

committee agenda



**Epping Forest
District Council**

***District Development Management Committee
Wednesday, 22nd July, 2020***

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

Virtual Meeting on Zoom
on **Wednesday, 22nd July, 2020**
at **7.00 pm** .

Georgina Blakemore
Chief Executive

**Democratic Services
Officer**

Gary Woodhall
Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors S Jones (Chairman), B Rolfe (Vice-Chairman), H Brady, D Dorrell, I Hadley, S Heap, H Kane, H Kauffman, J Lea, R Morgan, J Philip, C C Pond, C Roberts, J Share-Bernia and J M Whitehouse

SUBSTITUTE NOMINATION DEADLINE:

18:30

1. WEBCASTING INTRODUCTION

(Corporate Communications Manager) This meeting is to be webcast. On behalf of the Chairman, the Democratic & Electoral Services Officer will read the following announcement:

“Please note that 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.

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 participating in this virtual meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or

training purposes. If members of the public do not wish to have their image captured they should ensure that their video setting throughout the virtual meeting is turned off and set to audio only.

In the event that technical difficulties interrupt the virtual meeting that cannot be overcome, the Chairman may need to adjourn the meeting.

If you have any queries regarding this, please contact the Corporate Communications Manager on 01992 564039.”

2. ADVICE FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES (Pages 5 - 6)

(Democratic & Electoral Services Manager) General advice for those persons attending the meeting of the Committee is attached as an Appendix to this agenda.

3. APOLOGIES FOR ABSENCE

(Democratic & Electoral Services Manager) To be announced at the meeting.

4. SUBSTITUTE MEMBERS

(Democratic & Electoral Services Manager) To report the appointment of any substitute members for the meeting.

5. DECLARATIONS OF INTEREST

(Monitoring Officer) To declare interests in any item on the agenda.

6. MINUTES

(Democratic & Electoral Services Manager) To confirm the minutes of the meeting of the Committee held on 6 July 2020 (to follow).

7. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE

(Development Management Service Manager) A Planning Policy Briefing Note (March 2018) has been produced by the Planning Policy Team to ensure that a consistent approach is taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version, which was published on 18 December 2017.

The primary purpose of the Planning Policy Briefing Note is to inform the development management process and to provide assistance for Development Management Officers, Councillors, applicants and planning agents. The Planning Policy Briefing Note is available at:

http://www.efdclocalplan.org/wp-content/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf

8. PLANNING APPLICATION EPF/0542/20 - REAR OF 165 HIGH ROAD, LOUGHTON IG10 4LF (Pages 7 - 16)

(Development Management Service Manager) To consider the attached report.

9. PLANNING APPLICATION EPF/0891/20 83 BELL COMMON, EPPING CM16 4DZ (Pages 17 - 30)

(Development Management Service Manager) To consider the attached report.

10. ANY OTHER BUSINESS

(Democratic & Electoral Services Manager) Section 100B(4)(b) of the Local Government Act 1972 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.

11. EXCLUSION OF PUBLIC AND PRESS

Exclusion

(Democratic & Electoral Services Manager) 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):

<u>Agenda Item</u>	<u>Subject</u>	<u>Paragraph Number</u>
Nil	None	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.

Background Papers

(Democratic & Electoral Services Manager) Article 17 (Access to Information) of the Constitution defines 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 and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection one copy of each of the documents on the list of background papers for four years after the date of the meeting. Inspection of background papers can be arranged by contacting either the Responsible Officer or the Democratic Services Officer for the particular item.

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Advice to Public and Speakers at Council Planning Sub-Committees

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 Sub-Committee.

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.

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 Sub-Committee 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. Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

How are the applications considered?

The Sub-Committee 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 Sub-Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Sub-Committee. Should the Sub-Committee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee are required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
 - (i) the Council's approved policy framework; or
 - (ii) the development or other approved plan for the area; or

- (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

Further Information?

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



Epping Forest District Council



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Application Number:	EPF/0542/20
Site Name:	Rear of 165 High Road Loughton IG10 4LF
Scale of Plot:	1:1250

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Report to District Development Management Committee



**Epping Forest
District Council**

Report Reference: EPF/0542/20
Date of meeting: 22 July 2020

Address: Rear of 165 High Road, Loughton, IG10 4LF

Subject: Revisions to Building 2 rear building (Approved under EPF/2600/14) to include penthouse as allowed under appeal APP/J1535/W/19/3226911 and internal and external alterations.

Responsible Officer: Muhammad Rahman (01992 564415)

Committee Secretary: Gary Woodhall (01992 564470)

Recommendation(s):

This application carried an officer recommendation to grant permission when reported to Area Planning Sub-Committee South at their meeting on 1 July 2020. Members proposed a new condition for a privacy screen of some 1.65m high to prevent overlooking to the properties on station road from the roof terrace, along with modifying condition 6 to ensure that the windows 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). The conditions are as follows;

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. 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. Reason: To ensure the proposal is built in accordance with the approved drawings
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. Reason:- To safeguard the visual amenities of the locality, in accordance with policy DBE1 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2019
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. Reason:- In the interests of the amenities of noise sensitive properties, in accordance with policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006,

policy DM21 of the Local Plan Submission Version 2017, and the NPPF 2019.

