

Committee Agenda



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE SOUTH **Wednesday, 1st December, 2021**

You are invited to attend the next meeting of **Area Planning Sub-Committee South**, which will be held at:

Council Chamber, Civic Offices, High Street, Epping
on **Wednesday, 1st December, 2021**
at **7.00 pm.**

Georgina Blakemore
Chief Executive

**Democratic Services
Officer**

A Hendry, Democratic Services Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors J Share-Bernia (Chairman), K Williamson (Vice-Chairman), R Baldwin, D Barlow, P Bhanot, R Brookes, S Heap, R Jennings, J Jennings, J Jogia, H Kauffman, A Lion, L Mead, S Murray, S Neville, C Nweke, M Owen, A Patel, C P Pond, C C Pond, S Rackham, K Rizvi, C Roberts, D Sunger and D Wixley

WEBCASTING/FILMING NOTICE

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

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

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

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

1. WEBCASTING INTRODUCTION

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

2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery.”

2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)

General advice to people attending the meeting is attached.

3. MINUTES (Pages 9 - 14)

To confirm the minutes of the last meeting of the Sub-Committee held on 3 November 2021.

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

6. ANY OTHER BUSINESS

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.

7. EPPING FOREST DISTRICT COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)

This briefing note, dated October 2021, 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 ("LPSV"), which was published on 18 December 2017 and the Main Modifications to the LPSV published for consultation between 15 July and 23 September 2021. The primary purpose of this note is to inform the development management process and to assist Development Management officers, Councillors, applicants, and planning agents. Other Council officers involved in the development management process may also find the note helpful (e.g., Housing, Contaminated Land, Landscaping etc).

The Planning Policy Briefing Note (October 2021) is available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.pdf>

8. SITE VISITS

To identify and agree requirements for formal site visits to be held with regard to any planning application listed in this agenda, prior to consideration of the application.

9. PLANNING APPLICATION - EPF/1972/21 4 ELY PLACE, CHIGWELL IG8 8AG (Pages 15 - 22)

To consider the attached report for a proposed first floor side extension, repositioning of front entrance door, front porch and canopy and first floor landing window. (Revised application to EPF/1386/21).

10. PLANNING APPLICATION - EPF/2032/21 3 SHELLEY GROVE, LOUGHTON IG10 1BY (Pages 23 - 30)

To consider the attached report on the proposed conversion of existing dwelling into 2 self-contained flats (1x GF flat and 1x FF flat), proposed side extension to replace garage, and proposed widening of crossover.

11. PLANNING APPLICATION - EPF/2137/21 14 ASHFIELDS, LOUGHTON IG10 1SB (Pages 31 - 38)

To consider the attached report for internal alterations with new roof lights; rear single storey and side upper storey extensions plus modifications to existing front yard.

12. PLANNING APPLICATION - EPF/2197/21 THE GARDENERS ARMS, 103 YORK HILL, LOUGHTON IG10 7RX (Pages 39 - 48)

To consider the attached report for a Grade II Listed Building application for DJ booth (retrospective), proposed repairs and re-glazing of windows and doors to 14mm double glazed panes, repair and paint, proposed insulation of building including cladding repair and paint.

13. EXCLUSION OF PUBLIC AND PRESS

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any

currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers: Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

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

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans 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. If you wish to observe meetings live you can view the webcast on the Council's website at: <https://www.eppingforestdc.gov.uk/your-council/watch-a-meeting/> Alternatively, you can attend in person and will be seated in the public gallery of the Council Chamber.

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 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**, by telephoning the number shown on the front page of the agenda. You can register to speak at the meeting either virtually via Zoom or in person at the Civic Offices. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Services. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are generally allowed: Only one objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

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 **3 minutes**. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

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

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee South or Area Plans Sub-Committee West you will either address the Committee from within the Council Chamber at the Civic Offices, or will be admitted to the meeting virtually via Zoom. Speakers must NOT forward the Zoom invite to anyone else under any circumstances. If attending virtually, your representation may be supplied in advance of the meeting, so this can be read out by an officer on your behalf should there be a technical problem. Please email your statement to: democraticservices@eppingforestdc.gov.uk

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 from Democratic Services or our website <https://www.eppingforestdc.gov.uk/> Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

How are the applications considered?

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


























An Area Plans Sub-Committee is 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

Further information can be obtained from Democratic Services.

Area Planning Sub-Committee South 2021-22
 Members of the Committee and Wards Represented:

				
Chairman	Vice Chairman			
Cllr Share-Bernia Buckhurst Hill West	Cllr Williamson Buckhurst Hill West	Cllr Heap Buckhurst East	Cllr Neville Buckhurst Hill East	Cllr Patel Buckhurst Hill West
				
Cllr Bhanot Chigwell Row	Cllr Rizvi Chigwell Village	Cllr Sunger Chigwell Village	Cllr Barlow Grange Hill	Cllr Lion Grange Hill
				
Cllr Rackham Grange Hill	Cllr Nweke Loughton Alderton	Cllr Roberts Loughton Alderton	Cllr Owen Loughton Broadway	Cllr C C Pond Loughton Broadway
				
Cllr Mead Loughton Fairmead	Cllr Wixley Loughton Fairmead	Cllr Baldwin Loughton Forest	Cllr Jogia Loughton Forest	Cllr Brookes Loughton Roding
				
Cllr Murray Loughton Roding	Cllr B Jennings Loughton St John's	Cllr C P Pond Loughton St John's	Cllr J Jennings Loughton St Mary's	Cllr Kauffman Loughton St Mary's

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Area Planning Sub-Committee South	Date:	3 November 2021
Place:	Council Chamber - Civic Offices	Time:	7.00 - 8.47 pm
Members Present:	K Williamson (Chairman), R Brookes, R Jennings, J Jennings, H Kauffman, A Lion, S Murray, S Neville, C Nweke, M Owen, A Patel, C P Pond, C C Pond, S Rackham (Vice-Chairman) and D Wixley		
Apologies:	J Share-Bernia, R Baldwin, P Bhanot, S Heap, J Jogia, L Mead, K Rizvi, C Roberts and D Sunger		
Officers Present:	A Marx (Development Manager Service Manager (Planning)), J Leither (Democratic Services Officer), G Courtney (Planning Applications and Appeals Manager (Development Management)), A Hendry (Democratic Services Officer) and R Moreton (Corporate Communications Officer)		

49. APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

In the absence of the Chairman, the Vice-Chairman, Councillor K Williamson, acted as the Chairman for this meeting, and also stated that he would be a voting chairman.

The Chairman proposed that Councillor S Rackham be appointed Vice-Chairman for the duration of the meeting.

AGREED:

That Councillor S Rackham be appointed as Vice-Chairman for the duration of the meeting.

50. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

51. MINUTES

RESOLVED:

That the minutes of the Sub-Committee held on 6 October 2021 be taken as read and signed by the Chairman as a correct record.

52. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor S Murray declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the neighbour who lives at number 13. The Councillor had determined that

he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0975/19 – 11 Crossfields, Loughton IG10 3PY.

(b) Pursuant to the Council's Code of Member Conduct, Councillor S Neville declared a non-pecuniary interest in the following item of the agenda by virtue of knowing some of the objectors who were objecting to this application. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2056/19 – 142 Buckhurst Way, Buckhurst Hill IG9 6HP.

53. ANY OTHER BUSINESS

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

54. EPPING FOREST DISTRICT COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)

It was noted that the briefing note, dated October 2021, had been produced by the Planning Policy team to ensure that a consistent approach was taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version (LPSV), which was published on 18 December 2017 and the Main Modifications to the LPSV published for consultation between 15 July and 23 September 2021.

The Planning Policy Briefing Note (October 2021) was available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.pdf>

55. SITE VISITS

Councillor K Williamson proposed a site visit for item 13 on the agenda, EPF/1972/21 - 4 Ely Place, Chigwell IG8 8AG, which was seconded by Councillor C C Pond.

AGREED:

That the Sub-Committee agreed in favour of a site visit.

56. PLANNING APPLICATION - EPF/2769/18 93 MANOR ROAD, CHIGWELL IG7 5PN

APPLICATION No:	EPF/2769/18
SITE ADDRESS:	93 Manor Road Chigwell Essex IG7 5PN
PARISH:	Chigwell

WARD:	Grange Hill
DESCRIPTION OF PROPOSAL:	Outline application with all matters reserved: erection of three detached dwellings (Existing dwelling to be removed) - Revised application to EPF/2669/17.
DECISION:	Refused

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=615913

REFUSED

1. The Council cannot be certain beyond reasonable scientific doubt that the proposed development either alone or in combination with other developments within the district will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. Also, in the absence of an appropriate legal agreement to mitigate such adverse impacts, the proposed development is therefore contrary to Policies DM2 & DM22 of the Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.
2. The proposed development would appear as an incongruous development within this back land location. As a consequence, the proposal fails to respect the character and appearance of the locality, contrary to Policies CP2, CP7 & DBE1 of the adopted Local Plan 1998 & 2006, Policy DM9 of the Local Plan Submission Version 2017, and Paragraphs 126 & 130 of the NPPF 2021
3. The proposed development, by reason of the densification of a single plot with three dwellings, would result in increased vehicle movements to and from the site, to the detriment of highway safety, contrary to Policy ST4 of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.

