



# Epping Forest District Council



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Application Number:	EPF/0829/23
Site Name:	10 Rectory Lane Loughton IG10 2RL

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# OFFICER REPORT

**Application Ref:** EPF/0829/23  
**Application Type:** Full planning permission  
**Applicant:** Ms Siobhan Cook  
**Case Officer:** Kie Farrell  
**Site Address:** 10, Rectory Lane, Loughton, IG10 2RL  
**Proposal:** Demolition of the existing commercial building and construction of a new building to provide five commercial units (including workshop, showroom and office space), together with parking and landscaping  
**Ward:** Loughton St. John's  
**Parish:** Loughton  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001Vyt3>  
**Recommendation:** Approve with Conditions

*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, supported by 1 local resident (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

## **Address:**

10 Rectory Lane, Loughton, IG10 2RL.

## **Description of Site:**

The application site comprises an industrial building located within an Employment area off Rectory Lane, close to the junction with Goldings Hill.

The lawful use of the building is understood to be (based on planning history) a scrap metal recycling facility (Sui generis).

The submitted Planning Statement states that the building is currently in use as a builders' depot, office and showroom.

The neighbouring building adjoining immediately to the north is Loughton Auto Repair Centre.

Opposite to the east is a two storey office building known as 4 to 6 Rectory Lane.

The neighbouring building to the south is a 2/3 storey office building (Amshold house).

To the west, the site backs on to the rear gardens/yards of commercial/residential properties on Goldings Hill (3, 5, 5a, 7- 9 and 11). 3, 5 and 5a – 2 storey residential. 7-9 – Sevenoaks Sound and Vision, ground and first floor. 11 – Kitchen shop ground floor with residential above.

## **Description of Proposal:**

Demolition of the existing commercial building and construction of a new building to provide five commercial units (including workshop, showroom and office space), together with parking and landscaping.

- 3 storey building
- Use Class E (g)
- 5 Commercial units
- 9 car parking spaces
- 20 cycle parking spaces (4 per unit)
- Green Roof

	<b>Ground Floor</b>	<b>First Floor</b>	<b>Second Floor</b>	<b>Total</b>
<b>Unit 1</b>	67.4 sq m Workshop	74.0 sq m Showroom	74.0 sq m Office	214.5 sq m
<b>Unit 2</b>	74.9 sq m Workshop	72.7 sq m Showroom	72.7 sq m Office	220.3 sq m
<b>Unit 3</b>	74.9 sq m Workshop	72.7 sq m Showroom	72.7 sq m Office	220.3 sq m
<b>Unit 4</b>	74.9 sq m Workshop	72.7 sq m Showroom	72.7 sq m Office	220.3 sq m
<b>Unit 5</b>	74.9 sq m Workshop	72.7 sq m Showroom	72.7 sq m Office	220.3 sq m
			<b>Total</b>	<b>1,096 sq m</b>

### **Relevant Planning History:**

EF\2022\ENQ\00392

Demolition of the existing building and redevelopment to provide a three storey development of ground and two upper floors to comprise office space and showroom, car parking and associated works.  
Advice given 13.06.2022.

EF\2021\ENQ\00664

3 storey building to provide 10 flats and ground floor co-working space.  
Pre-app advice issued August 2021.

ENF/0024/17

Possible change of use of scrapyard (New owners)  
ENF site visit found premises to be vacant  
Case closed 07/08/2017.

ENF/0602/16

Change of use from scrap metal yard to offices  
ENF site visit found premises to be vacant  
Case Closed 07/08/2017.

EPF/2031/12

Change of use of premises from use for storage purposes (Use Class B8) to use as a scrap yard for the purpose of recycling metals (Sui Generis)  
Approved 07/08/2013.

### **Policies Applied:**

Adopted Plan (March 2023):

SP1: Presumption in Favour of Sustainable Development

T1: Sustainable Transport Choices

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

Loughton Town Council: Objection:

“The Committee NOTED the contents of a letter regarding this application.

