

## AREA PLANS SUB-COMMITTEE SOUTH

4 January 2017

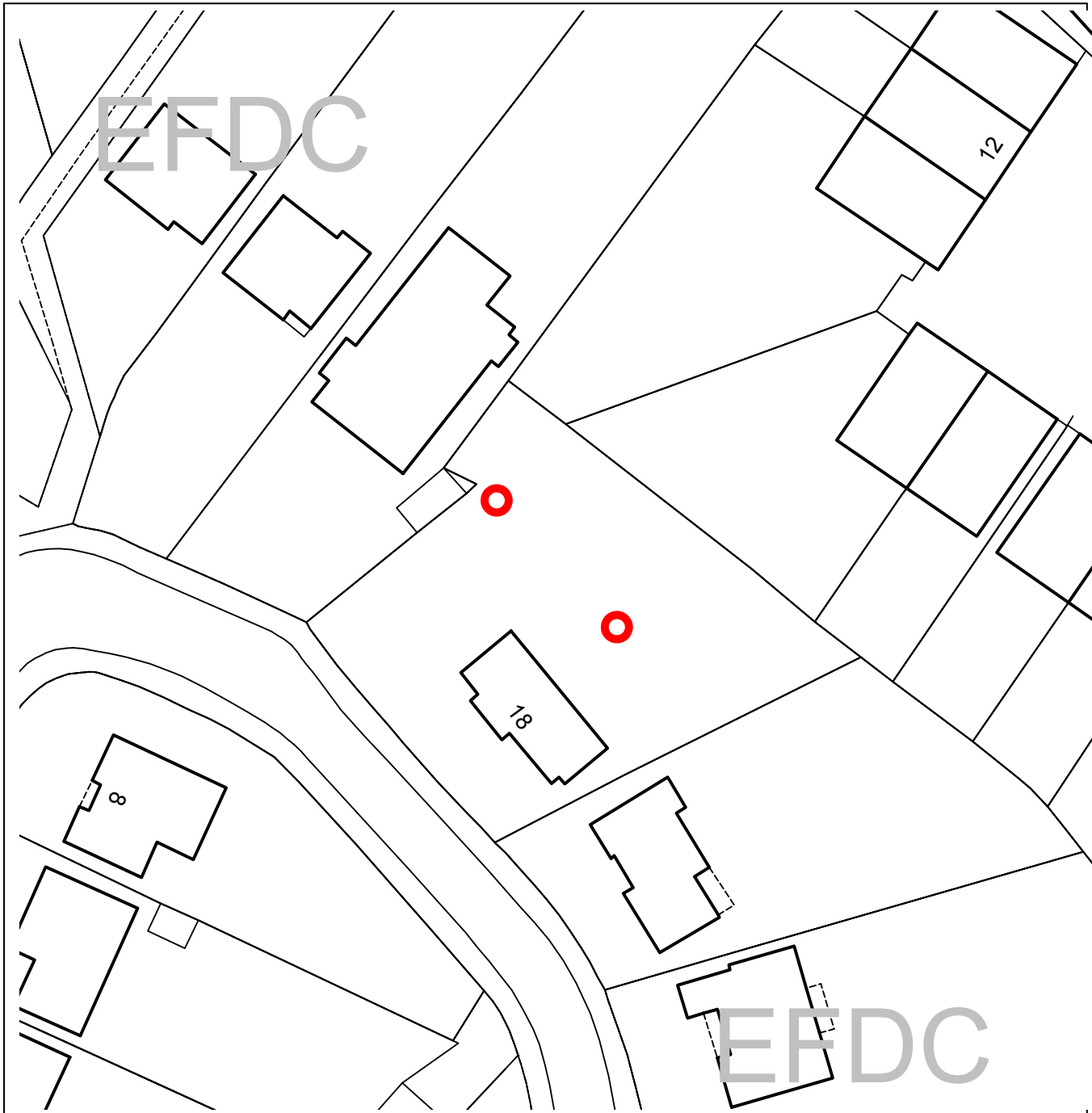
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# Epping Forest District Council

## Agenda Item Number 1



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Application Number:	EPF/2762/16
Site Name:	18 Albion Park Loughton Essex IG10 4RB
Scale of Plot:	1:5000

**Report Item No:1**

<b>APPLICATION No:</b>	EPF/2762/16
<b>SITE ADDRESS:</b>	18 Albion Park Loughton Essex IG10 4RB
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Forest
<b>APPLICANT:</b>	Mr Ken Fox
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/33/88/ T3 - Hawthorn - Fell. TPO/ EPF/02/89/ T3 - Cypress - Fell
<b>RECOMMENDED DECISION:</b>	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=588673](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=588673)

**CONDITIONS**

- 1 Two replacement trees, of a species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree 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.
- 2 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.

*This application is before this Committee since the recommendation is for approval contrary to objections from a local council and residents, 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 Proposal:**

T3 Hawthorn. Fell  
T7 Lawson's Cypress. Fell.

**Description of Site:**

The property is a detached residential dwelling located in a residential cul-de-sac. The trees across the site have varying landscape presence within the local street scene. T7 Lawson's cypress stands approximately 11 metres tall in the rear, sloped garden. T3 Hawthorn is set on a boundary wall that comprises a neighbouring garage.

### **Relevant History:**

EPF/1644/10 to fell Monterey cypress due to ill health. Granted permission.

EPF/2281/13 to fell two significant trees due to structural damage to the house. Granted permission.

EPF/2343/16 proposed two new dwellings. Withdrawn by the applicant.

EPF/2832/16 proposes a new dwelling on the site of the existing house with an integrated garage.

### **Policies Applied:**

Epping Forest District Local Plan and Alterations:

LL09 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**

LOUGHTON TOWN COUNCIL – members object to the proposed felling of these trees due to a principle held that inappropriate treatment of significant trees should be resisted.

14 HAZELWOOD – objects to the destruction of two trees.

18 HAZELWOOD – objects to the removal of any mature healthy trees on the site.

22 HAZELWOOD – objects to the felling of the cypress based on inadequate reasons provided in the tree report submitted with the proposal.

24 HAZELWOOD – objects to the loss of TPO trees.

16 HAZELWOOD – objects to the felling of T7 since it might be retained with the proposed new house footprint unchanged. The suggested replacement tree is also objected to.

17 ALBION PARK - objects to the assertion within the supporting tree report that the trees are alleged to be diseased and or in danger of falling. An objection is made to the proposed replacement.

### **Issues and Considerations:**

The applicant's stated aim is to build a new house on the plot on a larger footprint than the current detached dwelling.

The reasons for the application are listed, as follows:

- i) The condition of T3 Hawthorn is stated as poor and worsening.
- ii) The poor structure of T7 and signs of minor dieback in the upper crown justifies its replacement with a better choice such as Sweet gum.

Original extensive planting of specimen trees across the plot has, in recent years, raised concerns by neighbours suffering excessive shade and overhanging growth from the larger individuals, which has resulted in the loss of a Monterey cypress on the rear boundary.

Most relevant is the most recent case of alleged subsidence to the house, caused by a magnificent pine and a fine sycamore that provided the main landscape focus of this property. The investigation provided beyond reasonable doubt, proof that trees were the cause of the damage. They have been removed.

The main planning considerations in respect of the felling are:

### Tree condition

#### *i) T3. Hawthorn.*

The tree has an uneven crown shape and poor structure and is in a declining condition. Any loss of privacy to the neighbouring property would be minimal. This part of the proposal is acceptable with a specified condition to ensure control of species and location of a replacement.

#### *ii) T7. Lawson's cypress*

This twin stemmed tree shows dieback both in one of the main co dominant stems and on outer tips. The form of the tree is uneven and splayed in the upper crown. This is not uncommon in mature examples of this species but does increase the potential for limb failure and diminishes its original upright appearance.

### Visual amenity

#### *i) T3. Hawthorn*

Has low public amenity, being visually limited due to its diminutive size and position at the rear corner of a neighbouring garage, behind a large holly.

#### *ii) T7. Lawson's cypress*

At about 12 metres tall is clearly visible from Albion Park, as the smallest of several tall conifers within the property. Its public amenity is reduced by its location to the rear of the house when viewed from further down Albion Park, although recent removals of specimen pine and sycamore trees have increased the tree's public amenity when looking down the road from higher ground.

### Suitability of tree in current position

T3 Hawthorn is growing immediately adjacent to the neighbour's garage, which offers a screen to the unsightly brick building. However, it is possible that it may impact on the foundations of garage, which renders it unsuitable in its current location.

T7 is located to the rear of the house, on a sloped lawn below a raised rear terrace at an acceptable range from the building. It is a focal feature in the garden.

### Replacement options

The applicant offers to replace only one of the trees with a good sized Sweet gum. This will substantially mitigate for the loss of T7 but will not compensate for the loss of T3, which requires a prominently located replacement to the front of the site. It is considered preferable to retain continuity in replacement and therefore most likely that a suitably fastigate evergreen tree will be more acceptable in place of T7 cypress and the suggested Sweet gum would provide better public amenity at the top front corner of the site.

### Discussion

The current form and condition of T3 Hawthorn places this tree in an unsustainable category but T7 Lawson's cypress, following extensive tree removals to the front of the site has become more visible, despite being located in the rear garden. It has normal vigour but is not structurally a good specimen with a splayed, contorted crown structure and partial dieback. While it is possible to remove the dead stem and branches, this will only increase the uneven crown form. Overall, the opportunity to replace this flawed individual with a better evergreen fastigate specimen wins the balanced argument.

### **Conclusion:**

There is justification to remove T3 Hawthorn but the proposal does make a less compelling argument to justify the removal of T7 Lawson's cypress. However, poor structure and signs of dieback justify its loss without a significant harm to the landscape character of the locality. Therefore, it is recommended to grant permission to fell T3 and T7 in accordance with Local Plan Landscape Policy LL9.

In the event of members agreeing to allow the felling, it is recommended that a condition requiring suitable replacements and prior notice of the works to remove the two trees be attached to the decision notice.