No Way forward.

57. PLANNING APPLICATION - EPF/0975/19 11 CROSSFIELDS, LOUGHTON IG10 3PY

APPLICATION No:	EPF/0975/19
SITE ADDRESS:	11 Crossfields Loughton Essex IG10 3PY
PARISH:	Loughton
WARD:	Loughton Alderton

DESCRIPTION OF PROPOSAL:	Erection of a single storey rear extension and erection of a new attached dwelling, following demolition of existing garage.
DECISION:	Refused

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=622881

REFUSED

- 1 The Council cannot be certain beyond reasonable scientific doubt that the proposed development either alone or in combination with other developments within the district will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. Also, in the absence of an appropriate legal agreement to mitigate such adverse impacts, the proposed development is therefore contrary to Policies DM2 & DM22 of the Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

- 2 By reason of the intensification of residential use at the site and cramped nature of the development, infilling an open aspect in an otherwise compact street scene, the proposal would have a poor appearance, harmful to the character and appearance of the locality. Moreover, it would result an inappropriately intense use of the application site within the context of a street already experiencing intense use of on-street parking. The development is therefore likely to be harmful to the character and visual amenities of the locality and amount to an undesirable precedent for permitting similarly harmful development in the surrounding area with the cumulative effect of exacerbating the harmful consequence of the proposal. Accordingly, the proposed development is contrary to Policies CP2 (iv), CP7, DBE1, DBE11 & ST4 of the adopted Local Plan 1998 & 2006, Policy DM9 & T1 of the Local Plan Submission Version 2017, and the NPPF 2021.

No Way forward.

58. PLANNING APPLICATION - EPF/1880/19 PARKING AREA AT SOUTHERN END OF CUL-DE-SAC, THATCHERS CLOSE, LOUGHTON IG10 3SP

APPLICATION No:	EPF/1880/19
SITE ADDRESS:	Parking area at southern end of cul-de-sac Thatchers Close Loughton Essex IG10 3SP

PARISH:	Loughton
WARD:	Loughton Fairmead
DESCRIPTION OF PROPOSAL:	Erection of one 2 storey affordable home with 2 parking spaces.
DECISION:	Deferred

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=62687

DEFERRED

59. PLANNING APPLICATION - EPF/2056/19 142 BUCKHURST WAY, BUCKHURST HILL IG9 6HP

APPLICATION No:	EPF/2056/19
SITE ADDRESS:	142 Buckhurst Way Buckhurst Hill Essex IG9 6HP
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill East
DESCRIPTION OF PROPOSAL:	Demolition of bungalow and construction of a two storey building of four luxury flats with room in the roof.
DECISION:	Refused

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=627575

REFUSED

- 1 The proposed development, by virtue of the increased level of development proposed represents an over intensive use of a limited site, demonstrated by the increased scale and bulk of the building which would be out of character with the scale and pattern of development in the surrounding area, and the increased activity including vehicle movements close to a bend in the road. As such the development would be contrary to policies CP7, DBE2, DBE9 and ST4 of the adopted Local Plan and Alterations, policies T1, T2, DM9 and DM10 of the Local Plan Submission Version (2017) and the NPPF.
- 2 The proposed development fails to provide adequate access to the building for all, and in the absence of lift access to the upper flats, the development fails to meet sustainable development and lifetime objectives, contrary to policies CP1, CP6 and CP7 of the adopted Local

Plan and Alterations, policies SP1, H1, DM9 and DM10 of the Local plan Submission Version 2017, and the NPPF.

- 3 In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017, Paragraph 180 of the NPPF, and the requirements of the Habitats Regulations 2017.

60. PLANNING APPLICATION - EPF/1972/21 4 ELY PLACE, CHIGWELL IG8 8AG

APPLICATION No:	EPF/1972/21
SITE ADDRESS:	4 Ely Place Chigwell IG8 8AG
PARISH:	Chigwell
WARD:	Chigwell Village
DESCRIPTION OF PROPOSAL:	Proposed first floor side extension, repositioning of front entrance door, front porch and canopy and first floor landing window. (Revised application to EPF/1386/21).
DECISION:	Deferred

Click on the link below to view related plans and documents for this case:

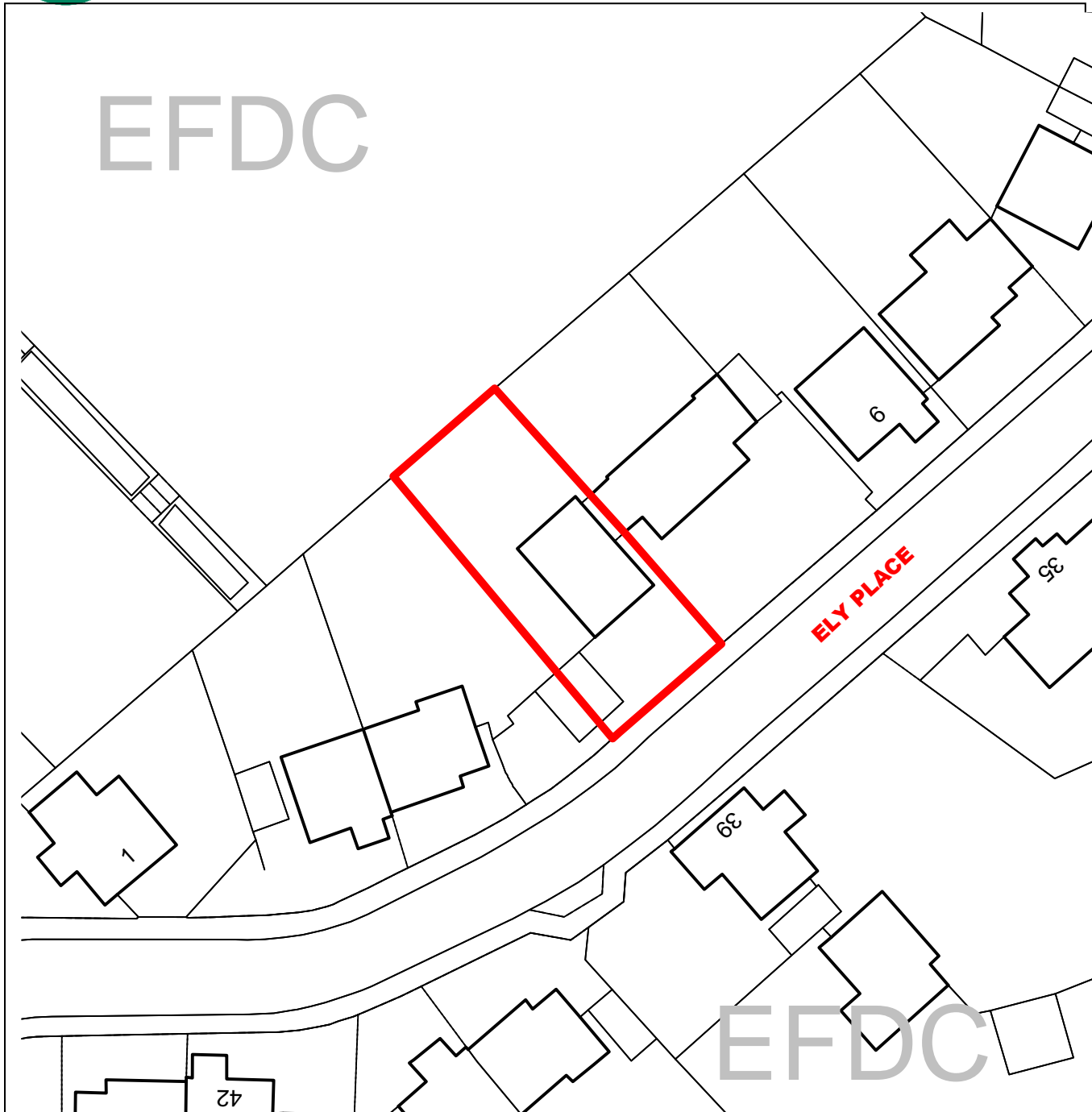
http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=655074

DEFERRED

CHAIRMAN



Epping Forest District Council



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Application Number:	EPF/1972/21
Site Name:	4 Ely Place Chigwell IG8 8AG
Scale of Plot:	1:500

Report Item No: 9

APPLICATION No:	EPF/1972/21
SITE ADDRESS:	4 Ely Place Chigwell IG8 8AG
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	Dr Mohhmad Islam
DESCRIPTION OF PROPOSAL:	Proposed first floor side extension, repositioning of front entrance door, front porch and canopy and first floor landing window. (Revised application to EPF/1386/21).
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=655074

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 shall be carried out and retained strictly in accordance with the following approved plans:

Location and Site Plan
Drawing No. 1 Rev A - Proposed Floor Plans and Sections
Drawing No. 2 Rev A - Existing Floor Plans and Existing and Proposed Side and Rear Elevations
Drawing No. 3 Rev A - Existing and Proposed Front Elevations
Arboricultural Impact Assessment, July 2021
Letter from Arboricultural Solutions, 5th October 2021.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building or those specified on the approved plans, or those specified in the submitted application form, unless otherwise agreed in writing by the Local Planning Authority.
- 4 Prior to first occupation of the extension hereby permitted the windows in the flank elevations at first floor level (facing No. 3 and 5 Ely Place), shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.