The Committee OBJECTED to this application on the grounds of the excessive height of the proposed units, which would result in a large overbearing construction, causing an enclosing effect and a loss of amenity for the residents in the properties of Golding’s Hill.

However, members had no objection in principle to the redevelopment, welcoming the enhanced employment use, but noted that too many employment uses have been lost to residential under permitted development rights.

Therefore, the Committee requested that should the local planning authority be minded to approve the application, it includes the following:

i. The council should enter into a section 106 agreement with the applicant to ensure the units remain for commercial use only and do not flip to residential under permitted development rights after they have been completed.

The planning statement says they originally wanted a residential use, the Committee believe a planning condition was not strong enough to protect the use and could easily be appealed against.

ii. Conditions are required to restrict the parking spaces to the users of the development and ensure the cycle spaces are provided and retained.

iii. In order to protect the amenity of residents on Golding’s Hill, the rear roof should be conditioned not to be used as a terrace and the rear glazing should be obscured – mezzanine floors could easily be inserted without the need for consent which would result in overlooking without such a condition.”

Number of neighbours consulted: 80. 3 comments received, comprising 2 objections and 1 neutral comment.

Units 1 & 2, The Hat Works T/A Press Parts Limited, 10 Rectory Lane (Objection):

“We wish to object to the planning application on the following grounds:-

**1) INADEQUACY OF ACCESS AND COMMERCIAL VEHICLE PROVISION.**

There is only one private narrow roadway from Rectory Lane to the proposed development for access. The roadway ending in a cul-de-sac is shared with the applicant’s two neighbours, giving only one way in and one way out for all 3 properties. The planned development site for an extra 4 commercial units has only a right of access up to its boundary and no further along the roadway. There are no loading bays, drop off areas or turning areas provided. The planning application does not include sufficient commercial vehicle provision to meet normal requirements such as provision for loading, unloading and turning, contrary to the current Essex Parking Standards September 2009.

**2) EXTENT OF ROADWAY.**

Epping Forest District Council Planning Department cannot be sure there is adequate parking for the development as there is doubt that what is planned as car parking space can be implemented, given the rights of way of neighbouring properties (as well as the restrictive covenants) as registered against the property with H.M. Land Registry under section C of the charges register.

SEE ATTACHED PDFs of summary title and plan for the property EX 3481235. The 1969 Conveyance plan referred to, is also attached for reference.

The block or site plan submitted for consideration does not show the correct current building line and therefore existing roadway width with measurements to scale for practical consideration. The proposed parking extends out onto the roadway obstructing both neighbours' right of way. SEE ATTACHED amended block diagram PDF "Roadway diagram" showing the correct building line and extent of roadway, together with a PDF photo of the Auto Repair Centre porta-cabin and full height roller door of one of our warehouse units at the end of the roadway.

### 3) TRAFFIC OVERSPILL.

Given the rights of way enjoyed by the neighbours over the whole roadway, the roadway cannot be considered as overspill parking. It is unlikely that any parking or stopping on the narrowed roadway would be tolerated. The plan submitted is for excess cars, deliveries and service vehicles parking elsewhere off site, being pushed out onto the highway or surrounding residential areas and as such is contrary to the adopted Local Plan 2023.

### 4) INADEQUATE PARKING PROVISION.

The proposed undercroft car parking is not adequate. The planned parking has to provide for 5 commercial units on 3 floors, covering 1096 square metres. The plan is for only 8 communal car parking spaces, the ninth D.D.A. space would have to be kept clear at all times under the Disability Discrimination Act 2005 as it is for people with disabilities' sole use. The plan allows for only one parked car per unit with an excess limited to three visiting cars in total between the five units without any van bays. There are currently ongoing traffic congestion and access issues with obstructive parking, including that part of the roadway contained within the development site.

Again, the lack of parking will push excess vehicles out onto the neighbouring highway or adjacent residential areas to park.

### 5) HGV RESTRICTED ACCESS.

The planned reduced width roadway at 5.5 metres forms the entire space in front of the development however, this is shared with the two neighbours.