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. Reason: In the interest of sustainable transport choices.
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. Reason:- To safeguard the living conditions of occupiers from noise and odour, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF 2019.
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. Reason: In order to minimise disturbance to local residents, in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, policy DM21 of the Local Plan Submission Version 2017, and the NPPF 2019.
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. Reason:- To safeguard the amenity of neighbouring properties from overlooking, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2019.

This application has been included within the agenda of this committee as a consequence of a discrepancy in the recounting of votes at the Sub-Committee meeting. This then resulted in a motion for the case to be considered by Members of the District Development Management Committee. This was supported by four Members of the Area Planning Sub-Committee South for approval of the application with the new and amended conditions.

Additional comments below were received from the Environmental Health Team on the day of the South Planning Committee meeting and this was read out during the course of the presentation, requesting that an informative is included in any decision notice to alert prospective residents of the location of the flues.

The previous officer's report below has been amended to include further details of the increase in footprint of the penthouse, and the increase in height of the existing flue to No.165A (Ginger Pig) as set out under the proposal section, and a section of the Epping Forest Special Area of Conservation has been added.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The site is to the rear of 165 High Road within the built-up area of Loughton. It was formerly the car parking area to 165 High Road. The site is accessed by an access way between 165 High Road and the Marks and Spencer on the opposite side. The site is not within the Metropolitan Green Belt or a Conservation Area, nor is it listed.

The site has planning permission for a 6-storey development of 14 flats. Following my site visit it was clear that much of the skeletal frame of the above development has been constructed, and the applicant has confirmed they have implemented the recent permission allowed on appeal under EPF/3302/18.

Proposal

The proposal is for revisions to Building 2 rear building (Approved under EPF/2600/14) to include penthouse as allowed under appeal APP/J1535/W/19/3226911 and internal and external alterations.

As the recent penthouse appeal EPF/3302/18 has been implemented, the following consents (EPF/3176/18 & EPF/3177/18) can no longer be implemented as it will result in a materially different scheme to what was approved under the above appeal.

Therefore, the proposal seeks to amalgamate the previous approved consent EPF/3176/18 (NMA No. 3) and the recent penthouse allowed under appeal EPF/3302/18, and proposes the following main amendments;

1. Changes to fenestration on rear (East) elevation facing the rear car park;
2. Changes to window sizes and enclosure of the access walkway on side/front (North/West) elevation facing the rear of No's 167, 169;
3. Slight increase to the corner footprint of the building by approx. 300mm, including the removal of balconies, and variations to windows with Juliet balcony on side (South) elevation facing the access road and Marks and Spencer's;
4. Increase of footprint of penthouse (Increase of 15.12 Sqm to Flat 13 & Increase of 3.79 sqm to Flat 14);
5. New materials and external finishes and internal alterations; and
6. Extending the existing flue for the 'Ginger Pig'(165A High Road) by Approx. 5.3m.

Relevant Planning History

EPF/2600/14	The demolition of an existing outbuilding and a small section of stairwell to the rear. The erection of a 5-storey building to the rear of the site to provide one commercial unit (Use Class A2) at ground floor and 12 flats (8 x 1 bedroom and 4 x 2-bedroom flats) on upper floors. The refurbishment and revitalisation of the existing building to the front of the property including the erection of an additional floor to provide 2 x 1-bedroom flats	Allowed on Appeal
EPF/0522/16	Non - material amendment to EPF/2600/14 (No.1)	Approved
EPF/1184/16	Change of use from retail to use for purposes within Use Class A2	Approved
EPF/2458/17	Removal of 2 no. shop fronts. Installation of 2 no. traditional shop fronts including sliding folding entrance doors, window display, concealed sun blind and panelled fascia. Ducting to be installed to the rear building elevation to extract from the cooking room and rotisserie	Approved
EPF/3134/17	Application for approval of details reserved by condition 3 'cooking/food preparation fumes and smell' on planning application EPF/2458/17 (Removal of 2 no. shop fronts. Installation of 2 no. traditional shop fronts including sliding folding entrance doors, window display, concealed sun blind and panelled fascia. Ducting to be installed to the rear of the building elevation to extract from the cooking room and rotisserie)	Details Approved
EPF/2055/18	Non-material amendment to planning application EPF/2600/14 (No.2)	Approved
EPF/2609/18	Application for Approval of Details Reserved by Condition 4 'Construction Method Statement' of EPF/2600/14.	Details Approved

