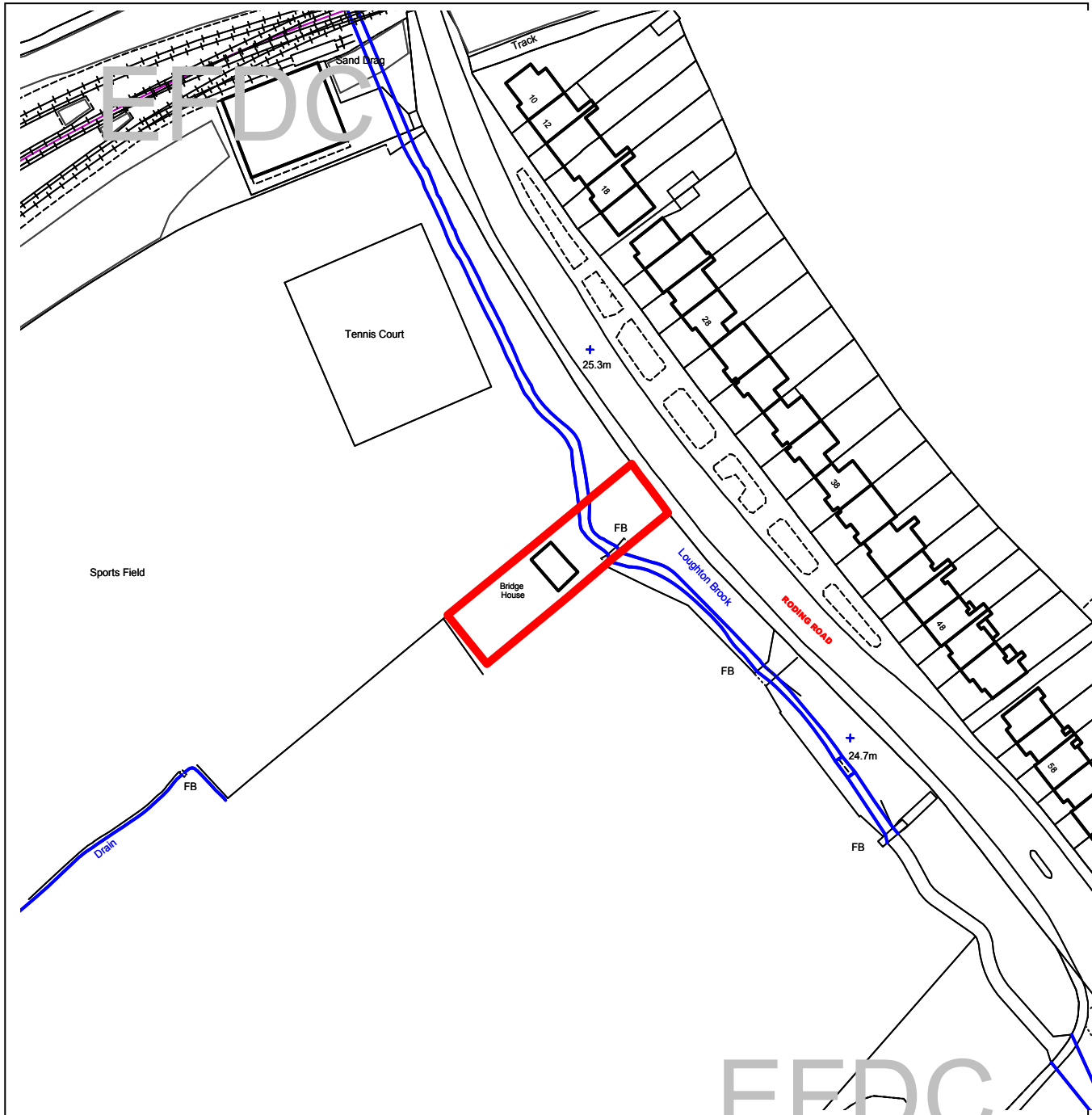
***Planning Application Case Officer: Jonathan Doe
Direct Line Telephone Number: 01992 564103***

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



Epping Forest District Council

Agenda Item Number 6



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Application Number:	EPF/1997/15
Site Name:	Bridge House, Roding Road, Loughton, IG10 3ED
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/1997/15
SITE ADDRESS:	Bridge House Roding Road Loughton Essex IG10 3ED
PARISH:	Loughton
WARD:	Loughton Roding
APPLICANT:	Mrs Rekha Galot
DESCRIPTION OF PROPOSAL:	Demolition of existing house and erection of 3 two bedroom and 3 one bedroom flats in three storey block
RECOMMENDED 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=578335

REASON FOR REFUSAL

- 1 The proposed development is located within Flood Risk Zone 2 and it cannot be demonstrated that there are no alternative sites within the District within Flood Risk Zone 1 where it could take place. The application has therefore failed the Sequential Test undertaken by the Council regarding the increased use of this site for a more vulnerable development within Environment Agency Flood Risk Zone 2. As such, there is no justification as to why the proposed development cannot be located on another site in areas with a lower probability of flooding. Furthermore, the proposal fails to include a suitable flood risk assessment demonstrating adequate flood resistance. Accordingly, the proposal is contrary to the adopted Local Plan and Alterations policy U2A, which is consistent with the policies of the National Planning Policy Framework.

This application is before this Committee since it has been 'called in' by Councillor Angold-Stevens (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(h))

Description of Site

Bridge House is located within the built up area of Loughton. The existing building is a two storey detached dwelling situated within a relatively large plot. Roding Road runs to the immediate east of the site. A preserved oak tree is situated towards the front of the site.

There are no neighbouring dwellings adjacent to the site but there are a large number of dwellings opposite on the other side of the road. Loughton Brook runs adjacent to the site itself, in close

proximity to the application property. The Brook is bridged to allow access to the dwelling. The proximity to the Brook has included the site within the Environment Agency's flood zone 2.

The application site is not within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

Description of proposal

The proposed development is to demolish the existing detached dwelling and to erect a three storey block to contain three, two bedroom flats and three, one bedroom flats.

Relevant history

EPF/0980/14 - Demolition of existing house and erection of 3 two bedroom and 3 one bedroom flats in three storey block – Withdrawn by applicant

EPF/2398/14 - - Demolition of existing house and erection of 3 two bedroom and 3 one bedroom flats in three storey block - Refused

Policies Applied

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP4 – Energy Conservation
CP5 – Sustainable Building
CP6 – Achieving Sustainable Urban Development Patterns
CP7 – Urban Form and Quality
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE3 - Design in Urban Areas
DBE6 – Car Parking in New Development
DBE8 – Private Amenity Space
DBE9 – Loss of Amenity to Neighbouring Properties
ST1 – Location of Development
ST2 – Accessibility of Development
ST4 – Road Safety
ST6 – Vehicle Parking
H2A – Previously Developed Land
H3A – Housing Density
H4A – Dwelling Mix
LL11 – Landscaping Schemes
U2A – development in Flood Risk Areas

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to the relevant policies in existing plans according to the degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight

Consultation carried out and summary of representations received

9 Neighbours were consulted and responses received from 5. Their comments are summarised below.

18 Roding Road – OBJECTION – The development is out of character with the street scene and it will cause significant harm to the existing parking situation.

28 Roding Road – OBJECTION – The trees will be removed, there will be significant harm to the existing traffic situation and cause overlooking.

32 Roding Road – OBJECTION – Insufficient parking provision on site, outlook will be restricted by the development, the design is out of character with the surrounding area, the building will overlook our property.

34 Roding Road – OBJECTION - The design is not in keeping with houses nearby. There is not enough space for the proposed number of dwellings and residents or parking space. There should be a house or houses on the site rather than a block of flats.

2 Stonards Hill – OBJECTION – The development will harm the character and appearance of the street scene and the parking is insufficient. Access to the site is a danger.

Loughton Residents Association (Plans Group) – OBJECTION – The design is out of character with the surrounding area and the development will overlooking neighbours opposite and the playing fields.

LOUGHTON TOWN COUNCIL – OBJECTION - Unsuitable development for urban open space land contrary to planning policies LL5 and LL6 of the Adopted Local Plan and Alterations. Members considered that the playing fields behind would be unacceptably overlooked by this bulky and overbearing development which was also considered to be unsympathetic to the street scene contrary to policies DBE9 and DBE10 of the Adopted Local Plan and Alterations. Also concern about highway safety as parking provision is inadequate with no visitor parking. Concern about arriving and leaving the site onto the heavily congested Roding Road and the pavements are in constant use from people going to shops and local schools.

Issues and Considerations

The new block of flats will provide a good standard of living accommodation for new residents. Therefore the main issues to consider when assessing this application are the principle of the development, the effects of the proposal on the living conditions of neighbours, potential flood risk, design of the proposal in regards to the existing building and its setting, highway and parking issues, amenity space and refuse storage.

Sustainability issues

The application site is located within close proximity to Loughton Underground station and other forms of public transport which will encourage sustainable methods of transport. Furthermore Sainsbury's superstore is located within comfortable walking distance of the site and the High Road is also not far. Consequently the development will be located within a sustainable location which will have good access to various shops, services and methods of transport.

Living conditions of neighbours

There are no neighbours adjacent to the site and there will be no potential for the new block to overlook any neighbours opposite given that they are a significant distance from the new building. As such there will be no harm to living conditions.

Design

The proposed block is of a modern flat roofed design, finished with yellow brick, dark blue metal panels and significant amounts of glazing.

The neighbouring dwellings opposite the application site on Roding Road are characterised by hipped roofed detached and semidetached dwellings, which are in stark contrast to the proposed block. However, the building will be significantly set back from Roding Road and there is a robust screen of trees on the front edge of the site. The orientation of the proposed block is such that the majority of its bulk does not directly face Roding Road and rather, its smaller elevation faces the public carriageway. The design itself although modern is conventional and would not appear at odds with the sites residential setting. Therefore it will not appear overly prominent or harmful in the street scene.

Landscaping issues

There is a prominent oak tree within the site which is protected by a TPO. An arboricultural Report has been submitted indicating the root protection area of the TPO'd oak tree covers the whole of the site frontage. The Arb report has demonstrated that, subject to conditions the proposal could be carried out without harming the tree.

Highways and Car Parking

The Essex Highway authority has raised no objection to the development, subject to the imposition of planning conditions. The access has good visibility onto Roding Road and the minimal increase in traffic will not cause any detriment to highway safety, capacity or efficiency at this location. The applicant has proposed six car parking spaces to serve the flats. Given that they are to serve one or two bedroom flats and that Loughton Underground Station is less than 5 minutes walk away, the car parking provision is ample. The size of the spaces is also adequate.

Amenity Space

Due to the significant spatial constraints of the site the applicant can offer no meaningful private amenity space in connection with this development. However there are multiple areas of public open space within walking distance of the site and therefore the provision of private amenity space is not necessary.

Refuse Storage

The refuse storage bin is accessible for residents and for refuse collection. However it is located at the front of the site and could be clearly visible from public areas of the street scene. Therefore it is considered necessary to impose a landscaping condition to reduce its potential impact on the visual amenity of the street scene. The refuse team have raised no objection to the application and the proposed storage facility is adequate.

Flood Risk

This is a revised application following a refusal of planning permissions under reference numbers EPF/2398/14 and EPF/0661/15. The previous applications were refused for the following reason:

The proposed development is located within Flood Risk Zone 2 and it cannot be demonstrated that there are no alternative sites within the District within Flood Risk Zone 1 where it could take place. The application has therefore failed the Sequential Test undertaken by the Council regarding the increased use of this site for a more vulnerable development within Environment Agency Flood Risk Zone 2. As such, there is no justification as to why the proposed development cannot be located on another site in areas with a lower probability of flooding. Furthermore, the proposal fails to include a suitable flood risk assessment demonstrating adequate flood resistance. Accordingly, the proposal is contrary to the adopted Local Plan and Alterations policy U2A, which is consistent with the policies of the National Planning Policy Framework.