*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*

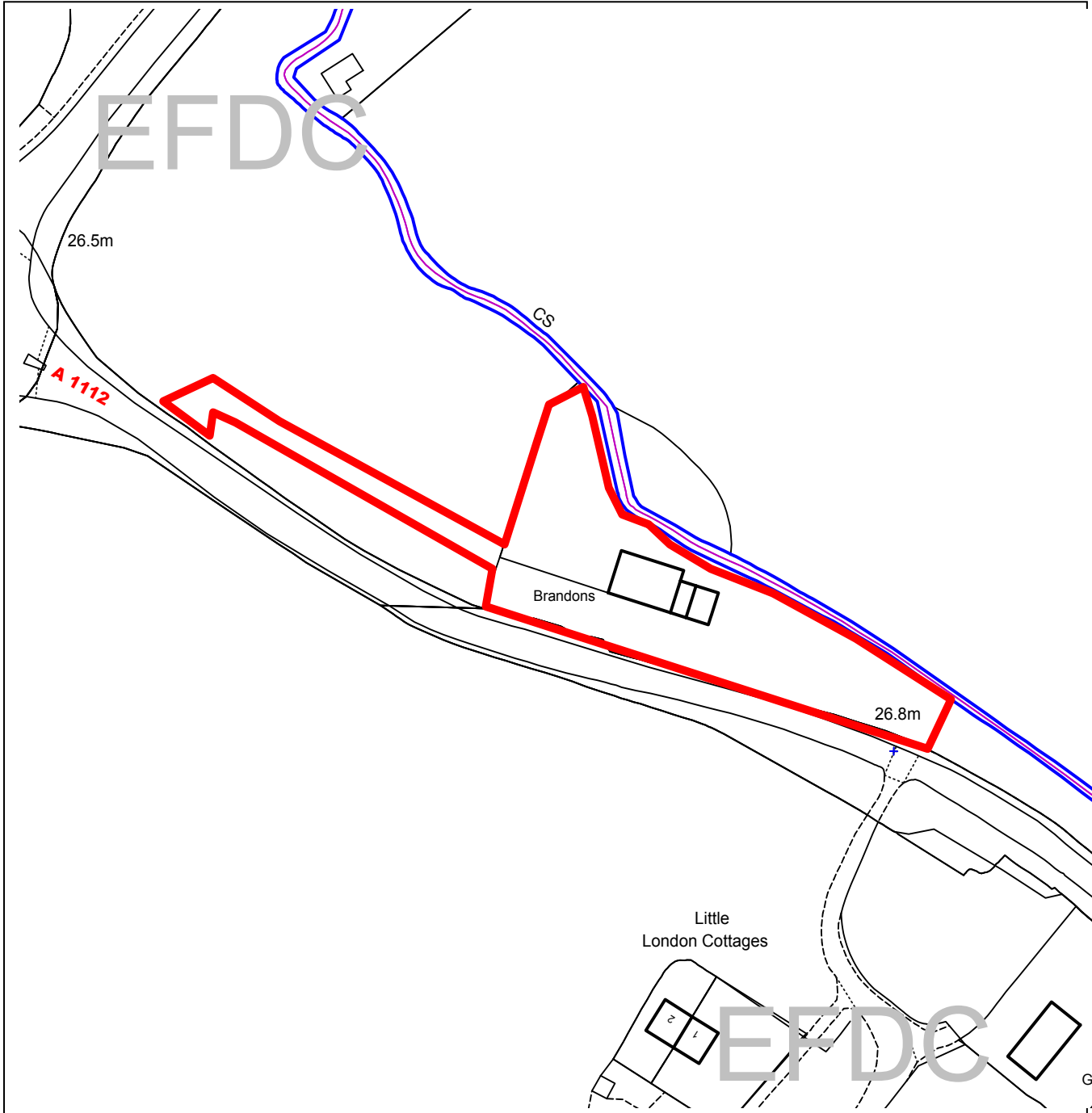
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# Epping Forest District Council

## Agenda Item Number 2



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Application Number:	EPF/2314/15
Site Name:	Brandons Gravel Lane Chigwell Essex IG7 6DQ
Scale of Plot:	1:1250



**Report Item No:2**

<b>APPLICATION No:</b>	EPF/2314/15
<b>SITE ADDRESS:</b>	Brandons Gravel Lane Chigwell Essex IG7 6DQ
<b>PARISH:</b>	Chigwell  Lambourne
<b>WARD:</b>	Chigwell Village  Lambourne
<b>APPLICANT:</b>	Dr Martin Sheriff
<b>DESCRIPTION OF PROPOSAL:</b>	Removal of existing private vehicular access points to Gravel Lane. Enlargement and gating of existing agricultural vehicular access point as main point of access to site including sections of enclosing brick wall. Creation of new private carriageway from new main access point to dwelling. Retention of 1.8m fence at front of existing dwelling.
<b>RECOMMENDED DECISION:</b>	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=579057](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=579057)

**CONDITIONS**

- 1 The soft landscaping as shown within A786 Studio 'Arboricultural Plan' Drawing number PAB/PP03-RevA dated 20th October 2016 shall be implemented within 3months of the date of this consent. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: PA-B/PP03 - Rev A; PA-B/PP02, and PA-B/PP01 Rev A.

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

**Description of Site:**

A chalet bungalow with paddock located on the north side of Gravel Lane. The house lies some 150m to the east of the roundabout with the Abridge Road. This is a Green Belt location but the house is not listed nor does it lie in a conservation area.

**Description of Proposal:**

Retrospective application for removal of existing private vehicular access points to Gravel Lane. Enlargement and gating of existing agricultural access point as main point of access to site including sections of enclosing brick wall, 2.15m high, railing gates and brick piers, max. 2.45m high. Creation of new private carriageway from new main access point to dwelling and retention of 1.8m fence on front boundary of existing dwelling.

**Relevant History:**

None.

**Policies Applied:**

Local Plan:-

GB2A – Development in the Green Belt

DBE1 – Design of new buildings

DBE4 – Design in the Green Belt

DBE9 – Loss of amenity.

ST4 – Road safety.

CP2 - Protecting the quality of the rural and built environment.

National Planning Policy Framework (NPPF)

**Summary of Representations:**

CHIGWELL PARISH COUNCIL – OBJECT – because the proposal would allow for inappropriate development in the Green Belt by virtue of the size, height, and materials to be used. The close proximity to a roundabout is also of concern as it would adversely affect highway safety. The proposed carriage way would also be detrimental to the aesthetic look of the existing building. In addition this council wishes to convey concerns that this is a retrospective application.

NEIGHBOURS - 6 consulted and two replies received:-

LITTLE LONDON, GRAVEL LANE – OBJECT - by reason of its excessive height, bulk and scale in relation to the surroundings, the gates and wall have an unsympathetic and prominent appearance in the street scene. The proposal is therefore contrary to policies DBE1 and DBE4 of the Local Plan.

THE FARMHOUSE, GRAVEL LANE – OBJECT - the fencing that has already been constructed is an eyesore and inappropriate. The new driveway has also been constructed in a dangerous location.

ESSEC CC HIGHWAYS - From a highway and transportation perspective the Highway Authority has no comments to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policies ST4 & ST6 of the Local Plan. It is noted from the site visit that this proposal is retrospective. The access, although not ideal in terms of visibility, is an improvement over the two existing accesses adjacent to the property - which have now been closed off. Consequently, this proposal is not detrimental to highway safety and has removed two

substandard accesses to the benefit of all highway users. It is unlikely the Highway Authority would support any intensification of this access in the future due to the limited visibility.

EFDC TREES AND LANDSCAPE SECTION - An acceptable soft landscaping scheme has now been received for this retrospective application. The implementation of the landscaping should be undertaken within the next three months. We therefore have no objection to this application subject to the addition of the following condition:-

The soft landscaping as shown within A786 Studio 'Arboricultural Plan' Drawing number PA-B/PP03-RevA dated 20<sup>th</sup> October 2016 shall be implemented within 3 months of the date of this consent. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.

### **Issues and Considerations:**

It is regretted that this is a retrospective application with the applicant stating that he was unaware that planning permission was required. He was advised, without prejudice, to lodge an application to regularise the development.

#### Highway issues

The house on the site originally had two vehicular access points to the front of the dwelling that have now been closed off. Due to the bends in the road, poor visibility sightlines, absence of any footway, and density and speed of traffic along Gravel Lane, these original access points were dangerous to use. Consequently, the applicant has constructed a vehicular access point some 35m to the west of his house, via a new loose gravel drive across a paddock that he owns. The new gates are positioned 9.3m behind the carriageway, and this allows the largest of vehicles to pull completely off the road to wait in the mouth of the access while the gates are being opened. Although this new access point lies fairly close to the roundabout it does enjoy far better sightlines, and the Highways Authority agree that it is an improvement on the previous 'substandard' accesses - and hence is a benefit to all highways users. For these reasons the proposed new access is an acceptable one. It should also be noted that a similar form of alternative new access and access drive has been approved across the road at Little London where 2 houses, on previously developed land, have been recently granted planning permission under EPF/2173/16.

#### Green Belt and visual amenity issues.

Wrought iron black painted gates, max. height of 2.45m high have been erected across the new access. On each side of the mouth in front of the new gates a 2.15m high wall, with 2.45m high piers, has been built up to the front boundary of the site - a distance of 6.6m. Unfortunately a fairly bright yellow/buff coloured brick has been used in these walls, and the height of this enclosure, coupled with the type of brick used, detracts significantly from visual amenity in this Green Belt locality. After negotiations the plans have been amended and a 2m. high holly hedge, together with 6 beech trees, are to be planted in front of the enclosing walls to the access. This 'instant' screening would need to be planted within 3 months of any decision, and it would largely 'hide' the walls from view. Given that the new access is a better one in terms of highway safety it is felt that this compromise screening proposal is acceptable in this instance, and adequately mitigates against the inappropriate nature of this existing brick wall enclosure in a Green Belt locality.

On the front boundary of the site a new 1.8 to 2m high fence has been erected along Gravel Lane. This fence is light brown in colour, and contains timber posts, not brick piers, for its fixing into the ground. It is set back some 1.5m from the carriageway and shrubs and vegetation in the road side verge also provide some screening of this fence. For these reasons the fence has an acceptable

appearance in this locality – and the absence of any footway dictates that this section of Gravel Lane is not used by pedestrians.

Finally, a 35m length access ‘drive’, surfaced by grey/black chippings, has been constructed over the applicants adjoining paddock to the new gated access point. The paddock is well screened, and this access track is largely hidden from view and has a very limited affect on visual amenity. This ‘drive’ is therefore satisfactory, but a condition is to be added to any consent that the remainder of the paddock cannot be used for domestic garden purposes.

**Conclusions:**

The erection of the gates and enclosing walls without planning permission cannot be condoned, and as erected the walls unduly detract from visual amenity. However they only enclose the sides of the area in front of the gates, and do not run along part or all of the front boundary. The applicant has agreed in amended plans to plant a 2m high holly hedge and 6 beech trees in front of the walls, and a condition will require this planting to be carried out within 3 months of any approval. This planting will effectively screen the new walls, and the resulting development will be less conspicuous than other front brick enclosures built nearby at Thrift House, Manor House, and Highfields further down Gravel Lane, and at Chase Meadow on the Abridge Road. For these reasons, and those set out above, the amended proposal is, on balance, considered to be acceptable, and it is therefore recommended that planning permission be granted subject to conditions.