EPF/2996/18	Application for Approval of Details Reserved by Condition 20 for EPF/2600/14 "matching materials".	Details Approved
EPF/3176/18	Non-Material Amendment to EPF/2600/14 for alterations to windows, brickwork, balconies and roof. (No.3)	Approved
EPF/3177/18	New windows, raise handrail in brick and glass, plus extend the flue.	Approved
EPF/3255/18	Application for Approval of Details Reserved by Conditions 8 & 9 - window details (ref Appeal: APP/J1535/W/15/3065764 & EPF/2600/14)	Details Approved
EPF/3302/18	Erection of a one storey roof extension to provide an additional 2 no. flats (2 x 1-bedroom penthouse flats) (- as an addition to 5 storey building being erected on the site under EPF/2600/14.)	Allowed on Appeal
EPF/0607/19	Application for Prior Notification for a proposed demolition of an existing building.	Approved
EPF/1162/19	Proposed split of an approved single A2 unit into x 2 no. A2 units with alterations to doors to elevation.	Approved
EPF/0280/20	Application for a Non-Material Amendment to EPF/3302/18 - For the removal of air source heat pumps & the inclusion of the released space into amenity & green roof together with a minimal increase to the north flat to allow the reconfiguration internally to allow an additional small bedroom/study.	Refused
EPF/0282/20	Application for a Non-Material Amendment to EPF/3177/18 - Amendment to Balconies, Flue omitted & Addition of Electrical Intake Cupboard.	Refused
EPF/0426/20	Revisions to Building 1 fronting the High Road (Approved under EPF/2600/14) for 4 x studio flats (replacing approved 2 x 1 bed flats), one storey roof extension providing 2 x 1 bed flat and new lift and staircase.	In Progress

Development Plan Context

Local Plan and Alterations 1998 & 2006 (LP)

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
CP3	New Development
CP6	Achieving Sustainable Urban Development Patterns
CP7	Urban Form and Quality
H2A	Previously Developed Land
H4A	Dwelling Mix
U3B	Sustainable Drainage Systems
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
ST4	Road Safety
ST6	Vehicle Parking

National Planning Policy Framework 2019 (Framework)

The Framework is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraph 108 - 110
 Paragraph 117
 Paragraph 124, 127
 Paragraph 175

Epping Forest District Local Plan Submission Version 2017 (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. The appointed Inspector has indicated an intention to provide advice to the Council by 12th July 2019; this advice will be given without prejudice to the Inspector's final conclusions.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

Policy	Weight afforded
--------	-----------------

SP1 Presumption in Favour of Sustainable Development	Significant
SP2 Spatial Development Strategy 2011-2033	Some
H1 Housing Mix and Accommodation Types	Some
T1 Sustainable Transport Choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM3 Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM11 Waste Recycling Facilities on New Development	Significant
DM15 Managing and Reducing Flood Risk	Significant
DM16 Sustainable Drainage Systems	Significant
DM17 Protecting and Enhancing Watercourses and Flood Defences	Significant
DM18 On Site Management of Wastewater and Water Supply	Significant
DM19 Sustainable Water Use	Significant
DM21 Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 Air Quality	Significant

Summary of Representations

Number of neighbours Consulted: 36. 5 response(s) received

Site notice posted: Yes

9 STATION ROAD – Objection – Summarised as;

- It already grossly detracts from our skylight.
- It already grossly interferes with our right to privacy as their apartments overlook our back garden and house
- It is an ugly eyesore that detracts from the low-rise character of the high street and surrounding areas.

12 STATION ROAD – Objection – Summarised as;

- The building already has a negative effect on the look / skyline of Loughton and is a horrible eyesore. It blocks any view from my son's bedroom, which looks into the towering block.
- It adds further to congestion in an already overstretched infrastructure in Loughton and puts further strains and demands on our transportation system in tube, buses and cars. The roads in Loughton high road are already in gridlock most of the time.
- It is bad for the environment and creates more pollution of many types. (air, noise, garbage, human waste...)
- Adding a roof extension further adds to the already enormous size of this monstrous building and further deprives privacy plus having a detrimental effect in our own house, and it's future worth.
- It is out of character with the surrounding area already with only low-rise buildings on the High Road and everywhere around.
- Doubling the number of flats from 2 to 4 doubles the number of people, hence double the congestion, pollution, etc

22 STATION ROAD – Objection – Summarised as;

- Loss of light and privacy.

167 HIGH ROAD – Objection – Summarised as;

- Object to the widening of windows indicated in the drawings, I own a restaurant immediately next door with pre-existing kitchen extraction and wood fired pizza extraction and insist that the council affords me protection from this development. It is unacceptable and wrong to allow the developer to place this building with windows that open within ten meters of my kitchen and wood fired pizza extraction without any consideration of the impact of my restaurant on the future residents' right to be afforded good quality air. Additionally, I have a large atrium which opens and will cause noise nuisance.

LRA (PLANS GROUP) – Objection – Summarised as;

- Overall extra bulk is being added to the building which is already too large. It is out of keeping with this part of Loughton and is highly visible from the junction at High Beech Road.