- 5 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 6 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

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)

Additional Information:

This application was deferred from Area Planning Sub-Committee South on 03 November 2021 for a Site Visit, which will have taken place prior to this meeting.

In addition, concerns were raised by Members regarding incorrectly labelled plans. As such, an amended plan has been provided correctly identifying the proposed rear extension.

Description of Site:

Ely Place is a relatively long cul de sac that provides access to the residential dwellings in this built up part of Chigwell Parish. No. 4 Ely Place is a two storey detached house located on the northern side of the cul de sac.

There is an Oak tree protected by a Tree Preservation Order (TPO) to the front of the building and another TPO protected Oak in the rear garden of the immediate neighbour No. 3.

There is a detached double garage building in front of the existing house, one of which belongs to the subject property No. 4.

The site is not within a conservation area.

Description of Proposal:

The original description of development was:

Proposed first floor side extension, repositioning of front entrance door, downlighting to front elevation and first floor landing window. (Revised application to EPF/1386/21)

The description of development was changed on 15/10/21 with the agreement of the applicant's agent to more accurately describe the proposed development to the following:

Proposed first floor side extension, repositioning of front entrance door, front porch and canopy and first floor landing window. (Revised application to EPF/1386/21).

The application proposes the following elements:

First floor side extension measuring approximately 4m wide and 7m deep (above footprint of existing single storey side extension).

Front porch measuring approximately 2.5m wide and 1m deep

Front canopy over porch and across front elevation measuring approximately 6m wide and 1m deep.

A new first floor window is proposed in the flank elevation facing No. 5. This would serve the landing / staircase.

A new ground floor dining room window to the front elevation.

Relevant Planning History:

No. 4 Ely Place:

EPF/1386/21 - Proposed first floor side extension, repositioning of front entrance door, downlighting to front elevation and first floor landing window.
Withdrawn 23/06/2021.

No. 5 Ely Place (neighbouring property):

EPF/1589/17 - Front ground floor extension
Refused 31/07/2017

Reason for refusal:

"The proposed development, by reason of its siting in close proximity to a preserved tree of significant public amenity value, would be likely to give rise to conditions that would result in the loss of the tree and consequently cause significant harm to the visual amenity of the locality, contrary to the provisions of Policy LL10 of the adopted Local Plan 1998 and Alterations 2006 and Guidance in the NPPF."

Allowed at appeal 19/07/2017:

"4. In the front garden of the appeal property there is a Hornbeam tree, which is the subject of a Tree Preservation Order (TPO). Whilst the tree is not as high as other nearby trees, and therefore is not seen throughout much of the cul-de-sac, it nevertheless makes an important contribution to the leafy character of the area.

5. The Council raise no concern that the proposed works would directly affect the protected tree. Whilst they acknowledge that there would be an impact on the calculated root area of the tree, this would only be very minimal and within acceptable tolerances. Their concern is that the protected tree would impact upon the side/roof of the extension, which would adversely affect the living conditions of the occupants of the dwelling and that this would lead to pressure to lop the tree or even remove it. The crown of the tree has been the subject of regular maintenance, with applications for tree works being submitted to the Council approximately every four years, and the

Council are concerned that the proposed extension would increase the regularity of the maintenance works.

6. The extension would bring the ground floor forward building line of the dwelling closer to the tree. I note that the eastern most window would serve a living room, which is already served by a similar sized window, although the proposal would involve the subdivision of the existing living room into two rooms, the smaller portion being served by the proposed window. The other window would serve the hall, which currently is only served by the light received through the side light of the front door. Whilst I appreciate that the tree would reduce the level of light entering the living room, given the size of the tree, the height of its crown and its south easterly orientation, I do not consider that the loss of light would be so significant that it would result in any greater need to maintain the tree that is already experienced or require the removal of the tree. In any event the Council would retain control over any future proposal for works to the protected tree.

7. I find therefore that the proposal would not significantly harm the character or appearance of the area. As such, it would comply with saved Policy LL10 of the Epping Forest District Adopted Local Plan and Alterations 2006, which seeks to protect trees. It was also accord with the design objectives of the National Planning Policy Framework.”

Policies Applied:

Epping Forest Local Plan and Alterations 1998/2006

CP2 – Protecting the quality of the rural and built environment

DBE9 – Loss of amenity

DBE10 – Residential extensions

National Planning Policy Framework (NPPF) (July 2021)

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:
- c)
 - 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 (LPSV) (2017)

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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 issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan.

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ends 23rd September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

DM9 – High Quality Design
DM10 – Housing Design and Quality.

Consultation Carried Out and Summary of Representations Received:

Chigwell Parish Council: Objection:

“The Council OBJECTS to this application because the proposed development would be detrimental to the host building and result in over-looking into the adjacent property, thereby adversely affecting the amenity space of the neighbour.”

4 neighbours consulted: 2 responses received comprising 1 objection and 1 neutral comment.

3 Ely Place (Objection):

- Concerns regarding overdevelopment, overbearing visual impact, loss of daylight and sunlight to garden / overshadowing, impact on TPO Oak Tree, subsidence arising from proposed extension.

5 Ely Place (Comment):

- Concerns regarding proposed downward landing light casting light onto rear garden or ground floor toilet window.

Issues and Considerations:

The main issues to consider relate to Character and Appearance, Residential Amenity and Impact on Protected Trees.

Character and Appearance

The proposed first floor side extension and front porch/canopy are considered to be suitable proportionate additions which are in keeping with the design of the existing house.

The proposed extensions do not represent overdevelopment, particularly in the context of recently approved extensions to nearby properties.

It is considered that the proposal would not have a harmful impact on the design, character or appearance of the site or surrounding area and is therefore acceptable in this respect.

Residential Amenity

No 3:

The proposed first floor side extension would be added above the existing footprint of the ground floor side extension as such it would have a limited impact on the visual and residential amenity of the occupiers of the immediate neighbouring property No. 3.

Furthermore, there is a good separation distance between the proposed extension and the flank elevation of No. 3 with screening provided by the TPO protected Oak Tree in No. 3's garden.

Due to the position of No 3's rear garden to the south of the proposed extension it is not considered that any harmful loss of light or overshadowing will arise.

A first floor window is proposed to the flank wall facing No. 3. This will serve a bathroom and will be conditioned to be obscure glazed. The proposed window replaces the existing bathroom window that will be covered by the proposed first floor side extension.

No. 5:

A new first floor window is proposed in the flank elevation facing No. 5. This would serve the landing / staircase and will be conditioned to be obscure glazed.

It is not considered that light from the landing/ staircase emerging from the proposed flank window would have a harmful impact on No 5's living conditions.

The proposed porch/canopy extension would not have a harmful impact on No. 5.

The proposed extensions are considered to be acceptable in terms of impact on visual and residential amenity of both immediate neighbours and any other nearby residential properties.

Trees and Landscaping

Following initial concerns raised by the Tree and Landscape Officer, a letter from Arboricultural Solutions was received of 5th October.

Whilst concerns of the Tree Officer are noted, the appeal decision relating to the neighbouring property No. 5 is a material consideration in this case and it is not considered that a reason for refusal based on future pressure to lop the protected Oak Trees could be sustained at appeal.

The proposal is considered to be acceptable in terms of impact on Trees and Landscape, subject to the conditions recommended by the Tree Officer.

Response to objections

The concerns raised by the Parish Council and the immediate neighbours No. 3 and No. 5 have been addressed in the above report.

Conclusion:

The proposed development is considered to comply with relevant Local Plan policies and the guidance set out in the NPPF and the application is therefore recommended for approval subject to conditions.