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

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

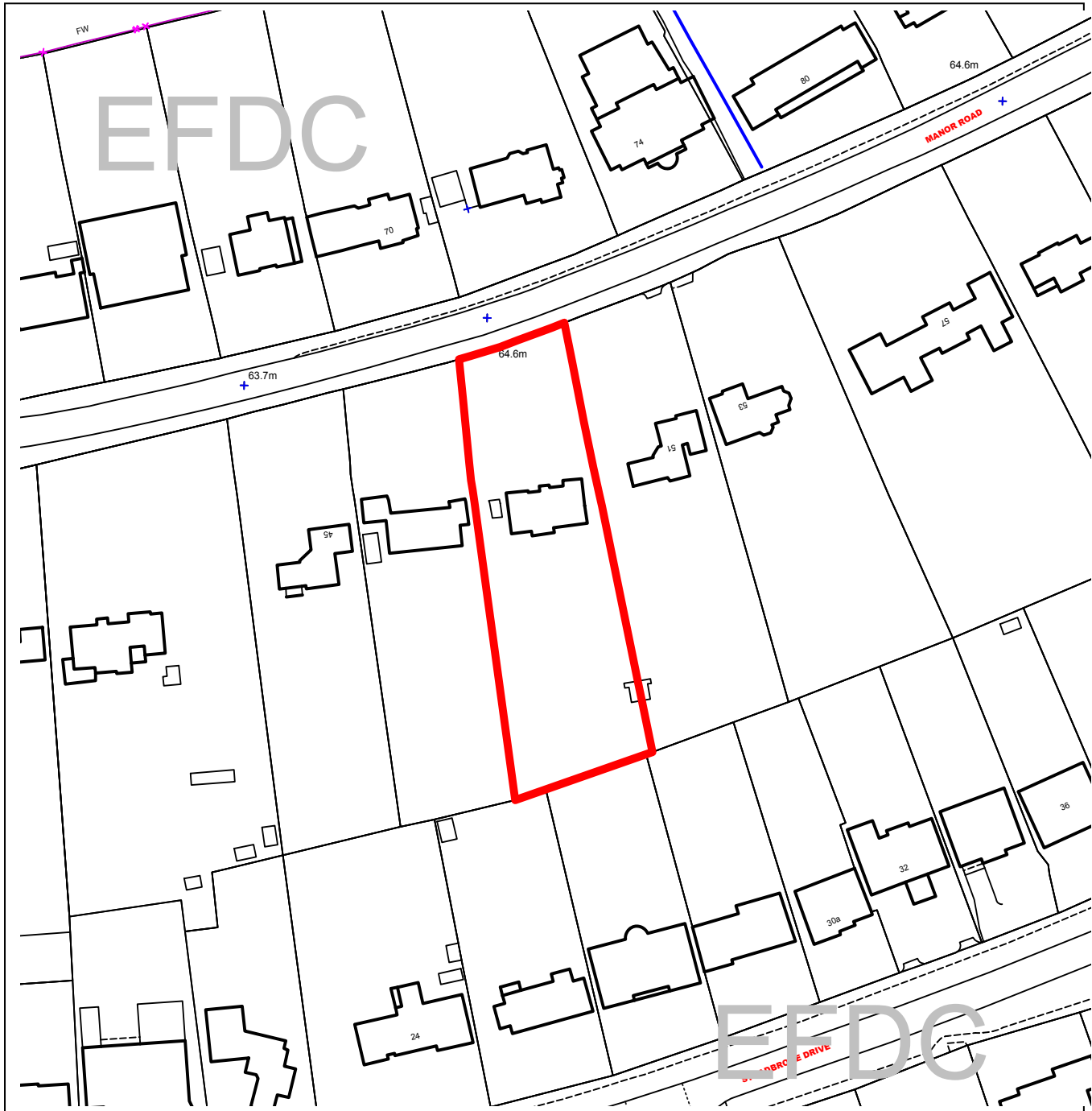
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# Epping Forest District Council

## Agenda Item Number 3



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Application Number:	EPF/0537/16
Site Name:	49 Manor Road Chigwell Essex IG7 5PL
Scale of Plot:	1:1250

**Report Item No:3**

<b>APPLICATION No:</b>	EPF/0537/16
<b>SITE ADDRESS:</b>	49 Manor Road Chigwell Essex IG7 5PL
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>APPLICANT:</b>	Mr M Chaudhry
<b>DESCRIPTION OF PROPOSAL:</b>	Retain raised ground levels to parts of rear garden.
<b>RECOMMENDED DECISION:</b>	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=582919](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=582919)

**CONDITIONS**

- 1 Within one month of the date of this permission a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation shall have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:  
49-GL-201  
49-GL-202  
49-GL-203  
Levels (Existing Ground Level)  
Levels (Proposed Ground Level)

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

**Description of Site:**

The application site is the curtilage of a two-storey detached house in generous grounds. The surrounding area is characterised by large two storey properties of various designs in large plots.

51 Manor Road, to the east, is on ground in the region of 0.3m higher than the application site and no. 47 is around 0.7m lower.

It is not Listed nor in a Conservation Area. All trees on this site and on adjacent sites are protected by Tree Preservation Orders.

**Description of Proposal:**

Retain raised ground levels to parts of rear garden.

The level of the rear garden has been raised and a previous slope from side to side across the rear garden has been levelled out. Natural ground levels in the vicinity fall from east to west and the previous slope across the rear garden reflected this. The flattening of the surface of the rear garden has resulted in a significantly higher ground level, by a figure in the region of 0.4m, against the western boundary, the side boundary with 47 Manor Road.

Ground has also been raised to the side of an outbuilding at the end of the rear garden. This has resulted in the side boundary fence, of standard fence of panels some 1.8m high, now only having a height in relation to the ground level of no. 49 of some 1m. This fence in relation to the ground level of no. 47, the adjacent site, has a height of some 1.8m.

**Relevant History:**

ENF/0022/16 – Planning enforcement investigation - Building works ongoing without planning permission

**Policies Applied:**

Adopted Local Plan -  
DBE9            Loss of Amenity  
LL7             Planting, Protection and Care of Trees

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: 7

47 MANOR ROAD – Object – ground has been raised by over 4 feet, application is deceiving, the raised land allows complete overlooking of my entire garden including private patio area, raised ground also allows direct view into the windows at the back of my house, has caused flooding with potential that this would kill trees, outbuildings on raised ground tower over my garden, applicant had work done at night to disguise the raising of the level of the land, though work has already taken place this should not allow something destructive to my family's privacy.

PARISH COUNCIL: The Council OBJECTS to this application because the raised land level would cause overlooking onto the neighbouring property. In addition the Council understands that a significant structure is already on site.

**Main Issues and Considerations:**

The main issues are the impact to neighbours, almost exclusively the impact to the occupiers of no. 47, and any adverse effect to trees.



The rear garden of 51 Manor Road was naturally at a somewhat higher level before the ground levels the subject of this planning application took place at no.49 and the works have made the resulting rear garden of the application property (no.49) no higher than the rear garden of no. 51. Accordingly, there is no material adverse impact to the occupiers of no. 51. Properties to the rear of the application property, and principally 28 Stradbroke Drive which is directly to the rear, are screened by the outbuilding at the end of the rear garden of the application property, so that they are also not unduly affected.

As stated above, the main impact is to the rear garden level of no. 47, which is now, in relative terms, looked down upon from no.49's new rear garden level. There is therefore the potential for overlooking from the rear garden of the application property as a result. However, considered in the round, the impact is not so great as to reasonably justify refusal. This is because there is a line of trees on the neighbour no. 47's side of the boundary, which provide adequate screening. In particular a Monterey Cypress (G2 in the accompanying arboricultural report) that provides an effective screen to the area nearest the rear elevation of no. 47. Further down the garden of no. 47, two Hornbeam trees provide a screen. There is a gap between these clusters of screening dense vegetation, however, and it is considered necessary and reasonable to impose a condition to require a landscaping scheme of planting on the application property's side of the boundary so as to prevent loss of privacy.

There is a gap between the outbuilding at the end of the garden and the side boundary where a 2m height fence has effectively been reduced to a 1m high fence in relation to the new ground level. However, this portion of the garden is at the very end, by the rear boundary. To look up the rear garden of no. 47 to the rear elevation of their house would require consciously taking a view at an acute angle to the side boundary to cause this neighbour overlooking and loss of privacy issues. Use of this gap could be deterred by the landscaping of new planting to address this area in particular.

The Trees and Landscaping team have been consulted on the application and raise no objection. As it is a retrospective application, the site has been visited by tree and enforcement officers on numerous occasions and harm to the trees, including any surface water retention is difficult to associate with harm to the trees, which do not look under a health threat.

The reference by the Parish Council to a significant structure already on site is understood to be a reference to an outbuilding at the end of the rear garden of the application property. The outbuilding at the end of the rear garden is understood to accommodate a swimming pool, but this has been erected within the terms of Permitted Development and not require planning permission.

### **Conclusion:**

The development is considered to have not created a detriment to the occupiers of 47 Manor Road that could reasonably justify a refusal of planning permission, given there are planning conditions which can be imposed to overcome amenity harm of this immediate neighbour. National Planning Practice Guidance that accompanies the NPPF is very clear that conditions should be used to enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. In this case, that is conditions requiring the implementation of a landscaping scheme to re-inforce screening by vegetation. The application is therefore 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: Jonathan Doe  
Direct Line Telephone Number: 01992 564103***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Agenda Item Number 4



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Application Number:	EPF/2228/16
Site Name:	Forest House Nursery Road Loughton Essex IG10 4EA
Scale of Plot:	1:500

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/2228/16
<b>SITE ADDRESS:</b>	Forest House Nursery Road Loughton Essex IG10 4EA
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Forest
<b>APPLICANT:</b>	Mr & Mrs D Oliver
<b>DESCRIPTION OF PROPOSAL:</b>	Ground floor single-storey kitchen and study/ bedroom extension; and second floor bedroom extension above existing first floor (revision to EPF/1733/14 not yet implemented)
<b>RECOMMENDED DECISION:</b>	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=586713](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=586713)

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

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

**Description of Site:**

The application property is a detached house on a corner plot at the junction of Nursery Road with Upper Park.

On the far side of Upper Park is part of the curtilage of Dragons, a Listed Building. The site is part of the built up area of Loughton although Green Belt land is on the far side of Nursery Road.

### **Description of Proposal:**

Ground floor single-storey kitchen and study/ bedroom extension; and second floor bedroom extension above existing first floor (revision to EPF/1733/14 not yet implemented)

### **Relevant History:**

EPF/1733/14 - Ground floor single storey front extension and first floor rear extension. – Granted 16/09/2014

### **Policies Applied:**

Local Plan:-

CP2	Quality of Rural and Built Environment
DBE9	Loss of Amenity
DBE10	Residential Extensions
HC12	Development Affecting the Setting of 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.

### **Consultation Carried Out and Summary of Representations Received**

Date of site visit: 04/11/2016

Number of neighbours consulted: 4

Site notice posted: No, not required

Responses received: No response received from neighbours.

TOWN COUNCIL: The Committee OBJECTED to this application as the building scheme was considered to be:

- An overdevelopment of the plot
- Out of keeping with surrounding properties and detrimental to the streetscene
- Harmful to the design of the existing house; and
- Would overlook the neighbour at no. 56 Upper Park

### **Main Issues and Considerations:**

The difference between the current proposal and the design previously approved (EPF/1733/14) is solely relates to a front extension.

A single storey front extension, facing Nursery Road, is now to be deeper, 3m rather than 2m. The front extension is now also proposed to be wider, coming level with the right hand flank when viewed from Nursery Road. A change to the form of the roof follows from the alteration to the dimensions. It is now proposed that the roof to the single storey front extension have a flat part between a roof slope around the edge and the wall at first floor level. This in turn means that a roof light, previously to have been on a front roof slope is now to be set on the flat part. However, a small roof light now appears over to the right of the front door. The roof light to the day room would become unseen, or certainly far less visible, but a small roof light would be added to the study (now large enough to be a study/bedroom).

The front extension would be seen in views from the northeast but it is considered that this would appear in proportion with the house as a whole. The front extension would not be seen in views from the southwest due to a screen fence and garden shed.

The second floor bedroom extension above the existing first floor would be unchanged in design from that previously approved by EPF/1733/14.

The first floor rear extension will be set against the side elevation of the no.56 Upper Park and therefore will not be directly visible when viewed from private windows. Furthermore it will be set against the backdrop of the existing building, and will not appear overbearing or harm their living conditions.

By raising the ridge of the existing first floor rear extension, there is the potential for the dwelling to appear somewhat prominent in the street scene. However it does not exceed the height of the existing ridge of the main house and is set towards the rear of the property. The roof design is relatively conventional given there is a similar example close to the application site.

