

**committee agenda**



**Epping Forest  
District Council**

***District Development Control Committee  
Wednesday, 8th October, 2014***

You are invited to attend the next meeting of **District Development Control Committee**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping  
on Wednesday, 8th October, 2014  
at 7.30 pm .**

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer**

Gary Woodhall  
The Directorate of Governance  
Tel: 01992 564470  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

**Members:**

Councillors B Sandler (Chairman), B Rolfe (Vice-Chairman), A Boyce, Mrs H Brady, R Butler, K Chana, J Hart, R Jennings, Mrs S Jones, H Kauffman, J Knapman, Ms Y Knight, Mrs J Lea, C C Pond and J M Whitehouse.

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**A BRIEFING WILL BE HELD FOR THE CHAIRMAN, VICE-CHAIRMAN AND GROUP  
SPOKESPERSONS OF THE-COMMITTEE, AT 6.30 P.M.  
IN COMMITTEE ROOM 1 PRIOR TO THE MEETING**

**SUBSTITUTE NOMINATION DEADLINE:**

**18:30**

**WEBCASTING/FILMING NOTICE**

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

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

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

**1. WEBCASTING INTRODUCTION**

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chairman will read the following announcement:

“This meeting will be webcast live to the Internet and will be archived for later viewing. Copies of recordings may be made available on request.

By entering the chamber’s lower seating area you are consenting to becoming part of the webcast.

If you wish to avoid being filmed you should move to the public gallery or speak to the webcasting officer”

**2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 5 - 6)**

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

**3. APOLOGIES FOR ABSENCE**

(Director of Governance) To be announced at the meeting.

**4. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

(Director of Governance) To report the appointment of any substitute members for the meeting.

**5. DECLARATIONS OF INTEREST**

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

**6. MINUTES (Pages 7 - 14)**

To confirm the minutes of the last meeting of the Committee held on 13 August 2014 (attached).

**7. EPF/1183/14 - 95 HIGHROAD, LOUGHTON (Pages 15 - 26)**

(Director of Governance) To consider the attached report for a proposed double storey

rear extension including enlargement of existing basement and loft conversion with rear dormer windows (DEV-007-2014/15).

## 8. ANY OTHER BUSINESS

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

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

## 9. EXCLUSION OF PUBLIC AND PRESS

### Exclusion

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

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
Nil	Nil	Nil

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

### Confidential Items Commencement

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

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

### Background Papers

Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report

which in the Proper Officer's opinion:

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

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

## **Advice to Public and Speakers at Council Planning Subcommittees**

### **Are the meetings open to the public?**

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

### **When and where is the meeting?**

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

### **Can I speak?**

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

### **Who can speak?**

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

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

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

### **What can I say?**

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

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

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

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

### **How are the applications considered?**

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

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

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

### **Further Information?**

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

## EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** District Development Control Committee    **Date:** 13 August 2014

**Place:** Council Chamber, Civic Offices, High Street, Epping    **Time:** 7.30 - 9.10 pm

**Members Present:** B Sandler (Chairman), B Rolfe (Vice-Chairman), A Boyce, Mrs H Brady, R Butler, K Chana, J Hart, R Jennings, Mrs S Jones, Ms Y Knight, C C Pond, J M Whitehouse, Ms G Shiell, D Stallan and Mrs T Thomas

**Other**

**Councillors:** K Angold-Stephens, B Surtees and D Wixley

**Apologies:**

**Officers Present:** S G Hill (Assistant Director (Governance & Performance Management)), R Perrin (Democratic Services Assistant) and N Richardson (Assistant Director (Development Management))

### 12. WEBCASTING INTRODUCTION

The Committee Officer reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

### 13. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that Councillor T Thomas was substituting for Councillor H Kauffman, Councillor D Stallan was substituting for Councillor J Knapman and Councillor G Shiell was substituting for Councillor J Lea at the meeting.

### 14. DECLARATIONS OF INTEREST

No declarations of interest were made at the meeting pursuant to the Code of Conduct.

### 15. MINUTES

**Resolved:**

That the minutes of the meeting held on 25 June 2014 be taken as read and signed by the Chairman as a correct record.

### 16. EPF/0439/14 - LAND ADJACENT TO 22 AND 28 OAKWOOD HILL INDUSTRIAL ESTATE, OAKWOOD HILL, LOUGHTON

The Committee considered an application for the construction of new workshop facilities for the Council on a site adjacent to an existing industrial estate in Loughton. The application had been referred by Area Planning Subcommittee South on 9 July 2014.