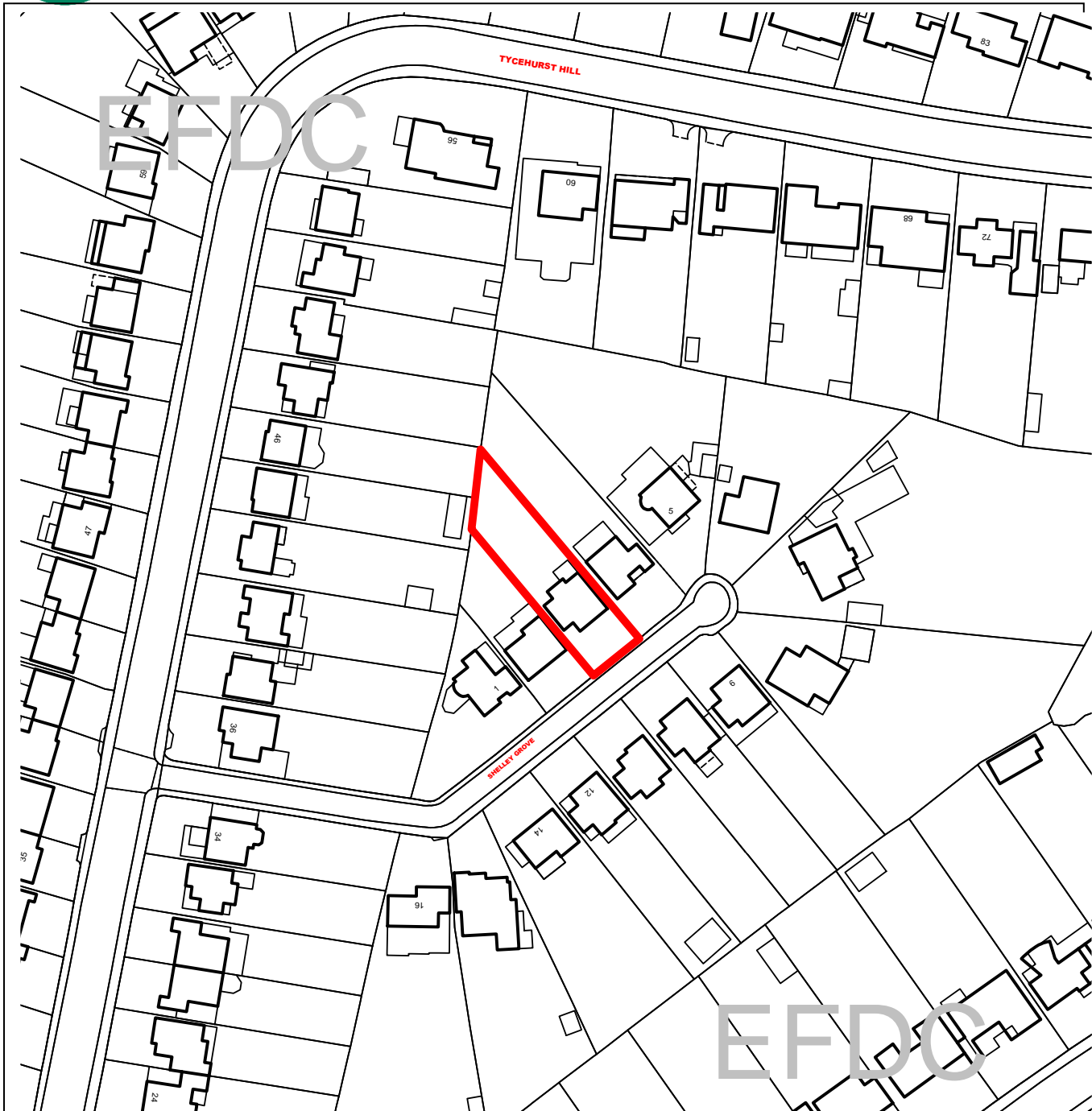
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

Planning Application Case Officer: Kie Farrell Telephone Number: 01992 564248.

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



Epping Forest District Council



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Application Number:	EPF/2032/21
Site Name:	3 Shelley Grove Loughton IG10 1BY
Scale of Plot:	1:1250

Report Item No: 10

APPLICATION No:	EPF/2032/21
SITE ADDRESS:	3 Shelley Grove Loughton IG10 1BY
PARISH:	Loughton
WARD:	Loughton St Marys
APPLICANT:	Ms Nimmo
DESCRIPTION OF PROPOSAL:	Proposed conversion of existing dwelling into 2 self-contained flats (1x GF flat and 1x FF flat), proposed side extension to replace garage, and proposed widening of crossover.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=655417

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 21/825/01 Rev B and 21/825/02 Rev B.
- 3 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.
- 4 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point per dwelling shall be installed and retained thereafter for use by the occupants of the site.
- 5 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

- 6 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 7 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the submitted application form], unless otherwise agreed in writing by the Local Planning Authority.
- 8 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
- 9 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 07:30 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 without the prior written permission of the Local Planning Authority.
- 10 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 11 Access to the flat roof over the single storey rear extension shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

...and subject to the completion of a s106 Legal Agreement.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The site formerly comprised of a detached dwelling, located within a built-up area of Loughton. It is not listed nor in a conservation area. Land levels rise to the northeast.

Proposal

The proposal is for the conversion of the existing dwelling into 2 self-contained flats (1x GF flat and 1x FF flat), proposed side extension to replace garage, and proposed widening of crossover.

For clarity, the widening of the crossover does not require Planning Permission as Shelley Grove is not a classified road, so it will not be discussed further in this report.

Relevant Planning History

EF\2021\ENQ\00051 – Pre-application submission for the proposed conversion of existing dwelling into 2 x self-contained flats (1 x GF flat and 1 x FF flat) proposed extension and conversion of garage, proposed widening of crossover.

Development Plan Context

Local Plan & 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:

CP2	Protecting the Quality of the Rural and Built Environment
CP7	Urban Form and Quality
DBE8	Private Amenity Space
DBE9	Loss of Amenity
DBE11	Sub-Division of Properties
ST4	Road Safety
ST6	Vehicle Parking

National Planning Policy Framework 2021 (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:

Paragraphs	126 & 130
Paragraph	180

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. 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.

Following the Examination Hearing Sessions for the emerging Local Plan, the Council has prepared a number of changes, known as **Main Modifications**, to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan.

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 Main Modifications, the **highest weight** should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following policies are relevant to the determination of this application;

SP2	Spatial Development Strategy 2011-2033
H1	Housing Mix and Accommodation Types
T1	Sustainable Transport Choices
DM2	Epping Forest SAC and the Lee Valley SPA
DM9	High Quality Design
DM10	Housing Design and Quality
DM11	Waste Recycling Facilities on New Development
DM16	Sustainable Drainage Systems
DM19	Sustainable Water Use
DM21	Local Environmental Impacts, Pollution and Land Contamination
DM22	Air Quality

Summary of Representations

Number of neighbours Consulted: 8. 18 response(s) received
Site notice posted: No, not required

MULTIPLE OBJECTIONS RECEIVED – Summarised as;

- Parking Provision;
- Drainage concerns;

- Out of keeping with area;
- Traffic Generation/Parking Stress;
- Overdevelopment;
- Loss of soft landscaping;
- Impact on EFSAC; and
- Refuse Storage.

LOUGHTON TOWN COUNCIL – The Committee OBJECTED to this application, stating it was overbearing and out of keeping with the area. Shelley Grove consisted of family housing, to allow them to be converted into flats would set an unwelcome precedent, causing significant harm to the character of the area.

Removing the front garden in its entirety to create 4 parking spaces was deemed excessive and would harm the visual amenity of the street scene. It was important to maintain and protect the green space to prevent water run-off onto the street and potential surface water flooding.

Members considered the journey information report provided to be nonsense. The extra dwelling (and parking spaces) would result in more car pollution and a subsequent impact on the air quality to the SAC. Any additional dwelling that leads to more traffic in the SAC was unacceptable. It would also result in more pressure for the overstressed recreational services and subsequent damage to the SAC. The current proposed solution to bring in a Clean Air Zone (CAZ) in 2025 was not guaranteed to happen and in any event would not stop additional cars associated with new dwellings from polluting the SAC before the CAZ was brought into operation.

Planning Considerations

The main issues for consideration in this case are:

- a) Whether the sub-division of the property is acceptable; and
- b) The impact on the Epping Forest Special Area of Conservation.

Policy DBE11 of the LP states; The subdivision of residential properties to flats, maisonettes or some other form of multiple occupation will be granted planning permission provided the development will not:

- (i) be likely to result in such an intensification of use which would create an undesirable precedent or detract from the character of the surrounding area; or
- (ii) be likely to result in excessive noise and/or disturbance to residents of either the new dwellings or neighbouring ones; or
- (iii) result in adjacent properties being overlooked to an excessive degree; or
- (iv) involve the loss of important garden space in order to create the requisite number of car parking spaces.