A side bay, facing Upper Park, would be widened from 2.2m to 3.5m, with the right hand side viewed from Upper Park coming level with a front corner. This has also been approved previously by planning permission EPF/1733/14.

The enlargement of the side bay, by 1.3m, would have a very limited visual impact and is considered acceptable.

There was a tree the subject of a Tree Preservation Order on the corner of Nursery Road with Upper Park. Due to its poor condition it has been recently been removed, and discussions have been ongoing with the property owners regarding replacement. However, that is a separate matter not connected with the merits of this planning application as there are no tree or landscape issues in connection with this application.

The Listed Building, Dragons, is a significant distance away with the curtilage of Dragons set behind a screen fence along Upper Park and trees forming further screening.

### **Conclusion:**

The development will not harm the living conditions of the neighbour and it is considered that the front extension will not harm the visual amenity of the street scene. Therefore it is recommended that planning permission is granted.

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

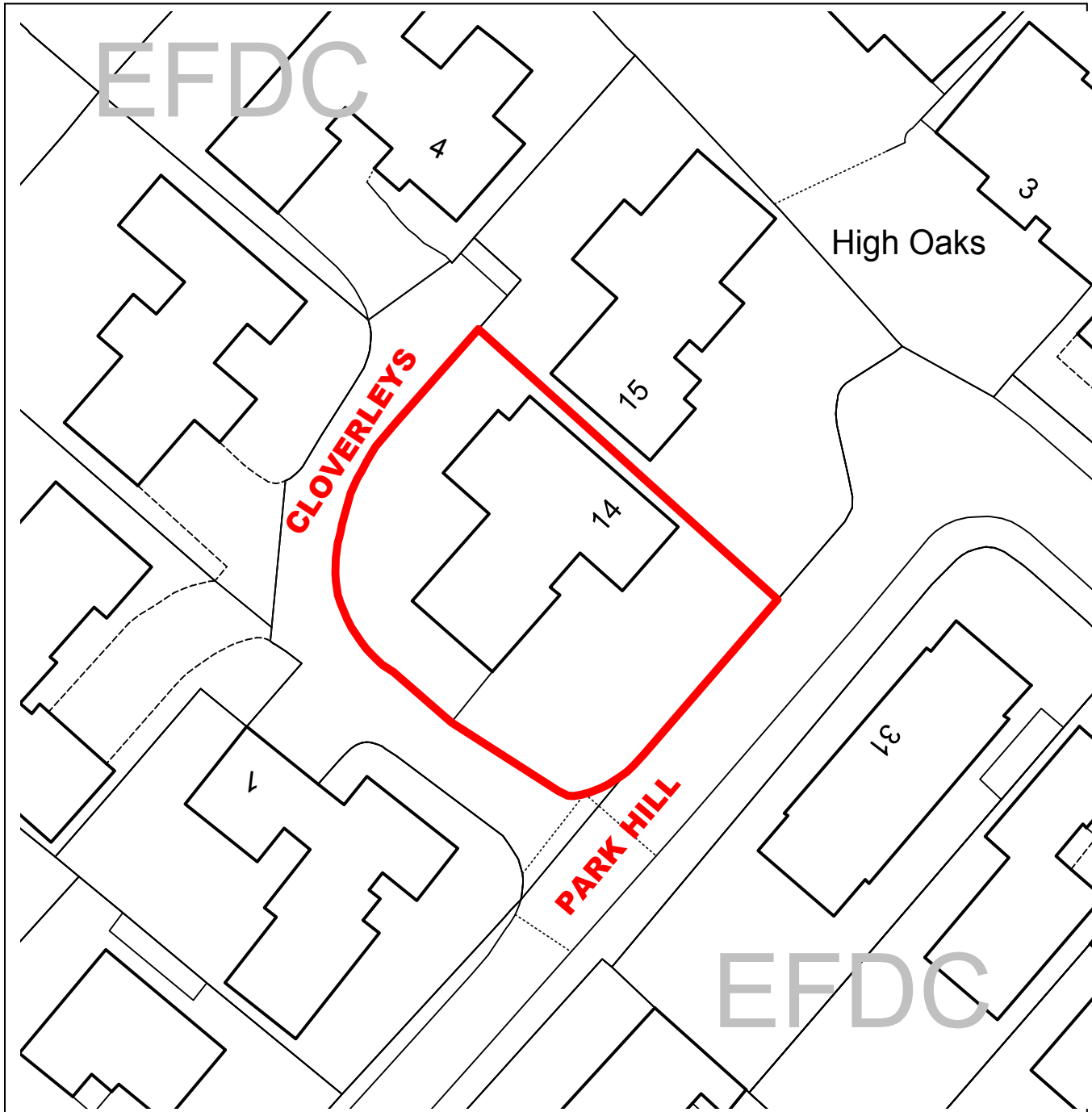
***Planning Application Case Officer: Jonathan Doe  
Direct Line Telephone Number: 01992 564103***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Agenda Item Number 5



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Application Number:	EPF/2370/16
Site Name:	14 Park Hill Loughton Essex IG10 4ES
Scale of Plot:	1:500

**Report Item No:5**

<b>APPLICATION No:</b>	EPF/2370/16
<b>SITE ADDRESS:</b>	14 Park Hill Loughton Essex IG10 4ES
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Forest
<b>APPLICANT:</b>	Mr Bill Bassi
<b>DESCRIPTION OF PROPOSAL:</b>	Ground floor rear extension; roof alteration with a loft conversion (Amendment to EPF/0070/16 reduction in number of dormers)
<b>RECOMMENDED DECISION:</b>	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=587475](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=587475)

**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:  
7890/00 E, 7890/03 E, 7890/04 E, 7890/05 E, 7890/07 E.
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 5 No development, including works of demolition or site clearance, shall take place until details of the retained landscaping (trees / hedges) and their methods of protection (in accordance with BS5837:2012 -Trees in relation to design, demolition and construction – Recommendations) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation.

*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 proposal site comprises a late twentieth century 'mock Tudor' style large detached house with curtilage. The garden includes a number of protected trees. The property is positioned within a cul de sac and on top of a steep hill. The surrounding area is characterised by similar types of property.

The site is within an urban area and is not listed nor within a conservation area. There is a locally listed building to the south west of the site.

### **Description of Proposal:**

Permission is sought for a ground floor rear extension, roof alterations and a loft conversion including two pitched roof dormers on the front and two pitched roof dormers on the rear.

### **Relevant History:**

EPF/0303/03 - Conversion of garage to a room - Approved

**EPF/0070/16 - Raising the height of the eastern section of the main roof and the insertion of dormer windows to the front and 3 to the rear to facilitate creation of a second floor. The construction of a two storey side extension along with extensions to the ground and first floor rear elevation - Refused**

### **Policies Applied:**

#### Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

DBE2 – Effect on Neighbouring Properties

DBE9 - Loss of amenity

DBE10 - Residential extensions

LL7 - Planting, protection and care of trees

LL8 – Works to preserved trees

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. Members were concerned the proposed works would result in an overdevelopment of a small site and would be overbearing to the neighbours.

6 Neighbours were consulted.

Response received: 15 PARK HILL have commented with concerns regarding land stability.



## **Issues and Considerations:**

The main issues with this proposal relate to the previous refusal for a similar scheme, The previous reasons for refusal were as follows;

- 1) *The proposed extensions by virtue of their position close to the boundaries of the site would lead to a cramped form of development on the site which would undermine the distinctive spatial characteristic of the street within which this application is situated. The proposal is therefore contrary to the requirements of chapter 7 of the NPPF and policy DBE10 of the Combined Policies of Epping Forest District Local Plan and alterations 2008.*
- 2) *The proposed increase in height of the roof; the table top roof design; number of dormers and its prominent position visible from the public realm would form an over dominant and visually discordant feature which would be visible from the public realm to the detriment of the character and appearance of the host property and surrounding area, it is therefore contrary to the requirements chapter 7 of the NPPF and policy DBE10 Combined Policies of Epping Forest District Local Plan and alterations 2008.*
- 3) *The proposal would detract from the amenities of 3 Cloverleys by reason of the resultant real and perceived loss of privacy to this neighbour. The proposal is therefore contrary to the requirements of paragraphs 17 and 64 of the NPPF and policy DBE 9 of Combined Policies of Epping Forest District Local Plan and alterations 2008.*

A previously proposed two storey side extension on refused planning application EPF/0070/16 has been deleted from the left-hand side of this proposal, which means that the house moves no closer to the corner of the road on its return frontage to Cloverleys. The proposals therefore do not result in a cramped form of development and overcomes the first reason for refusal.

The proposed reduction in the number of dormers to two on the front and two at the rear from a previously proposed 6 results in a lesser roof bulk than previously considered and alleviates the former cramped appearance that resulted in concern in respect of reason 2. The plot is located where both the front and to a lesser extent the rear roof slopes will be visible and as such care has been taken on both elevations in that pitched roof dormers are provided on the rear as opposed to flat roof box dormers that are more common. This amendment to reduce the number of dormers and set them well in relation to the existing openings below, also assists in reducing impact to the street scene and addressing both reasons one and two above.

Regarding reason for refusal 3 above, 3 Cloverleys fronts towards the rear of the application site, the proposed new windows would serve bedroom and bathroom areas. Any perceived overlooking of the frontage of the property would be of negligible impact given this is a public street and benefits minimal privacy. In terms of interlocking, the bathroom may be obscure glazed by condition, and the bedroom to bedroom relationship does not differ from any properties located opposite one another in the street. Therefore it is considered the revised internal layout and location of dormers has overcome reason 3 above.

Structural concerns raised by neighbours are noted, however these matters are addressed via building regulations.

Officers are of the opinion the proposed alterations have overcome the previous reasons for refusal, and mindful of a similar scheme approved recently for more dormers at 4 Cloverleys, approval is recommended.

Conclusion:

The proposal is considered acceptable as it proposes a less cramped form of development and reduces the proposals to a level that is acceptable, mitigating the previous impacts identified and resulting in a proposal that Officers considers now acceptable.