The Committee received further information on the application which had been sought by Area Planning Subcommittee South relating to:

- (i) Ecology – It was now proposed that a further condition be imposed requiring a further reptile survey on the site;
- (ii) Soundproofing – It was agreed that a further condition be imposed to ensure that proposed soundproofing be agreed prior to use of the building;
- (ii) Vehicular HGV access for deliveries – it was noted that officers proposed restrictions on the closing of the gate (during operational hours) and hours of operation.

Responses relating to sequential testing of sites, the relevance of a prior approval on the site and the weight to be given to existing plan policy were noted.

Members expressed concern that the residents of the Oakwood Hill Estate should be afforded greater protection and asked for a further condition requiring a scheme of enhanced planting at the front of the site or on the opposite verge to provide adequate tree screening. Subject to these amendments the Committee approved the proposals.

**Resolved:**

That, subject to the following conditions, planning application EPF/0439/14 on land adjacent 22 and 28 Oakwood Hill Industrial Estate, Oakwood Hill, Loughton be granted:

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- (2) No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity, in accordance with the guidance contained within the National Planning Policy Framework and policy DBE1 of the adopted Local Plan and Alterations.

- (3) The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 13/0319/P01; 10332/P/001; 10356/P/001 rev.A; 100 rev. P3; 13/0319/P02; 13/0319/P03; 13/0319/P04; 13/0319/P05; 13/0319/P06; 13/0319/P07; 13/0319/P08; 13/0319/P09; SP9216-LD3863-01 issue C; 101 rev. P1; 700 rev. A; and 701 rev. B.

Reason: To ensure the proposal is built in accordance with the approved drawings.

- (4) No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority.



These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with the guidance contained within the National Planning Policy Framework and policies CP2 and LL11 of the adopted Local Plan and Alterations.

(5) 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.

Reason:- To comply with the duties indicated in Section 197 of the Town & Country Planning Act 1990 so as to ensure that the amenity value of the existing trees are safeguarded, in accordance with the guidance contained within the National Planning Policy Framework and policy LL10 of the adopted Local Plan and Alterations.

(6) Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

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

Reason:- To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

(7) Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason:- To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

(8) In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

Reason:- To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

(9) No development shall take place until details of a satisfactory ground gas investigation and risk assessment has been carried out and submitted to the Local Planning Authority for approval in order to determine what if any ground gas remediation measures may be required or shall specify appropriate ground gas mitigation measures to be installed in the building(s) in lieu of any ground gas investigation.

The investigations, risk assessment and remediation methods, including remedial mitigation measures to be installed in lieu of investigation, shall be carried out or assessed in accordance with the guidance contained in BS 9485:2007 "Code of practice for the Characterisation and Remediation from Ground Gas in Affected Developments." Should the ground gas mitigation measures be installed, it is the responsibility of the developer to ensure that any mitigation measures are suitably maintained or to pass on this responsibility should ownership or responsibility for the buildings be transferred.

Reason:- Since the site has been identified as being potentially at risk from off site ground gases and to protect human health and buildings, in accordance with the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

(10) 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.

Reason- In the interests of the amenities of noise sensitive properties, in accordance with the guidance contained within the National Planning Policy Framework and policies RP5A and DBE9 of the adopted Local Plan and Alterations.

(11) Prior to first occupation of the development the access arrangements, as shown in principle on drawing no.10332/P/001, dated Jan 2014, shall be agreed with the Highway Authority and shall include the following:

- The removal of the existing bus layby and shelter and the realignment of the footway to the edge of the carriageway across the site frontage.
- The provision of a new bus layby.
- The continuation of the existing footway to the new bus layby.
- Provision of a new shelter, flag, timetable and raised kerbs at the new stop.
- Provision of a new pedestrian refuge island sited to the west of the new access to include appropriate dropped kerb crossings on the footways and tactile paving.
- A minimum of 8m radii kerbing for the new bellmouth access.
- The provision of two pedestrian dropped kerb crossing points with tactile paving across the new bellmouth access.

The approved scheme of works shall be implemented prior to first occupation of the development.

Reason: In the interests of highway safety and to enhance pedestrian movement to the site and improve accessibility in the in accordance with policy ST4 of the adopted local plan and alterations which accords with the policies contained in the National Planning Policy Framework.

(12) No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the provision of suitable access arrangements to the application site in connection with the demolition/construction operations
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with policy ST4 of the adopted local plan and alterations which accords with the policies contained in the National Planning Policy Framework.

(13) Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance

with policy ST4 of the adopted local plan and alterations which accords with the policies contained in the National Planning Policy Framework.

(14) Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

Reason: In the interest of visual amenity in accordance with policy ST4 of the adopted local plan and alterations which accords with the policies contained in the National Planning Policy Framework.