The introduction of flats on this site would be an anomaly to what is a small road of large single dwellings, and this could set a precedent for further conversions that cumulatively could alter the character of this street, this particular scheme has been thoughtfully designed so that the main appearance of the dwelling will stay the same with a single front access door, so it will not appear as a block of flats. As such, on balance, the principle of this development is considered to be acceptable in this instance.

The side extension will appear as a subservient addition, so there is no harm in this regard.

The proposal would meet the National Described Space Standards (NDSS) for a 2 bed-3person dwelling and have sufficient external amenity space for both dwellings at some 310 sqm.

The proposal would also meet the parking requirements of 2 spaces for a 2 bed+ dwelling and no objection has been raised by the highways officer. The concerns raised regarding the loss of soft landscaping and parking stress and drainage are noted; however, neighbouring properties have little to none soft landscaping and can comfortably accommodate several cars on the drive. As such, there will be no material harm in terms of additional on-street parking stress or congestion. The proposed driveway will be constructed of permeable block paving and the Council Drainage officer has raised no objections in this regard. So, there are no drainage concerns.

Whilst there will be an increase in the comings and goings from this site due to additional dwelling, there will be no material impact to the living conditions of both neighbouring properties, in terms of loss of privacy, or noise disturbance that warrants a reason for refusal.

Epping Forest SAC

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV).

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concluded that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology underpinning the appropriate assessment of the LPSV, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently, the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

- 1) Recreation activities arising from new residents (recreational pressures); and
- 2) Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

Stage 1: Screening Assessment

This application has been screened in relation to both the recreational pressures and atmospheric Pathways of Impact and concludes as follows:

- 1) The site lies within the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. In addition, the site lies within the parish of Loughton. Consequently, the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
- 2) The development has the potential to result in a net increase in traffic using roads through the EFSAC.

Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to both recreational pressures and atmospheric pollution.

Stage 2: 'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach and identification of Infrastructure Enhancement Projects in the Council's Green Infrastructure Strategy, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes, monitoring proposals and Infrastructure Enhancement Projects specifically related to development within the parishes of Loughton, Buckhurst Hill and Theydon Bois. Consequently, this application can be assessed within the context of the Interim Approach and the Green Infrastructure Strategy. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC, as is the case with this planning application. The applicant has agreed to make a financial contribution in accordance with the Interim Approach and the Green Infrastructure Strategy. Consequently, the Council is satisfied that the application proposal would not have an adverse effect on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

Atmospheric Pollution

Notwithstanding the submitted Habitats Regulations Assessment which claims that there would be a net reduction in AADT, however, the application proposal still has the potential to result in a net increase in traffic using roads through the EFSAC as there will be a net gain of a dwelling. The Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. The applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition, the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

Conclusion

For the reasons set out above having regard to the matters raised, it is recommended that conditional planning permission be granted subject to a s106 legal agreement for mitigation measures towards the EFSAC, including monitoring fees.

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:

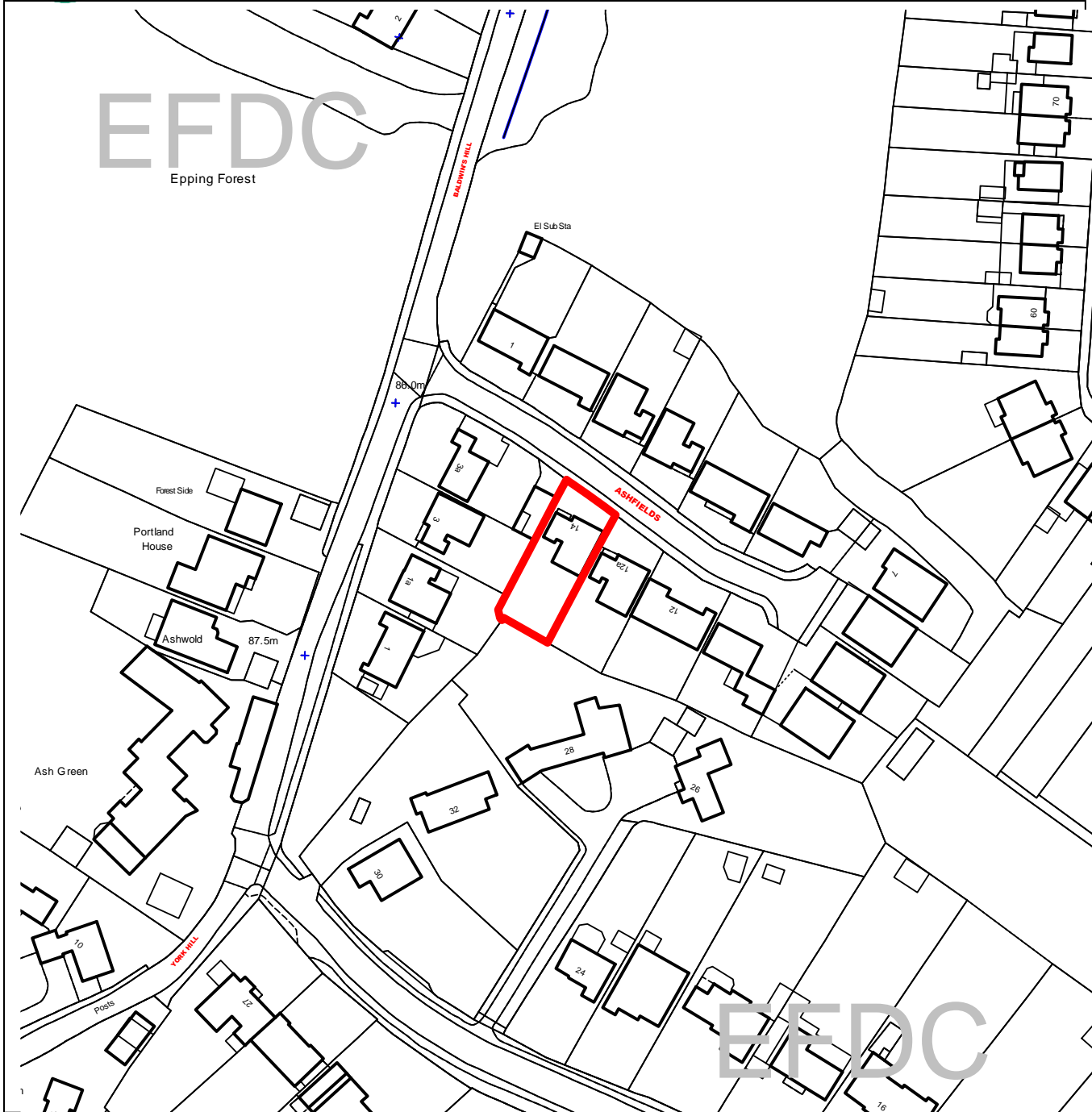
Planning Application Case Officer: Muhammad Rahman

Direct Line Telephone Number: 01992 564415

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



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Application Number:	EPF/2137/21
Site Name:	14 Ashfields Loughton IG10 1SB
Scale of Plot:	1:1250

Report Item No: 11

APPLICATION No:	EPF/2137/21
SITE ADDRESS:	14 Ashfields Loughton IG10 1SB
PARISH:	Loughton
WARD:	Loughton St Johns
APPLICANT:	Mr Michael Prince
DESCRIPTION OF PROPOSAL:	Internal alterations with new roof lights; rear single storey and side upper storey extensions plus modifications to existing front yard.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=655883

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 shall be carried out and retained strictly in accordance with the following approved plans:

210615(PL)01 (Location Plan); 210615(PL)02 A; 210615(PL)03;
210615(PL)04 B; 210615(PL)05 A.
- 3 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.
- 4 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 07:30 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 without the prior written permission of the Local Planning Authority.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

14 Ashfields is a two storey detached property with an attached garage. It is situated in a built-up part of Loughton. The building is not listed and it does not lie in a conservation area.

Ashfields is a residential cul-de-sac containing a mixture of two storey properties and bungalows. Opposite 14 Ashfields lies 3 Ashfields, which has been previously extended at the side at first floor level, above a former garage. Adjacent to number 14 are 12A Ashfields to the east and to the west, a single storey detached garage which faces the street and lies at the back of the plot of 3A Baldwins Hill.

Proposal

The proposal would build above the existing attached garage at first floor level, creating a side elevation with two shallow-pitched gable-ends. Photovoltaics and roof lights would be added to the roof. At the rear, a single storey full-width, flat-roofed extension of three metres in depth would be added and new fenestration would be installed.

The applicant has amended their plans to remove the originally proposed rear Juliet balconies and, following comments made by Essex County Council Highways division, to remove an earlier proposal to extend the dropped kerb at the front of the property.

Relevant Planning History

None

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
- DBE2 Effect on neighbouring properties
- DBE3 Design in urban areas
- DBE9 Excessive loss of amenity to neighbouring properties
- ST4 Road safety
- ST6 Vehicle parking

National Planning Policy Framework 2021 (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:

Paragraphs 126, 130, 134.

