

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** District Development Management Committee      **Date:** 22 July 2020

**Place:** Virtual Meeting on Zoom      **Time:** 7.00 - 7.50 pm

**Members Present:** S Jones (Chairman), B Rolfe (Vice-Chairman), D Dorrell, I Hadley, S Heap, H Kane, H Kauffman, R Morgan, J Philip, C C Pond and J M Whitehouse

**Other Councillors:** -

**Apologies:** H Brady, J Lea, C Roberts and J Share-Bernia

**Officers Present:** S Kits (Social Media and Customer Services Officer), J Leither (Democratic Services Officer), A Marx (Development Manager Service Manager (Planning)), M Rahman (Planning Officer) and G Woodhall (Democratic & Electoral Services Manager)

### **10. WEBCASTING INTRODUCTION**

On behalf of the Chairman, the Democratic & Electoral Services Manager reminded everyone present that the meeting would be broadcast live to the internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

### **11. ADVICE FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES**

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Committee in relation to the determination of applications for planning permission. The Committee noted the advice provided for the public and speakers in attendance at meetings of the Council's planning committees.

### **12. SUBSTITUTE MEMBERS**

The Committee was advised that no substitute members had been appointed for the meeting.

### **13. DECLARATIONS OF INTEREST**

The following interests were declared by members of the Committee pursuant to the Council's Code of Member Conduct:

- (a) Cllr J Philip declared a personal interest in item 8 (EPF/0542/20 – Rear of 165 High Road, Loughton) of the agenda for the meeting, by virtue of having been contacted by members of the public in connection with this planning application. The Councillor had expressed no opinion in these discussions, had determined that his interest was not pecuniary and indicated that he would remain in the meeting for the consideration of the application and voting thereon.

(b) Cllr C C Pond declared a personal interest in item 8 (EPF/0542/20 – Rear of 165 High Road, Loughton) of the agenda for the meeting, by virtue of having been slightly acquainted with some of the residents who had made representations. The Councillor had determined that his interest was not pecuniary and indicated that he would remain in the meeting for the consideration of the application and voting thereon.

#### **14. MINUTES**

The Democratic & Electoral Services Manager apologised to the Committee as due to the short turnaround between the last meeting and this, the minutes of the previous meeting were not yet ready for the Committee to agree. The Committee was reassured that the minutes for this meeting would be ready for agreement at the Committee's next meeting in September.

#### **15. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE**

The Development Management Service Manager reminded the Committee that a briefing note had been prepared to ensure a consistent approach was taken to the provision of planning policy advice, following the publication of the Epping Forest District Local Plan Submission Version on 18 December 2017. Members were advised that the primary purpose of the briefing note was to inform development management activities and to provide assistance for Councillors, Officers, Applicants, Planning Agents and other persons involved in the development management process.

##### **Resolved:**

(1) That the Planning Policy Briefing Note for the Epping Forest District Local Plan Submission Version be noted.

#### **16. PLANNING APPLICATION EPF/0542/20 - REAR OF 165 HIGH ROAD, LOUGHTON IG10 4LF**

The Planning Officer, M Rahman, presented a report for revisions to a rear building on the site, previously approved under planning application EPF/2600/14, to include a penthouse as allowed under appeal as well as internal and external alterations.

M Rahman reported that this application had been considered by Area Planning Sub-Committee South at its meeting on 1 July 2020, with an Officer recommendation to grant permission. The Sub-Committee had granted permission with the addition of an extra condition to erect privacy screens no less than 1.65m high to prevent any harmful overlooking to the properties on Station Road from the Roof Terrace, and a modification to condition 6 to ensure that the windows met the relevant British Standard. This application was before the Committee following a minority reference as a result of a discrepancy in counting the votes at the meeting on 1 July 2020, and was recommended for approval with the new and amended conditions.

M Rahman reminded the Committee that the site was to the rear of 165 High Road, within the built-up area of Loughton. It was not within the Metropolitan Green Belt, nor was it listed. The site had planning permission for a six-storey development of 14 flats, which had been implemented, and the skeletal frame of this development was being erected. The proposal sought to amalgamate the previously approved scheme (EPF/3176/18) and the recent permission for a penthouse allowed under appeal

(EPF/3302/18) along with the internal and external alterations. The main issues for consideration in this instance were: the impact on the character and appearance of the locality; and the impact to the living conditions of the neighbouring properties.

M Rahman informed the Committee that Planning Officers had concluded the proposed materials and external finishes were acceptable, and that there would be no further impact on the character and appearance of the locality. In addition, the proposed amendments would have no material impact on the amenities of neighbouring occupiers and would provide an acceptable standard of accommodation for future occupiers of the flats therein. As the application did not increase the number of dwelling units than that previously approved, there would be no additional impact on the Special Area of Conservation within the Epping Forest, in terms of recreational pressure and air quality.

The Committee noted the summary of representations received for this application, including four letters of objection from neighbouring properties, objections from the Loughton Town Council and the Loughton Residents Association Plans Group, and no objection from the Essex Fire & Rescue Service. The Committee heard from the Applicant's Agent before proceeding to debate the application.

Cllr C C Pond opined that he considered the building to be ugly and intrusive, but it had already been approved by the Planning Inspector. The Councillor welcomed the inclusion of an informative in the decision notice to alert prospective residents of the location of the two flues for 165a and 167 High Road, being in close proximity to the flats, and that they might cause some noise and odour disturbance.

Cllr J Philip felt that the privacy screens at 1.65m would be reasonable and necessary, and supported the recommendation of the Sub-Committee. Cllr S Heap felt that there was now no reason not to allow this scheme to proceed.