(15) A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

Reason:- The development is located in an area identified as being in an Epping Forest District Council flood risk assessment zone and would be likely to result in increased surface water run-off, in accordance with the guidance contained within the National Planning Policy Framework and policy U2B of the adopted Local Plan and Alterations.

(16) Prior to the commencement of the development hereby approved, details showing the location and maximum height of open storage (excluding trees and shrubs) within the site shall be submitted to the local planning authority for approval in writing. Thereafter open storage shall only occur in accordance with the approved detail.

Reason: In the interest of visual amenity in accordance with policy DBE1 of the adopted local plan and alterations which accords with the policies contained in the National Planning Policy Framework.

(17) Prior to the commencement of the development hereby approved, a reptile survey shall be undertaken within the site and submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed consultations and recommendations of the survey.

Reason: To ensure that there is no harm to wildlife within the site in accordance with policy NC4 of the adopted Local Plan and Alterations which accords with the policies contained in the National Planning Policy Framework.

(18) The MOT testing station and workshop hereby approved shall be used only between the hours of 0800-1715 Monday to Friday and 0800-1300 Saturdays. The Grounds Maintenance use hereby permitted shall operate only between the hours of 0700-1600 Monday to Saturday. No activities shall take place on Sundays or Bank Holidays.

Reason: In the interest of neighbouring amenity in accordance with Policies DBE2 and DBE9 of the adopted local plan and alterations which accords with the policies contained in the National Planning Policy Framework.

(19) Entrance gates within the site shall remain open during all hours when the use is in operation.

Reason: To ensure that there is no obstruction to highway safety caused by large vehicles queuing within the highway whilst waiting to gain access to the site, in accordance with policy ST4 of the adopted local plan and alterations which accords with the policies contained in the National Planning Policy Framework.

(20) Prior to the commencement of the development hereby approved, details of sound insulation to the proposed building housing the Grounds Maintenance and MOT Workshops shall be submitted to the local planning authority for approval in writing and implemented prior to first occupation of the building.

Reason: In the interest of neighbouring amenity in accordance with Policies DBE2 and DBE9 of the adopted Local Plan and Alterations, which accord with policies contained in the National Planning Policy Framework.

(21) The use of the buildings shall not commence until details of tree planting on an agreed part of the Council-owned residential development in Oakwood Hill, located opposite the site, have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved and if within a period of five years from the date of the planting, that tree or replacement is removed, uprooted or destroyed or 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.

Reason: To safeguard the visual amenities of residents living in facing residential properties on the opposite side of the road, in accordance with Policies DBE2 and DBE9 of the adopted Local Plan and Alterations, which accord with policies contained in the National Planning Policy Framework.

#### **17. EPF/0670/14 - OAK HILL FARM, COPPICE ROW, THEYDON BOIS**

The committee considered an application referred from Area Planning Subcommittee East from its meeting on 23 July 2014. The application sought the replacement of a perimeter fence with a 1.8 metre high chain link fence together with associated hedge planting. The application had been referred with a recommendation of refusal on visual amenity grounds.

The committee heard from an objector and the applicants agent.

The Committee noted that the Council were unable to impose a condition on the current application to require the fencing of the residential curtilage of the property as the permission relating to that requirement was not being implemented.

The Committee expressed concern that laurel formed part of the hedge planting proposed and sought the agreement of the applicants agent to remove this from the planting scheme notwithstanding the scheme of landscaping on the application plans. It was agreed that a condition relating to the approval of the landscaping be imposed.

The committee voted of the proposed refusal which was lost and then proceeded to approve the application subject to the originally proposed conditions and an additional condition relating to the planning scheme.

#### **Resolved:**

That, subject to the following conditions, planning application EPF/0670/14 at Oak Hill Farm, Theydon Bois be granted:

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

(2) Subject to condition 4 below, the development hereby permitted will be completed strictly in accordance with the approved drawings nos: ESB PF 002 rev C, ESB PF 005 rev A and ESB PF 010

Reason: To ensure the proposal is built in accordance with the approved drawings.

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

Reason:- To comply with the duties indicated in Section 197 of the Town & Country Planning Act 1990 so as to ensure that the amenity value of the existing trees are safeguarded, in accordance with the guidance contained within the National Planning Policy Framework and policy LL10 of the adopted Local Plan and Alterations.

(4) Notwithstanding the planting details shown on drawing number ESB PF 002 rev C, the perimeter fence hereby approved shall not take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), 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.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with the guidance contained within the National Planning Policy Framework and policy LL11 of the adopted Local Plan and Alterations.