The site is located within Flood Zone Two as designated by the Environment Agency. Planning policy in relation to the matter of flood risk is primarily set out in the NPPF and Local Planning policy is consistent with the NPPF. Paragraph 100 states development should be directed away from areas at highest risk and advises weight should be given to EA advice.

Furthermore the NPPF requires LPA's to apply a Sequential Test to all development outside of Flood risk Zone 1, therefore the test must be applied in this instance. Guidance on the application of the Sequential Test is given in the Technical Guidance to the NPPF at paragraphs 3 to 5. Essentially, this proposal can only pass the sequential test if it can be demonstrated there are no other sites in the District within Flood Risk Zone 1 that are suitable for a block of flats of the scale proposed. The relevant area of land within Flood Risk Zone 1 is understood to be all such land within the District that is not constrained by other considerations, for example, by being situated within the Green Belt.

Since large areas of Loughton and neighbouring urban areas are within Flood Risk Zone 1 it is very unlikely that a development of this scale could not take place on another site within the District that is in Flood Risk Zone 1. Indeed, much of the development that is permitted within the District is infill development and there are current applications and unimplemented consents for development of a similar scale within Flood Risk Zone 1. Consequently, the proposal cannot pass the Sequential Test.

The EA has added that the Middle Roding Model (August 2012) shows significant fluvial flood risk on site, even with the presence of flood defences. Surface water flood mapping also shows that the site is subject to significant surface water flooding.

The application therefore fails to pass the required Sequential Test and would put a higher amount of people at risk of flooding than the current situation. Therefore the application fails to comply with policy U2A and the objectives of the National Planning Policy Framework.

The site does not lie within an Epping Forest District Council flood risk assessment zone. However the development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. This can be secured through a planning condition. Since the proposal is within eight metres of an open or piped watercourse land drainage consent is also required.

Conclusion

The development fails to pass the Sequential Test and would put a higher amount of people at risk of flooding. Therefore it is recommended that planning permission is 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:

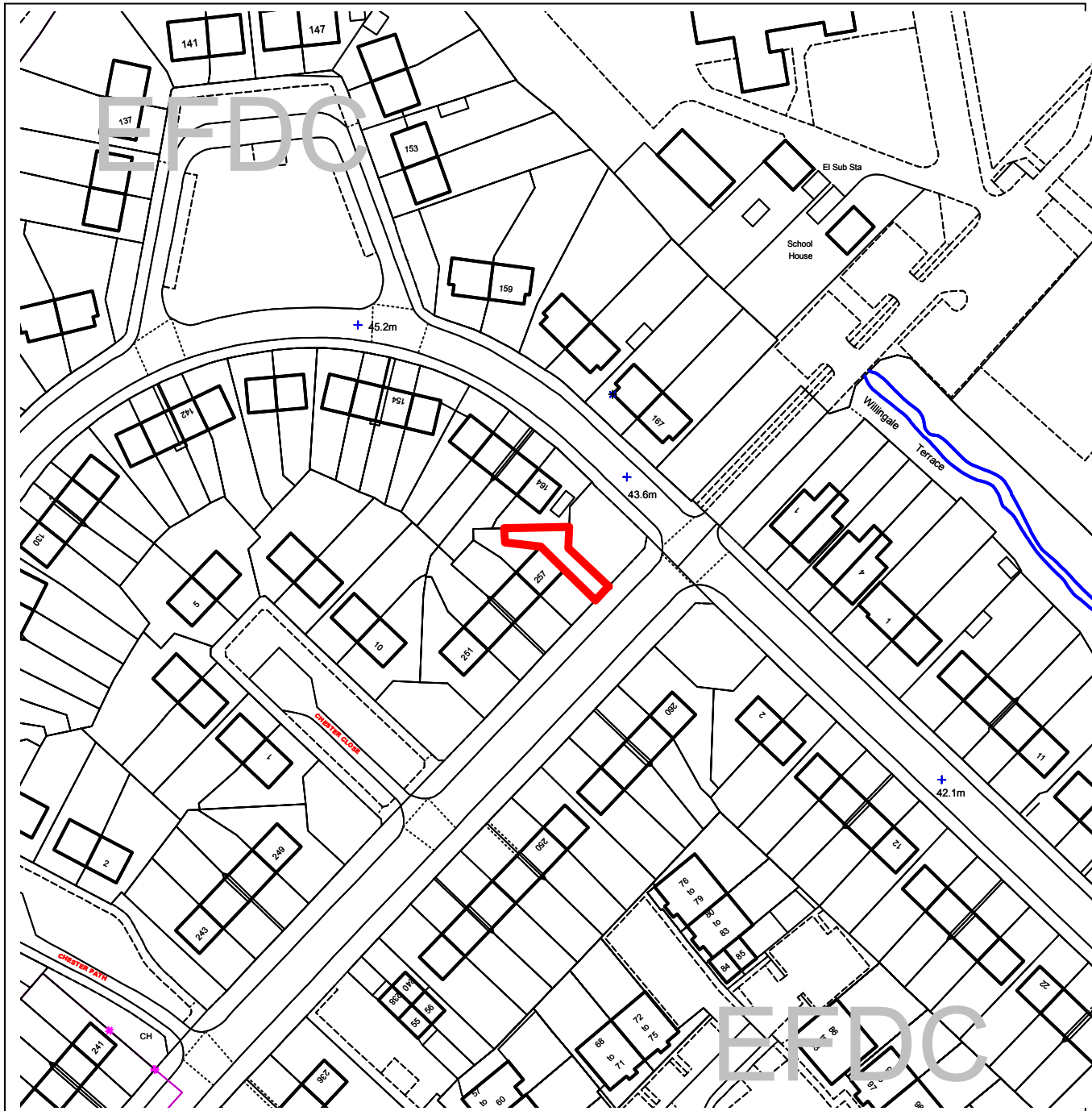
***Planning Application Case Officer: James Rogers
Direct Line Telephone Number: 01992 564 371***

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Agenda Item Number 7



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Application Number:	EPF/2111/15
Site Name:	257 Chester Road, Loughton, IG10 2LW
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/2111/15
SITE ADDRESS:	257 Chester Road Loughton Essex IG10 2LW
PARISH:	Loughton
WARD:	Loughton Broadway
APPLICANT:	Mr Dean Shea
DESCRIPTION OF PROPOSAL:	Subdivision of site and proposed 1 no. 1 bed dwellinghouse with parking and garden area.
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=578553

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 No development 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 and means of enclosure. 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 surface water shall be discharged from the site onto the highway.

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

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

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

- 6 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 extension, no roof enlargement and outbuilding with a volume exceeding 10 cubic metres generally permitted by virtue of Classes A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

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

Description of Site:

Application site is identified as land at the side of the existing dwelling at 257 Chester Road, a two storey property at the end of a terrace of four at the junction of Chester Road with Grosvenor Drive and Willingale Road. The property and the terrace are built in a mansard style with the upper elevation tile hung, a style that repeats elsewhere in between former Wates homes clad in brickwork. Front gardens at this point are relatively long at around 8m depth.

There is a corner amenity green abutting the site on its north- east boundary and the entrance to Davenant School shares the junction.

Description of Proposal:

The application proposes a new one bedroom dwelling on the site and has been amended since original submission. The new build reflects the mansard form of the original at first floor. The ground floor extends into the corner of the site with a ground floor flat roof section projecting at the side. . A rear garden of 24 sq.m is provided, leaving an area of 57.7 sq.m. retained as a garden for the retained original house.

Parking for one vehicle and space for bins is shown on the frontage along with a planted area in front to the window around 2m wide and 1.7m deep, further planting is shown on the frontage of the retained dwelling and on the boundary between the two units..

Relevant History:

None

Policies Applied:

CP2	Quality of Rural and Built Environment
DBE1	Design of new buildings
DBE 2	Effect on neighbouring properties
DBE3	Design in Urban areas
DBE 6	Car parking in new development
DBE 8	Private Amenity Space
DBE9	Loss of Amenity

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.

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: Nine properties in Chester Road, Willingale Road and Grosvenor Drive

Site notice posted: No, not required

Responses received: No response received from neighbours.

LOUGHTON TOWN COUNCIL: The Parish Council have been consulted on both the original and amended scheme and object to the development. The proposals are considered to constitute garden grabbing and to be an overdevelopment of the plot with little private amenity space.

Members noted the landscaping introduced to the frontage but considered this insufficient to soften the appearance of the parking space.

Main Issues and Considerations:

The main issues relate to building design and the appearance of the site and potential impact on surrounding residents.

The applicants have argued that this is a common type of addition in the area, However, while many properties in similar positions have extended to the side, no other plots with separate dwellings have been identified on corner sites in the immediate vicinity.

The amended application has sought to tie in with the existing form of the adjoining terrace at the front, such that it follows a matching scale and form. A single storey element follows the line of the site boundary at the side and has the appearance from the street of a means of enclosure rather than any degree of prominence in the street scene.

The scheme provides a rear amenity area of around 24sq.m in a single usable area and retains a separate garden for the original dwelling of around 57 sq.m. Officers consider both areas to be accessible, usable, flat and provide adequate privacy and to meet the tests for such amenity areas set out in policy DBE8.

The Parish Council raised concerns at the lack of opportunity for landscaping of the frontage and although planting areas have been introduced, these are seen as insufficient. A balance must be achieved between a preference to provide off street parking, requirements for refuse storage and greening of frontages. Regard must also be had to permitted development allowances for hard surfacing on front gardens and Officers consider this application makes a reasonable compromise.

The building would have an acceptable impact on the nearest adjoining properties. The adjoining property at 164 Grosvenor Drive lies to the north but there is adequate separation between the buildings to ensure daylight and sunlight are not unduly restricted.

Conclusion:

This is a restricted site, and the issues in determining the application are finely balanced. Officers have given particular weight to the scale and design of the building reflecting the character of the terrace, the internal and external space being appropriate for a one bedroom dwelling and the introduction of a degree of landscaping to the frontage.