The parking spaces jutting out into the access road referred to in the application as P1, P2, P3, P4 would obstruct the swept path of HGV vehicles as they try to navigate the corner opposite the development. HGVs including fire tenders would simply be unable to make their way past the bend in the roadway within the site.

### 6) HEALTH AND SAFETY RISK.

There is a significant safety risk as no parking will be possible on the roadway given the neighbours' rights of way, accessing pallet or forklift truck deliveries to the 5 units would be going back and forth on the roadway with no separation from other users. This does not comply with Workplace (Health, Safety and Welfare) Regulations 1992.

### 7) PEDESTRIAN AND CYCLIST SAFETY.

The Design and Access Statement does not show consultation undertaken on issues which prevent safe access to the development for pedestrians and cyclists from the highway to the proposed development. There is no separation for pedestrians from HGVs or other vehicles accessing from Rectory Lane as there is no pavement from Rectory Lane up to and past the property, nor is there any street lighting along the private access roadway."

The Hat Works, 10 Rectory Lane (Objection):

*"Object to this proposal on the grounds that it breaches existing rights as detailed in the conveyances dated 27 February 1969 and also all subsequent entries in the registry to pass and repass over the whole driveway denoted in brown on said filed plans.*

*We are entitled to reasonable access at all times, which is taken to be a minimum of 15' 8" (the width of the gates as measured), along the entire length of the roadway from Rectory Lane to The Hat Works.*

*The attached original 1969 Conveyance Plan shows the extent of the access roadway coloured brown. Their proposal does not include any traffic congestion or parking controls, outside loading or delivery mitigations for the neighbouring properties or protection of access rights.*

*The proposal site has insufficient parking provision any intensification in use and our access at The Hat Works is already hampered by vehicles parked on the roadway in breach of existing covenants.*

*We think that the development proposed would need a minimum of 5 car parking spaces per unit plus associated loading spaces and further parking spaces for visitors.*

*Highways issues will occur at the junction with Rectory Lane*

*We also consider that the additional height of the development will overshadow and cause loss of light to The Hat Works during the winter into our office space.”*

Loughton Residents Association Plans Group (Neutral):

*“We have no objection in principle to the redevelopment and welcome the enhanced employment use. However, too many employment uses have been lost to residential under permitted development rights. We therefore urge the council to enter into a section 106 agreement with the applicant to ensure the units do not flip to residential under pd rights after they have been completed. The planning statement says they originally wanted a residential use and we do not consider a planning condition is strong enough to protect the use and can easily be appealed against. We also consider conditions are required to restrict the parking spaces to the users of the development and ensure the cycle spaces are provided and retained. In order to protect the amenity of residents on Golding’s Hill we ask for the rear roof to be conditioned not to be used as a terrace and for the rear glazing to be obscured – mezzanine floors could easily be inserted without the need for consent that would result in overlooking without such a condition.”*

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

The main issues in this case are:

- Principle of Development
- Design, Character and Appearance
- Residential Amenity
- Highway Safety

### **Principle of Development:**

The proposal is for demolition of the existing commercial building and construction of a new three storey building to provide five commercial units (including workshop, showroom and office space), together with parking and landscaping.

The use class applied for is Class E (Commercial, Business and Service), part (g)

- (i) an office to carry out any operational or administrative functions,
- (ii) the research and development of products or processes, or
- (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Adopted Local Plan (March 2023):

The application site falls within allocated Employment Area LOU.E3 and as such Policy E1 applies:

### **Policy E1 Employment Sites**

## **Existing Employment Sites (Designated and Undesignated)**

**A. The Council will seek to retain and enhance existing employment sites and premises for their existing authorised uses within Use Class B2, B8 or E, or Sui generis uses of an employment character.**

**B. Proposals for the redevelopment, renewal, intensification, or extension of existing employment sites and premises for employment uses or Sui generis uses of an employment character will be encouraged.**

The proposed development is an Employment development and therefore complies with adopted Local Plan policies. The proposed development is acceptable in principle.