#### **18. ANY OTHER BUSINESS**

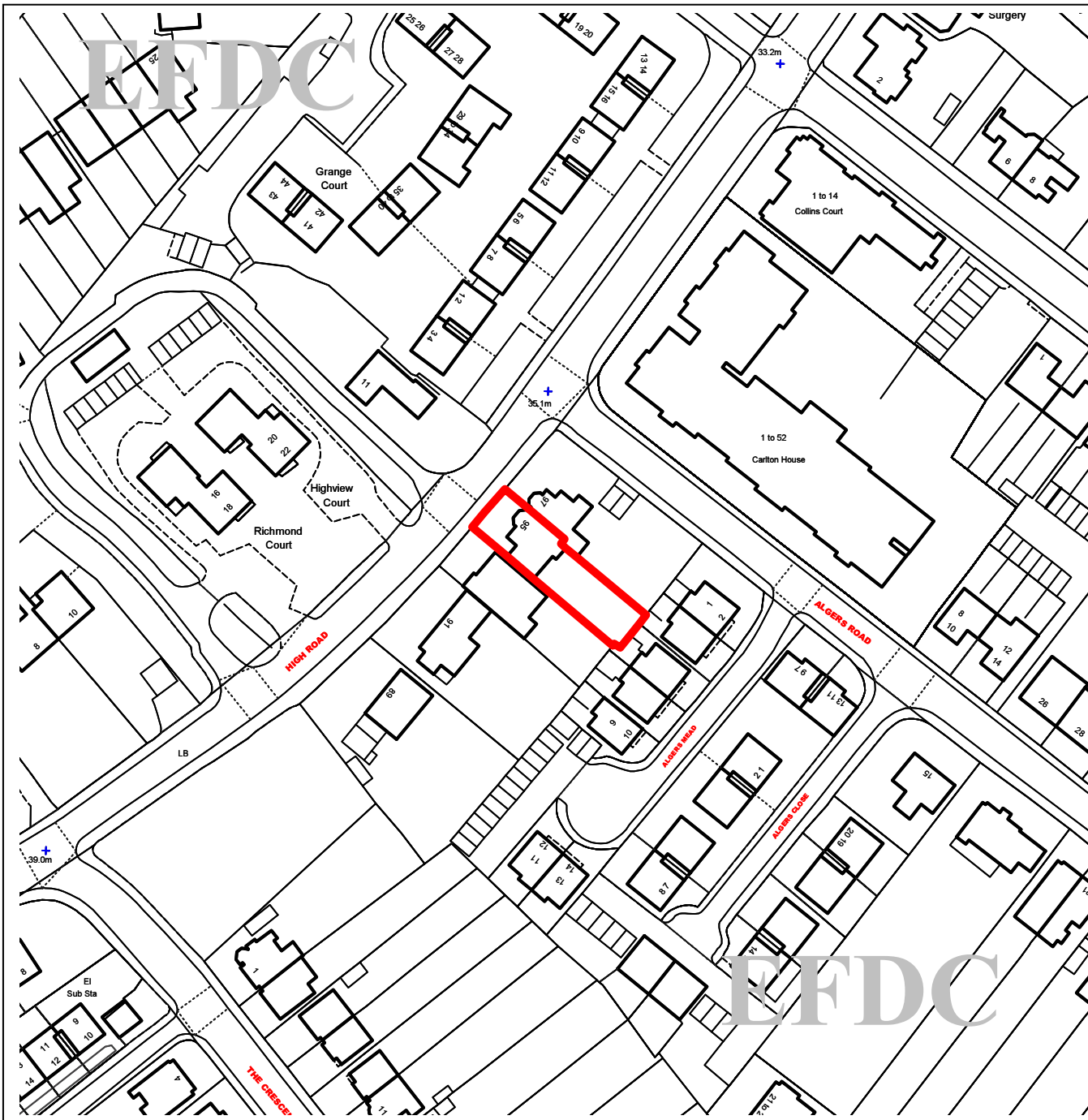
There was no further urgent business to be transacted at the meeting.

**CHAIRMAN**



# Agenda Item 7 Epping Forest District Council

## AGENDA ITEM NUMBER



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Application Number:	EPF/1183/14
Site Name:	95 High Road Loughton IG10 4JD
Scale of Plot:	1/1250

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**Report to District Development Control  
Committee**

**Report Reference: DEV-007-2014/15  
Date of meeting: 8 October 2014**



**Epping Forest  
District Council**

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**Subject: Application ref. EPF/1183/14 - 95 High Road Loughton - Proposed double storey rear extension including enlargement of existing basement and loft conversion with rear dormer windows.**

**Responsible Officer: Stephan Solon (01992 564018).**

**Democratic Services: Gary Woodhall (01992 564470).**

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**Recommendation(s):**

**(1) That planning permission be granted subject to the following conditions:**

**(i) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice; and**

**(ii) Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.**

**Report:**

1. This application was reported to the Area Plans South Sub-Committee on 6 August. The Sub-Committee referred the application to the District Development Control Committee with no recommendation.

