

## **Report to Area Plans Sub-Committee South**

**Date of meeting: 1 March 2017**



**Epping Forest  
District Council**

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**Subject:** 113 Church Hill, Loughton - Outline application for residential development of up to 10 apartments with details of access (EPF/1741/16)

**Officer contact for further information:** Stephan Solon (Ext 4018)

**Democratic Services Officer:** Adrian Hendry (Ext 4243)

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### **Recommendation(s):**

- (1) That, as a result of advice received from the Highway Authority, the highway-related reasons for the refusal of planning application EPF/1741/16 (Reasons 2 and 3 as set out in this report) as determined by the Sub-Committee on 1 February 2017, be rescinded;**
- (2) That, pursuant to Recommendation (1) above, a revised decision notice reflecting the refusal of planning permission for the following reason (Reason 1) only, be issued:**

**‘The quantum of development proposed, together with appropriate off-street car parking and private amenity space provision, is likely to require a three-storey building. A building of that height would be unlikely to relate well to the neighbouring house at 111 Church Hill and would be likely to appear over-dominant in the street scene. As a consequence, the proposal is very unlikely to respect the character and appearance of the locality, contrary to Local Plan and Alterations policies CP2(iv), CP3(v), CP7, and DBE1(i), which are consistent with the National Planning Policy Framework’.**

- (3) That, as a result of the revision of the reasons for the refusal of planning application EPF/1741/16 as set out in Recommendations (1) and (2) above, the suggested way forward on the application be as follows:**

**‘Members considered that an alternative proposal for a less intensive development that could demonstrably be contained within a two-storey building, would be likely to address the objections raised’.**

### **Report Detail**

- 1. At its meeting on 1 February 2017, the Sub-Committee resolved to refuse planning permission in respect of application EPF/1741/17 for three reasons, as follows:**

### Reason 1

The quantum of development proposed, together with appropriate off-street car parking and private amenity space provision, is likely to require a three-storey building. A building of that height would be unlikely to relate well to the neighbouring house at 111 Church Hill and would be likely to appear over-dominant in the street scene. As a consequence, the proposal is very unlikely to respect the character and appearance of the locality, contrary to Local Plan and Alterations policies CP2(iv), CP3(v), CP7, and DBE1(i), which are consistent with the National Planning Policy Framework.

### Reason 2

The quantum of development proposed, together with appropriate off-street car parking and private amenity space provision, is likely to result in a development that could not allow for a refuse vehicle to conveniently enter the site for the purpose of collecting refuse. As a consequence, the refuse from the proposal is likely to be collected by a refuse vehicle stopping on the highway adjacent to the site, causing temporary obstruction to the free movement of vehicles on Church Hill that could amount to an excessive degree of traffic congestion. The proposal is therefore contrary to Local Plan and Alterations Policy ST4(ii), which is consistent with the National Planning Policy Framework.

### Reason 3

The proposed vehicular access arrangements fail to provide for a visibility splay of 1.4m by 90m where the 1.4m distance is that from the back edge of the footway into the site. As a consequence the proposal is likely to be detrimental to highway safety, contrary to Local Plan and Alterations Policy ST4(iii), which is consistent with the National Planning Policy Framework.

2. Following the meeting of the Sub-Committee, officers sought the informal advice of the Highway Authority on the strength of case that the Council could make in relation to Reasons 2 and 3 above. The advice received from the Highway Authority is that no reasonable case can be made in respect of these reasons.
3. In relation to Reason 2, should the development proceed, it would rely on kerbside refuse collection. That arrangement would be identical for most other residential development fronting the length of the A121, of which Church Hill is part. Such residential development includes flats. The length of time a refuse vehicle would stop at the kerbside would not be sufficient to cause a significant obstruction. Moreover, such collections would be on a two-weekly cycle therefore the incidence of temporary obstruction would be at that frequency. In the circumstances, there is no evidence to support a position that such limited obstruction would significantly impact on the overall efficiency of the highway. Accordingly, there is no prospect of making a reasonable case to defend this reason.
4. In relation to reason 3, the correct visibility splay is 2.4m by 43m and the 2.4m distance is measured back from the edge of the carriageway in alignment with the centre of the access. The dimensions for the splay are specified in Manual for Streets, a national standard set by the Department for Transport and the Department for Communities and Local Government. Since the width of the

footway is at the proposed access to the site is 2.5m, the entire visibility splay required is achievable on highway land. It is not obstructed such that the visibility splay cannot be achieved. Indeed, the existing vehicular access to the site is very close to the proposed access.

5. Notwithstanding the advice that the Planning Officer gave to the Sub-Committee in relation to the application, Members insisted the 2.4m distance should be measured back into the site from the back edge of the footway. There is no evidence upon which to base Members' understanding that the splay should be 2.4m rear of the footway. For that reason there is no prospect of making a reasonable case to defend Reason 3.
6. Since Reasons 2 and 3 as determined by the Sub-Committee cannot be defended it is recommended that they be deleted from the Council's decision to refuse planning permission for the proposed development and that a revised decision that withholds permission for reason 1 alone, be issued. This action will also require the issue of an amended 'way forward', a proposal for which is set out at Recommendation (2) above.
7. The Sub-Committee is advised the applicant has put the Council on notice that he has lodged an appeal against its original decision on this application.