The proposed use class E (g) is also acceptable.

### Design, Character and Appearance:

At pre-app stage a 3 storey flat roofed building was proposed which was considered to be unacceptable in design terms.

The building now proposed has a gable fronted pitched roof form which is considered to be acceptable.

The current application proposes a 3 storey building, however this appears externally as a 2.5 storey building as the second floor is in the roof space.

The submitted drawings show that the maximum/ridge height of the proposed building (approx. 10.9m) would be lower than the ridge of the 4 to 6 Rectory Lane opposite and set within this context the height is considered to be acceptable.

The rear part of the building backing onto the western boundary with the properties on Goldings Hill reduces to a single storey flat roofed element which will include a Green Roof. A condition should be attached to any permission issued to ensure that the proposed Green Roof is delivered.

Due to the position of the proposed building within the existing employment site, views of the Golding's Hill and Rectory Lane street scenes will be limited.

The proposed development is considered to be acceptable in terms of design, character and appearance.

### Residential Amenity:

The rear part of the building backing onto the western boundary with the properties on Goldings Hill reduces to a single storey flat roofed element which will include a Green Roof. This single storey element provides additional separation distance between the upper floors of the proposed building and the existing residential properties on Goldings Hill.

The upper floors of the proposed building would be set off the rear boundary by between 5m and 7m and it is considered that this is sufficient to ensure that there is no overbearing impact on neighbouring residential properties on Golding's Hill.

Rear window treatments (minimum cill heights of 1.7m from floor level) are proposed which would limit the potential for overlooking / loss of privacy to the residential properties on Goldings Hill and this is considered to be acceptable mitigation which can be secured by condition.

A sunlight, daylight, overshadowing report has been submitted which concludes that there would be no harmful loss of light or overshadowing of any neighbouring residential properties.

A condition should be added to any planning permission issued restricting the use of the single storey flat Green Roof as a balcony to ensure there is no harmful impact on the amenity of neighbouring residential properties.

Overall, acceptable in terms of impact on residential amenity.

#### Highway Safety:

Access to the proposed development will remain as existing with vehicles and pedestrians accessing via Rectory Lane.

A total of 9 car parking spaces are proposed to serve the 5 commercial units, one of which will be an accessible bay.

20 covered and secure cycle parking spaces will also be provided (4 per unit).

Essex CC Highway Authority comments dated 26th May 2023:

*“The submitted information has been assessed, and the Highway Authority are satisfied that the proposal is not contrary to national/local policy and current safety criteria.*

*The proposal will not generate a significant increase in vehicle movements over the previous use of the site. Furthermore, the parking arrangements are considered to be sufficient for the development, and the site has good access to other modes of sustainable travel.*

*Consequently, the development will not be detrimental to highway safety or efficiency.*

*From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following measures:*

*Prior to the first occupation of the development the vehicle and cycle parking as indicated on the approved plans shall be provided and retained as such for the life of the development. Reason: To ensure that appropriate parking is provided.*

*The above measures are to ensure that this proposal is not contrary to the Highway Authority’s Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2021.”*

Acceptable in this respect.

#### SAC:

The submitted Project Level HRA document provides extracts from the submitted Transport Statement which conclude that the proposed development will result in a net additional 23 vehicle trips per day. Subject to the provision of electric charging points and an Employees Travel Pack, it is considered that the proposed harm resulting from this increase in vehicle movements would be adequately mitigated.