***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: Jenny Cordell***

***Direct Line Telephone Number: 01992 564265***

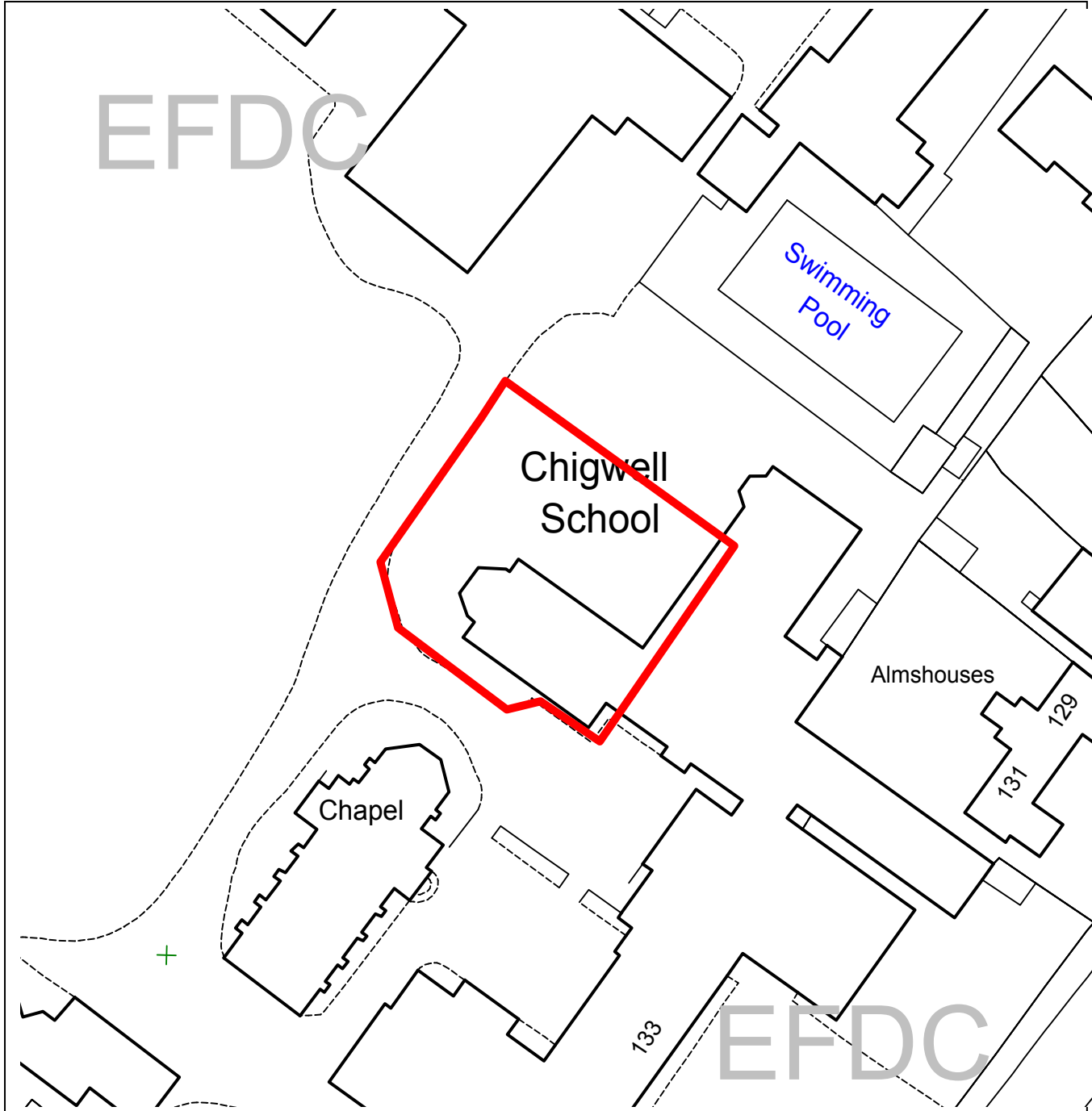
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## Agenda Item Number 6



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Application Number:	EPF/2663/16
Site Name:	Chigwell School High Road Chigwell Essex IG7 6QF
Scale of Plot:	1:500

**Report Item No:6**

<b>APPLICATION No:</b>	EPF/2663/16
<b>SITE ADDRESS:</b>	Chigwell School High Road Chigwell Essex IG7 6QF
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>APPLICANT:</b>	Mr James Rea
<b>DESCRIPTION OF PROPOSAL:</b>	Single storey extension to existing dining room and refurbishment of existing dining facilities
<b>RECOMMENDED DECISION:</b>	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=588339](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=588339)

**REASON FOR REFUSAL**

The proposed extension by reason of the loss of the existing historic windows would be harmful to the special historic and architectural integrity of the application Grade II listed building. Furthermore there is insufficient public benefit resulting of this development which would outweigh the harm identified. The proposal is therefore contrary to paragraphs 132 and 134 of the NPPF and policy HC10 of the Adopted Local Plan and Alterations.

*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: Scheme of Delegation, Appendix 3)*

**Description of Site:**

The application site is the rear part of the main school building which forms part of a two storey building which houses the school dining room at ground floor. The building as a whole is Grade II\* listed with the building dating from the 1620's, the part to be extended is a later extension to the building dating from 1910. The site is within the Chigwell Village Conservation Area. The application site is not within the Green Belt but the wider school grounds are.

**Description of Proposal:**

The application seeks consent for a curved single storey extension to the dining room with a maximum depth of 11.2m. The proposal will be a glazed structure with a maximum height of 3.5m. The proposal will link the existing dining room with the 'Swallow Room' creating one large dining space. The proposal includes internal alterations to existing windows which will now form openings, new floor level and restoration of the existing timber panelling.

## **Relevant History:**

EPF/2666/16 - Grade II listed building consent for single storey extension to existing dining room and refurbishment of existing dining facilities – Concurrent application

Various other applications but none relevant

## **Policies Applied:**

### Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

DBE2 – Impact on Amenity

DBE3 – Design in Urban Areas

DBE1 – Design

HC6 – Character, Appearance and setting of Conservation Areas

HC7 – Development within Conservation Areas

HC10 – Listed Building

CF5 – Educational buildings outside of the Green Belt

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 has no objection to this application

11 Neighbours consulted and a site notice posted: No responses received

## **Issues and Considerations:**

The main issues with this proposal relate to the principle of the development, design and the Listed Building and impact on amenity.

### Principle of Development

The proposal is an extension to an existing educational facility. Policy CF5 promotes replacement buildings or extensions to educational buildings provided the proposal would not result in an excessive adverse effect on townscape due to loss of open space and that it does not involve the loss of playing fields. The proposal will result in the loss of an area of open space to the front of dining room but this will not result in any effect on townscape given its courtyard location. The proposal does not result in the loss of playing fields and this proposal complies with the requirements of policy CF5.

### Design and Listed Buildings

Chigwell School is a grade II\* listed building located within the Chigwell Village Conservation Area. The oldest buildings on the site date from the 1620s (the school was functioning in 1623 but formally founded in 1629) and front the High Road, but the school has been extensively extended over the decades with 18th, 19th, and 20th century additions, all of which form part of the listed building. Although the 1620s elements are of the highest significance, each of the later additions

have their own merits and make a substantial contribution to the architectural interest of the site and in understanding the school's history and development. The elements of the building which will be impacted on by the proposed dining room extension are the existing Dining Hall and the Swallow Room, although the setting of the entire listed building and the wider site (being located within the conservation area) also have to be taken into account.

The Dining Hall dates from 1910-11 and was designed by Herbert Tooley, a local architect of note who lived and worked in Buckhurst Hill, and was extended in 1936-7 by Tooley and Foster (established when Rex Foster joined Tooley in practice) when the Swallow Room was added. Both buildings are attractive additions to the school complex and contribute to the interesting mix of architectural styles and building ages on the site. Substantial alterations to these buildings should, therefore, be given careful consideration and should be backed by clear and convincing justification for any potentially harmful changes.

The principle of an extension in this location and the proposed design approach are acceptable. The proposed extension is relatively lightweight; views of the buildings behind are retained due to the full-height glazing and the proposed glazing between the extension and existing buildings provides a light-touch junction between old and new. The plan shape of the extension also comfortably fits into the corner site between the two buildings. The internal modifications, including the alterations to the floor level and steps from the Dining Hall into the corridor, are not objected to by the Council's Conservation Officer, but the loss of the number of windows proposed for removal is.

This submission follows a pre-application enquiry. Concerns were raised during pre-application stage regarding the extent of alteration proposed to the listed Dining Hall and Swallow Room. It is proposed to remove a total of seven windows; four large and very prominent original leaded windows from the Dining Hall, and three original casement windows from the Swallow Room. It was suggested at pre-application stage that the two central dining room windows were retained in situ, with the outer two removed, and the central casement window of the Swallow Room retained because this is not being used for access. The proposal still includes the removal of seven windows and this is considered an unacceptable loss of historic fabric.

It is clearly acknowledged that the Dining Hall and Swallow Room are a less significant element of the listed building than the 17<sup>th</sup> century front range. However, they are still significant as good examples of sympathetically designed early 20<sup>th</sup> century architecture by local architects of note, and contribute to the special interest of the listed building as a whole by demonstrating the development of the site and contributing to its architectural variety. The amount of historic fabric to be removed and the loss of key design elements is considered to be harmful to the listed building. The need for ventilation, circulation, and levels of supervision between the existing spaces and the new extension form the basis of the justification for the works. However, this is not considered sufficient to outweigh the extent of historic fabric to be lost.

Para.132 of the NPPF states that great weight should be given to the conservation of heritage assets and requires clear and convincing justification where harm is caused. It is considered that the proposal, by virtue of the loss of historic fabric, would cause harm and should be tested under para.134 of the NPPF. Under this paragraph, the harm should be weighed against the public benefits of the proposal. The degree of harm in this case is not considered to be outweighed by the public benefit of the extension of the dining space, particularly as this could be achieved with the loss of less fabric.

As this is a Grade II \* listed building Historic England (previously English Heritage) were consulted on this application. Historic England have not raised an objection, however this is on the basis of a balanced judgement of the proposal. They have stated that it would be preferable for the windows within the Dining Hall and Swallows Room not to be removed, so it is clear that the no

objection comment is not without concern. Their advice has been duly considered but the loss of the seven windows still appears to cause unjustified harm which is, at least partially, recognised within Historic England's comments on the preference of retaining the windows.

The view is taken that the degree of loss is unacceptable as the benefits of the proposal can be achieved without the full extent of the proposed loss of historic fabric, and this degree of loss in itself is not outweighed by public benefits.

#### Amenity

The proposal is contained within the school site and will be screened from any neighbouring properties therefore no amenity issues are raised.

#### Conclusion:

The proposal is considered to cause significant harm to the listed building by the loss of the existing windows and refusal on this basis is therefore recommended.

#### Possible Way Forward

It is considered that two out of four windows within the Dining Hall and one out of three windows in the Swallow Room could be retained without serious impact on ventilation, circulation or supervision, particularly as bottlenecks would still exist on exit from the servery and entry into the Swallow Room, and the retained windows would still allow for supervision.

***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](mailto:contactplanning@eppingforestdc.gov.uk)***



**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/2666/16
<b>SITE ADDRESS:</b>	Chigwell School High Road Chigwell Essex IG7 6QF
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>APPLICANT:</b>	Mr James Rea
<b>DESCRIPTION OF PROPOSAL:</b>	Grade II listed building consent for single storey extension to existing dining room and refurbishment of existing dining facilities
<b>RECOMMENDED DECISION:</b>	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=588353](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=588353)

**REASON FOR REFUSAL**

- 1 The proposed extension by reason of the loss of the existing historic windows would be harmful to the special historic and architectural integrity of the application Grade II listed building. Furthermore there is insufficient public benefit resulting of this development which would outweigh the harm identified. The proposal is therefore contrary to paragraphs 132 and 134 of the NPPF and policy HC10 of the Adopted Local Plan and Alterations.

*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: Scheme of Delegation, Appendix 3)*

**Description of Site:**

The application site is the rear part of the main school building which forms part of a two storey building which houses the school dining room at ground floor. The building as a whole is Grade II\* listed with the building dating from the 1620's, the part to be extended is a later extension to the building dating from 1910. The site is within the Chigwell Village Conservation Area. The application site is not within the Green Belt but the wider school grounds are.

**Description of Proposal:**

The application seeks consent for a curved single storey extension to the dining room with a maximum depth of 11.2m. The proposal will be a glazed structure with a maximum height of 3.5m. The proposal will link the existing dining room with the 'Swallow Room' creating one large dining space. The proposal includes internal alterations to existing windows which will now form openings, new floor level and restoration of the existing timber panelling.