#### **Decision:**

(1) That permission for planning application EPF/0542/20 at the rear of 165 High Road in Loughton be granted, subject to the following conditions:

- 1...The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2...The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers: 2K19/1/HRL/PL02, 2K19/1/HRL/PL03, 2K19/1/HRL/PL04, 2K19/1/HRL/PL05, 2K19/1/HRL/PL06, 2K19/1/HRL/PL07, 2K19/1/HRL/PL08, 2K19/1/HRL/PL09, 2K19/1/HRL/PL10, 2K19/1/HRL/PL11 and 2K19/1/HRL/PL12.
- 3...Materials to be used for the external finishes of the proposed development shall match those stated on the approved plans, unless otherwise agreed in writing by the Local Planning Authority.
- 4...All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 5...Prior to the first occupation of the development, the Developer shall be

responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, as approved by the local planning authority, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each flat free of charge.

6...The window opening(s) serving the flats (Habitable rooms) in the side elevation facing the rear of No's 167 & 169 shall be non-openable and meet the British Standard BS 8233: 2014 - Guidance on Sound Insulation and Noise Reduction for buildings - Code of practice (or such other standard which may supersede it from time to time) and shall be permanently retained in that condition in perpetuity.

7...The commercial units shall not be open to customers / members outside the hours of 8am to 6pm on Monday to Saturday and 10am to 5pm on Sundays and Bank Holidays.

8...Prior to the first occupation of the development, details of a privacy screens to the roof terraces of no lower than 1.65 metres high shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented before occupation in accordance with the approved details and so retained.

#### **17. PLANNING APPLICATION EPF/0891/20 83 BELL COMMON, EPPING CM16 4DZ**

The Development Management Service Manager, A Marx, presented a report for alterations to an existing side roof dormer window at 83 Bell Common in Epping.

A Marx reported that this application had been considered at Area Plans Sub-Committee East on 8 July 2020, with an Officer recommendation to refuse planning permission. Following a discussion on the history of the site, the impact of the dormer window, and the setting of the surrounding area, the Officer recommendation was upheld. However, four members of the Sub-Committee invoked the minority reference rules within the Constitution to refer the application to this Committee.

A Marx informed the Committee that the site contained a newly built four-bedroom dwelling, and was within both the Bell Common Conservation Area and the Metropolitan Green Belt. The application sought permission to reduce the size of the existing unauthorised side roof dormer window. The key consideration for the determination of this application was the impact of the proposal on the character and appearance of the property and the wider Bell Common Conservation Area.

The Committee noted the history of this site, and that a retrospective application (EPF/2955/17) had been submitted as the side roof dormer window had not been constructed in accordance with the original planning permission (EPF/2829/16). This application had been refused, and an appeal against the enforcement notice had been dismissed by the Planning Inspector as the dormer window was not considered subordinate to the roof slope and protruded significantly.

Planning Officers had concluded that the proposed dormer window – due to its size, position and appearance – was out of character with the neighbouring properties and was therefore harmful to the character and appearance of the street scene and the Conservation Area. In addition, the revised scheme failed to address the concerns raised by the Planning Inspector when dismissing the appeal against the enforcement notice. Consequently, the application was recommended for refusal.

The Committee noted the summary of representations received in relation to this application, which included no objection from the Town Council and an objection from the Council's Conservation Officer. The Committee heard from the Applicant's Agent before proceeding to debate the application.

Cllr J Philip acknowledged that the site had a long planning history, and that the dormer window was very prominent from the road. The Councillor did not feel that the modifications were sufficient as the dormer window was now significantly further forward than in the original plans, and consequently would be supporting the Officer recommendation to refuse permission. Cllr C C Pond cautioned the Committee to guard against granting permission to a succession of minor changes as this would undermine the appearance of the Conservation Area. The Councillor felt that the reasons for refusal offered by Planning Officers were sound and he would support the Officer recommendation.

Cllr J M Whitehouse countered that the dormer window was not particularly noticeable as he often ran down this road, and also found it difficult to identify any harm to the Conservation Area from it. The Councillor respected the recommendations of the Planning Officers but highlighted that the Town Council had not objected to the proposal, and therefore was minded to support the proposal. Cllr S Heap agreed with the principle outlined by Cllr C C Pond, and concurred that the dormer window was noticeable, but its purpose was to provide light for an internal stairway so he would support the application.

Cllr R Morgan opined that the dormer window was too prominent, too large, and not in accordance with the approved plans. Cllr D Dorrell stated that the dormer window was very obvious and prominent, and that the proposal did not go far enough to address concerns previously raised. Both Councillors stated that they would support the Officer recommendation to refuse planning permission.

**Decision:**

(1) That permission for planning application EPF/0891/20 at 83 Bell Common in Epping be refused for the following reason:

1...The proposed dormer, by virtue of its prominent siting, size, bulk and design will result in a dominant incongruous and unattractive feature which will undermine the appearance of the dwelling, street scene and the wider local character and appearance of the Bell Common Conservation Area. There are no public benefits which would outweigh this harm. The proposal is therefore contrary to the requirements of S72(1) of the Planning and Listed Building and Conservation Areas Act 1990; Chapters 12 and 16 of the NPPF; policies HC6, HC7, DBE1, DBE3 of the Local Plan and Alterations along with policies DM7, DM9 and DM10 of the Epping Forest District Local Plan (Submission Version) 2017.

**18. ANY OTHER BUSINESS**

It was noted that there was no other urgent business for consideration by the Committee.

**19. EXCLUSION OF PUBLIC AND PRESS**

The Committee noted that there was no business which necessitated the exclusion of the public and press from the meeting.

**CHAIRMAN**