2. The Officers report to the Sub-Committee is set out below with amendments to reflect the clarification of a neighbour's objections.

## **ORIGINAL OFFICERS REPORT**

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

### **Description of Site:**

The application site comprises a two-storey semi-detached house that has an unusual form, which is described in more detail below. The original house may have been extended to the flank and rear but its present form is that which existed in July 1948. The site is situated on the south east side of High Road Loughton between its junctions with Algers Road and The Crescent. Rear of the site are the very short rear gardens of maisonettes on the north west side of Algers Mead. It is not within a conservation area and the house is not listed. There are no preserved trees at the site or adjacent to it.

Land levels fall to the south-east with the rear garden level beyond an existing patio well below that of the ground floor level of the house. The attached neighbour, 97 High Road, has a substantial two-storey rear projection that wraps around the rear wall of 95 up to a ground floor bay in its rear elevation. The projection, which appears to pre-date 1948, projects 4.3m beyond the rear main wall of 95 High Road, 3.2m beyond the rear of the bay. The distances referred to are those measured on site by the case officer. The projection has a gabled roof with eaves and a gutter over-sailing the bay and adjacent first floor rear elevation window.

Land levels also fall gently to the south-west towards the detached neighbour, 93 High Road. A recessed south-west element of the house together with rear rooms in the southern corner of the house have floor levels approximately 600mm lower than the adjacent rooms in the remainder of the house, which appears to comprise the original building and a rear addition. A substantial bay dominates the front elevation and is part of the original building.

The roof of the house is predominantly a crown roof. A lower south-west element of the house has a very slack hipped roof with an eaves level well below that of the main roof of the house, with the top of the roof rising slightly above the eaves level of the main roof.

That part of the house immediately to the rear of the south-west element matches the height of the main part of the house and has a gabled roof whose ridge is in alignment with the rear ridge of the crown roof. As indicated above, the floor levels of that part of the house are lower than those in the main part, which has facilitated the provision of a room in the roof. The rear roof slope of the house appears to have a slightly steeper pitch to that at the front of the house and contains dormer window serving the room in the roof that breaks the eaves.

No 93 High Road is a large two-storey detached house built in the 1990's on land that was previously part of the garden of 95 High Road. The flank of 93 is constructed on the boundary with the application site with a measured distance of 1.1m separating its flank from that of the nearest part of the house at 95, the ground floor of its south-west element. At upper level the separation distance is 2.4m.

No 93 projects considerably beyond the rear of 95 such that its rear elevation is in approximate alignment with the rear elevation of the two-storey addition to 97 High

Road. No 93 has a gabled roof alongside the site boundary with the gable ends to the front and rear elevations. Its eaves level is just above the level of the top of first floor windows.

### **Description of Proposal:**

It is proposed to erect a two-storey rear extension including an enlargement of existing basement and loft conversion with rear dormer windows. The development proposed is a significant revision to the developments proposed in applications referred to in the relevant history section of this report, all of which were refused.

Previous proposals included a two-storey side extension. This is deleted from the current proposal which confines the addition to the rear elevation of the house. The addition would project the depth of the adjacent rear projection to the attached neighbour, 97 High Road. It would have a crown roof with the edges pitched to match the pitch of the existing roof. The rear roof slope would contain a pair of dormer windows with gabled roofs. The flank nearest 97 High Road would be separated from the rear projection of 97 by 200mm. That nearest 93 High Road would align with the existing upper level flank wall of the house and consequently be set 2.4m from the flank wall of 93.

There would be no new windows in the flank of the proposed extension. A new flank window would be provided in the existing side elevation of the house facing 93 High Road. It requires planning permission because it would be clear glazed and should therefore be assessed as part of the overall proposal. The new window would be off-set 1.3m from a similar window in the flank of 93. The window would serve an existing bedroom.

The enlarged basement would only be part of the width of the proposed extension and would adjoin 97 High Road. It is in fact a lower ground floor area that would be directly accessed from the rear garden by a short length of descending steps.

The extension would have a 1.5m wide raised platform at its boundary with 97 High Road, approximately 1m above ground level. A 1.8m high obscure privacy screen would be erected at the end of the platform on the site boundary with 97.