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***

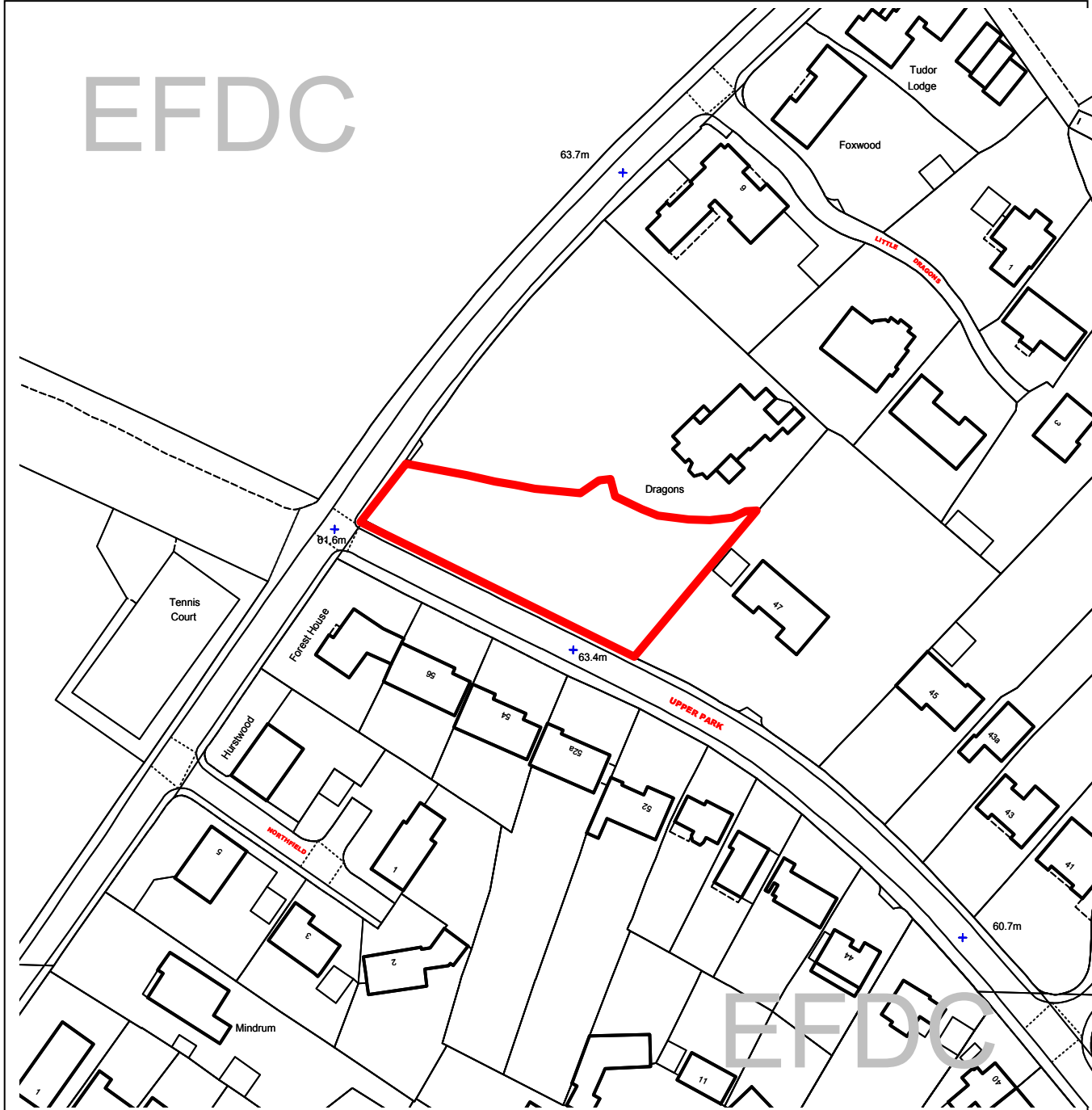
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Agenda Item Number 8



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Application Number:	EPF/2198/15
Site Name:	Dragons, Nursery Road, Loughton, IG10 4DZ
Scale of Plot:	1/1250

Report Item No: 8

APPLICATION No:	EPF/2198/15
SITE ADDRESS:	Dragons Nursery Road Loughton Essex IG10 4DZ
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Mr & Mrs Martin Jaycock
DESCRIPTION OF PROPOSAL:	Proposed new dwelling on the site of previous tennis court.
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=578815

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Site Location Plan, 261-EX-01, 261-EX-02, 261-PL-02, 261-PL-03, 261-PL-04, 261-PL-05, 261-PL-06, 261-PL-07, 261-PL-08, 261-PL-09, 261-PL-10, 261-PL-11
- 3 The external finishes of the development hereby permitted shall match those as submitted:
Patinated Copper
MARSA stone (cladding)
Split Slate (cladding)
- 4 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the proposed hardstanding have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 5 Additional drawings that show details of proposed new windows and doors by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the LPA in writing prior to the commencement of any works.

- 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) 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.

- 7 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

- 8 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.

- 9 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

- 10 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]
- 11 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]
- 12 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.
- 13 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.

- 14 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 15 No development shall take place until 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.
- 16 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.
- 17 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 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
- 18 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 19 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.
- 20 There shall be no discharge of surface water onto the highway.
- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B, C, D, E, F and G of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 22 Prior to first occupation of the development hereby approved, the proposed first and second floor window openings in the north flank elevation closest to the boundary with Dragons 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.

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

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: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)

Description of Site:

The application site is part of the residential curtilage of 'Dragons' a Grade II listed late Victorian house in a gothic architectural style with very attractive carved wood and gable features. A wrought iron gate leading to Dragons is also Grade II listed in its own right and is a very intricately designed, unique entrance from Nursery Road to this property.

The overall plot of Dragons is relatively square and is located on the corner of Upper Park and Nursery Road with Dragons situated in the north east corner of the site. The site is heavily treed and is covered by an Area Preservation Order. Dragons is not visible from Nursery Road or Upper Park, due to the amount of tree screening. The application site itself is the area adjacent to Upper Park, on the site of an existing tennis court. The application site is a separate title (ownership title from the land registry) and although follows the boundary of the site to the south with Upper Park, is very irregular in shape to the north (within the garden area of Dragons). The boundary treatment to Upper Park is currently a 1.8m high close boarded fence running the length of the Upper Park boundary.

Description of Proposal:

The application seeks consent for the subdivision of the site and a proposed new dwelling fronting onto Upper Park on the site of the former tennis court. The proposal will have vehicular and pedestrian access from Upper Park with the existing access to Dragons remaining unaffected by this application.

The new dwelling is a very contemporary design with areas of high wall to fenestration ratio and conversely areas of high fenestration to wall ratio; a circular stair area and curved walls. The material choices form part of the design and were submitted as part of the application. The materials include patinated copper (copper that has been treated to create the copper green colour), slate cladding and stone cladding.

The proposal is 23m in width, with a maximum staggered depth of 15.5m. The proposal will be set back from the road edge by a minimum of 4.5m. The dwelling will have a maximum height of 9.1m, flat roofs and partly 3 floors. The proposed new house will be 20m plus from Dragons and set at a lower level.

Relevant History:

Various applications relating to works to Dragons but none relevant to this application

Policies Applied:

Epping Forest District Local Plan and Alterations
CP2 – Protecting the Quality of the Rural and Built Environment

CP3 – New Development
CP5 – Sustainable Building
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
ST1 – Location of Development
ST4 – Road Safety
ST6 – Vehicle Parking
H2A – Previously Developed Land
H4A – Dwelling Mix
LL10 – Adequacy of provision for landscape retention
HC12 – Development affecting the setting of the listed buildings

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.

Summary of Representations:

LOUGHTON TOWN COUNCIL: The Committee OBJECTED to this application which was considered unsympathetic to the streetscene.

8 Neighbours consulted and a Site Notice erected:

5 Little Dragons – Objection - out of keeping with surrounding area, destroy character of the listed building

43 Upper Park – Objection – out of keeping with the area, surrounding properties are traditional in style, trees around Dragons are a feature.

16 Hazelwood – Objection – doesn't compliment existing building, concern over protected trees, materials are commercial, close to listed building, incongruous design, out of keeping with streetscene, concern over highway safety.

Issues and Considerations:

The main issues with this proposal relate to suitability of location, design and impact on the setting of the listed building, impact on amenity, tree issues and highway issues.

Suitability of Location

Nursery Road is on the edge of the built up area of Loughton and within relatively good walking distance of the shops, services and transport links within Loughton town centre. Therefore in terms of sustainability the site is within a good location.

The application site is large enough to accommodate a suitably sized garden, meeting the requirements of policy DBE8 and providing a sufficient parking area. The site is therefore considered a suitable location for a new dwelling.

Design and the Setting of the Listed Building

This proposal is for a very contemporary dwelling which will be surrounded by trees to the rear and side. It is a unique design in both form and scale and one that does not draw on any traditional or vernacular features or detailing.

The proposal will be most visible from Upper Park, but a level of screening will remain as many of the existing trees along the boundary will be retained. Additionally, as part of the proposals the boundary treatment will be altered for the whole road frontage of both Dragons and the new property with a low level wall with hedging above. This will create a far softer boundary treatment than the existing expanse of close boarded fencing. The Conservation Officer is keen that the boundary consistency around both Dragons and the proposed dwelling is maintained as this will help to retain the connection between the listed gates and the listed dwelling.

The Conservation Officer has no objection to this proposal within the setting of the listed building. Although three storeys in height, it is set far lower, and some distance from Dragons. This is evident from the plans as the proposal will be the same height as the eaves of Dragons. Although the plans show a faded out Dragons behind the proposed house, this is only to show the location of Dragons in relation to the proposed house. From the site visit it was clear that firstly Dragons is not visible from Nursery Road or Upper Park and secondly that Dragons and the proposed new dwelling will not be viewed within the same context. The new dwelling will front Upper Park, whilst the existing dwelling fronts (albeit set back) Nursery Road and this is considered to aid to the separation and distinction between the two buildings.

The Conservation Officer considers both the landscaping scheme and the material palette which features high quality materials with natural tones and textures, will soften but not disguise the sharp angled dwelling ensuring its successful integration into the streetscene.

It clearly will appear different within the streetscene, but is not considered unsympathetic. As considered by the Conservation Officer above, the materials and screening will aid in the incorporation of the design into the streetscene.

The design is a 'one-off' and will result in a statement house. The NPPF seeks to promote innovative design and goes so far to suggest that '*great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area*'. It is considered that this proposal demonstrates that if sympathetically executed a modern building can be far less intrusive than a pastiche design, which would be a poor copy of the existing Dragons building. The constraints of the site (the setting of the listed building and the tree preservation order) support and require an interesting design approach that is high quality.

Loughton has a history of unique and many, at their time, contemporary buildings particularly located in the York Hill and Baldwin's Hill Conservation Areas but also around Loughton in general, Tycehurst Hill for example. This contemporary, unique proposal continues this practice. Some of these unique and contemporary buildings have been listed or locally listed acknowledging the contribution they make to the character of Loughton. These properties are likely to have split opinion and may still do; but as with this proposal they add interest and enhance character due to their quality and sympathetic contrast with the more traditional house types of the area.

Amenity

In terms of amenity between the existing property and the proposed dwelling, the proposal is set at the same orientation and as there are only secondary or bathroom windows facing Dragons these can be conditioned as obscured glazed to prevent any overlooking or amenity concerns. Given the distance between the two (some 20m+) there is not considered to be any loss of light or outlook. Additionally the proposed new tree planting along the boundary will screen the properties from each others view.

The nearest property to the proposal is No. 47 Upper Park which is slightly set back behind the rear building line of the proposal. No windows are proposed on the elevation facing No. 47 and this will avoid any overlooking issues and the existing good level of screening provided by trees at the shared boundary will be retained. Therefore no amenity issues are raised with regards to this property.

The dwellings on the opposite side of the road, will clearly have a different outlook to existing but not one that will cause any significant loss of light or outlook. Although there may be some loss of privacy given that there will be first floor/second floor front facing windows this will be to the front, more public areas of the properties opposite and not considered a significant issue. Additionally there will be some 20m+ between the fronts of the proposed and existing dwelling and this is not an unacceptable or unusual distance.

Trees

The Tree and Landscape Officer has no objection to this scheme. All the trees on the site are protected by an area Tree Preservation order made in 1970. This site has some very significant trees – the veteran oak (T1) and a wellingtonia (T5) (the wellingtonia can be seen from various points around Loughton due to its impressive height). Clearly it will be very important should the proposal gain approval that the retained trees are not only suitably protected throughout the development process but that arboricultural supervision is undertaken during key site operations.

The proposal does include the removal of several trees from the site predominantly along the boundaries and are mostly cypress and holly. Several of these trees need to be felled due to their condition irrespective of this proposal. This will open up the site and allow more light in (for both the retained trees and for the new development), as well as providing an opportunity for new boundary planting as part of the proposed boundary treatment.

Highways

The Essex County Council Highways Officer has no objection to the scheme on highway safety grounds and ample parking is provided within the site boundary.

Other issues

Waste/Bins

A screened refuse area has been provided so that wheelie bins can be kept within the site.

Land Drainage

Due to the size of the proposal it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff.

Contaminated Land

Given the potential for contaminants to be present on this site due to the back filling of a former sunken garden the Technical Officer has requested the standard phased contamination conditions and this is considered reasonable.

Conclusion:

The proposal is a contemporary and unique design which is considered to add to the character of the immediate and wider area, which does not harm the setting of the listed building, is acceptable with regards to the trees on the site, and raises no significant amenity or highway concerns.

