

LOUGHTON TOWN COUNCIL

PLANNING AND LICENSING COMMITTEE

MINUTES of the Meeting held on Tuesday 29 August 2023 at 7.30pm at Loughton Town Council Chamber, 1 Buckingham Court

Committee Members:

Councillors: J Riley (in the Chair)
P Abraham S Murphy K Rainbow
G Wiskin S Fontenelle (as substitute for Cllr Davies)
C C Pond (as substitute for Cllr Kauffman)

Also present:

Officers: Debra Paris (Planning Committee Clerk)

2 Members of the Public

The Committee AGREED to bring forward in the agenda planning application, EPF/1648/23 - 23 Forest Way, after agenda item 3, Confirmation of Minutes, as members of the public present at the meeting had an interest in this item.

PL481 Apologies for Absence

Apologies for absence had been received from Cllrs Davies and Kauffman. Cllrs Fontenelle and Pond had been nominated as their respective substitutes. Cllr Riley was nominated to Chair this meeting in the absence of Cllr Davies.

PL482 Declarations of Interest

The Committee declared a non-pecuniary interest in planning applications: EPF/1431/23 & EPF/1432/23 - 103 York Hill; EPF/1581/23 - 16 Hillcrest Road; EPF/1648/23 - 23 Forest Way; EPF/1685/23 - Davenant Foundation School; EPF/1690/23 - 112-129 Connaught House; and EPF/1762/23 - 24 Wroths Path,, owing to comments received from the Loughton Residents Association Plans Group (LRAPG).

Cllr Pond stated that he had some previous knowledge of the planning application relating to Forest Way (EPF/1648/23). He declared a non-pecuniary and non-prejudicial interest in these proceedings as a dual-hatted councillor and member of Epping Forest District Council Area Planning Subcommittee South. He stated that any views he gave at this meeting would be considered afresh if the applications came before a District Council committee, in light of all the evidence available at the time.

PL483 Confirmation of Minutes

The Minutes of the meeting of the Planning and Licensing Committee held on 7 August 2023, amended from those circulated, at min no PL477.1 (second paragraph only of Committee's comments for EPF/1472/23) to read:

"The Committee objects to applications which will result in inappropriate treatment being carried out to any significant tree, and also objects to any application to fell such a protected tree. It therefore objected to this application.

If, however, the District Council's arboricultural officers deem this application acceptable, whether with amendments or not, then the Committee was willing to waive its objection."

were CONFIRMED as a correct record and signed by the Chairman.

PL484 Planning Application

The following planning application was CONSIDERED, and the plans inspected.

484.1 Application No: EPF/1648/23

Officer: Frederique Caillat

Location: 23 Forest Way, Loughton, IG10 1JG

Proposal: To erect a 3 foot high wooden fence along the boundary between No 19 forest Way and the 2.1 metre strip of land, land owned by 23 Forest Way. We aim also to provide disabled access directly from Forest Way to the back garden of No 23. In addition, the proposal would provide easier access for our elderly neighbour who resides at No 11. The requirement for a fence is specified in the Land Registry document: Title number EX289454.

The Committee NOTED the contents of four letters of objection.

A member of the public with an interest in this application addressed the meeting.

The Committee OBJECTED to this application, supporting the comments of the LRA Plans Group, which were:

"First of all, there are no details of the fence or gate, nor are there cross sections to show the gradient of the garden. It is wholly implausible to believe that the occupier of No 23 wishes to access their property via No 19 and walk around the back of that property when there is a direct and considerable shorter access. The gradient looks far too steep for disabled access, and it would appear steps will be needed at the foot of the garden. There is no detail of how No 11 Forest Way will be accessed either. There is a shed on the proposed pathway, yet there are no details about what will happen to it. We consider the planning application should have been made invalid for clarification of the above points. We also consider the certificate of ownership is incorrect because the owner of No 19 and No 11 should have been notified. If the occupier of No 11 needs disabled access it should be from their property at No 11. We also note there is no statement from the occupier of No 11 to explain why they need the access or support the access.

Notwithstanding the above, the proposal is unacceptable in principle. No 19 forms part of a pair of Grade 2 listed early 19th century cottages with No 21. The fence will eat into the garden of No 19 and impact on the setting of the listed cottage. The loss of curtilage of the listed cottage constitutes substantial harm under paragraph 201 of the NPPF. Paragraph 200 of the NPPF says "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification". The reasons given by the applicant are neither clear or convincing and therefore do not meet the tests under the NPPF.

We also consider this unnecessary path will also result in the further loss of hedging to the detriment of this part of the York Hill Conservation Area.