External materials would match those of the existing house.

### **Relevant History:**

EPF/2109/12 Three storey rear extension including basement and loft conversion with front and rear dormer windows. Withdrawn

EPF/0468/13 Proposed three storey rear extension including basement and loft conversion. (Revised application). Refused on the basis of poor design and harm to the living conditions of 93 High Road.

The specific reasons for refusal are:

1. By reason of their bulk, height and detailed design the proposed side and rear extensions would fail to complement the design of the existing house and the attached neighbour, 97 High Road. The proposal would appear as a disproportionately large addition to the house and would have a poor roof design to the rear, where the junction with the rear projection of 97 High Road would appear

particularly unsympathetic. Furthermore, by reason of its bulk, height and siting, the proposed side extension would appear overbearing in relation to 93 High Road, cramped within the site adjacent to the boundary with 93 and consequently would also result in a terracing effect in which the house at 93 High Road would appear to run into the pair of semi-detached houses that include the application site. The proposal as a whole would therefore fail to complement the appearance of the existing and neighbouring houses and cause harm the character and appearance of the locality to the detriment of its visual amenities. Accordingly, the proposal is contrary to policies CP2 and DBE10 of the adopted Local Plan and Alterations, which are consistent with the policies of the National Planning Policy Framework.

2. By reason of its bulk, height and siting, the proposed side extension would be likely to cause an excessive loss of light to a habitable room in 93 High Road that is served by a single window in its flank elevation. Furthermore, by reason of its detailed design that includes a large flank bedroom window in approximate alignment with the first floor flank window of 93 High Road, the proposed side extension would give rise to excessive overlooking between 93 and 95 High Road, to the detriment of the privacy of their occupants. Accordingly, the proposal is contrary to policy DBE9 of the adopted Local Plan and Alterations, which is consistent with the policies of the National Planning Policy Framework.

EPF/1500/13 Proposed double storey side and rear extensions and loft conversion with rear dormer windows. Refused on the basis of poor design. Subsequent appeal dismissed.

The specific reason for refusal is:

By reason of its bulk, height and siting, the proposed side extension would appear cramped within the site adjacent to the boundary with 93 and consequently would also result in a terracing effect in which the house at 93 High Road would appear to run into the pair of semi-detached houses that include the application site. The proposal as a whole would therefore fail to complement the appearance of the existing and neighbouring houses and cause harm the character and appearance of the locality to the detriment of its visual amenities. Accordingly, the proposal is contrary to policies CP2 and DBE10 of the adopted Local Plan and Alterations, which are consistent with the policies of the National Planning Policy Framework.

EPF/2606/13 Proposed double storey side and rear extensions and loft conversion with rear dormer windows. This was an identical proposal to that submitted under application EPF/0468/13 and it was refused for the same reasons.

**Policies Applied:**

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

ST6                      Vehicle Parking

National Planning Policy Framework

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

Number of neighbours consulted. 17

Site notice posted: No, not required

Responses received:

93 HIGH ROAD: Objection

Although the proposal does not include a side extension, it would have the same bulk, height and siting resulting in a terracing effect with my property. It would also not be in keeping with other buildings on the High Road. The previous reasons for refusal therefore still apply.

The proposal does not refer to any decked area/terrace to the first floor. If that were extended it would result in excessive overlooking of my garden. Even without such a decked area, the proposal would result in a loss of privacy for 93 High Road.

The rear extension would appear unduly oppressive when seen from the side elevation bedroom window of 93. It would also create a very dark tunnelling effect between 93 and 95 High Road.

The proposal would result in a loss of trees that form a natural barrier between 93 and 95 High Road.

The block plan does not accurately show the relationship between 93 and 95 High Road.

97 HIGH ROAD: Objection

“The email appended from our architects makes clear a coherent rationale as to why the Application should be refused. Furthermore, read alongside the reasons for Loughton Town Council’s unequivocal OBJECTION to the Application (minutes of Meeting held on 30 June 2014) with which I totally concur, this remains ‘overbearing’, ‘monolithic’ and crucially an ‘overdevelopment’ of the site.

This application read in conjunction with the previous Applications EPF/2109/12, EPF/2606/13, EPF/0468/13 and EPF/1500/13 and Appeal with time/cost spent in their consideration by all concerned, I hope that you will refuse this application and direct the applicant to put a stop to the barrage of repeated applications along the same lines.”

Email referred to:

“We have compared the current application drawings with the previous EPF/1500/13 and would make the following observations

*The following is an amendment to the original objection previously reported:*

Basement

The proposed basement is the same as previous application in terms of size and presentation ie showing an extension to the rear in size and position of walls but not hatched as such.