Clearly the design is very different but given the analysis above is one that is recommended for approval with 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:

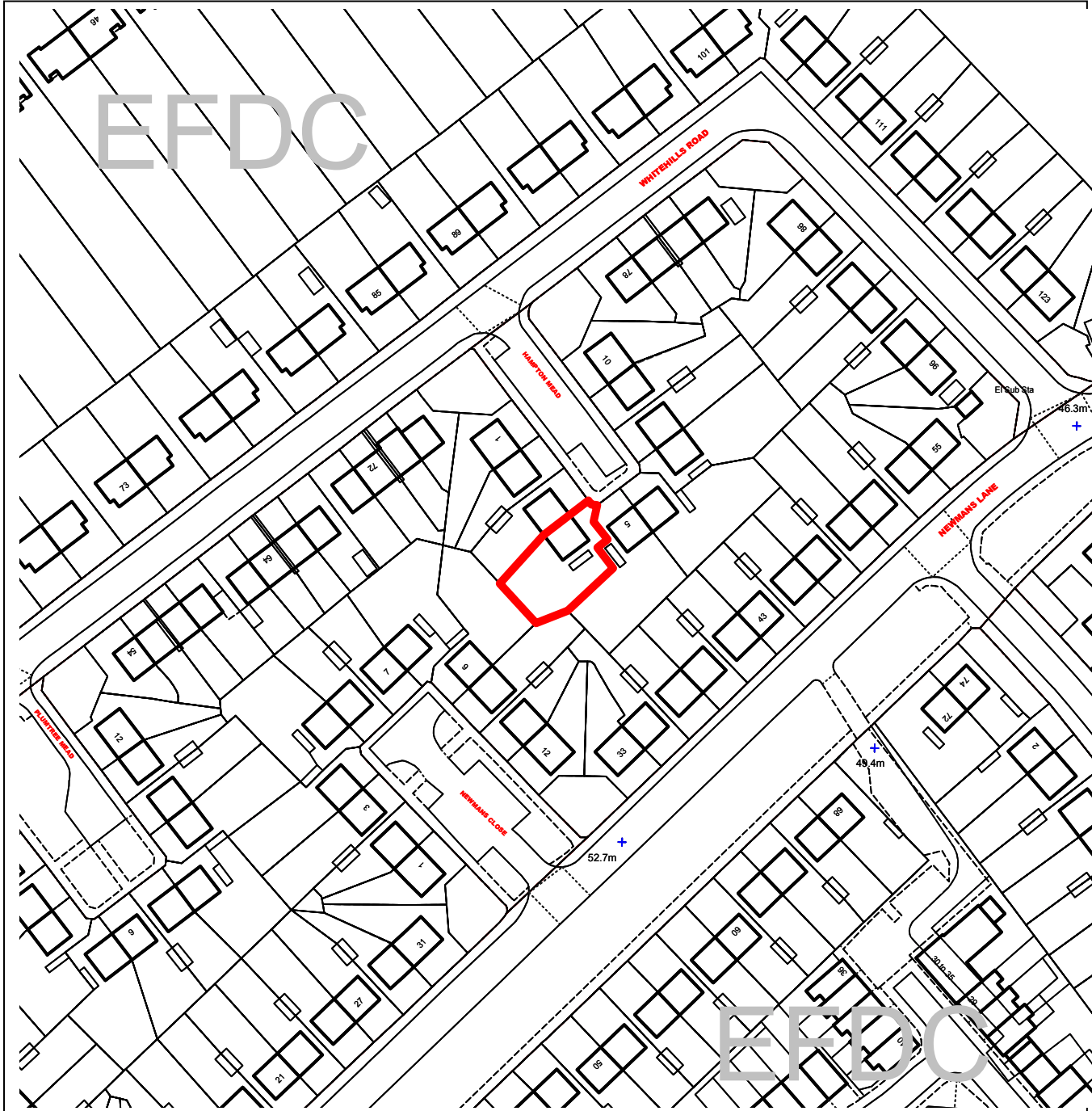
***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564414***

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



Epping Forest District Council

Agenda Item Number 9



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Application Number:	EPF/2434/15
Site Name:	4 Hampton Mead, Loughton, IG10 1TX
Scale of Plot:	1/1250

Report Item No: 9

APPLICATION No:	EPF/2434/15
SITE ADDRESS:	4 Hampton Mead Loughton Essex IG10 1TX
PARISH:	Loughton
WARD:	Loughton St Marys
APPLICANT:	Ms Lin-Ling Liu
DESCRIPTION OF PROPOSAL:	Two storey side and single storey front, rear and side extensions.
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=579375

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the extension shall match those of the existing house, unless otherwise agreed in writing by the Local Planning Authority.
- 3 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.
- 4 Prior to first occupation of the development hereby approved, the proposed window openings at first floor level in the southern flank elevation, to the walk in wardrobe and the en-suite facilities to the bedroom shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room or cupboard in which the window is installed and shall be permanently retained in that condition.
- 5 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

Description of Site:

The application site is that of a two-storey semi-detached house with a side gable roof at the end of a cul-de-sac, Hampton Mead, which is off Whitehills Road. The house has a width of 7m and a depth 7m and on the first floor has two bedrooms and a box room. Based on records (reference EPF/0692/07) the box room is some 3m wide by 3m deep. The site is within the built up area of Loughton. The property is not Listed and is not in a Conservation Area.

The house is at the end of the cul-de-sac and looks onto a small area of public open space at the end of a turning head/parking area. The application property and neighbouring properties form three lines of houses that border onto three sides at the end of the parking area. The application property is at the end of a line, the neighbouring properties at nos. 1, 2 and 3 form a line running roughly north/south whereas no. 5 is at the western end of a line running roughly west/east. Ground levels rise somewhat to the rear of the property, to the southwest.

Description of Proposal:

Two storey side and single storey front, rear and side extensions.

This proposal has a very similar footprint to a single-storey addition for an annexe approved in April. The main 'new' element of the proposal is therefore the addition of a first floor side extension. A minor change is that the single storey rear extension element is now to be 2.6m deep rather than 2.0m deep as previously proposed. The current proposal does not include an annexe.

The first floor side extension would create a large bedroom with a walk in wardrobe and en-suite facilities. The side extension at ground floor would provide a TV room, a study and a toilet and washbasin. The rear extension would enlarge the existing kitchen and dining area. The front extension would create a replacement front porch with access to the existing entrance door and giving access to a door to the ground floor accommodation of the side extension. The ground floor layout of the proposed side extension now refers to a "TV room" where a ground floor bedroom was previously proposed.

The first floor side extension would be 5.2m wide by 5.4m deep, with a set back from the main front wall of the house of 1.7m. The first floor side extension would have a side gable roof 5.2m in height to the eaves, matching the height of the existing eaves, and a height to the ridge of 6.7m, stepping down 0.3m from the ridge height of the existing side gable roof.

On the ground floor the side extension would be 6.8m wide. The side extension would have a sloping roof with a side gable. The slope of the roof of the side extension would match the angle to the main roof of the house, some 20 degrees. The roof of the extension at ground floor would have a maximum height of 4.5m, 2.5m to the eaves. The ground floor element of the side extension would conjoin and form "wrap around" built form with a 2.6m deep rear extension. A front extension to form a front porch would project 1.2m forward of the existing front elevation of the house and be 5.4m wide. The front extension would have a sloping roof at an angle to match the slope of the side extension and main roof. The maximum height of the roof of the front extension would be 3.7m, 2.5m to the eaves.

External materials would consist of a rendered finish to the walls, matching the ground floor of the existing house, and roofing tiles to match those existing.

Relevant History:

EPF/0242/15 - Single storey front, side and rear extension to be used as a "granny annexe" and ancillary family rooms. – Granted 30/04/2015

Policies Applied:

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

NPPF

Summary of Representations:

7 Neighbouring properties have been notified.

LOUGHTON TOWN COUNCIL: The Committee OBJECTED to the overbearing proposal which was considered an overdevelopment of the plot and detrimental to the amenities of the neighbours at no. 5 Hampton Mead.

Issues and Considerations:

The main issues that arise with this application are neighbouring amenity and any impact to the appearance of the setting.

Neighbouring amenity

The comments of the Town Council are noted. However, the principle windows of 5 Hampton Mead are to the front and rear and accordingly would not be affected by the extension that would be to the side on no. 5. This neighbouring property has only one side window, this is to the first floor and would appear to be to a landing.

With regard to 3 Hampton Mead, the attached neighbour, the rear extension would be only 2.6m deep. This element, in itself, could be constructed as Permitted Development. It is considered that no material adverse loss of amenity would result to the occupiers of 3 Hampton Mead.

With regard to the comment of the Town Council that the proposal represents overdevelopment of the plot, it is the case that the footprint of the proposal would be very large in proportion to the footprint of the existing modestly sized house. However, the degree of site coverage is not considered to have an adverse impact due to the position, discussed below, of the site in relation to neighbouring properties. Furthermore, a side extension, of two storey form, was granted planning permission (EPF/0692/07) for 6 Hampton Mead that had a comparably sized footprint.

Street scene

The application site is at the end of the cul-de-sac, forming a relatively stand-alone site in conjunction with the adjoining neighbour, no. 5. The position of the proposal is such that the single storey side extension and enlarged front porch would not be detrimental to the appearance or character of the streetscene. The first floor side extension element would be set back and appear subservient to the original house. Due to the set back from the front elevation of the existing

house, the first floor element would only be visible from the very end of Hampton Mead and then would have a good appearance.

Other matters

The house as proposed would have no on-site parking provision but this is the case now. The proposal essentially involves a side extension leaving a sizeable private amenity area to the rear of the property.

Conclusion:

Whilst the comment of Loughton Town Council has been noted, based on an overall assessment, including a site visit, Officers consider that impact to neighbouring amenity is not to a significant degree required to justify refusal. Due to the nature of the application property being set at an internal corner of the street the impact to the streetscene is also considered acceptable. Accordingly Officers recommend 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

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Report Item No: 10

APPLICATION No:	EPF/2580/15
SITE ADDRESS:	Land close to junction of Westall Road and Burney Drive Loughton Essex IG10 2HX
PARISH:	Loughton
WARD:	Loughton Fairmead
APPLICANT:	CTIL & Telefonica UK Ltd
DESCRIPTION OF PROPOSAL:	Prior notification for a telecommunications installation comprising the erection of 13.5m high dual stack monopole supporting 6 no. shrouded antennas, a 0.3m dish, 2 no. equipment cabinets and ancillary development (Revised proposal to previously refused EPF/0386/11 - it is now not proposed to erect the installation on the pavement - it is now proposed 6.5m to the rear of the pavement in a grassland area).
RECOMMENDED DECISION:	Prior Approval Required and Granted (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=579821

CONDITIONS

See report conclusion.

This application is before this Committee since a decision on this prior approval application needs to be arrived at in 55 days - and until the consultation period has elapsed the recommendation may differ from the views of the local council (pursuant to section P4, Schedule A (g) of the Council's delegated functions) and/or b) it is an application for commercial development and the recommendation may differ from more than two expressions of objection (pursuant to section P4, Schedule A (g) of the council's delegated functions).

Description of Site:

The site is a small section of grassland just to the south of trees lining the stream that runs in a corridor of parkland which lies between Burney Drive and Etheridge Road. The site lies 6.5m away from the back edge of pavement on the west side of Westall Road.

Description of Proposal:

Prior approval determination for a telecommunications installation comprising the erection of a 13.5m high dual stack monopole with 6 shrouded antennas and dish, together with 2 ground level cabinets and associated development.

Policies Applied:

U5 - masts and aerials under 15m
NPPF

Relevant History:

EPF/0246/15 – this was a refusal of prior approval to erect a 15m high monopole on the Westall Road pavement - just 6.5m to the east of the position of this current application. This earlier application was refused because 1) the pole and 3 ground based cabinets would have reduced the usable width of the pavement to an unacceptable level which would have been detrimental to highway safety, and 2) by reason of their height, bulk and position on a narrow pavement, the pole and cabinets would have been an obtrusive feature in the street scene. A way forward suggested was to look at the possibility of moving the installation rearwards into the grassland area and away from the pavement.