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. 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.

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
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant

Consultation Carried Out and Summary of Representations Received

Site visit: 18/10/21

Eight neighbours were consulted on the initial plans and were also re-consulted on revised plans.

LOUGHTON TOWN COUNCIL objected to the application, *'on the grounds that it was an overdevelopment by reason of its height, bulk and length of the rear extension and subsequent loss of garden, which would be detrimental to the townscape and character to this part of Ashfields. Members were concerned that the flat roof of the ground floor could be used as a terrace, which together with the large glazing and balconies would be intrusive on the amenity of the neighbours at 12a Ashfields and Baldwins Hill'*.

Following re-consultation, LOUGHTON TOWN COUNCIL again objected stating that they considered the amended plans which removed the previously proposed Juliet balconies to be *'only minor cosmetic alterations, which did not address its previous main objection'*. They added, *'Members remained concerned that the flat roof of the ground floor extension could be used as a terrace, causing loss of amenity to the neighbours at 12a Ashfields and in Baldwins Hill. The Committee expressed further concern for the substantial increase in surface rainwater run-off and the building over the drain caused by this proposal'*.

ESSEX COUNTY COUNCIL HIGHWAYS division commented that the initially proposed extension of the dropped kerb would not be acceptable as it would extend in excess of the maximum width of 4.5 metres for a dropped kerb for single property. Essex County Council Highways recommended that the extended dropped kerb be removed from the plans and the applicant has now made the required amendment.

EFDC LAND DRAINAGE Officers have commented, *'The site is not at risk of flooding nor will the proposal impact on the current surface water drainage arrangements / increase flood risk elsewhere.'*

LOUGHTON RESIDENTS ASSOCIATION PLANS GROUP object to the application following similar grounds to the Town Council. They add, *'We consider the side extension at 3 Ashfields to be an error. If all the properties carried out similar extensions these decently spaced homes would read as terrace housing to the detriment of the townscape of Ashfields. Overall, the proposals represent a gross overdevelopment of the site, would dwarf the other houses on Ashfields and therefore planning permission should be refused.'*

12A ASHFIELDS have objected to the initial plans and the revised plans. They cite overdevelopment stating that *'there is no local precedent for extension of this size'*. They state that, *'The Juliet balconies will be very intrusive for privacy, contrary to the Local Plan... Juliet balconies enable a person to stand at the outer face of the building to look out, making them invasive. It would directly overlook the main patio seating area at 12a and make observation of the flank windows and doors at 12a more likely and easier.'* They also state concern regarding building over a drain, to the rear.

12a Ashfields also objected to the revised plans, despite the removal of the Juliet balconies, particularly reiterating concerns over surface and foul water drainage.

11 ASHFIELDS have also objected to the proposal citing concerns regarding drainage and construction impacts on drainage at the back of the site, which they also consider will impact their property.

Issues and considerations

The main issues for consideration in this case are:

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

Character and appearance

Officers consider that the comment made by the neighbour at 12A Ashfields stating '*there is no local precedent for extension of this size*' is unsubstantiated by measurement and evidence. Several extensions of a similar character and appearance to that which is proposed here, have been granted planning permission in the immediate vicinity.

1A Baldwins Hill, which abuts the rear garden at 14 Ashfields has been extended at first floor level above a garage. It also has a side elevation featuring two shallow-pitched gable ends. At 1A Baldwins Hill a ground floor, single storey, rear conservatory extension of 3.1 meters in depth was also consented through application EPF/1718/14. However, it appears that this conservatory was not constructed or no longer stands. It is noted that 1A Baldwins Hill also applied for planning permission for a first floor Juliet balcony in 2015. This application was refused by EFDC, however this decision was overturned by the Planning Inspectorate and planning permission for the Juliet balcony was granted. In 2014, 3A Baldwins Hill was also granted planning permission for a substantial two-storey side extension with a rear first floor Juliet style balcony (EPF/2151/14).

3 Ashfields, which lies opposite 14 Ashfields, has been extended at the side at first floor level, above a former garage.

Having visited the site, officers disagree with Loughton Residents Association Plans Group comment that the extension at 3 Ashfields was granted planning permission in error. Rather, this is a good quality extension which makes a positive contribution to the street scene. The proposal at 14 Ashfields is similar in character and appearance to consented extensions at 3 Ashfields and 1A Baldwins Hill. The proposed three-metre rear extension would build back in line with, but not beyond, the rear building line at 12A Ashfields. As 14 Ashfields is a detached property it would be possible to build a single storey rear extension of 4 metres in depth, extending back from the original rear wall at the point closest to the boundary with number 12A, without planning permission or prior approval under permitted development. In terms of the massing, by extending back 3 metres the application is respectful of the rear building line in the row. There is also a sufficient gap at the side to the boundary with the neighbouring garage at 3A Baldwins Hill. It is also noted that the previously proposed Juliet balconies have been replaced with more conventional windows, to the benefit of the appearance of the scheme.

Officers consider that the proposed extension is of a sufficiently high standard of design, in keeping with the character and appearance of the existing property and in keeping with a street scene, which includes similarly extended neighbouring houses.

Living conditions of neighbours and existing occupiers

In the interests of safeguarding the privacy of neighbours, it is recommended that access to the flat roof of the proposed extension shall be for maintenance purposes only. The initially proposed Juliet balconies have been removed by the applicant and the case officer is satisfied that the development will not cause overlooking or loss of light that would be harmful to the amenity of neighbours. EFDC Land Drainage officers have been consulted on the application and they have stated that the proposal will not impact on surface water drainage; they have raised no drainage related concerns regarding the proposal.

Conclusion

The proposal is of a good standard of design and it will not be harmful to the amenity of neighbours. As a result, it is recommended that planning permission is granted, 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 before the meeting at the latest:

Planning Application Case Officer: David Maguire

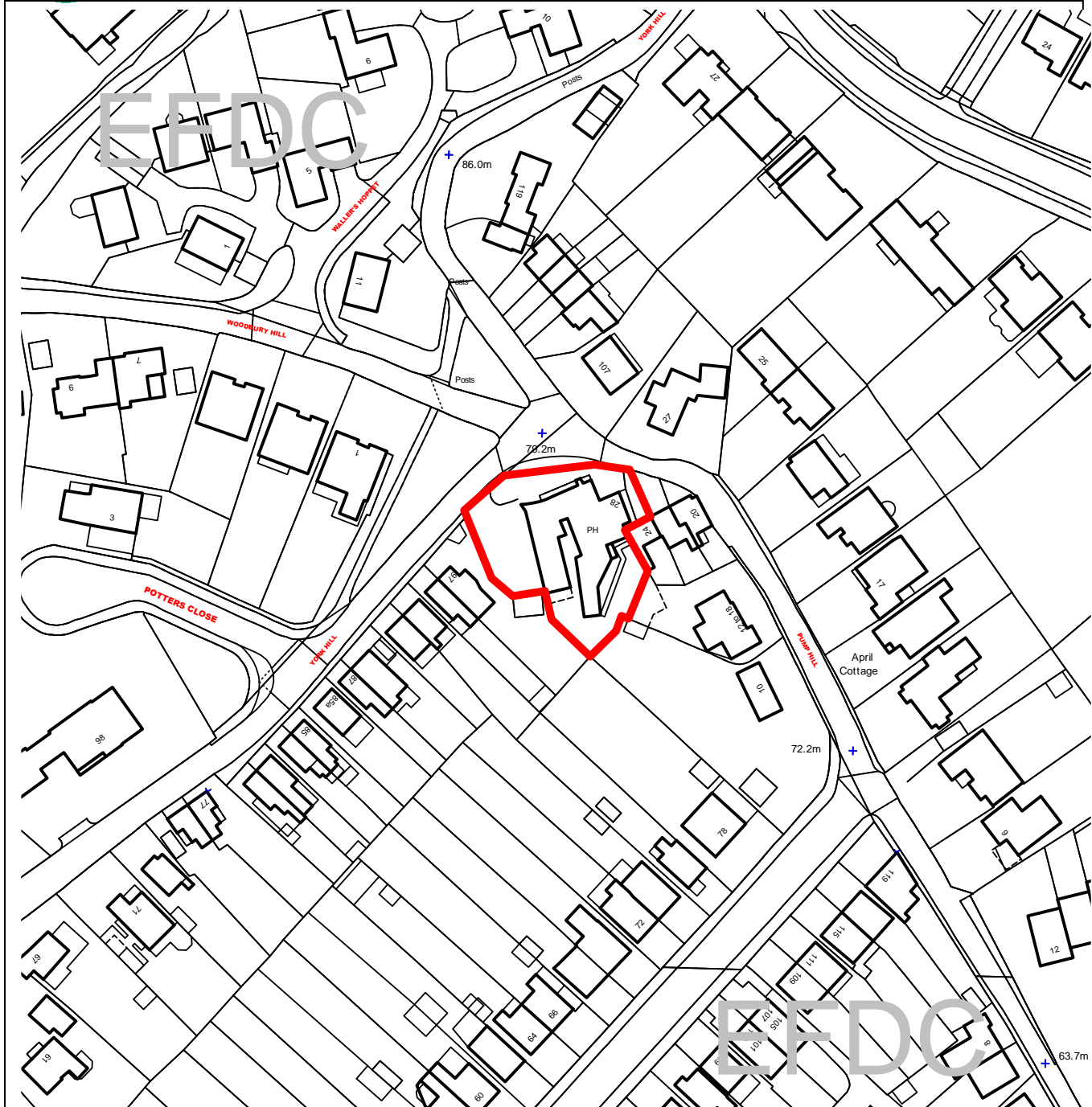
Direct Line Telephone Number: 01992 564 166 (ext. 2375)