EFDC ENVIRONMENTAL HEALTH – Comments received

EFDC LAND DRAINAGE – No comment

ECC FIRE AND RESCUE SERVICE – No objection

LOUGHTON TOWN COUNCIL – The Committee OBJECTED to this application on the grounds that it believes that this development, alone or in conjunction with others, may have an adverse effect on the Epping Forest Special Area of Conservation. Accordingly, the Committee believes that it would be unsafe and unsound to grant this application, by virtue of the greater number of occupants living there. This proposal includes an additional bedroom from the plans approved by the Appeal Inspector under EPF/2600/14. Members would not be willing to attend and speak against this application, having no further comments to make.

Planning Considerations

The 6-storey building has been approved (at appeal) under planning reference EPF/3302/18 and the permission has been implemented with much of the skeletal frame constructed. This application therefore only concerns the proposed amendments.

Therefore, the main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality; and
- b) The impact to the living conditions of neighbours.

Character and Appearance

The amendments have been proposed following issues with safety, statutory building regulations and utilities, that were raised by Building Control and the Fire safety officer.

The proposed amendments including the proposed materials and external finishes are considered to be acceptable. Therefore, it is considered that there will be no further impact

to the character and appearance of the wider area and that of the street scene.

Living conditions of neighbours & future occupiers

The proposed amendments will have no material impact to neighbouring occupiers and would provide an acceptable standard of accommodation for future occupiers of the building.

The windows to the habitable rooms facing the side (North) Elevation looking onto the rear of No's 167 and 169 may be conditioned to be non-openable windows to prevent any harmful impact from any noise or smell from nearby commercial units.

Other Considerations

The flue for the Ginger Pig as shown on the submitted plans, is now within the site ownership of building 2 and has been previously approved under EPF/2458/17 & EPF/3134/17. It is proposed to extend this flue so as to prevent any further harmful noise or odour to the occupiers of the building. Notwithstanding the comments from Environmental Health, raising the flue any higher, (1 metre above the penthouse) will have a harmful visual impact to the street scene and the wider area.

The subdivision of the A2 commercial unit into two separate A2 units as shown on the proposed plans was approved recently under EPF/1162/19, and it is appropriate to include the hours of use condition with this consent for clarity.

Most of the neighbour objections are not related to the proposed amendments currently under consideration. The objection from the parish council regarding the SAC is noted, but due to the extant planning permissions for the development and the fact the current application does not propose to increase the number of dwelling units it is accepted that the current proposal will not have any additional impact on the visitor pressure or air quality of the SAC.

Conclusion

For the reasons set out above, having regard to all matters raised, it is recommended that conditional planning permission is granted.

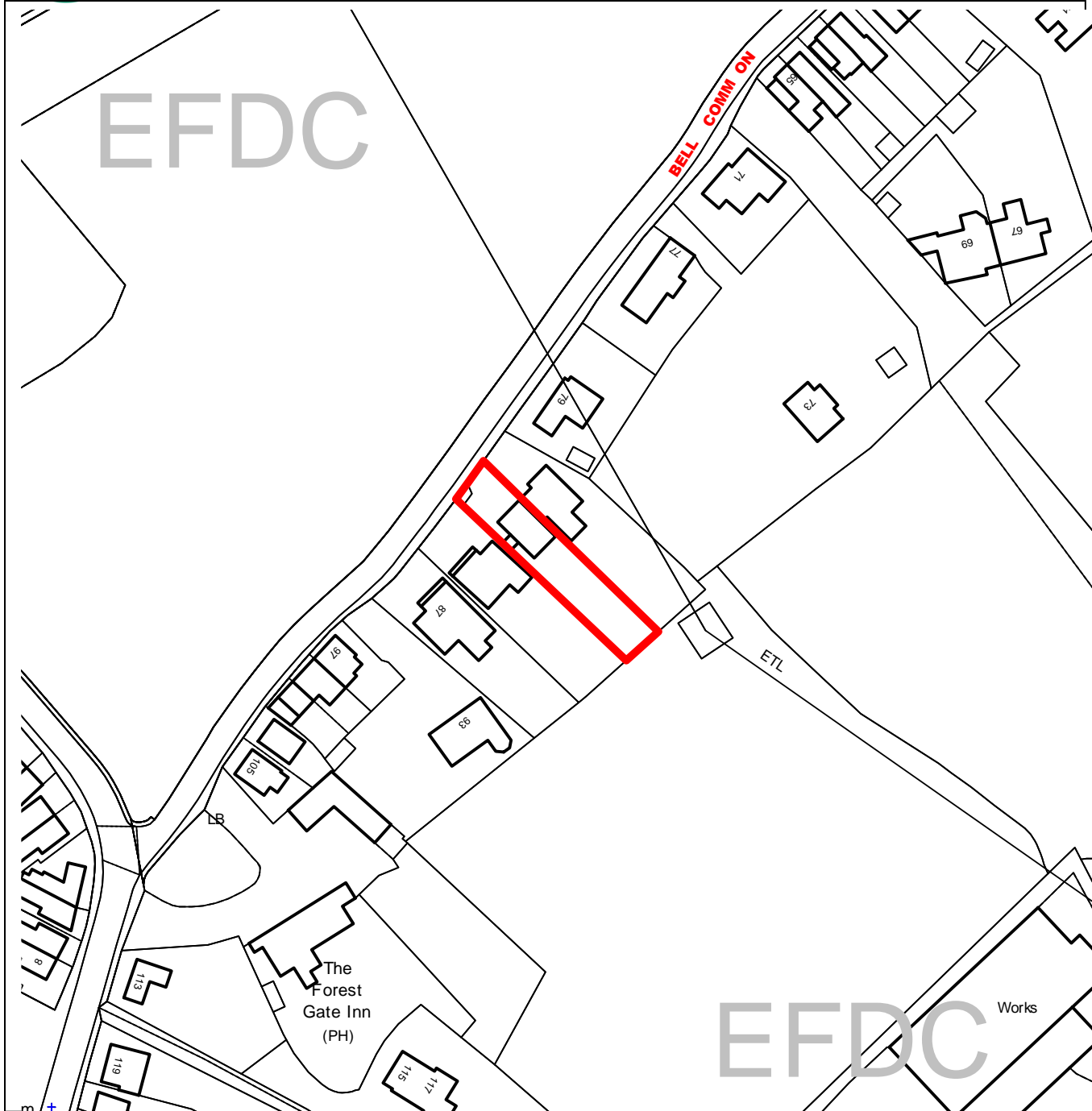
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