Summary of Representations:

At the time of writing this report the 21 day consultation period still has a week to run. However because a decision on this form of application must be given within 56 days (otherwise the installation can be built as if approval has been granted) then it is expedient to submit this report to Committee on the 25/11/15 - since the following Committee on 6/1/16 falls well outside the 56 day period.

LOUGHTON TOWN COUNCIL – comments awaited and will be reported at Committee. (The applicants have provided a copy of the town council's pre application comments – which state that the town council support the repositioning of the installation away from the pavement, and also its lower height and landscaping.)

38 neighbours have been consulted. To date two replies has been received and any others will be reported at Committee.

7, ETHERIDGE GREEN – object – masts of this type are not good for the environment and it has not been proved that they do not cause cancer and other illnesses; the wooden telegraph pole erected in the middle of Etheridge Green is already an eyesore; the column will be visible above the houses and will spoil what is a lovely view over the green sword; our houses will be devalued; the column is too close to occupied buildings including the Clydesdale pub where families and children sit out in the summer; and the column will also be 200 yards away from a children's play area and there are also schools nearby.

53, BURNEY DRIVE – I am surprised that the Council is considering allowing this on their own land and perhaps a rental income is more important than residents' concerns; the proposal will be directly viewed by several residential properties in Burney Drive, and from my living room and bedroom it will be a monstrosity; it will involve a loss of green space; and there is a better location for it at the junction of Willingale Road and Rookwood Avenue where houses would not directly overlook it.

Issues and Considerations:

Telecommunication poles/columns up to 15m in height lie can be erected as permitted development. However, mobile phone companies must first of all obtain prior approval from local planning authorities (LPA's) before being able to utilise this permitted development right, and LPA's can only consider issues of siting and appearance in their assessment of whether prior approval should be granted or refused.

This proposed monopole installation would be shared by two mobile phone companies Telefonica (O2) and Vodaphone.

The application represents an improvement to the previously refused EPF/0246/15 in a number of ways. Firstly, it has been relocated away from a narrow pavement into a grassland area 6.5m from the pavement. Secondly, it has been reduced from 15m to 13.5m in height. Thirdly, the number of ground level cabinets has been reduced from 3 to 2. Finally, placing the installation on grassland allows for the provision of shrubs to be planted to provide a landscaping screen the ground level cabinets. The installation will also be painted dark green so as to better blend in with its immediate surroundings.

The trees to the immediate north of the site next to the stream are between 5 and 8m in height, although they increase in height as one moves to the west. The proposed pole is 13.5m high so houses at 65 to 75 (odds) Burney Drive will view the top section of the pole. These houses however are recessed from Burney Drive and their fronts would lie 40m away from the proposed monopole. Given this distance, together with the partial screening provided by trees and the green colour of the monopole, it is not considered that residents' outlook and visual amenity from these houses will be significantly affected. Houses starting at no. 63 and lower lie closer to Burney Drive. However their fronts lie at a considerable angle to the proposed monopole and intervening tree heights are higher. The outlook of these properties will also not be materially affected.

In terms of Etheridge Road there are no properties which face the proposed monopole directly, other than the Clydesdale pub, now renamed as the Princess of Wales. The nearest houses are 3 dwellings at 56 to 60 Etheridge Road. Their fronts are located a minimum of 50m away from the proposed monopole, and views of the monopole would be an angled one at some 40 degrees. In addition the backcloth of trees behind the pole will also lessen its impact. For these reasons therefore the proposed monopole would not significantly detract from the amenity of residents in Etheridge Road,

In terms of pedestrian amenity in Westall Road the relocation of the installation away from the pavement, in a more recessed grassland area where landscaping can screen ground level cabinets, significantly reduces the impact of the proposal on visual amenity in the street scene.

Comments on representations received

One neighbour objection refers to damage to health that the installation could give rise to. However Government advice, eg at para 46 in the NPPF, states that LPA's must determine applications on planning grounds only. It adds that LPA's should not assess health safeguards if the proposal meets International Commission guidelines for public exposure, and a declaration of conformity with these standards has been submitted with the application. Another neighbour refers to Council managed parkland being used. This indeed is the case but the area of parkland involved is very small given the overall size of the green space in this locality. The visual impact of the proposed installation has been addressed above.

Conclusions:

This revised proposal represents a marked improvement over the previously refused proposal. The revised installation will still have some impact on visual amenity in the locality but this impact will now be at an acceptable level. For these reasons, and those set out in the above report, it is recommended that a letter granting prior approval be sent to the applicants. It is also recommended that this decision letter contain a condition requiring the landscaping screen around the ground level cabinets be completed before the monopole is first brought into use.

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

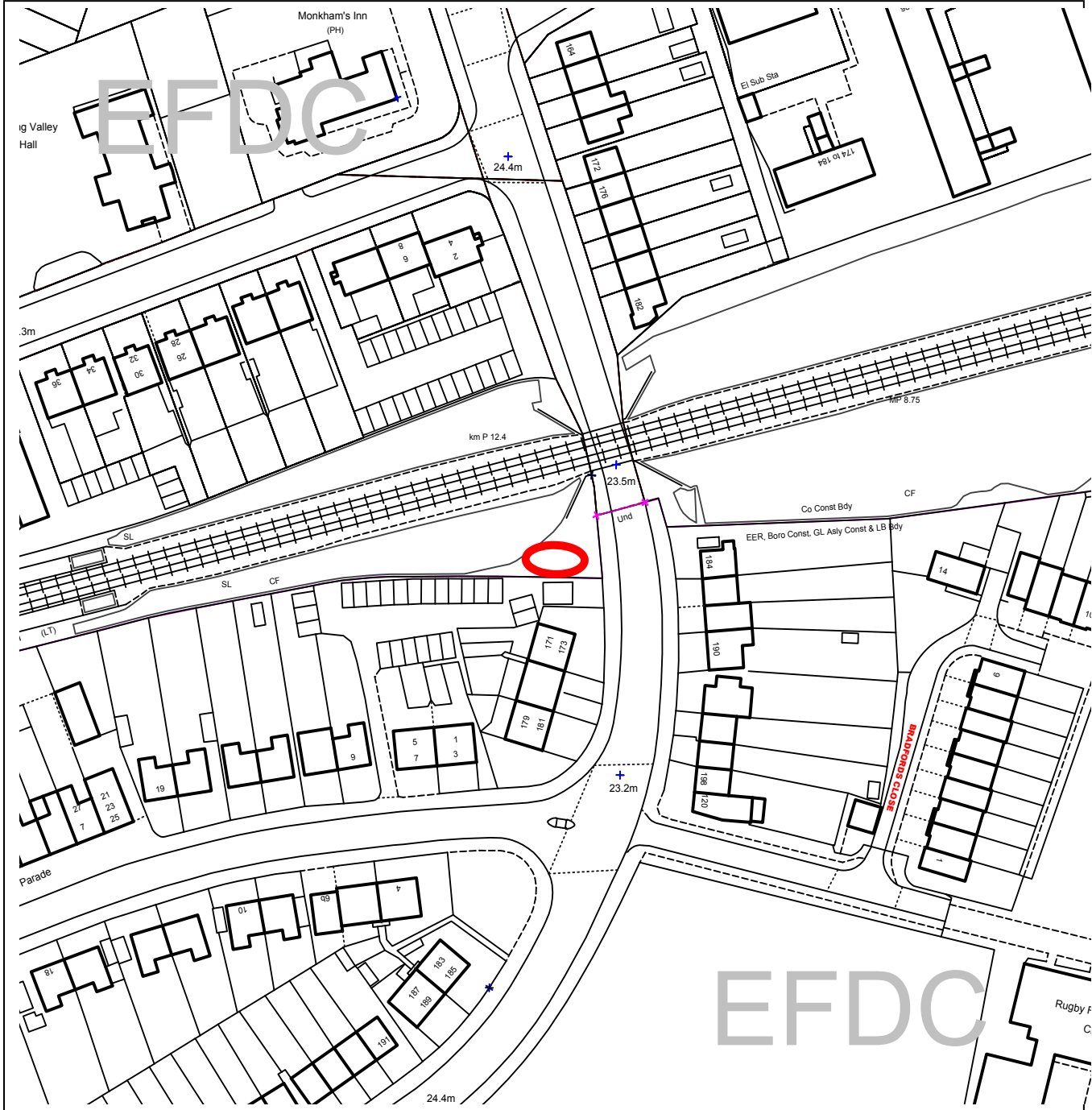
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Epping Forest District Council

Agenda Item Number 11



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Application Number:	EPF/2633/15
Site Name:	Railway embankment line, to immediate south west of underground line bridge over Buckhurst Way, Buckhurst Hill, IG9 6JA
Scale of Plot:	1/1250

Report Item No: 11

APPLICATION No:	EPF/2633/15
SITE ADDRESS:	Railway embankment lane, to immediate south west of underground line bridge over Buckhurst Way Buckhurst Hill Essex IG9 6JA
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill East
APPLICANT:	CTIL & Telefonica UK Ltd
DESCRIPTION OF PROPOSAL:	Prior notification for proposed telecommunications installation of a 14.4m high monopole supporting 6 no. antennas on a slimline headframe, 4 no. associated cabinets and development ancillary thereto.
RECOMMENDED DECISION:	Prior Approval Required and Granted (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=579979

CONDITIONS

See report conclusion.

This application is before this Committee since a decision on this prior approval application needs to be arrived at in 55 days - and until the consultation period has elapsed the recommendation may differ from the views of the local council (pursuant to section P4, Schedule A (g) of the Council's delegated functions) and/or b) it is an application for commercial development and the recommendation may differ from more than two expressions of objection (pursuant to section P4, Schedule A (g) of the council's delegated functions).

Description of Site:

The site is an enclosed railway line embankment to the immediate south west of the Central Line underground bridge over Buckhurst Way. The embankment contains significant trees and shrubs. Being on the south side of the underground bridge it would appear at first that the site would lie in the London Borough of Redbridge. However this embankment does actually fall within Epping Forest District - although the short access to the site would be on land in Redbridge, and as such the applicants have also lodged a similar application to Redbridge.

Description of Proposal:

Prior approval determination for a telecommunications installation comprising the erection of a 14.4m high monopole supporting 6 antennae on a slimline headframe, together with 4 ground level cabinets and associated development.

Policies Applied:

U5 - masts and aerials under 15m
NPPF

Relevant History:

See below under issues and considerations.

Summary of Representations:

At the time of drafting writing this report the 21 day consultation period has only half expired. However because a decision on this form of application must be given within 56 days (otherwise the installation can be built as if approval has been granted) then it is expedient to submit this report to Committee on the 25/11/15 - since the following Committee on 6/1/16 falls well outside the 56 day period.

BUCKHURST HILL PARISH COUNCIL – comments awaited and will be reported at Committee.

17 neighbours have been consulted (and all these neighbouring properties lie in the London Borough of Redbridge). To date one reply has been received and any others will be reported at Committee.

186 BUCKHURST WAY – object – this is a busy road, recent traffic restrictions have not slowed vehicles down, and the proposal will add to traffic flows at a dangerous corner; the footpath is heavily used by young children and I am concerned for their safety; I am concerned about damage to my health from the power these masts can emit; and there are bigger more suitable non residential sites available for this type of proposal.

LONDON BOROUGH OF REDBRIDGE – comments awaited and will be reported at Committee.

Issues and Considerations:

Telecommunication poles/columns up to 15m in height lie can be erected as permitted development. However, mobile phone companies must first of all obtain prior approval from local planning authorities (LPA's) before being able to utilise this permitted development right, and LPA's can only consider issues of siting and appearance in their assessment of whether prior approval should be granted or refused.