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

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Epping Forest District Council



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Application Number:	EPF/2197/21
Site Name:	The Gardeners Arms 103 York Hill Loughton IG10 7RX
Scale of Plot:	1:1250

Report Item No: 12

APPLICATION No:	EPF/2197/21
SITE ADDRESS:	The Gardeners Arms 103 York Hill Loughton IG10 7RX
PARISH:	Loughton
WARD:	Loughton St Johns
APPLICANT:	Mr Joseph Weeks
DESCRIPTION OF PROPOSAL:	Grade II Listed Building application for DJ booth (retrospective), proposed repairs and re-glazing of windows and doors to 14mm double glazed panes, repair and paint, proposed insulation of building including cladding repair and paint.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=656194

CONDITIONS

- 1 The works authorised by this consent shall begin no later than the expiration of three years from the date of this consent.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

001, 002, 003 rev 1, 004 rev 1, 005 rev 1, 006 rev 1, 007 rev 1, 008 rev 1, 009 rev 1, 010 rev 1, 011 rev 1, 012, 013 rev 1, Structural Site Inspection Report by KYA Structures dated 7 September 2020, Planning, Design and Heritage Statement.
- 3 The external timber cladding shall be repaired following a like-for-like approach, same materials and finishes. The cladding shall be featheredged and black stained.
- 4 Full details of the upgrading required to meet the building regulations, including thermal insulation, shall be agreed in writing with the LPA prior to the commencement of any works.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The application site comprises a part single part two storey building which is currently being used as a Public House with ancillary residential accommodation.

The Gardeners Arms is a grade II listed building and dates from the late 17th century, prior to being public house the property was a cottage of timber-frame construction which is retained in the public bar area of the property. The building was extended in in the 19th and 20th centuries. The site falls within the York Hill Conservation Area.

An article 4 direction has been imposed on this Conservation Area which has removed certain permitted development rights and as a result planning permission is required for the following works:-

- provide hardstanding to gardens fronting the highway;
- the erection of alteration of gates, fences walls or other means of enclosure fronting the highway or open space; and
- the demolition of any gate, wall or other means of enclosure fronting a highway or open space.

The site is located on the southern side of the junction of York Hill as it meets Pump Hill and Woodbury Hill. It occupies an elevated position in comparison with neighbouring properties.

It is surrounded by residential properties on all its boundaries (except the front).

Description of Proposal:

Listed Building Consent is being sought for a DJ booth (retrospective) which is attached to a wall of the function room of the host building, proposed repairs and re-glazing of windows and doors to 14mm double glazed panes, repair and paint, proposed insulation of building including cladding repair and paint.

Relevant History:

Reference	Description	Decision
LB/EPF/2028/21	LBC New fencing, including hedge removal (retrospective), provision of patio (retrospective) and proposed refurbishment of veranda around outbuilding.	Refuse permission
EPF/2196/21	PP New fencing, including hedge removal (retrospective), provision of patio (retrospective) and proposed refurbishment of veranda around outbuilding.	Refuse permission
EPF/2746/15	Retrospective Grade II Listed Building application for proposed 2 defective modern doors installation of hand railing to internal stairs	Grant Permission
EPF/1282/83	Construction of lavatory accommodation	Grant Permission (with Conditions)
EPF/0907/83	Extensions and alterations to Public House and adjoining property and restriction on use of function rooms	Refuse Permission
EPF/0234/83	Change of use from residential to public house use, and erection of extension and	Refuse Permission /

	alterations to existing public house	Appeal Dismissed
CHI/0349/73	28 Pump Hill – Carport	Refuse Permission
CHI/0053/68	New urinal	Grant Permission
A/CHI/0027/68	Additional illuminated sign	Refuse Permission
CHI/0010/67	Alterations and additions	Grant Permission
CHI/0189/66	Transformer chamber	Grant Permission
CHI/0166/65	Car Park	Grant Permission
CHI/0005/48	New urinal	Refuse Permission

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:

HC6	Character, Appearance and setting of Conservation Area
HC7	Development within Conservation Areas
HC10	Works to a listed building

NATIONAL PLANNING POLICY FRAMEWORK (JULY 2021)

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.

Currently consultation is being carried out on the Main Modifications. It is therefore at an advanced stage of preparation.

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
DM7 - Heritage Assets	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: Yes
Site notice posted: Yes
Responses received as follows: -

91 YORK HILL, 95 YORK HILL, 97 YORK HILL, 103 YORK HILL, 107 YORK HILL, 109 YORK HILL, 4 WALLERS HOPPET, 5 WALLERS HOPPET, 7 WALLERS HOPPET, 10 PUMP HILL, 12-18 PUMP HILL, 15a PUMP HILL, 17 PUMP HILL, 22 PUMP HILL, 24 PUMP HILL, 27 PUMP HILL, 50 QUEENS ROAD, 78 QUEENS ROAD, DRYADS HALL, WOODBURY HILL, 5 WOODBURY HILL, OBJECT

Since many of the objections relate to all three recent applications, below are a summary or direct references to comments made specifically regarding this proposal or those relevant to this application.

- Retrospective application; the applicant proceeded to start the work at the area behind the pub, without seeking the necessary approval, by chopping down trees and hedges, fencing was erected, and the patio was laid in a Conservation Area.
- Harm to the special significance of the building with historic interest and is detrimental to the character of the Conservation Area.

The application seeks to suggest that the Council should only consider the proposal in the tight confines of the impact of the DJ booth on the structure of the listed building. However it is clear that the intention is to create a facility in the function room so that it can operate as a night club. The building is of timber frame, with single leaf timber planked walls, providing no sound insulation. Although I note the proposals include some insulation and reglazing, the level of noise suppression these measures will introduce will at best be modest, and will be completely irrelevant at warmer times of the year when the venue will operate with doors and windows open, to give access to the proposed veranda to the rear.

A raised high 6' DJ Booth would be perhaps more appropriate in a 'music venue' rather than a community pub. The room, together with the proposed double doors and large balcony overlooks residential properties. The noise pollution would extend further, together with environmental issues and increased traffic in a 'peaceful residential area'

Not in keeping with the rural character of the area

Proposals would result in further intensification of the issues residents at the top of York Hill and Pump Hill are experiencing by way of more noise nuisance, more antisocial behaviour e.g. being verbally abused, urinating in our hedges, being sick on our cars, and a continued and intensified loss of amenity such as the ability to park anywhere near our houses.

As well as intensifying the issues for residents at the top of York Hill and Pump Hill, if the development planning applications were to be approved, the effects would impact residents at the lower sections of York Hill and Pump Hill as well as residents in Queens Road.

It would be wholly wrong to grant the applications when the authorities, including the council are repeatedly having to deal with noise and antisocial behaviour generated by the pub.

The Council's environmental team are fully aware of the situation and are in possession of a considerable amount of evidence that they have gathered firsthand and have received from residents.

No fire exit provided, and pub is not accessible to people who need to use a wheelchair.

Adding further capacity to this establishment would disrupt traffic additionally. As it stands, on busy days it's hard to get through the road, it creates a bottle neck on Pump Hill, before you turn to the pub, and also opposite the pub, where you get taxis and cars double parked or badly parked cars which make it a challenge to access your own homes in Pump Hill and Woodbury Hill.

Needs to be accompanied by a traffic assessment because there is nowhere for additional cars to park.

The applicant's Planning Appraisal refers to the need for 'flexible spaces' and to meet the demand for 'outside spaces' serving to confirm there has been/will be a change in the definable character of the use on the site serve to show the materiality of that proposed change and for the need for a new and separate planning application to be made.

The existing function room has been seen advertised as a 'secret garden cocktail bar' on local social media sites. The advert indicates that it will no longer be a function room for occasional use and be used as a full-time bar instead causing more disruption and antisocial behaviour.