#### Ground Floor

The proposed Ground Floor is smaller in width at rear by approx. 1300.

#### First Floor

The proposed First Floor is smaller in width at rear by approx. 1300.

#### Second Floor

The proposed second Floor is smaller in width at rear by approx. 1300.

#### Side Elevation

The window over looking the neighbour is staggered by 1295mm but there is still overlooking of the existing window.

#### Rear Elevation

We have scaled using the scale bar on this drawing, the height from the head of the second floor to the ridge of the roof is approximately 2.3m this would leave no room for the depth of floor and depth of roof.

Whilst the scheme has been reduced in width by approx. 1300 the mass is still of concern, the height is now of greater concern with this error on the drawings as submitted clearly which mislead the reader to believing that a ridge height equal to the neighbour will be achieved when clearly that is not going to work as shown.

The council should acknowledge this is a development on 4 floors and not approve the scheme until a satisfactory solution has been found. The scale, mass and height are still of concern and there is still overlooking of the neighbours window raised in previous applications.”

#### 5 ALGERS MEAD: Objection

Due to its height and proximity the proposal would result in a loss of natural daylight and also a severe loss of our valued privacy. The occupants of the extended house would be able to look into our lounge and kitchen.

The proposal will result in a house that is not in keeping with the other houses along Loughton High Road.

#### 6 ALGERS MEAD: Objection

The applicant previously unsuccessfully sought to use the building as a children's nursery. When considering the scale of the proposal and that background I am not confident about his future reasons for enlarging the house to such an extent.

The height, scale and proximity of the proposal would exacerbate existing overlooking of habitable rooms within maisonettes on Algiers Mead. It would also appear visually intrusive and result in a loss of light.

The proposal would appear out of scale with its neighbours.

The proposal is very similar to previously rejected proposals and does not overcome previous reasons for refusal.

#### LOUGHTON TOWN COUNCIL: Objection

The Committee commented that this was the fifth application that had been submitted for this site, which members considered was vexatious and could not understand why an application for a seemingly larger scheme had been submitted to the Local Planning Authority. Members NOTED that they had objected to all previous applications and that these had also been refused by the District Council and even one dismissed on appeal.

The Committee OBJECTED to this application. The proposed scheme was considered overbearing and monolithic in the context of a Victorian pair of semis. It would visually impact on the surrounding properties. The proposal was considered an overdevelopment of the site.

Members were concerned these works would be intrusive to neighbours and cause substantial loss of amenity from overlooking and loss of light to the neighbouring properties at nos 93 and 97 High Road, as well as the dwellings to the rear in Alghers Mead.

There was concern the development would lead to the parking of more vehicles than could be accommodated on the forecourt, as the property fronted the busy A121. Members asked again whether the District Council Arboricultural Officer could place tree preservation orders (TPOs) on the trees in the rear garden to safeguard private amenity.

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

The main issues raised by the proposal are its consequences for the character and appearance of the locality and living conditions of neighbours.

A material consideration of significant weight is the Planning Inspectors decision in respect of the appeal against the refusal of application EPF/1500/13. While that application was refused on design grounds, the Planning Inspector gave consideration to representations made in respect of the consequence of that proposal for the living conditions of neighbours, impact on trees and parking. In summary, the Inspector concluded:

- The proposed privacy screen to the edge of a “ground floor” balcony would prevent undue overlooking of the rear garden of 97 High Road and could be secured by a planning condition.
- A generous distance would separate the rear elevation of the dwellings of Alghers Mead. Any additional overlooking of these properties would be within acceptable parameters, particularly given that the extension would protrude a comparable distance to dwellings either side.
- The extension would be very close to the first floor flank bedroom window of 93 High Road and consequently would appear unduly oppressive when viewed from this room.
- The extension would not result in the loss of any significant species (of tree).
- Withholding planning permission on grounds of inadequate parking provision would not be reasonable.

The Inspector dismissed the appeal on the basis that the proposed side extension would significantly reduce the visual gap between 93 and 95 High Road, such that the visual effect would unacceptable harm the character and appearance of the street scene. He also found the impact in the flank bedroom window counts against the proposal.

*Character and appearance:*

The proposal is for an extension to the rear elevation only. It does not include any enlargement to the side. The extension would be no nearer 93 High road than the existing upper level of the flank wall, some 2.4m. As a consequence, no part of the proposal would intrude into the existing space separating 93 and 95 High Road. Neither direct nor oblique views from the High Road would be materially affected by the proposal. It would therefore have no significant impact on the street scene and no "terracing" effect with 93 High Road would arise. In that respect the proposal overcomes the reason for refusing planning application ref EPF/1500/13 and the main reason the subsequent appeal was dismissed.