This proposed monopole installation would be shared by two mobile phone companies Telefonica (O2) and Vodaphone. The application follows on from a pre application proposal to erect a similar monopole installation but at a site some 20-30m just to the north of the bridge close to the back edge of pavement. The agents were told that the Council would be unlikely to approve this more northerly location because it would be prominent in the street scene, and would lie in clear view of houses on the other side of Buckhurst Way. The current proposal is in a far better location since a) it lies in a more recessed position some 15m behind the back edge of pavement - and hence lies 30m from the houses on the opposite side of Buckhurst Way, and b) there are existing trees in the front of, and around, the proposed monopole that would provide part screening of the installation – and this screening would reduce its visual impact. The applicants have also agreed to paint the monopole green to blend in with its surroundings.

One and possibly two houses on the opposite side of Buckhurst Way would have some view of the proposed installation. However, due to the factors mentioned above this impact is considered not to be significant to justify a refusal of prior approval. Some residential maisonettes and houses in nearby Cherry Tree Rise would have some rearward views of the proposed monopole. However, they are a minimum of 40m away and intervening trees, and trees around the monopole, would

again reduce its visual impact. Finally, the rears of maisonettes at 171 to 181 Buckhurst Hill do not look over the proposed site but sideways views of the monopole would be available from their rear gardens. Again, however the detriment caused to visual amenity would not be material.

Comments on representations received

The one neighbour objection received to date refers to damage to health that the installation could give rise to. However Government advice, eg at para 46 in the NPPF, states that LPA's must determine applications on planning grounds only. It adds that LPA's should not assess health safeguards if the proposal meets International Commission guidelines for public exposure, and a declaration of conformity with these guidelines has been submitted with this application. The objection letter also refers to aggravation of traffic and safety issues on the adjoining highway. However vehicle access to these installations is rarely required other than for occasional maintenance, and hence any adverse effect in this respect would be minimal.

Conclusions:

For the reasons set out in this report it is recommended that a letter granting prior approval letter is sent to the applicants. It is also recommended that this decision letter contain a condition requiring details of tree protection measures to be submitted and approved before any work commences on site.

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:

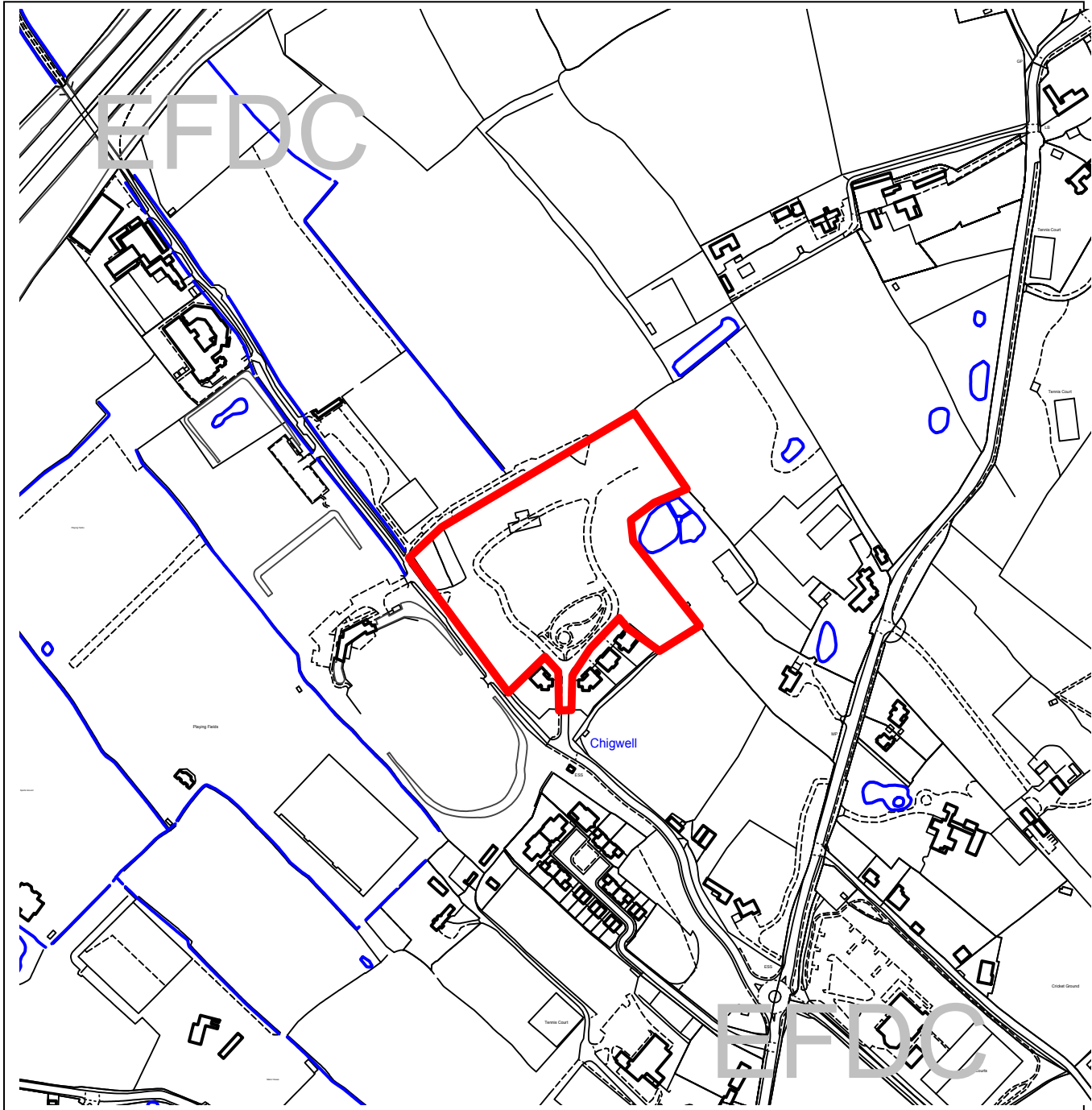
***Planning Application Case Officer: David Baker
Direct Line Telephone Number: 01992 564514***

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



Epping Forest District Council

Agenda Item Number 12



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Application Number:	EPF/1862/15
Site Name:	Chigwell Grange, High Road, Chigwell, IG7 6DP
Scale of Plot:	1/5000

Report Item No: 12

APPLICATION No:	EPF/1862/15
SITE ADDRESS:	Chigwell Grange High Road Chigwell Essex IG7 6DP
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	London Square Developments
DESCRIPTION OF PROPOSAL:	Development of Chigwell Grange to provide 43 residential units (excluding 4 houses already built in accordance with previous planning permission EPF/2430/07) with associated landscaping and parking details.
RECOMMENDED 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=578020

REASON FOR REFUSAL

- 1 By reason of an insufficient financial contribution towards the provision of off-site affordable housing within the District, the proposal fails to adequately address the need for affordable housing. It is therefore an unsustainable form of development contrary to Local Plan and Alterations policies H6A and H7A, which are consistent with the National Planning Policy Framework.

This application is before this Committee since it is an application that is considered by the Director of Governance as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(k))

Description of Site:

The application site comprises land just under 3 hectares in area in the Green Belt off the northeast side of Grange Farm Lane, opposite a football pitch and pavilion operated by the Grange Farm Centre. There is also open land to the north, east and west. The site is a residential development site that has been cleared, with roads laid out and main services provided. It amounts to the greater part of the core of a former camping and recreation area known as Grange Farm.

The site is accessed directly off Chigwell Farm Lane and is rear of 4 very substantial detached houses (3 storeys, with the top floor contained within the roof space) constructed as part of a wider

development site that includes the application site. The existing houses are part of an approved development comprising 32 detached houses of similar scale together with a communal amenity area. That development was approved under reserved matters planning permission EPF/2430/07. The reserved matters consent followed directly on from an outline planning permission for 45 houses, ref EPF/2190/05.

Since the reserved matters permission was implemented by the construction of 4 houses, gated entrance and amenity green, it remains capable of being completed. Work on the 32-house development ceased following the start of the last recession. A new developer, the Applicant, recently bought the site with a view to completing an alternative housing development nearer to the scale of that permitted by the outline planning permission.

Description of Proposal:

Form of development

It is proposed to develop the application site to provide 43 houses such that a total of 47 houses would be achieved on the wider development site. The existing communal amenity area would remain a central focus of the layout of the wider development site. Its landscaping would be enhanced.

The proposal is for predominantly 3-storey houses with the top floor contained within the roof space, following the pattern set by the existing 4 houses at the entrance to the site. Four of the houses would be semi-detached, the remainder being detached, the semi-detached houses being sited towards the north-eastern part of the site. Seven of the houses would be two-storey. They would be sited throughout the site. Unit 43, sited in the eastern corner of the site adjacent to one of the existing houses, would be two-storey. In terms of appearance, the houses would appear traditional with prominent pitched roofs of gabled or half gabled design. Nine house types would be provided with some variation within each type appropriate to the siting of the individual unit. They would generally be set between 2 and 3 metres apart. Building heights would be similar to those of the existing houses.

The houses would all have garages, predominantly integral garages, together with off-street parking areas sufficient for at least 2 cars. Designated visitor lay by parking bays would be constructed off a revised estate road layout that comprises two cul-de-sacs linked by a footpath.

Planning obligations

The Applicant has submitted a S106 agreement offering a number of planning obligations. They amount to the outstanding financial commitments secured by the S106 agreement accompanying the original outline planning permission for the site, ref EPF/2190/05. Where a commitment is no longer required the Applicant proposes to divert it to the affordable housing contribution. The sums at the date of payment would be enhanced by a value index linked from 20 December 2006. The remaining unpaid obligations offered at 2006 value amount to a total of £1,518,701. They are broken down as follows:

- | | |
|---|----------|
| • Affordable housing sum | £420,361 |
| • Access way commuted sum | £81,200 |
| • Open space commuted sum | £307,400 |
| • Plant defect sum | £10,440 |
| • Sports pavilion and Interpretation Centre (maintenance) | £699,300 |

The Applicant advises that once all of the unpaid contributions have been index linked (using the Retail Price Index) to today, the remaining obligations offered amount to a total of £1,952,183.70. They are broken down as follows:

• Affordable housing sum	£540,344.70
• Access way commuted sum	£104,376.96
• Open space commuted sum	£395,141.22
• Plant defect sum	£13,419.89
• Sports pavilion and Interpretation Centre (maintenance)	£898,901.29

The sums other than the affordable housing sum were required in connection with works to secure the use of a larger area of Grange Farm for the benefit of the public. This is explained further under the Relevant Planning History heading.

Unpaid obligations no longer required which the Applicant proposes to divert to affordable housing are:

• Contaminated land sum	£10,000
• Transport contribution	£130,361

These figures are included in the affordable housing figure mentioned above (original affordable housing contribution at £280,000 + contaminated land sum at £10,000 + transport contribution at £130,361 = £420,361).

Members are advised the previous developer paid a total of £934,353 in connection with the planning obligations secured under planning permission ref EPF/2190/05. They are broken down as follows:

• Bond and legal fees	£26,695
• Essex County Council supervision fee	£23,705
• Education contribution	£97,950
• Community Project sum (Pavilion at Grange Farm Centre)	£276,209
• Sports Pavilion/Interpretation Centre building	£494,594
• Access way signage	£15,200

Relevant History:

Grange Farm was opened for camping and public recreation in 1951 run by a charitable foundation who sold the freehold to Chigwell Urban District Council in 1973. The Centre closed in 1983 and to administer the site, a separate charity was formed in 1984 – The Grange Farm Centre Trust. Since then the Council, as custodian trustee, and the Trust itself had sought to reopen the site for the benefit of the public generally. This was eventually provided for by way of the Local Plan process where a site-specific planning policy for Grange Farm was included in the 1998 Local Plan, and through subsequently securing financial contributions in connection with planning permission EPF/2190/05. Those contributions together with their relationship to the current proposal are set out in the preceding section of this report.