### **Relevant History:**

EPF/2663/16 - Single storey extension to existing dining room and refurbishment of existing dining facilities – Concurrent application

Various other applications but none relevant

### **Policies Applied:**

Epping Forest District Local Plan and Alterations  
HC10 – Listed Building

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 has no objection to this application

11 Neighbours consulted and a site notice posted: No responses received

### **Issues and Considerations:**

The main issues with this proposal relate to design and the Listed Building.

#### **Design and Listed Buildings**

Chigwell School is a grade II\* listed building located within the Chigwell Village Conservation Area. The oldest buildings on the site date from the 1620s (the school was functioning in 1623 but formally founded in 1629) and front the High Road, but the school has been extensively extended over the decades with 18th, 19th, and 20th century additions, all of which form part of the listed building. Although the 1620s elements are of the highest significance, each of the later additions have their own merits and make a substantial contribution to the architectural interest of the site and in understanding the school's history and development. The elements of the building which will be impacted on by the proposed dining room extension are the existing Dining Hall and the Swallow Room, although the setting of the entire listed building and the wider site (being located within the conservation area) also have to be taken into account.

The Dining Hall dates from 1910-11 and was designed by Herbert Tooley, a local architect of note who lived and worked in Buckhurst Hill, and was extended in 1936-7 by Tooley and Foster (established when Rex Foster joined Tooley in practice) when the Swallow Room was added. Both buildings are attractive additions to the school complex and contribute to the interesting mix of architectural styles and building ages on the site. Substantial alterations to these buildings should, therefore, be given careful consideration and should be backed by clear and convincing justification for any potentially harmful changes.

The principle of an extension in this location and the proposed design approach are acceptable. The proposed extension is relatively lightweight; views of the buildings behind are retained due to

the full-height glazing and the proposed glazing between the extension and existing buildings provides a light-touch junction between old and new. The plan shape of the extension also comfortably fits into the corner site between the two buildings. The internal modifications, including the alterations to the floor level and steps from the Dining Hall into the corridor, are not objected to by the Council's Conservation Officer, but the loss of the number of windows proposed for removal is.

This submission follows a pre-application enquiry. Concerns were raised during pre-application stage regarding the extent of alteration proposed to the listed Dining Hall and Swallow Room. It is proposed to remove a total of seven windows; four large and very prominent original leaded windows from the Dining Hall, and three original casement windows from the Swallow Room. It was suggested at pre-application stage that the two central dining room windows were retained in situ, with the outer two removed, and the central casement window of the Swallow Room retained because this is not being used for access. The proposal still includes the removal of seven windows and this is considered an unacceptable loss of historic fabric.

It is clearly acknowledged that the Dining Hall and Swallow Room are a less significant element of the listed building than the 17<sup>th</sup> century front range. However, they are still significant as good examples of sympathetically designed early 20<sup>th</sup> century architecture by local architects of note, and contribute to the special interest of the listed building as a whole by demonstrating the development of the site and contributing to its architectural variety. The amount of historic fabric to be removed and the loss of key design elements is considered to be harmful to the listed building. The need for ventilation, circulation, and levels of supervision between the existing spaces and the new extension form the basis of the justification for the works. However, this is not considered sufficient to outweigh the extent of historic fabric to be lost.

Para.132 of the NPPF states that great weight should be given to the conservation of heritage assets and requires clear and convincing justification where harm is caused. It is considered that the proposal, by virtue of the loss of historic fabric, would cause harm and should be tested under para.134 of the NPPF. Under this paragraph, the harm should be weighed against the public benefits of the proposal. The degree of harm in this case is not considered to be outweighed by the public benefit of the extension of the dining space, particularly as this could be achieved with the loss of less fabric.

As this is a Grade II \* listed building Historic England (previously English Heritage) were consulted on this application. Historic England have not raised an objection, however this is on the basis of a balanced judgement of the proposal. They have stated that it would be preferable for the windows within the Dining Hall and Swallows Room not to be removed, so it is clear that the no objection comment is not without concern. Their advice has been duly considered but the loss of the seven windows still appears to cause unjustified harm which is, at least partially, recognised within Historic England's comments on the preference of retaining the windows.

The view is taken that the degree of loss is unacceptable as the benefits of the proposal can be achieved without the full extent of the proposed loss of historic fabric, and this degree of loss in itself is not outweighed by public benefits.

#### Conclusion:

The proposal is considered to cause significant harm to the listed building by the loss of the existing windows and refusal on this basis is therefore recommended.

#### Possible Way Forward

It is considered that two out of four windows within the Dining Hall and one out of three windows in the Swallow Room could be retained without serious impact on ventilation, circulation or supervision, particularly as bottlenecks would still exist on exit from the servery and entry into the Swallow Room, and the retained windows would still allow for supervision.

***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***

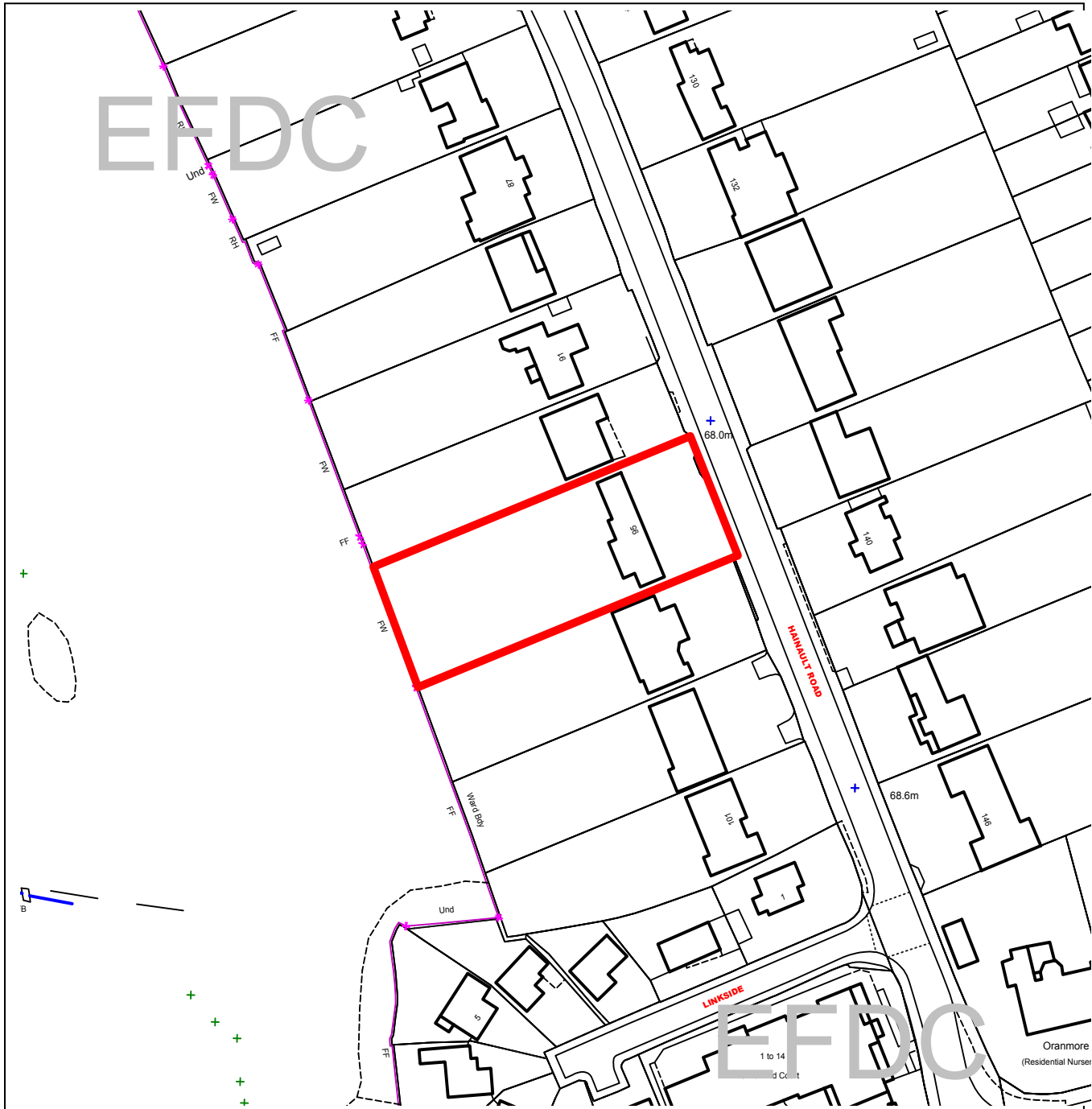
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## Agenda Item Number 8



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Application Number:	EPF/2664/16
Site Name:	95 Hainault Road Chigwell Essex IG7 5DL
Scale of Plot:	1:1250

**Report Item No:8**

<b>APPLICATION No:</b>	EPF/2664/16
<b>SITE ADDRESS:</b>	95 Hainault Road Chigwell Essex IG7 5DL
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village  Grange Hill
<b>APPLICANT:</b>	Mr Bipin Pala
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of railings and gates between brick piers at the front boundary.
<b>RECOMMENDED DECISION:</b>	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=588340](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=588340)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No development, 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.
- 3 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size

as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

### **Description of Site:**

The application property is a substantial detached house backing onto Chigwell golf club.

The property has an in and out driveway arrangement. There is a very low, dwarf wall along the frontage. There is a tree by the front boundary and other trees/shrubs to the side boundaries in front of the house.

It is not a listed building and not in a conservation area.

### **Description of Proposal:**

Erection of railings and gates between brick piers at the front boundary.

The railings would have a height of 1.95m and be set between five piers on the front boundary with a height to the top of their copings of 2.15m. Gates, matching the railings, would be set at the vehicular accesses. The metal gates would be recessed 3.5m from the front boundary and be electrically operated.

### **Relevant History:**

EPF/3127/15 - Ground floor front extensions. First floor side extension. First floor rear extensions. Change roof form to northern side of house, rear dormer. Front boundary wall with railings above, electrically operated gates. – Refused 02/03/2016

### **Policies Applied:**

CP2	Quality of Rural and Built Environment
DBE9	Loss of Amenity
LL10	Adequacy of Provision of Landscape Retention
ST4	Road Safety

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: 6, no responses received.



Site notice posted: No, not required

PARISH COUNCIL: The Council OBJECTS to this application because of the excessive proposed height. A height below 1.8m to include the apex would be preferable.

**Main Issues and Considerations:**

This application differs from one recently submitted (EPF/3127/15) in that it is solely for a new front boundary treatment of railings and metal gates between brick piers; alterations and extensions to the house are not involved with this current application.

Previously, the proposals for the front boundary could have lead to the loss of at least one tree and the previous application was refused on that ground alone. This time, the applicant has provided a tree report with an arboricultural method statement which demonstrates that the proposed wall and gates is feasible without a detrimental impact on the trees in the front garden that consists of one category B (a Honey Locust), two category C and one category U trees. The Trees and Landscaping Officer no longer raises an objection and requests the two recommended conditions relating to tree protection and details of hard and soft landscaping.

The front boundary treatment would be similar to others nearby. Nos. 97 and 99, to the left hand side, have railings above a low brick wall and piers, whilst there are three properties on the opposite side of the road with railings as part of the front boundary treatment. The comment of the Parish Council is noted, but given the presence of similar scale front boundary treatment to the adjoining property to the left hand side when viewed from the road, as well as ones opposite, it is considered that refusal would not be justifiable in this case.

The highway authority raises no objection to the proposal.