The insertion of the path will result in an unacceptable loss of privacy for the occupier of No 19 Forest Way.

The applicant refers to a land registry document which we note has not been provided and, in any event, is not a material consideration for planning purposes. We consider this might be an enabling proposal for a development on land to the rear.

Overall, this application should be refused on the grounds of insufficient information, loss of privacy, and for the impact on the setting and loss of curtilage of the listed building and this part of the York Hill Conservation Area.”

The Committee further noted planning law clearly states that each local planning authority has a duty to protect and encourage the enhancement of Conservation Areas. This proposal fails to do that; therefore, the Local Planning Authority should refuse it.

PL485 Matters for Report

485.1 Notice of Appeal

**485.1.1 EPF/0479/23 – 61 Baldwins Hill, Loughton, IG10 1SN.
Proposal: Loft conversion comprising replacement roof at a steeper pitch, rear facing dormer and front facing roof windows. (Appeal ref no: APP/J1535/ D/23/3324594) – Min no PL394.1**

The Committee NOTED the information received from Epping Forest District Council.

PL486 Tree Preservation Order

TPO/EPF/12/23 – At: 78 Algiers Road, Loughton, IG10 4ND

The Committee NOTED the information received from Epping Forest District Council.

PL487 Parking Restrictions – The Summit, Loughton, IG10 1SW

Further information had been circulated to Councillors, received from Epping Forest District Council in respect of similar parking schemes that had been identified for Station Road, Pyrles Green and Langston Road.

The Committee stated that Loughton Town Council do not have the funds to contribute to such schemes. Members considered that the Parking Authority should concentrate on enforcing existing schemes.

Cllr Pond commented that he had attended a North Essex Parking Partnership (NEPP) meeting in May, where residents of The Summit had offered to finance the proposed scheme for that location.

PL488 Planning Applications

The following planning applications were CONSIDERED, and the plans inspected.

488.1 Application No: EPF/1043/23

Officer: Caroline Brown

Location: 46 Wellfields, Loughton, IG10 1NY

Proposal: Proposed Conversion of the existing garage/office into a habitable room.

The Committee had NO OBJECTION to this application.

Application No: EPF/1169/23

Officer: Kie Farrell

Location: 11 Tycehurst Hill, Loughton, IG10 1BX

Proposal: Ground floor rear extension, two storey side extension, and loft conversion.

The Committee OBJECTED to this application stating that whilst it did not create a terracing effect, the proposal was too close to the boundary and would result in a detrimental impact on the street scene whilst reducing the access.

The proposed loft conversion was considered an unattractive design and the Juliet balcony would affect the neighbour's amenity caused by overlooking. Standard sized windows would be preferable to ameliorate this.

Also, the proposed two additional bedrooms would further place extra stress on the EF SAC. Natural England and Loughton Town Council have both advised in their main modifications responses to the Inspector (autumn 2021) that the LPSV cannot yet be considered justified, effective or consistent with national policy in relation to detriment to the SAC. Therefore, we **object to this application** because of the urbanisation effect, burden on recreational pressure, and damage to air quality in the SAC that the application, alone or with other projects, will engender.

The Committee commented that if its concerns were addressed it would be willing to waive its objection.

The Committee AGREED to consider the following two planning applications, EPF/1431/23 and EPF/1432/23, together as they were linked.

Application No: EPF/1431/23

Officer: Sukhvinder Dhadwar

Location: 103 York Hill, Loughton, IG10 1RX

Proposal: Proposed Installation of External Fire Escape Stair

Proposed Installation of Internal Secondary Glazing to all Windows and Doors

Proposed Installation of Mechanical Supply and Extract Air including Air Conditioning

The Committee NOTED the contents of a letter of objection.

Application No: EPF/1432/23

Officer: Sukhvinder Dhadwar

Location: 103 York Hill, Loughton, IG10 1RX

Proposal: Grade II listed building consent for -

Proposed Installation of External Fire Escape Stair

Proposed Installation of Internal Secondary Glazing to all Windows and Doors

Proposed Installation of Mechanical Supply and Extract Air including Air Conditioning.

The Committee NOTED the contents of a letter of objection.

The Committee OBJECTED to both of these applications, supporting the comments of the LRA Plans Group, which were:

“We consider the fire escape is an unacceptable intervention to this grade 2 listed building. The applicant says it is required under building regulations, but no evidence has been provided and, in any event, there are better solutions that are less harmful to the special character of the listed building.

This is the Gardners Arms pub which has had previous form of unauthorised works and there has been on-going complaints about noise and anti-social behaviour. If the council is minded to grant permission, we ask a condition is imposed to prevent the access from being used by patrons or for servicing the function room or any other part of the premises; restricting the access for means of escape only. This is in order to protect the amenity of neighbours.