#### **Conclusion:**

Recommended for approval, 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: Kie Farrell  
email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)

**Conditions:** (11)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

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

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

1134-CYA-AA-XX-DR-A-10001 Rev C – Site Location & Block Plan  
1134-CYA-AA-00-DR-A-10003 Rev B – As Existing – Ground Floor Plan  
1134-CYA-AA-01-DR-A-10004 Rev B - As Existing – First Floor Plan  
1134-CYA-AA-RF-DR-A-10005 Rev B – Existing Roof Plan  
1134-CYA-AA-ZZ-DR-A-10006 Rev B – Existing Elevations (Sheet 1)  
1134-CYA-AA-ZZ-DR-A-10007 Rev B - Existing Elevations (Sheet 2)  
1134-CYA-AA-XX-DR-A-10009 Rev A – Proposed Block Plan  
1134-CYA-AA-00-DR-A-10010 Rev B – Proposed Ground Floor Plan  
1134-CYA-AA-01-DR-A-10011 Rev B – Proposed First Floor Plan  
1134-CYA-AA-02-DR-A-10012 Rev B – Proposed Second Floor Plan  
1134-CYA-AA-RF-DR-A-10013 Rev B – Proposed Roof Plan  
1134-CYA-AA-ZZ-DR-A-10014 Rev B - Proposed Elevations (Sheet 1)  
1134-CYA-AA-ZZ-DR-A-10015 Rev B - Proposed Elevations (Sheet 2)  
1134-CYA-AA-ZZ-DR-A-10016 Rev B – Proposed Sections  
1134-CYA-AA-ZZ-DR-A-10018 Rev B – Contextual Elevations  
1134-CYA-AA-XX-DR-A-10019 Rev A – Typical Cycle & Refuse Store  
1134-CYA-AA-XX-DR-A-10020 Rev B – 3D Views  
1134-CYA-AA-XX-DR-A-10021 Rev B – 3D Views  
Planning Statement, Planning Insight, March 2023  
Planning, Design and Access Statement, Cooley Architects, February 2023  
Project Level HRA, Planning Insight, April 2023  
Transport Statement, Markides Associates, 9 March 2023  
Energy Statement, NRG Consulting, March 2023  
Daylight, Sunlight and Overshadowing Report, OSM, 24th January 2023  
BREEAM Pre-Assessment, NRG, 20th March 2023.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 Details of the biodiversity green roof shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity green roof shall be:
- a) biodiversity based with extensive substrate base (depth 80-150mm);
  - b) laid out in accordance with the approved drawings;
  - c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). The biodiversity green roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity green roof shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. If within a period of five years from the date of the planting or establishment of the green roof it is removed, uprooted or destroyed or dies or becomes seriously damaged or defective it shall be replanted / re-seeded with the same agreed mix of species as that originally planted and shall be planted at the same place.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.

- 5 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 Prior to first occupation of the building hereby permitted the windows in the west/rear elevation facing Golding's Hill at first floor level and above, shall have been fitted such that no part of those windows are less than 1.7 metres above the internal floor level of the room in which the window is installed. Once installed the windows shall be retained unaltered thereafter.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 7 Access to the flat Green Roof hereby approved shall be for maintenance or emergency purposes only and the flat Green Roof shall not be used as a seating area, roof garden, terrace, patio, or similar amenity area.

Reason: To safeguard the privacy of adjacent properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 8 Prior to the first occupation of the development the vehicle and cycle parking as indicated on the approved plans shall be provided and retained as such for the life of the development. Reason: To ensure that appropriate parking is provided.

The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2021.

- 9 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA). The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:

- Location of active and passive charging infrastructure;
- Specification of charging equipment; and
- Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
  - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
  - b) How charging point usage will be charged amongst users;
  - c) The process and the triggers for identifying when additional passive charging points will become activated; and
  - d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.

Reason: To ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the EFSAC, in accordance with Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 10 Prior to first occupation of the approved development, the developer shall submit a Workplace Travel Plan to the Local Planning Authority for approval. The approved Workplace Travel Plan shall be actively implemented for a minimum period of 5 years.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended and the Use Classes Order 1987 (or any other Order revoking, further amending or re-enacting those Orders) the use of the proposed development shall be limited to Class E (g) and no other use within Class E or any other Use Class without the prior written permission of the Local Planning Authority. Reason:- The specific circumstances of this site warrant the Local Planning Authority having control over any further development, in accordance with the guidance contained within the National Planning Policy Framework and policies E1 and DM9 of the Adopted Local Plan (March 2023).

**Informatives: (1)**

- 12 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.