**Planning Application Case Officer: Muhammad Rahman
Direct Line Telephone Number: 01992 564415**

**or if no direct contact can be made please email:
contactplanning@eppingforestdc.gov.uk**



Epping Forest District Council



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	Site Name:	83 Bell Common Epping CM16 4DZ
	Scale of Plot:	1:1250
	<p>Page 17</p>	

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Report to District Development Management Committee



**Epping Forest
District Council**

Report Reference: EPF/0891/20
Date of Meeting: 22 July 2020

Address: 83 Bell Common, Epping, CM16 4DZ

Subject: Planning Application EPF/0891/20: Alterations to existing side roof dormer.

Responsible Officer: Sukhi Dhadwar (01992 564597)

Democratic Services: Gary Woodhall (01992 564470)

Recommendations:

1. That planning application EPF/0891/20 be recommended for refusal of planning permission by Area Planning Sub-Committee East 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, streetscene 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.

2. This application was considered at Area Planning Sub-Committee East on 08 July 2020 with a recommendation from Officers to refuse consent for the above reason.

3. Discussion took place at Area Planning Sub-Committee East about the history of the site, the impact of the dormer, and the setting and surrounding area. A motion was made and seconded for a deferral for a Site Visit, however the vote was not carried.

4. Members of Area Planning Sub-Committee East determined to refuse planning consent for the reason stated above as a majority vote. However the item was subsequently referred to District Development Management Committee by a minority of Members, in accordance with Article 10 of The Constitution.

5. Members of Area Planning Sub-Committee East strongly recommended that District Development Management Committee Members individually view the site from the public realm prior to the District Development Management Committee in order to understand its setting and context.

Original Officer Report:

This application is before this Committee since it has been 'called in' by Councillor Jon Whitehouse (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The application site contains newly built 4-bedroom dwelling. It is located on the eastern side of Bell Common.

The site adjoins a twentieth century house on both its side flank boundaries. It is part of a ribbon development on the eastern side of Bell Common. Land to the west of the site is open land covered in vegetation and trees. The site falls within with the Bell Common Conservation Area and land designated as Metropolitan Green Belt.

Description of Proposal:

Permission is sought for the reduction in size of the existing unauthorised side roof dormer.

Relevant History:

Reference	Description	Decision
EPF/2955/17	Variation of condition 2 'plan numbers' of EPF/2829/16 (Demolition of existing two storey detached dwelling. Replacement three storey detached dwelling). Changes include a repositioned and larger side dormer.	Refused
Reason for refusal: The altered dormer as built, by virtue of its prominent siting, size, bulk and design is out of scale with the design of the dwelling as a whole and results in a dominant incongruous and unattractive feature which undermines the quality of the development, the distinctive local character and appearance of the streetscene and is harmful to the Bell Common Conservation Area. The proposal is therefore contrary to the requirements of Chapters 7 and 12 of the NPPF; policies HC6, HC7, DBE1, DBE3 of the Local Plan and Alterations and policy DM7 of the Epping Forest District Local Plan (Submission Version) 2017:		
ENF/0702/16	Without planning permission, the unauthorised construction of a dormer positioned on the south-west facing elevation.	The appeal is dismissed, and the enforcement notice is upheld.
EPF/2829/16	Demolition of existing house and construction of a four-bedroom dwelling	Granted.
EPF/1277/13	Extension of time limit to EPF/0731/10. (Demolition of existing dwelling and erection of a new detached dwelling)	Granted
EPF/0731/10	Demolition of existing dwelling and erection of a new detached dwelling	Granted
EPF/0874/96	Two storey rear extension	Granted