We also consider white powder coat aluminium is an inappropriate material for the secondary glazing on a listed building; instead it should be finished in timber.

There appears to be no external elevations of the air conditioning extracts, however we consider the amount of intervention to install the equipment is harmful to the fabric of the listed building.”

The Committee further stated that as the building is listed and located in the York Hill Conservation Area, the local planning authority has a duty to protect and encourage the enhancement of Conservation Areas. This proposal fails to do that; therefore, the Local Planning Authority should refuse it.

Application No: EPF/1581/23

Officer: Nathaniel Raimi

Location: 16 Hillcrest Road, Loughton, IG10 4QQ

Proposal: Single storey extension to garage at front of property and a change of ridge height to front hipped roof. Double storey extension to the rear of the property along with re-configuration of internal layout.

Landscaping of garden and addition of garden room.

The Committee NOTED the contents of a letter of objection.

The Committee OBJECTED to this application on the grounds that it was an overdevelopment. It was overbearing and would create a negative impact on the street scene. The excessive glazing in this proposal would be detrimental to this part of Hillcrest Road, creating light pollution and overlooking which would affect the amenity of the neighbours.

Also, the proposed two additional bedrooms would further place extra stress on the EF SAC. Natural England and Loughton Town Council have both advised in their main modifications responses to the Inspector (autumn 2021) that the LPSV cannot yet be considered justified, effective or consistent with national policy in relation to detriment to the SAC. Therefore, we **object to this application** because of the urbanisation effect, burden on recreational pressure, and damage to air quality in the SAC that the application, alone or with other projects, will engender.

Members requested that should the local planning authority be minded to approve this application, that a condition be imposed that the garden room remain ancillary to the main dwelling.

Application No: EPF/1647/23

Officer: Sukhvinder Dhadwar

Location: 36 and 38 Pyrles Lane, Loughton, IG10 2NN

Proposal: Proposed single storey rear extension at rear of 36 and 38 Pyrles Lane.

The Committee had NO OBJECTION to this application.

Application No: EPF/1685/23

Officer: Ian Ansell

Location: Davenant Foundation School, Chester Road, Loughton, IG10 2LD

Proposal: Erect demountable buildings for provision of classrooms/support area.

The Committee NOTED the contents of a letter of objection.

The Committee OBJECTED to this application. Whilst members had no objection to a temporary classroom because of the flooding, three years was considered too long to allow for the repair or replacement of the existing damaged sixth form building. Having only recently replaced four long standing demountable buildings on site, it was disappointing another set of temporary buildings was being sought.

This is on Green Belt Land and the buildings result in the loss of all-weather courts. The building would also impact on the openness of the Green Belt and therefore should be kept to a minimum period of time because of the harm caused.

Members requested that the council should give the school temporary consent for a maximum period of two years, seeking assurances that the works to the existing sixth form building be carried out in this time.

Application No: EPF/1690/23

Officer: Ian Ansell

Location: 112-120 Connaught House, High Road, Loughton, IG10 4HJ

Proposal: External alterations of the building including amendments to the fenestration and introduction of a central lightwell.

The Committee NOTED the contents of a letter of objection.

The Committee OBJECTED to this application on the grounds of the loss of character.

Members NOTED and supported the comments and proposals of the LRA Plans Group in respect of this application, which were:

“We object to this application.

We objected to the prior approval application for 18 flats and, also note Loughton Parish council objected as well, however the officer report said they did not object. We would like to know why the Parish Council objection was misreported in the officer report.

One of our objections was to do with the light levels to the new flats; now we have an application for windows to address this because the lighting levels are too poor.

We note none of our objections were covered in the officer report and conditions were added that are beyond the scope of a prior approval application. We remind you of the LGA and PAS guidance “Probity in Planning” which advises that because of decisions made in the courts and the ombudsman, officer reports “*should be accurate and should include the substance of any objections and other responses received to the consultation*”.

We would like this application to be reported to committee and to:

1. Cover the objections from the Parish Council and LRA Plans Group to the previous application and properly report why officers disagreed.
2. Explain why the Parish Council objections were misreported.”

Application No: EPF/1691/23

Officer: Kelly Sweeney

Location: 37 Rectory Lane, Loughton, IG10 1NZ

Proposal: Removal of existing side garage. Excavation of frontage with new retaining walls to facilitate two car parking spaces off road. Proposed first floor side extension over existing ground floor side extension. Proposed single storey side extension. Replacement of flat roof on single storey rear extension with pitched roof.

The Committee had NO OBJECTION to this application.