**Conclusion:**

The comment of the Parish Council regarding the height of the railings is noted but given the front boundary treatments of other properties very near to the site, it is considered that the proposed development is acceptable and it complies with national and local planning policies.

***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:***

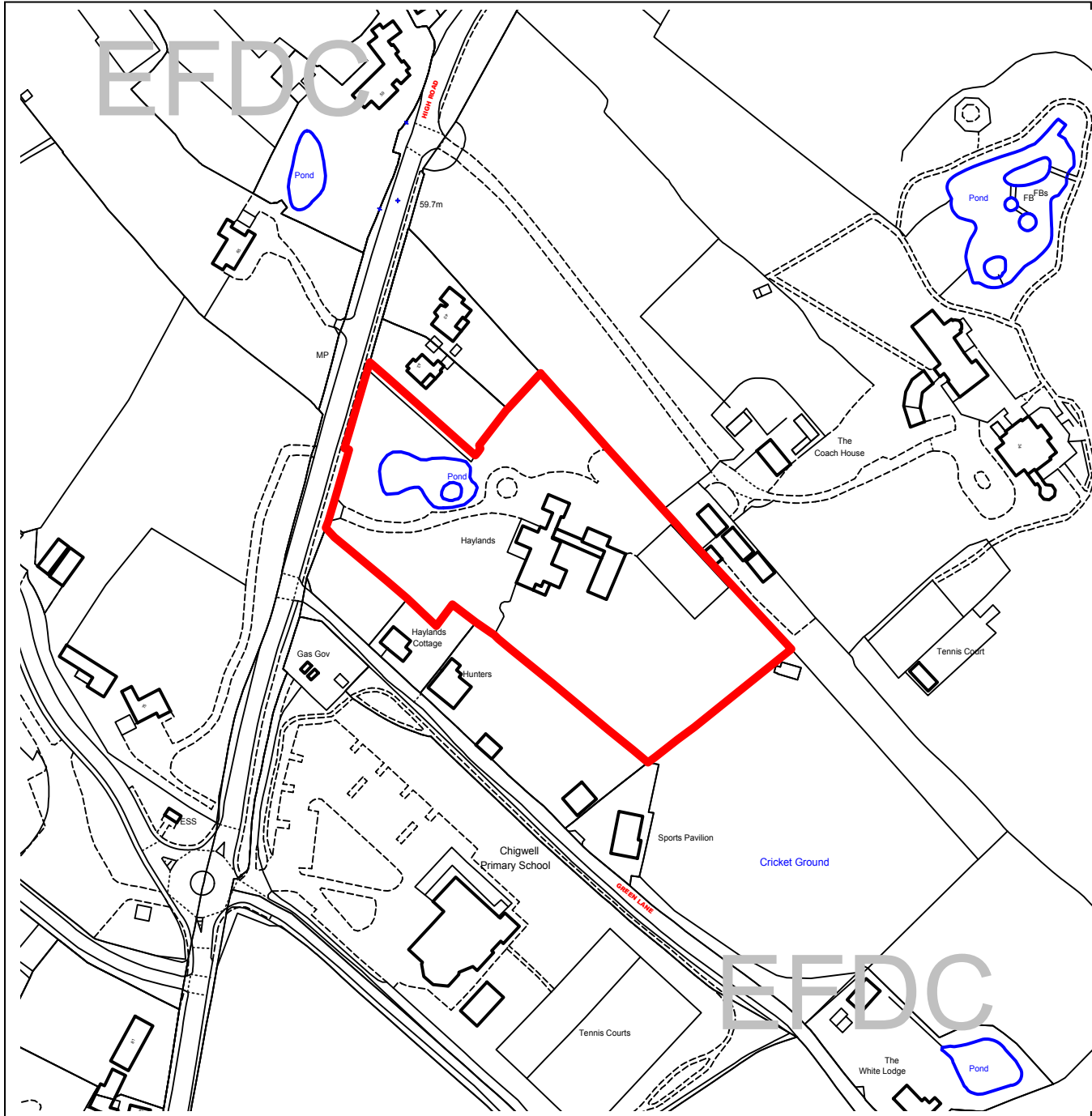
***Planning Application Case Officer: Jonathan Doe  
Direct Line Telephone Number: 01992 564103***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Agenda Item Number 9



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Application Number:	EPF/2665/16
Site Name:	Haylands 48 High Road Chigwell Essex IG7 6DL
Scale of Plot:	1:2500

**Report Item No:9**

<b>APPLICATION No:</b>	EPF/2665/16
<b>SITE ADDRESS:</b>	Haylands 48 High Road Chigwell Essex IG7 6DL
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>APPLICANT:</b>	Mr and Mrs Subaskaran
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing dwelling and replacement with new dwelling with basement (revised submission to approved EPF/0743/16) revisions to include two no. 3 car garages, dome over entrance to house, outdoor swimming pool, reduced in volume main house and enlarged basement.
<b>RECOMMENDED DECISION:</b>	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=588341](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=588341)

**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: FNZ-001, FNZ-002 Rev A, FNZ-003 Rev A, FNZ-301 Rev A, FNZ -302, FNZ-303, FNZ-304 Rev A and FNZ-305 Rev A
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of foul and 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.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 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 development generally permitted by virtue of Class A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 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 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 9 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 10 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.
- 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 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.

- 12 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 conflicts with a previous resolution of a Committee (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3) and since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

### **Description of Site:**

The application site is a large, detached dwelling set within extensive grounds, in a relatively secluded location on the east side of the High Road within a small enclave of development on the edge of the village of Chigwell. The site is located within the Metropolitan Green Belt but not a Conservation Area. The property is part two storey and part single storey and has benefitted from various extensions and additions over time so that the building spread is quite large at both single and double storey. There are protected trees to the front of the site and a large pond, with the dwelling sitting fairly centrally within the site. The dwelling is not visible from the High Road, due to the set back of some 75m from the roadside, the large brick wall and gates and the changes to land levels of the site.

### **Description of Proposal:**

This application seeks planning permission for the demolition and replacement of the existing property with a new dwelling with basement and two no. 3 car garages to each side of the main house. This application is a revised scheme to an original approval which gave planning permission for the main house. A subsequent application was refused by Committee South on 21<sup>st</sup> September 2016. The refused application was for two no. 4 car garages with ancillary guest and staff accommodation above and included a change to the design of the main house to include a large decorative dome.

This proposal has been revised since first submission and has removed the decorative dome.

The proposal will consolidate existing built form on the site to form a broadly rectangular dwelling with the two side wings for the garages. The orientation will be slightly altered so that the dwelling sits squarer on the site rather than at an angle. The proposed main part of the dwelling will have a maximum width of 28m, depth of 22m (reduced by 3m since the previous approval) and height of 10.5m (reduced by 2m with the removal of the dome). The garage additions will form two link attached wings with a width of 10.1m each, resulting in a total width for this property of 55m. This revised proposal has also been moved 10.2m to the north. In addition, the revisions also include an enlarged basement extending under the garage wings and out to the rear beyond the rear wall of the proposal by some 13.8m. The proposal also includes the addition of an outdoor swimming pool. The design of the proposal is reminiscent of a classical style with pediment and corning detailing and the two side 'wings'.

### **Relevant History:**

Various applications for extensions the most relevant of which:  
EPF/1823/16 - Demolition of existing dwelling and replacement with new dwelling with basement, two no. 4 car garages, with ancillary guest and staff accommodation over and an outdoor swimming pool (revised submission to EPF/0743/16) - Refused

EPF/0743/16 – Demolition of existing dwelling and replacement with new dwelling with basement – App/Con

EPF/1301/15 - Demolish the garage and hall and part of the front wing and build new 2 storey side extension (Resubmission of EPF/0001/15) – Allowed at appeal This application was for a northern ‘wing’ at similar scale to the existing southern ‘wing’. This has not yet been implemented.

### **Policies Applied:**

#### Adopted Local Plan and Alterations

CP1 Achieving Sustainable Development Objectives  
CP2 Protecting the Quality of the Rural and Built Environment  
CP3 New Development  
CP6 Achieving Sustainable Urban Development Patterns  
CP7 Urban Form and Quality  
DBE1 Design of new buildings  
DBE2 Effect on neighbouring properties  
DBE4 Design in the Green Belt  
GB2A Development within the Green Belt  
GB7A Conspicuous Development within the Green Belt  
LL11 Landscaping Schemes

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

### **Summary of Representations:**

Notification of this application was sent to Chigwell Parish Council and to 8 neighbouring properties, a site notice was erected.

CHIGWELL PARISH COUNCIL: The Council OBJECTS to this application because despite the proposed revisions the total volume does not appear to have been reduced enough. In addition the dome structure is considered an inappropriate design within the Green Belt.

HAYLANDS COTTAGE, GREEN LANE – Objection – increased footprint with impact on Green Belt, bulky overbearing and out of scale, dome out of character, too close to shared boundary loss of privacy, loss of trees, impact of basement on watercourse, concern with regards to sewage, construction arrangements, hours of construction causing disturbance

HUNTERS, GREEN LANE – Objection – Proposal appears as a commercial development, domes out of keeping, basement could be used for car parking, Green Belt site, overdevelopment, impact of basement on flooding issues, out of keeping, impact on living conditions – noise and fumes.

### **Issues and Considerations:**

The main issues to be considered with this application relate to impact on the Green Belt, amenity, design and impact on trees.

#### Green Belt

The proposal is for a replacement dwelling with side two storey wings, basement and outdoor swimming pool. The main dwelling has approval and this was considered justified as although a very wide and deep footprint, the proposal created a more cohesive footprint than the existing sprawling built form.

The proposed (and approved) main house resulted in a volume increase above that of the existing dwelling of 40% and it was considered that this increase was one that could be classed as 'not materially larger'. Although a relatively large increase in volume, it was considered that the consolidation of the built form to a central, unified building was a benefit to this Green Belt location.

This current scheme has reduced the volume of the main house by reducing the overall depth of the proposal by 3m. However, the width of the approved house has been increased with the addition of the side garages which does increase the overall footprint. This scheme has been further reduced since the previous refusal by removing the first floor accommodation above the garages and reducing the width of the garage building from 4 car garages to 3 car garages. These alterations result in the above ground volume having a slightly reduced volume to the original approval and therefore it is considered that this proposal is 'not materially greater in size'.

The property will not be easily visible from the High Road, however a previous concern was the visibility from Green Lane and the detriment to the open appearance of the Green Belt in this rural lane location. This proposal has moved the whole development to the north by 10.2m and therefore this will reduce the visibility from Green Lane. Additionally, with the reduction in depth, this will reduce the overall bulk when viewed from Green Lane and the single storey garage wings will be difficult to view given their overall height and the distance from Green Lane.

The proposal still has a wide footprint however, it is considered that the overall reduction in width, volume and depth has overcome the previous reason for refusal on Green Belt grounds.

### Amenity

The previously approved scheme was considered acceptable in terms of amenity as the proposal was some distance from neighbouring properties and was centrally located within the site. The refused development was refused partly on amenity grounds due to the overall size and proximity to the nearest neighbours (Hunters and Haylands Cottage) as it resulted in a two storey element (the accommodation above the garages) within 10m of the shared boundary.

This revised submission has moved the development further to the north so that it results in a 20m distance to the shared boundary and the closest element (the side garage) is only single storey to a maximum height of 5m. The main house has also been moved further to the north by 7m since the previous approval. It is considered that the relocation of the main house, the reduction in the width of the garages, the removal of the first floor above the garages, and that the main house has been reduced in depth has overcome the previous reason for refusal relating to the impact on the visual amenity and outlook of Haylands Cottage and Hunters.