DEVELOPMENT PLAN

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP3: New Development
CP7 – Urban Form and Quality
DBE1: New Buildings
DBE2: Effect on neighbouring Properties
DBE9: Neighbouring Residential amenity
GB2A: Development in the Green Belt
GB7A: Conspicuous Development.
HC6 – Character appearance and setting of Conservation Area
HC7 – Development within Conservation Areas
HC12-Development Affecting the setting of a Listed Building
CP7 – Urban Form and Quality

NATIONAL PLANNING POLICY FRAMEWORK (FEBRUARY 2019)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

(a) approving development proposals that accord with an up-to-date development plan without delay; or

(b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION (2017) (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
SP1 - Presumption in Favour of Sustainable Development	Significant
DM4 - Green Belt	Significant
DM7 - Heritage Assets	Significant
DM8 - Heritage at Risk	Significant
DM9 - High Quality Design	Significant
DM10 - Housing Design and Quality	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 2
Site notice posted: Yes
Responses received: No response received from neighbours

PARISH COUNCIL: No objection

CONSERVATION OFFICER: RECOMMEND REFUSAL:

Initial Remark

We question the submission of yet another application when previous planning

application and pre-application reports and an Inspector's report have already clearly expressed views on this development. If there had been any way forward that could have been found acceptable, without having to relocate it (as approved originally), this would have been communicated to the applicant when the retrospective application was submitted in 2017, ref. EPF/2955/17.

In addition, we feel that the wording of the proposal does not reflect correctly the proposed design. After reviewing the submitted plans, it appears that there is no reduction in size but only a change of the roof slope, from a catslide roof to a nearly flat roof.

Context

83 Bell Common is a modern dwelling built in 2017 within the Bell Common Conservation Area.

Relevant planning history

- *In 2016, permission was granted for the demolition of the late twentieth century two storey detached dwelling house on the site, to be replaced with a three storey detached dwelling (EPF/2829/16). The original house was nestled between two adjacent houses with the gable end to the street and with the ridge line set down.*
- *In 2017, a retrospective application was submitted (EPF/2955/17) as the side roof dormer had not been constructed in accordance with approved drawings. This application was refused.*
- *In 2019 (September), An appeal against the Enforcement Notice was dismissed and the Enforcement Notice upheld. The inspector agreed with the officers concerns and felt that, due to its size and position, the dormer was not subordinate to the roof slope and protruded significantly. The Inspector also mentioned in the report that the spatial and visual prominence of the dormer window was reinforced by the fact that the new dwelling had been built significantly higher than approved on plans and therefore stands significantly higher than the buildings directly adjacent to it.*
- *An enforcement notice was applied to the unlawful works and the applicant was given until 9th November 2019 to rectify the situation. No works have been started to date.*
- *In 2019 (October), a pre-application (EPF/2019/ENQ/00963) was submitted to seek advice regarding amending the unlawful dormer window. The sharp angled appearance of the proposed flat roof of the dormer was considered even more harmful than the existing appearance. The overly large size of the face of the dormer and its position on the roof slope remained not addressed.*

Comments on the present scheme

We would like, once again, to reiterate our previous concerns. This application is for a change of the roof slope, from a catslide roof to a nearly flat roof.

As expressed in our pre-application response, we feel that the only element that has been addressed by this new scheme is the increase in distance that the dormer now sits away from the ridge line. This has been achieved by squaring the dormer, which was originally designed as a catslide. The sharp angled appearance of the very shallow roof is considered even more harmful than the existing appearance, as it gives a very "boxy" appearance to the dormer window. This makes the dormer protrudes even more.

The overly large size of the face of the dormer and its position on the roof slope has still not been dealt with. As mention previously in this comment, the inspector has agreed with the officers concerns in his appeal report and felt that, due to its size and

position, the dormer was not subordinate to the roof slope and protruded significantly. The Inspector also mentioned in his report that the spatial and visual prominence of the dormer window was reinforced by the fact that the new dwelling had been built significantly higher than approved on plans and therefore stands significantly higher than the buildings directly adjacent to it.

Conclusion

We, therefore, recommend this application to be REFUSED and the dormer window to be altered or rebuilt to conform to the small and subservient catslide dormer approved in 2016. This is in line with the 2017 recommendation for refusal and the Inspector report (2019).

This is supported by policies HC6 and HC7 of our Local Plan and Alterations (1998 and 2006), policy DM7 of our Submission Version Local Plan (2017).

Planning Considerations:

The key consideration for the determination of this application is impact of the proposal on the character and appearance of the application property and wider Bell Common Conservation Area.