PARISH COUNCIL: The Committee OBJECTED to this application stating the raised DJ booth by reason of its size, shape and materials would have a detrimental impact on the planform of the room and the special interest of the listed building. The harm was substantial and there were no

public benefits to offset the harm. Members requested it therefore be removed and the room restored to its original plan form.

The Committee requested a condition ensuring any replacement materials matched the existing in respect of any repair works, where the Council considers listed building consent was required.

Finally the Committee noted that the position of the Planning Notices in respect of these planning applications EPF/2028/21, EPF/2196/21 and EPF/2197/21 were not well presented and expressed concern as to why the proposals had not been submitted under one application.

LOUGHTON RESIDENTS ASSOCIATION PLANS GROUP: OBJECTION: The raised DJ booth by reason of its size, shape and materials will have a detrimental impact on the plan form of the room and the special interest of the listed building. The harm is substantial and there are no public benefits to offset this harm. It should therefore be removed, and the room restored to its original planform.

Whilst genuine repair works do not normally require listed building consent, where the council considers listed building consent is needed, we suggest a condition ensuring any replacement materials match the existing.

THE HILLS AMENITY SOCIETY: OBJECTION: The Society's Committee shares the alarm of a great many residents in the area of the top of York Hill, Pump Hill, Woodbury Hill, Potters Close, Wallers Hoppet and Queens Road at the picture painted by the three planning applications noted above.

In fact in 50 years there has not been a topic which has so exercised public animosity.

The Hills Committee applauds the detailed objections to the three applications by Loughton Town Council and supports the comments made, deploring the need for the high percentage of retrospective applications for work already carried out and questioning why the many points covered - including removal of hedges, erection of fencing, replacement of windows, the DJ Booth, paving for use as a beer garden - were not submitted under a single application rather than three.

History

In the last few years Police have been called to the area around Gardeners' Arms at the top of York Hill many times with complaints about rowdiness, drinking and partying on the Green outside the pub and frequent evidence of substance abuse with canisters strewn on the road and grass. Crime Figures kept by the Police bare witness to the Gardeners Arms being the magnet for this kind of activity which residents fear will only increase with a DJ booth in full "blast" and space on a refurbished veranda and outside space behind the premises for drinking.

Environment

The Hills Committee, as with residents in the surrounding area, of course recognises that the Gardeners Arms has been in its location for longer than any of us and forms a most attractive feature at the top of York Hill. The committee also recognises the need for the pub to have a thriving business. However the Hills Committee wishes to object in the strongest terms to the nature of that business becoming completely unsuitable for its location in the middle of a densely packed residential area which "crowds" the site on all sides and the rights of residents who have purchased property in good faith to live in reasonable peace and safety not to be molested by or unreasonably disturbed by the activities associated with one business.

Heritage - and the DJ Booth

It is appreciated that material damage to the historic fabric of installation of the booth will not in itself be excessive. However, the effect on the setting and ambience of the heritage asset of its conversion into a night club will be extensive, and it will be deleterious to the amenity value of the Conservation Area, which it is the Council's duty to preserve and enhance.

Concerns expressed by residents

In a spontaneous display of concern some 25 residents expressed a wish to attend a meeting of the Hills Committee when the extent and nature of the work already carried out was recognised and planning notices were displayed for public view, albeit according to the Town Council "not well presented" and to others, "positioned to be unnoticeable". The residents who spoke at the meeting, moved from a private home to Loughton Bowls Club to accommodate this wishing to attend, unanimously spoke against the combined proposals for the Gardeners' Arms which they felt had to be against the common aim for residents and the pub to live side by side in an acceptable level of harmony.

Main Issues and Considerations:

Since this application relates solely to listed building consent for the proposed works, the only issue for consideration in this case is what affect the proposal will have on the special significance of the heritage assets on which the works are proposed. Whilst it is appreciated that local residents have wider concerns and objections to the works taking place on the site, this report focuses purely on the relevant heritage impacts of the scheme.

Impact on the listed Building and wider York Hill Conservation Area.

The Local Planning Authority has a legal duty under S66(1) and S72(1) of the Planning and Listed Building and Conservation Areas Act 1990 to

- (1) *have special regard to the desirability of preserving the Listed Building and its setting or any features of special architectural or historic interest which it possesses; and*
- (2) *special regard should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.*

Paragraph 199 of the NPPF requires that: -

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 202 of the NPPF requires that: -

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, where appropriate, securing its optimum viable use.

The Conservation Officer has reviewed the application, visited the site, and given due consideration to the submission and all objections received, and made the following comments: -

The Gardeners Arms is a grade II listed Public House located within the York Hill Conservation Area. Originally a cottage, built in the late 17th century, the building has been subsequently extended in the 19th and 20th century. The part of the building subject to this listed building consent application dates from the early 20th century. The inspection of the site (earlier this year) seems to corroborate the statement of significance produced to support this application, which considers this part of the listed building to be of low/moderate significance; the fabric (including the windows) being mainly 20th century with vernacular materials used at a rudimentary level of craftsmanship.

This application seeks listed building consent for the retention of a DJ booth, the repairs (including painting) and upgrading of the existing 20th century timber windows and doors, the internal insulation of the walls and the repairs (including painting) of the external timber cladding. The submission of this proposal follows pre-application advice where the principle of the retention of the booth and that of the internal and external repairs works was deemed to be acceptable.

The DJ booth

The booth consists in a lightweight structure, made in timber, tucked in the north east corner of the room and proposed to be fixed to the existing walls which, as previously expressed, are made with modern materials. The retention of this structure is found acceptable as it will not result in the loss of historic fabric or obscure any decorative elements. In addition, it is sensitively positioned, in a corner, and therefore will not alter the legibility of the room.

Repairs and upgrading of the existing 20th century timber windows and doors

The existing windows and doors are typical of a building of this period. Their retention and repairs are therefore fully supported. The thickness of the window frame profiles allows their upgrading with slim double-glazing units (14mm), in accordance to historic England guidance on traditional windows. The upgrading should improve greatly their acoustic and thermal performances.

The insulation of the walls

The proposed internal insulation of the walls does not raise concerns; however, no details were submitted as part of this application and will therefore be conditioned.

Repairs of the external timber cladding

The like-for-like repairs (materials and finishes) of the existing timber cladding are fully supported as it will ensure that the building remain weathertight. It will also greatly improve its external appearance.

In line with the above, we can give our SUPPORT to this scheme, as it would both preserve and enhance the special significance of the listed building and the character and appearance of the York Hill Conservation Area. This is subject to conditions.

This is supported by policies HC7, HC10 and HC12 of our Local Plan and Alterations (1998 and 2006), policy DM7 of our Submission Version Local Plan (2017), and paragraphs 189, 190, 195, 197, 199, 200, 206 and 207 of the NPPF (2021).

A number of local residents, the Town Council, and local amenity groups have raised a number of other concerns, many of which have no relevance to the impacts on the heritage asset, and some of which are not material planning considerations at all, and therefore these matters are not material to this particular application.

One matter that has been raised by objectors is that the proposal will harm the character of the conservation area. 'Character' within the context of conservation areas relates to what is the

special architectural and historical interest of buildings or areas that have been designated. Since the function of the building as a public house will not change, it cannot be argued from an architectural or historical perspective that the character has changed.

Impact on neighbouring amenity

S16 Planning (Listed Buildings and Conservation Areas) Act 1990 requires that decision makers when determining Listed Building Consent applications only have regard “*to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*” and to no other matters.

Whilst Planning Officers sympathise with neighbouring residents regarding the matters raised, concerns raised in relation to the impact of the proposal on highway safety and the amenity of neighbours fall outside of the scope of this application. Officers are aware that the Council's Environmental Health team are investigating the site and would be able to take action against any undue noise and disturbance. It is also understood that the sites Licence is currently under review, which would consider the various concerns raised by neighbours and, if allowed, would be able to impose restrictions and other mitigation measures.

Conclusion:

Whilst the submission claims that the DJ booth would assist to ‘*retain a viable use in the building*’, no evidence has been provided as to how a permanent DJ booth would significantly benefit the use of the public house, over and above the current situation and/or the use of temporary DJ equipment. As such, no weight is given to this matter and there is no ‘public benefit’ ascribed to this element of the proposal. Nonetheless, as determined by the Council's Conservation Officer, the DJ booth does not result in any harm to the historic significance of the heritage asset and as such this does not need to be outweighed by any public benefit.

Notwithstanding the above, there is recognised benefit in the repair works proposed since they would ensure the longevity of the building and would improve the acoustic and thermal performance of the windows. These matters do weigh in favour of the development.

Due to the above, the proposed DJ booth would not harm the historic fabric or obscure any decorative elements of the building and will not alter the legibility of the room. The proposed repair works will sustain and enhance the significance of this Grade II listed building and ensure the longevity of the heritage asset, which is a use that is consistent with the conservation of the application building. As such, Listed Building is 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: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

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