Prior to the grant of planning permission EPF/2190/05 a planning permission was granted in 2002 for the erection of 28 houses in the core area of Grange Farm with nature conservation works to the remainder of the site and, crucially, with areas for formal and informal recreation, adequate on-going maintenance and the transfer of management/control of the open land to public bodies, ref EPF/1842/99.

The legal agreements stipulated that the development could not be occupied until alterations to the access at the High Road had been carried out. This primarily amounted to the construction of a roundabout at the junction of the High Road with Grange Farm Lane and was completed. It also included a raft of provisions to secure a package of community gain for the public generally from the remainder of the site.

A revised permission for the 28 houses was issued in 2006 but this was soon superseded by planning permission EPF/2190/05.

As stated in the first section of this report, planning permission EPF/2190/05 is an outline planning permission for 45 houses at the core area of Grange Farm. A subsequent reserved matters planning permission for 32 houses was granted and partially implemented, ref EPF/2430/07.

Policies Applied:

CP2	Quality of Rural and Built Environment
CP3	New Development
GB2A	Development in the Green Belt
GB7A	Conspicuous Development
GB16	Affordable Housing
GB19	Grange Farm, Chigwell
NC4	Protection of Established Habitat
RP4	Contaminated land
H2A	Previously Developed Land
H5A	Provision for Affordable Housing
H6A	Site Thresholds for Affordable Housing
H7A	Levels of Affordable Housing
U3B	Sustainable Drainage Systems
DBE1	Design of new Buildings
DBE2	Effect on Neighbouring Properties
DBE4	Design in the Green Belt
DBE5	Design and Layout of New Development
DBE6	Car Parking in New Development
DBE7	Public Open Space
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL10	Adequacy of Provision for Landscape Retention
LL11	landscaping Schemes
ST1	Location of Development
ST2	Accessibility of Development
ST4	Road Safety
ST6	Vehicle Parking
I1A	Planning Obligations

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 63

Site notice posted. Yes

Responses received:

Letters raising objection to the proposed development were received from the occupants of 1, 45 and 49 Chigwell Grange. They are 3 of the existing 4 houses at the original development site. The objections raised are summarised as follows:

1. A significantly higher numbers of houses would be built (Overall 47 compared to 32) than

previously given detailed planning permission. That is between a third and a half more than expected. Existing residents did not sign up to a development any more intense than that given detailed planning permission.

2. The additional dwellings would generate a significant increase in the numbers of cars that would have to be accommodated and a significant increase in the numbers of cars using the estate roads. The additional cars in the estate would be harmful to the visual amenities of the estate, particularly since insufficient off-street parking spaces are proposed. The additional vehicles generated would also be likely to cause an unsustainable increase in traffic making it much harder to get out of onto the High Road in the morning at the busy roundabout junction of Grange Farm Lane with the High Road.
3. The originally approved road layout allowed for circulation around the whole estate whereas the proposal is laid out as two cul-de-sacs. The new arrangement is therefore more likely to cause congestion, especially when accessed by large vehicles such as refuse collection lorries. Emergency access would also be more difficult.
4. The development would have an inappropriately high density causing significant harm to the openness of the Green Belt. Not only is the development inappropriate in the Green Belt, it would have a materially greater impact on openness than the approved development arising from its scale and density and from the additional residential paraphernalia generated.
5. Compared to the size of the approved maximum footprint, the Proposed Scheme represents an unacceptable level of Urban Spread and associated harm.
6. The proposal is for a poor and conflicting design, including terrace-style housing that will not complement the existing houses on the estate. The existing houses have the aura and appearance of grand villas whereas the proposed housing stock is “cottagey” or in the words of the Applicant “Farm style”, and is completely at contrast with the partially Implemented Scheme. The design of the proposed houses is, to say the least, mediocre and uninspiring. They look nothing other than box-like; ‘bog-standard’ houses; redolent of the type of homes one might encounter on a more mass-market type development. There is nothing wrong with such houses in the appropriate setting. But we would aver that Chigwell Grange is not that setting.
7. Chigwell is a distinctive and refined place; which this development if allowed to proceed would change irreparably. Whilst we understand that EFDC has a responsibility to provide more housing for a growing population, we would nevertheless contend that this responsibility can be exercised sensibly and conscientiously within this large district without conflicting with the character and uniqueness of Chigwell.
8. The proposed change of the existing gate design is unnecessary and thoughtless, and will have deleterious effect on the existing adjoining houses.
9. The house proposed at Plot 43 would be set back rear of the adjacent existing house causing an excessive loss of privacy since its front elevation windows would look directly to the rear elevation of the existing house and into the most private part of its rear garden adjacent to the house.
10. The supposed additional infrastructure installations and financial contributions claimed to arise from the Proposed Scheme are somewhat illusory, as they have already largely been made by Byrne Estates.
11. The Applicant’s economic case for diverging from the Implemented Scheme is not compelling in the current environment.
12. Council is presented with a local and recent established precedent for refusing the application; viz Gaynes Park Mansions.

CHIGWELL PARISH COUNCIL: The Council has **NO OBJECTION** to this application.

NATIONAL GRID: Gas pipelines and services are located in the vicinity of the site. Before carrying out work the developer should engage in detailed consultation with the company.

THAMES WATER: No objection raised in respect of sewerage and water infrastructure capacity. A water main crossing the site may need diverting at the developers cost. Informative requested.

Main Issues and Considerations:

The main issues raised by this proposal are its impact on the Green Belt, design, impact on neighbours living conditions, and whether an appropriate level of provision for affordable housing is made.

Green Belt

The principle of residential development on this Green Belt site is underpinned by Local Plan policy and the planning history of the site, particularly the grant of outline planning permission for 45 houses and the subsequent reserved matters permission for 32 houses, which is partially implemented. Both consents allow for a maximum footprint of 6,090 square metres on the wider development site. When including the existing 4 houses, this proposal would achieve a 14% greater footprint of 6,953 square metres. Spread across the wider site that order of increase would not have a materially greater impact on openness than the development already allowed for. In parts of the site houses would be closer together than approved in the reserved matters permission, but the outline planning permission allows for 45 houses and any layout for a development of that number would be likely to have very similar distances separating houses to that presently proposed. In coming to the conclusion that there is no materially greater impact on openness weight is also given to the fact that the site is enclosed by a large number of trees, and that the proposal allows for their screening effect to continue. Some trees would be lost (9), primarily in the south-east corner and due to their condition. However, such loss would be compensated for by a robust landscaping scheme across the site such that the completed development would have a greener feel to it than the approved 32 house development.

The Council's Tree and Landscaping Team has considered the consequence of proposed tree loss for both visual amenity and openness and raises no objection. Notwithstanding, the submission of a tree report and Arb Method Statement, with the application, the Team recommends the imposition of conditions requiring further submissions. That is because at this stage, all the Applicant is required to do is to show that the development is feasible without a detrimental impact on trees. The submitted landscape scheme is considered to be acceptable and of value in mitigating the impact on openness.

In the circumstances, while the proposed development is inappropriate development in the Green Belt, it would not have a materially greater impact on its openness than development previously approved.

A critical material consideration when giving planning permission to develop the site in the manner that has been commenced was the significance of the planning obligations secured. They have achieved significant works that have transformed the wider Grange Farm site for the benefit of the public under the stewardship to the Grange Farm Trust. The cost of on going maintenance for those works was also provided for in the planning obligations, however development work ceased and the original developer went into administration before the sums could be paid. The current proposal would make good all those outstanding obligations.

Since the proposal would secure the longstanding planning policy objective of ensuring the wider Grange Farm site continues to be of benefit to the public and have no materially greater impact on the openness of the Green Belt than the approved development of the site, it is concluded that very special circumstances sufficient to outweigh the harm caused by reason of the developments inappropriateness exist in this case. These particular set of circumstances are unique and would not be repeated on any other Green Belt land.

Design

In terms of design, no objection is raised to the proposal, which would achieve a high quality development on a long stagnant residential development site. It would relate well to the existing four houses and surrounding land in terms of scale, height, spread of built form and detailed design. As a gated community the development would be secure and while internal permeability would be good. The retention of a well overlooked and landscaped communal amenity area is an important design feature carried over and enhanced from the original planning permission.

Living Conditions

Particular care has been taken to ensure the living conditions of the existing houses would not be harmed. Privacy, light and outlook would all be maintained. Views from the 4 houses would change significantly but for the better. The most sensitive relationship is between plot 43 and the northern most existing house since the new house would be set somewhat to the rear of the existing house. Although not ideal, the house type use avoids any excessive overlooking by siting the part of the house containing windows to habitable rooms well away from the site boundary and outside of a 45 degree splay taken from the nearest front elevation first floor windows to habitable rooms. The nearest front elevation first floor window would be 15m from the site boundary with the existing house and on an approximate alignment with its rear elevation such that views from it would be either past the existing house or of its flank elevation. Nearer windows would serve bathrooms and a half landing.

Affordable housing

Under Policy H6A of the Council's Local Plan, in settlements with a population of more than 3,000, the Council usually seeks affordable housing on developments comprising 15 or more dwellings, or at least 0.5 hectares. On such sites, under Policy H7A of the Local Plan, 40% of the total number of dwellings is usually required as affordable housing, with at least 70% of the affordable housing provided as affordable rented housing.

Since this proposal proposes 43 dwellings in Chigwell, with a population of more than 3,000, the Applicant would ordinarily be expected to provide at least 18 of the overall number of homes as affordable housing, with the property mix of the affordable housing reflecting the mix of the market housing, in terms of the ratio of flats to houses and 1, 2 and 3 bedroom properties.

However, both the National Planning Policy Framework (NPPF) and the Council's own Local Plan recognise that, for some developments (and as an exception to the normal requirement to provide affordable housing on-site), it may be more appropriate for a financial contribution to be provided to the Council by the Applicant, in lieu of on-site affordable housing provision, in order for the Council to help fund the provision of affordable housing elsewhere in the District, on another site that would be more suitable for the provision of affordable housing. This is reflected at Paragraph 9.53a of the Council's current Local Plan.

The Applicant proposes no affordable housing provision on-site, offering a financial contribution in lieu of on-site affordable housing instead. Since this application is for development on a site that, for historic reasons, already has detailed planning permission for a development of 32 houses and outline planning permission for 45 houses with an agreed Section 106 Agreement financial contribution in lieu of on-site affordable housing provision, the Director of Communities has advised that an appropriate level of financial contribution could be accepted in this case.

Paragraph 9.53a of the Local Plan explains that, in such circumstances, the commuted sum should reflect the subsidy that a developer would have provided, had the affordable housing been achieved on site. In simple terms, this amount should be equivalent to the difference between:

- (a) The development value of all the dwellings being provided as market housing; and
- (b) The development value if 40% of the dwellings were sold to a Registered Provider (RP) of Housing (usually a housing association) for the provision of affordable housing on the site.

The only exception to this is if, for some reason, the development would be unviable to comply with the Local Plan requirements.

In either case, the applicant was required to submit either a detailed Financial Appraisal or a Viability Appraisal (as appropriate) assessing the appropriate level of financial contribution. The Appraisal must provide the information required by the National Planning Policy Framework's associated Planning Practice Guidance, and be accompanied by sufficient and adequate supporting documentary evidence.

In simple terms, a Viability Appraisal assesses:

- All the costs of a development (including the build cost, loan finance, sales/marketing/legal fees, other Section 106 contributions, site purchase where appropriate and an appropriate level of developer's profit); and
- The expected sales income from the completed properties sold on the open market.

The Appraisal then identifies if the surplus between the costs and sales is sufficient to subsidise the provision of affordable housing – either on-site or through a financial contribution – and, if so, the amount that can be viably afforded, up to the amount required to be policy compliant.