Background

Planning permission was initially given under reference EPF/2829/16. The additional height of the house was approved on the basis that the overall design of the house was an improvement on the lower height 3 bedroomed house already approved. This permission was implemented, however the dormer as built on the south westerly elevation was significantly different from that approved. The differences are that it has a face which is nearly double the size of that approved; the top is closer to the ridge line by approximately 800mm, and it is about 1 metre further towards the front of the house. The impact from the dormer is exacerbated by the fact that the new house is significantly higher than those adjacent by about 1 metre.

An application under reference EPF/2955/17 was submitted to authorise the 'as built' dormer. This application was refused.

An Enforcement Notice was served on the property on 25 May 2018. This Notice required that the dormer be removed or altered to accord with plans approved under planning permission EPF/2829/16 by no later than November 2019. This notice was appealed.

The Planning Inspector dismissed the appeal and upheld the enforcement notice. In his decision letter he opined that

The new house is a replacement for a modestly sized one-and-a-half storey house. As the Council say, it is about a metre higher than the houses to either side, which already increases its scale and prominence in the street scene. This is also a result of standing well forward of no. 85 the house immediately to the south-west. The dormer as-built takes up a large proportion of the roof slope, coming close to both the ridge and eaves. This compares with the approved design, which would have been set well down from the ridge. It is set forward of the approved position, resulting in significantly greater prominence. To my mind the dormer is itself of significantly greater scale than that approved and serves to emphasise the already somewhat bulky appearance of no. 83. It is a dominating and overbearing feature of the roof

when approaching the house along Bell Common from the south-west.

I find the dormer window to be in incongruous element in the context of the small-scale domestic buildings that are prevalent in the Conservation Area and conclude that the development causes significant harm to its character and appearance. The dormer does not accord with the development plan, particularly in terms of Policies HC6 and HC7 of the Epping forest District Local Plan of 1998 and Adopted Alterations of 2006. These seek to prevent development that could be detrimental to the character, appearance or setting of a conservation area, and include aims to ensure development is of a particularly high standard to reflect the quality of the environment, and is sympathetic to the character and appearance of the conservation area.

Paragraph 196 of the National Planning Policy Framework (NPPF) advises that where a development would cause less than substantial harm to the significance of a designated heritage asset – such as a conservation area – this harm should be weighed against the public benefits of the proposal. The harm caused to the Conservation Area in this case must be regarded as less than substantial. However, the dormer provides an entirely private benefit, and there are no public benefits to be weighed against the harm I have found. (The full transcript is laid out in appendix 1 of this report).

Current application

The site is located within the Bell Common Conservation Area. The Local Planning Authority therefore has a legal duty under S72(1) of the Planning and Listed Building and Conservation Areas Act 1990 to ensure that all development within this location preserves or enhances its character or appearance.

Paragraph 194 of the NPPF requires where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The current application does not change the size of the dormer but instead seeks to only reduce the gradient of the existing cat slide roof to create an almost flat alternative.

The Conservation Officer has found that whilst the proposal will result in there being an increased the gap between the dormer and the highest part of the ridge of the roof this will be achieved “*by squatting the dormer, which was originally designed as a catslide. The sharp angled appearance of the very shallow roof is considered even more harmful than the existing appearance, as it gives a very ‘boxy’ appearance to the dormer window.*”

The conclude that “*the overly large size of the face of the dormer and its position on the roof slope has still not been dealt with.*” These changes therefore do not overcome the previous concerns raised in the Planning Inspector’s decision letter or those raised by the reason for refusal under reference EPF/2955/17.

There is no public benefit in allowing the scheme so it does not meet the test outlined in paragraph 194 of the NPPF. As such the proposal continues to be contrary to the requirements of policies HC6 and HC7 of the Local Plan and Alterations (1998 and 2006) and policy DM7 of the Submission Version Local Plan (2017).

Impact on the living conditions of neighbouring residential occupiers

The side elevation dormer window on the south west facing elevation, which faces 85 Bell Common, looks directly onto the front forecourt of this neighbour. It is on balance considered that since the outlook is to a public area, there will not be an excessive impact in privacy in comparison to the previously approved scheme. The proposal therefore complies with the requirements of policy DBE9 of the Local Plan.

Conclusion

The proposed dormer, due to its position, size and appearance appears at odds with neighbouring properties and as a result is harmful to the character and appearance of the streetscene and Bell Common Conservation Area. It is for this reason, and the fact that the revisions made fail to address the concerns raised by the Planning Inspectorate in the dismissal of the Enforcement Notice appeal under reference ENF/0702/16, that the proposed dormer remains of poor design and as such paragraphs 194 and 130 of the NPPF, policies HC6 and HC7 of the Local Plan and Alterations (1998 and 2006), and policy DM7 of the Submission Version Local Plan (2017) require that it should be refused.