The proposed rear extension would only be seen from the rear. Although it would be a large addition, it would be visually contained between the existing substantial rear projection of 97 High Road and the rear of 93 High Road, which extends beyond the existing rear elevation of 95 High Road by a similar distance. Views of the side elevations would therefore be non-existent in the case of the flank adjacent to 97, and largely restricted to the access path between 93 and 95 High Road in the case of the flank adjacent to 93. It is primarily the rear elevation that would be visible. That would be sympathetic to the existing house, complementing its appearance in terms of its scale and proportions.

Overall, the proposal is found to be acceptable in design terms and in terms of its consequence for the character and appearance of the locality.

*Living Conditions:*

By ensuring the proposal would not narrow the gap separating the flank walls of 93 and 95 High Road the proposal would not have any significant impact on outlook from the flank bedroom window of 93 High Road. That window would look onto the existing flank wall of 95 High Road therefore the living conditions within that bedroom would be unaffected by the proposal.

Having regard to the approximate alignment of the rear elevation of the proposed extension with that of the projections of 93 and 97 High Road the proposal would not cause any loss of light or have any overbearing impact on those properties.

The distance separating rear elevation of the proposal from properties on Algers would be the same as the dismissed appeal proposal. The Inspector concluded that relationship would not cause excessive harm. There is no reason to come to a different conclusion in respect of this proposal.

A proposed flank elevation window would be within the existing flank wall of the house rather than the proposed extension. As stated above, it requires planning permission because it would not be obscure glazed. It would be separated from the flank of 93 High Road by a distance of some 2.4m and would look directly on to the wall of 93. No. 93 presently has a flank window and the nearest edges of both windows would be off-set by 1.3m. The degree of off-set at the distance separating



the upper level flank walls is sufficient to prevent an excessive degree of overlooking.

Should Members nonetheless be concerned, since the proposed window would have no meaningful outlook, it would be acceptable to require that window to be partially or even entirely obscure glazed. Since the window would be a casement window it is not necessary to require it to be fixed shut.

Overall, the proposal is found to safeguard the living conditions of neighbours.

*Other matters:*

Representations by an architect working for the objector at 97 High Road acknowledge the proposal now only relates to a rear extension and that it is reduced in width compared to the proposal dismissed at appeal. The dismissed proposal had a width of 8m, whereas the current proposal is 6.6m wide. That reflects the omission of the previously proposed side addition.

The ridge and eaves height of the proposed extension would be identical to that of the existing house. However the proposal is described, there is no doubt about its height. It is clearly understood that the proposal includes a partial basement enlarging an existing basement adjacent to the boundary with 97 High Road, a ground and first floor and a room in the loft. Due to the differences in levels within the existing house, which would be reflected in the proposed extension, the two first floor windows in the rear elevation are set at different heights.

The comments of the architect relating to the distance between the higher first floor window and the ridge and the possible consequence for headroom within the loft room are acknowledged. That possible consequence is not a planning matter therefore it would not be one over which planning permission could be withheld. In any event, should internal headroom within the loft be an issue at construction the applicant could overcome it by repositioning the first floor window slightly lower in the rear elevation or by reducing its height. Within the context of a rear elevation neither solution would be harmful to the appearance of the proposal and would be likely to amount to a non-material amendment to the proposal as a whole. If that really is necessary the onus would be on the developer to apply for approval of a non-material amendment.

It is possible that the house would generate a demand for parking that cannot be met on site. That is not uncommon although it is very unlikely that the amount of additional parking would be harmful to the amenities of the locality. Moreover, since the site is in a sustainable location it is unlikely that there would be a harmful impact. As made clear by the Planning Inspector when dismissing the larger previously refused proposal, withholding planning permission on grounds of inadequate parking provision would not be reasonable.

There are no preserved trees at the application site or adjacent to it that could be affected by the proposals. Furthermore, the proposal would not result in the loss of any other trees of significant amenity value. There are no trees at the site or neighbouring land that merit preservation.

**Conclusion:**

By removing the previously proposed side addition from the current proposal the Councils previous reason for refusal of application EPF/1500/13 and the Planning Inspectors reasons for dismissing the subsequent appeal. The proposal is

acceptable in design terms and would not have any significant effect of the street scene. It is concluded the proposal safeguards the character and appearance of the locality. The proposal would also safeguard the living conditions of neighbours and there are no other matters of weight that warrant withholding planning permission. The proposal accords with relevant local plan and NPPF policy, therefore it is recommended that planning permission be granted.

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

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

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