### Design

The design remains a classical style with columns, corncicing, pediments and finials and the dome addition has been removed from this revised submission which is a welcome revision. The proposal is not in keeping with the more cottage style of the neighbours on Green Lane. However, as with the previous applications it is considered that as the proposal will be viewed in the relative isolation of other properties and well separated from neighbours it was considered acceptable.

Previously it was considered that due to the excessive width the proposed dwelling would appear disproportionately large in relation to the size of the plot to the detriment of the character of the area. This revised scheme has reduced the width by 6m and additionally the side wings are only single storey removing the bulk from these side elements. These alterations are considered an improvement on the previous refusal. In addition the proposal has been moved 10m to the north so that the built form is more centrally located within the site. The width of the property is still large, however as with the overall design, this property is seen in isolation from others and it is

considered the reduction in width, removal of bulk and relocation of the whole proposal overcomes this previous reason for refusal.

### Protected Trees

The Tree and Landscape Officer has no objection to this revised scheme. There are a large number of protected trees on this site and updated tree reports have been provided. It is anticipated that the tree protection will need to be moved to allow working space for the proposed swimming pool but the Tree and Landscape Officer is satisfied that any issues can be dealt with by conditions requiring tree protection and details of hard and soft landscaping. In addition, the proposal involves the excavation of a large basement and a condition has also been suggested to ensure all excavated material is removed from site so not to impact on the retained landscaping.

### Other Matters

#### Land Drainage

The Council's Land Drainage team have been consulted on this application due to the size and concern from neighbours regarding the size of the basement. The Land Drainage Team have requested a condition requiring a flood risk assessment to improve existing surface water runoff, and further details of foul and surface water drainage. With regards to the extent of the basement excavations the team have suggested by way of an informative a thorough investigation of any hydrological and flooding implications of the proposed works.

### Conclusion:

In light of the above appraisal, it is considered that the revisions made have, on balance, overcome the previous reasons for refusal. It is still a large property, but the volume, width and overall bulk has been reduced and the scheme has been relocated further into the site. On this basis the proposal is recommended for approval.

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

**Planning Application Case Officer: Marie-Claire Tovey**

**Direct Line Telephone Number: (01992) 564414**

***or if no direct contact can be made please email: [mtovey@eppingforestdc.gov.uk](mailto:mtovey@eppingforestdc.gov.uk)***



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# Epping Forest District Council

## Agenda Item Number 10



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Application Number:	EPF/3015/16
Site Name:	21 The Broadway Loughton Essex IG10 3SP
Scale of Plot:	1:500

**Report Item No:10**

<b>APPLICATION No:</b>	EPF/3015/16
<b>SITE ADDRESS:</b>	21 The Broadway Loughton Essex IG10 3SP
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Broadway
<b>APPLICANT:</b>	Mr Shafiq Jivraj
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use from use for purposes within Use Class A1 (shops) to use for purposes within Use Class A5 (hot food takeaway)
<b>RECOMMENDED DECISION:</b>	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=589344](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=589344)

**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, E01, PL01
- 3 Equipment shall be installed to suppress and disperse cooking/food preparation fumes and smell to a minimum. The equipment shall be effectively operated and maintained for so long as the use continues. Details of the equipment shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order prior to the commencement of use.
- 4 Prior to the premises being brought into use for the purpose hereby permitted, a scheme providing for the adequate storage of refuse from this use shall be submitted to and approved by the Local Planning Authority. The scheme shall be carried out and thereafter retained at all times.
- 5 The hot food takeaway hereby permitted shall not be open to customers outside the hours of 12:00 to 23:00.
- 6 Adequate provision for foul drainage from the kitchen shall be submitted to and approved by the Local Authority. Drains serving the kitchens in the development shall be fitted with a grease separator, as detailed in the Building Regulations 2000, Approved Document H (Drainage and waste disposal), to comply with prEN 1825-1

and designed in accordance with prEN 1825-2 (Installations for separation of grease) or other effective means of grease removal. The approved drainage shall be retained and maintained while the site is in use.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

### **Description of Site:**

Shop unit, currently vacant, last in use as a hairdresser, within a retail parade with residential maisonette served by own access above. To the rear is a public car park.

The site forms part of Primary Shopping Frontage and is within the Loughton Broadway Town Centre as defined by the Proposals Map of the Local Plan.

### **Description of Proposal:**

Change of use from use for purposes within Use Class A1 (shops) to use for purposes within Use Class A5 (hot food takeaway).

The change is from a hairdresser to a Pizza Hut hot food takeaway. There would be a small waiting area for customers to collect pizzas but no facilities for dining on site. The plans refer to telesales and use of a rear door for delivery drivers.

Hours of use are to be midday to midnight seven days a week including Bank Holidays.

The proposal involves a new shop front in the form of a full height glazed door to the left hand side and a single plate glass type window.

### **Relevant History:**

EPF/2129/16 - Advertisement consent for proposed 1x fascia sign and 1x projecting sign. – Granted 19/10/2019

EPF/2125/16 - Change of use from use for purposes within Use Class A1 (shops) to use for purposes within Use Class A5 (hot food take-away). – Refused 02/11/2016 (*over 30% of key frontage loss, failure to safeguard retail function*)

### **Policies Applied:**

TC1	Town Centre Hierarchy
TC3	Town Centre Function
TC4	Non-Retail Frontage
TC5	Window Displays
DBE9	Loss of Amenity

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. 5  
Site notice posted: 07/12/2016  
Responses received:

Neighbours: 23A THE BROADWAY - object - noise nuisance from mopeds and customers entering and exiting the premises, opening until midnight every night is not fair on the residents and their children who live above.

LOUGHTON TOWN COUNCIL: OBJECTION on the grounds of the late night hours which would pose a noise nuisance to the residents in the flats above. Furthermore, members expressed concern for highway safety as the premises was situated by a bus stop.

### **Main Issues and Considerations:**

This application follows one previously decided by this committee, EPF/2125/16, in the light of a re-assessment of the calculation of the consequence of the proposal for the balance of retail and non-retail uses within the Loughton Broadway Town Centre.

The previous planning application was refused by this committee for the following reasons:-

*The proposed development would, without proper justification, result in over 30% of the key frontage of the Loughton Broadway town centre in non-retail use. As a consequence it would fail to safeguard its retail function, contrary to Local Plan and Alterations policy TC4, which is compliant with the National Planning Policy Framework.*

Following subsequent discussion with the Council's Estates Team, it became apparent that an error was made in the assessment of the previous application. The Officer's report advised that the proposal would have resulted in over 30% of the primary frontage of the Broadway being in non-retail use. Unfortunately, that conclusion was based on a consideration of only part of the primary frontage, that from nos. 11 to 41, rather than the primary frontage as a whole. The entire primary frontage comprises of 11-61 and 12-58 The Broadway.

In the circumstances, the main issue to assess when deciding this application is the consequence for the vitality and viability of the whole primary frontage of The Broadway rather than any restricted part of it. Other issues include whether there is justification for the loss of this unit to retail purposes and the impact of the new use on residential amenity.

### **Vitality and Viability**

In relation to the matter of vitality and viability, the main indicator is the balance of retail and non-retail uses. An assessment of the consequence for the entire primary frontage of the Broadway found the proposed change of use to A5 for this unit will bring the total of non-A1 uses within the primary frontage to 21.9%. That is well within the 30% threshold set by the adopted Local Plan, which is consistent with the national Planning Policy Framework. On that basis, and since the proposal would not result in more than two adjacent non-retail units being in non retail use, it is concluded that the proposal would not cause any harm to the vitality and viability of the Broadway's primary frontage. Accordingly, the proposal complies with relevant Local Plan and Alterations policy TC4.

The matter of justification for the loss of the unit to retail use is not a policy issue given compliance with policy TC4. Nonetheless, information on this matter was sought from the Council's Estates Team. The Estates Team is supportive of the application from both a tenant mix and commercial perspective. The consultation response of Estates is:

*“With reference to planning application no. EPF/3015/16 I am writing to confirm the support of the landlord (EFDC) to this change of use application.*

*Following a long marketing campaign with the engagement with an expert third party leasing agent, it is believed that Mr Shafiq Jivraj trading the property as Pizza Hut is the best possible use at the property with the current market offer. This use should add significant vibrancy to the parade, so increasing footfall along The Broadway as a whole and benefiting the other traders and local residents alike. The proposed use will add further variety to the area.*

*The change of use to A5 for this unit will bring the total of non-A1 uses within the primary frontage up to 21.91% well within the 30% threshold set by the current Local Plan and therefore this application has the full support of the Landlord.”*

On the above assessment it is concluded the change of use is acceptable with regard to policies regarding the vitality and viability of commercial centres.

### Neighbouring amenity

There are maisonettes above the shop unit the subject of this application. These are accessed from a balcony type walk way to the rear of the building accommodating the parade of shops with residences above. The maisonettes have their front doors onto a walkway on the rear of the building. The rear elevations of the maisonettes are recessed back from the shop fronts below such that activity in the street, on The Broadway, is isolated somewhat by the extent of the roof of the shop unit.

To the rear of the building is a small yard but, due to its small size and being terraced into a slope, this does not provide vehicular access to the car park. Parking of delivery vehicles to the rear of the premises would have to take place in the adjoining public car park. The open walkway to the maisonettes and the depth of the yard and the steps down to it are such that there would be an isolation distance of some 10m between the front doors of the maisonettes and the car park where delivery vehicles would park. Notwithstanding an objection from a local resident, the proposal is considered acceptable with regard to general noise and disturbance.

In relation to odour control and extract ventilation, Environmental Health Officer's have provided the following advice:

*“The propose application provides good detail as to the extract system to be installed. However the filters and Electrostatic Precipitator (ESP) remove particulates. The system has no odour suppression device. With pizza premises the main odour complaint would be that of odour generating from the cooking of garlic based items.*

*We would require the installation of odour suppression devices such as a UVC device or odour neutralising solutions which are sprayed into the air stream, or activated carbon filters. The short duct run will limit the effectiveness of the first two system, the latter system requires sufficient carbon filters to provide adequate dwell time to absorb any odours. The low level discharge does direct us to require further odour neutralising systems.”*

The EHO therefore advises it is necessary to include a condition on any consent given dealing with the matter of odour control. Such a condition is reasonable since compliance is achievable.

As to trading times, it is considered the proposed opening hours to midnight are considered excessive given the proximity to neighbouring residential uses. The restaurant at 57 the Broadway has a condition requiring a closing time of 11pm and a planning permission for change of use at 45 the Broadway has a limitation to 11pm. The same limitation on closing times for the unit the

subject of this current application is considered reasonable in this smaller commercial centre and necessary to ensure protection of residential amenity.

Amenity harm was also not a reason for refusal on the previous planning refusal.

**Other matters**

A window display/general appearance to the front of the unit, with serving counter visible through a full height glazed shopfront, would maintain the retail/shopping character of the setting.

**Conclusion:**

A calculation of the loss of retail frontage has been re-assessed on the basis of the entire extent of primary frontage and the proposal meets the relevant policy such that a refusal on this ground could not be supported at appeal. There are maisonettes over and the comment of a local resident is noted but a closure of the premises at 11pm will not create undue disturbance at night in this shopping street.

***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](mailto:contactplanning@eppingforestdc.gov.uk)***