Appeal Decision

Site visit made on 30 July 2019

by **Stephen Brown MA(Cantab) DipArch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 September 2019

Appeal Ref: APP/J1535/C/18/3205759

Land at 83 Bell Common, Epping CM16 4DZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is by Paul Commins (PC & AD Developments Ltd) against an enforcement notice issued by Epping Forest District Council.
 - The enforcement notice, ref. ENF/0702/16, was issued on 25 May 2018.
 - The breach of planning control alleged in the notice is without planning permission the unauthorised construction of a dormer positioned on the south-west facing elevation.
 - The requirements of the notice are to:
 - (i) Remove the side dormer window in the south-west elevation, OR
 - (ii) Alter the building to accord with the plans approved under planning permission ref. EPF/2829/16.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. The prescribed fees have been paid within the specified period, so the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended fall to be considered.
-

Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Town and Country Planning Act as amended (the Act).

Preliminary matters

2. The appeal site lies within the Bell Common Conservation Area. I have therefore paid special attention to the desirability of preserving or enhancing the character and appearance of that area as required by s.72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 as amended.

Background matters

3. The appeal property is a detached house of two storeys with an attic floor standing on the south-eastern side of Bell Common. It is quite recently built following grant of planning permission for a three-storey detached dwelling in replacement for a previously existing two-storey house¹. An application was made in 2017 for retention of the dormer as-built, but this was refused².

¹ Decision notice ref. EPF/2829/16.

² Decision notice ref. EPF/2955/17.

The appeal on ground (a) and the deemed planning application

4. This ground is that planning permission should be granted for the matters stated in the enforcement notice.
5. From my inspection of the appeal site and surroundings, and all that I have read I consider the main issue in this appeal to be the effect of the alleged unauthorised development on the character and appearance of the Bell Common Conservation Area.
6. The Conservation Area includes development along the northern side of High Road, that along the south-eastern side of Bell Common, and the area of rough woodland between. Development is highly varied including several listed buildings, farmhouses, and vernacular cottages built from the early 17th century onwards. Houses nearby to the appeal site are mainly 20th century of a conventional pattern. The overall character is of attractive small-scale domestic buildings in a quiet semi-rural setting.
7. The Council say the dormer is significantly different from that approved in that the dormer face is nearly double the size, the top is closer to the ridge line by some 800mm, and it is about 1 metre further towards the front of the house. This is exacerbated by the fact that the new house is significantly higher than those adjacent by about 1 metre. The appellant does not dispute these assessments and argues that the differences are relatively minor.
8. The new house is a replacement for a modestly sized one-and-a-half storey house. As the Council say, it is about a metre higher than the houses to either side, which already increases its scale and prominence in the street scene. This is also a result of standing well forward of no. 85 the house immediately to the south-west. The dormer as-built takes up a large proportion of the roof slope, coming close to both the ridge and eaves. This compares with the approved design, which would have been set well down from the ridge. It is set forward of the approved position, resulting in significantly greater prominence. To my mind the dormer is itself of significantly greater scale than that approved and serves to emphasise the already somewhat bulky appearance of no. 83. It is a dominating and overbearing feature of the roof when approaching the house along Bell Common from the south-west.
9. I find the dormer window to be in incongruous element in the context of the small-scale domestic buildings that are prevalent in the Conservation Area and conclude that the development causes significant harm to its character and appearance. The dormer does not accord with the development plan, particularly in terms of Policies HC6 and HC7 of the Epping forest District Local Plan of 1998 and Adopted Alterations of 2006. These seek to prevent development that could be detrimental to the character, appearance or setting of a conservation area, and include aims to ensure development is of a particularly high standard to reflect the quality of the environment, and is sympathetic to the character and appearance of the conservation area.
10. Paragraph 196 of the National Planning Policy Framework (NPPF) advises that where a development would cause less than substantial harm to the significance of a designated heritage asset – such as a conservation area – this harm should be weighed against the public benefits of the proposal. The harm caused to the Conservation Area in this case must be regarded as less than

substantial. However, the dormer provides an entirely private benefit, and there are no public benefits to be weighed against the harm I have found.

11. Various examples have been put forward of other dormers of substantial size in Bell Common and elsewhere. However, I have virtually no knowledge of when these were built, or under what planning regime. In any case the existence of other possibly poorly designed dormers cannot justify causing further harm to conservation area interests. The appeal on ground (a) does not succeed, and I intend to refuse planning permission on the deemed planning application.

The appeal on ground (g)

12. This ground is that the compliance period is too short. The appellant argues essentially that the 2-month period allowed would necessitate the required works to take place in the busiest time of year for building contractors, and that there should be a 6-month period.
13. The appellant accepts that the 2-month period would be adequate to allow the removal of the dormer and associated alterations. Should there be *bona fide* reasons that the works could not be carried out at a specific time, it would be open for the Council to extend the compliance period under the provisions of s.173(1)(b) of the Act. Provided the appellant could properly substantiate any reasons for delay I can see no reason why the Council should not do this.
14. I do not consider the compliance period should be extended, and the appeal on ground (g) therefore fails.

Conclusions

15. For the reasons given above and having regard to all other matters raised I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Stephen Brown

INSPECTOR