Accordingly, the Applicant submitted a Viability Appraisal (produced by their consultants, Carter Jonas), which assessed that, after taking account of all the costs of the development on the one hand (including, notably, all of the payments for community benefits totalling £1.4million offered by the Applicant, referred to elsewhere in this report, plus a developer's profit) and an assessment of the income to be received from the sales of the properties on the other, there was an insufficient surplus available to provide a financial contribution at the level required by the Local Plan.

The financial contribution offered by the Applicant as a result of their consultant's Viability Appraisal was £540,345 at current value. This was based on the financial contribution for affordable housing of £280,000 that had been agreed in 2006 by another Applicant in connection with the outline planning permission for 45 houses (which had been accepted by the Council at that time, but was never paid), plus around a further £140,361 for transport and the cost of assessing submissions relating to contaminated land remediation, which are no longer required – all indexed to current prices, using the Retail Prices Index.

The Viability Appraisal was then assessed by the Council's appointed affordable housing viability consultants, Kift Consulting, who considered and commented on all of the Applicant's assumptions included within the Financial Appraisal. Where Kift Consulting felt unable to validate the Applicant's assumptions, they provided their own assumptions, backed by supporting evidence. They then provided an assessment of what level of financial contribution they consider would be appropriate, based upon these assumptions, to consider an appropriate level of financial contribution.

When the Viability Appraisal was assessed by Kift Consulting on behalf of the Council, they were unable to validate a number of the Applicant's assumptions, based on the accompanying information submitted with the Appraisal, particularly the assumed sales values. Kift Consulting reported on this finding in their Validation Report and assessed the amount of contribution that they felt could be provided, based on the information provided by the Applicant at that time - but

also stated that they would be prepared to revisit the issue if further information and evidence was provided by the Applicant.

In response, Carter Jonas submitted a Rebuttal Statement, in which they gave further information to justify some of their assumptions in respect of costs and sales values; they also agreed to vary a number of their other assumptions. Carter Jonas' revised appraisal produced a surplus of £480,357 that could be used for affordable housing, but the Applicant advised that they would be willing to stand by their original offer of £540,345.

Following receipt of the Rebuttal Statement and, in particular, further information from the Applicant to justify a number of their other assumptions, Kift Consulting reviewed the further information provided and accepted all but one of the Applicant's revised assumptions. Kift Consulting was still unable to validate the Applicant's assumptions for sales values, and continued to be of the view that their view of the average sales value (which was higher than the Applicant's) was a more realistic value for new build properties in the Chigwell area.

In their response to the Applicant's Rebuttal Statement, Kift Consulting referred to the applicant's stated marketing strategy (which put forward an approach that would result in sales values being lower than ordinarily expected), but pointed out that no evidence had been provided by the Applicant to back up the basis of their approach. They also said that, in all the validation work that Kift Consulting had been involved in, they had never come across the arguments put forward by the Applicant, particularly not on the higher-end developments that they had previously been involved with in the typical high value areas that are to be found in Epping Forest District and Uttlesford District. Moreover, Kift Consulting pointed out that the sales programme put forward by Carter Jonas within their Appraisal was not dissimilar to sales programmes put forward for higher value schemes.

Kift Consulting's own chartered valuer also identified that an analysis of the Applicant's projected sales values would normally show a decreasing rate per sq.ft. as the size of the building increases, but that this did not appear to be the case with the schedule of sales values they provided.

The difference between the Gross Development Value (GDV) for the development assessed by the Applicant and the GDV assessed by Kift Consulting – as a result of the difference of view in sales values - is £3.84million. Accordingly, Kift Consulting are unable to validate the GDV.

In conclusion, Kift Consulting have assessed that, accepting all of the Applicant's revised assumptions with the exception of their assumed sales values - and after accounting for the costs of all the other community benefits offered, and an appropriate level of developer's profit eventually agreed (after discussion) between the Applicant and Kift Consulting, the development could viably provide an affordable housing contribution of £2.17million at today's values and £2.67million on practical completion.

However, the Applicant continues to express the view that their sales values are more realistic than Kift Consulting's.

In an attempt to reach some agreement on sales values and the associated financial contribution in lieu of on-site affordable housing, the Director of Communities and Assistant Director (Development Management and Conservation) met with the Applicant and Carter Jonas. In an attempt to reach agreement, the Director of Communities suggested two approaches that officers would be prepared to recommend as appropriate to members under all the circumstances:

- (a) That the median point of the difference between the two assessed surpluses (£480,357 and £2.67million) could be agreed as the financial contribution – i.e. £1.32million on commencement or £1.57million on completion; **or**

- (b) That the contribution offered (£540,345) be agreed, subject to the Section 106 Agreement setting out an appropriate “overage arrangement” - whereby a further payment is made by the applicant on completion of the development if the actual average sales values is higher than Carter Jonas’ assumptions, with the additional sales income being shared 50/50 between the Council and the applicant, up to a maximum of £2.67million. Therefore, if Carter Jonas’ assumptions prove to be correct, no further payment would be payable; if sales income is higher, both the Applicant and the Council (through an increased affordable housing contribution) would benefit.

However, the Applicant was not willing to agree to either of these proposals, on the basis of their view that the development had insufficient value to offer a financial contribution at the median point between the two assessments (for the reasons set-out in their Viability Appraisal) and that an overage arrangement would be unfair on the Applicant, since it would take no account of increases in the assumed costs.

The Applicant then provided further information on sales values recently achieved by a local estate agent for 9 properties - however, only 3 of these properties were in Chigwell, though; the remainder were in Loughton and Buckhurst Hill. Interestingly, although the average sales value of the 9 properties submitted was in line with the average sales values (in £per sq.ft) assessed by the Applicant, the average sales value of the 3 Chigwell properties (in £per sq.ft) was 9.5% higher than even Kift Consulting’s assumed average sales values.

When this was pointed out to the Applicant, the applicant provided a further list of 9 “comparable” properties, all sold in Chigwell between 2014 and March 2015. However, this showed that the average sales value across the 9 properties was, again, 13.9% higher than Kift Consulting’s average sales value.

In submitting these “comparables”, the Applicant suggested that 5 of the comparable properties they submitted (with generally higher average sales values) should not be considered because *“in (Carter Jonas’) opinion (they are) too historic to be considered, with transactions occurring between May 2014 and November 2014. We would expect current market conditions to have changed in the past 18 months and would not usually rely on these transactions”*. The Applicant also provided a brief commentary on each property, mainly to the effect that the more expensive sales values were in more superior locations (being closer to Chigwell Station) and expressing the view that they appeared to have been built to a more enhanced specification than that proposed for the applicant’s development site.

It should be noted, though, that property prices in Chigwell have increased since 2014 (which would result in even higher sales values now). Kift Consulting have also pointed out that the majority of the comparables are for existing properties purchased from the open market, and not new-build properties, which tend to attract an enhanced sales value. Furthermore, none of the comparables appear to be within gated communities, which is the approach proposed for the Applicant’s development; this also tends to attract enhanced sales values.

Kift Consulting therefore continue to stand by their assessment of the average sales value, based on the 14 comparable properties referred to in their own Validation Report - which cover sales in Chigwell since March 2011 (including the 4 properties already built on the site and sold between March 2011 and May 2013, which had average sales values at that time around mid-way between the Applicant’s and Kift Consulting’s current assessments of sales values) – and that the development is sufficiently viable to provide an affordable housing contribution of £2.67million on practical completion (or a lesser amount if received earlier).

It should be noted that, in the latest communication from the Applicant, the Applicant has said that they would be *“willing to accept that the contribution offered (£540,345) be agreed, subject to the Section 106 Agreement setting out an appropriate review mechanism on completion of the*

development whereby a further payment could be paid should the viability of the scheme improve. With a maximum total financial contribution for affordable housing of £1.32 million". The £1.32million referred to is the median point between the Applicant's assessed surplus of £480,357 and Kift Consulting's assessment of £2.17million at today's prices.

For all the above reasons, the Director of Communities and the Assistant Director (Development Management and Conservation) are of the view that the affordable housing contribution is insufficient, having regard to viability and the Council's Local Plan policies.

Other matters

Potential land contamination, impact on biodiversity and potential for flood risk can be resolved by way of appropriate planning conditions. The matter of flood risk does require some explanation.

Essex County Council as Lead flood Authority have raised objection to the development on the basis of the proposed run-off rate for the 1 in 100 year return period, that the drainage strategy is not contained within the application site boundary and insufficient information on infiltration testing. However, the District Council's Land Drainage Team agrees with the findings of the Applicant's flood risk assessment subject to the exclusion of a land drain on the north eastern boundary where it is agreed an open watercourse will remain. The Team notes the site is not in any higher flood risk zone (zones 2 and 3). It is also aware that the consented and partially implemented development has the same run-off rate as the presently proposed development. It therefore raises no objection subject to the development being carried out in accordance with the submitted flood risk assessment. That can be secured by way of a condition on any consent granted. Planning Officers consider greater weight should be given to the advice of the Council's Land Drainage Team in this case since it has regard to the previous decision of this Council to give planning permission for an implemented development with no materially different consequence for flood risk.

National gas pipelines are within the vicinity of the site. Provided the developer contacts National Grid prior to starting works, National Grid do not raise any objection to the proposals.

Essex County Council Schools Service advise it does not seek any education contribution in addition to that which was paid by the previous developer.

Conclusion:

The proposal is acceptable in all respects other than the level of financial contribution offered in respect of the provision of off-site affordable housing. For that reason it does not comply with relevant planning policy and it is recommended that planning permission be refused.

Way forward:

The Director of Communities and Asst. Director (Development Management Conservation) remain willing to recommend approval for the application if the Applicant is willing to offer a financial contribution for the provision of affordable housing off-site, in lieu of on-site affordable housing provision, in line with one of the two proposals put forward by the Director of Communities, as set-out in the Affordable Housing section above, namely:

- (a) Either £1.5million or £1.32million – representing the median point of the difference between the two assessed surpluses (£480,357 and the £2.17million (at today's prices) or £2.67million on practical completion); or
- (b) £540,345 – subject to the Section 106 Agreement setting out an appropriate "overage arrangement", whereby a further payment is made by the applicant on completion of the

development if the actual average sales value is higher than Carter Jonas' assumptions, with the additional sales income being shared 50/50 between the Council and the applicant, up to a maximum of £2.17million (at today's prices) or £2.67million on practical completion.

In the event that Members do not agree with Officers recommendation and decide to grant planning permission, it is recommended the following conditions be applied:

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: C164 P01, C164 P03, C164 P04, C164 P05, C164 P07, C164 P10, C164 P11, C164 P12, C164 P13, C164 P14, C164 P15, C164 P16, C164 P17, C164 P18, C164 P20, C164 P21, C164 P22, C164 P23, C164 P24, C164 P25, C164 P26, C164 P28, C164 P30, C164 P32, C164 P34, C164 P36, C164 P38, C164 P45, 1008 A3 01, 1008 A3 02, 1008 A3 03, 1008 A3 04, 1008 A3 05, 1008 A3 06, 1008 A3 07, 1008 A3 08 and 1008 A3 09.
3. 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]
4. 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.
5. 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.
6. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

7. The details of the submitted Liz Lake Associates hard and soft landscape works, including details of boundary treatment shall be carried out as approved, unless otherwise agreed in writing by the Local Planning Authority. Soft landscaping shall be completed by the end of the first planting season following the substantial completion of the development hereby approved. 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.
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, 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.
10. 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.
11. All recommendations made by Greengage in section 6.0 of their phase 1 habitat survey, section 6.0 of their reptile survey and section 5 of their bat survey are followed. And all recommendations made by Herpetologic in section 7 of their Amphibian survey are followed.
12. Prior to first occupation of the development hereby approved, the proposed upper level front elevation window openings of the house at plot 43 serving a landing, bathroom and en-suite bathroom 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.

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

Planning Application Case Officer: Stephan Solon

Direct Line Telephone Number: 01992 564018

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