Application No: EPF/1698/23

Officer: Mohinder Bagry

Location: 1 Tewkesbury Close, Loughton, IG10 3NT

Proposal: Proposed 2 x front dormers.

The Committee OBJECTED to this application, believing that viewed together with the proposal submitted under Deemed Permission, EPF/1697/23, for this dwelling, it would be out of character leading to a detrimental impact on the street scene. Members also expressed a concern for the impact on the amenity of the neighbours caused by overlooking.

Application No: EPF/1706/23

Officer: Mohinder Bagry

Location: 37 Meadow Road, Loughton, IG10 4HY

Proposal: 'Variation of condition 2 'plan numbers' of EPF/1591/20 - Demolish existing rear utility room & wc & erection of a new single storey utility room/wc with of depth 5.3m from previously approved depth of 4.1m with resultant roof height increase & orangery. **** Amended Description – Re-consultation****

The Committee had NO OBJECTION to this application.

Application No: EPF/1724/23

Officer: Mohinder Bagry

Location: 114 Willingale Road, Loughton, IG10 2DA

Proposal: Front Side Extension.

The Committee OBJECTED to this application believing that viewed in conjunction with the proposal submitted under Deemed Permission,

EPF/1720/23, for this dwelling, there would be an increasing sense of enclosure to the street scene. The proposal would negatively affect the amenity of the neighbours.

Application No: EPF/1762/23

Officer: Nathaniel Raimi

Location: 24 Wroths Path, Loughton, IG10 1SH

Proposal: Construction of single storey rear and side extension.

The Committee NOTED the contents of a letter of objection.

The Committee OBJECTED to this application on the grounds that the proposed zinc clad structure was an inappropriate use of materials and would be out of keeping with this part of the Baldwins Hill Conservation Area. Finishing materials should match the original.

This proposal would neither conserve or enhance the Conservation Area and should therefore be refused.

Members stated however, if the applicant considered a more appropriate cladding material, the Committee would be willing to waive its objection.

488.2 Deemed Permission – provided for information only:

The Committee NOTED the following applications:

Application No: EPF/1697/23

Officer: Mohinder Bagry

Location: 1 Tewkesbury Close, Loughton, IG10 3NT

Proposal: Certificate of lawful development for a proposed single storey rear extension and loft conversion with rear dormer window and front rooflights.

Application No: EPF/1717/23

Officer: Nathaniel Raimi

Location: 115 Grosvenor Drive, Loughton, IG10 2LB

Proposal: Certificate of lawful development for extension to existing outbuilding into an office and storage room.

Application No: EPF/1720/23

Officer: Mohinder Bagry

Location: 114 Willingale Road, Loughton, IG10 2DA

Proposal: Certificate of lawful development for a proposed hip to gable roof extension and rear dormer in connection with a loft conversion.

Application No: EPF/1737/23

Officer: Caroline Brown

Location: 45 Hillcroft, Loughton, IG10 2PS

Proposal: Certificate of lawful development for a proposed single storey side extension.

Application No: EPF/1763/23

Officer: Muhammad Rahman

Location: 103 and 105 Church Hill, Loughton, IG10 1QR

Proposal: Certificate of Lawful Development for proposed removal of single storey extension and erection of two storey extension.

- 488.3 Others – provided for information only: EPF/1636/23, EPF/1732/23, EPF/1741/23, EPF/1746/23, EPF/1789/23, EPF/1800/23, and EPF/1842/23**
The Committee NOTED the information received from Epping Forest District Council.

PL489 Decisions

- 489.1 Decisions by Epping Forest District Council**
The Committee NOTED the decisions for July 2023.

PL490 Licensing Applications

- 490.1 Application for a Pavement Licence - Greggs, 45 The Broadway, Loughton, IG10 3SP – Ratification of the Planning and Licensing Committee’s submitted comments.**
The Committee RATIFIED the comments submitted, under delegated powers, to the licensing authority in respect of the above application, in order to meet time constraints, which were:

“Loughton Town Council’s Licensing Committee is supportive of this proposed application, provided the number of permissible external chairs of 6 is adhered to.”

PL491 Enforcement and Compliance

- 491.1 Enforcement Report – EPF/1506/23: Land and garages, Whitehills Road, Loughton, IG10 1TS – Min no PL475.1**
Following the Committee’s previous comments submitted to the Enforcement Department at Epping Forest District Council in respect of the above planning application, the information below was received and conveyed to members:

“Concerning the matters raised by the parish council, I would note that the demolition of a wall would not require planning permission. Additionally, construct of walls, fences and other means of enclosure up to a height of 2m away from a highway can take place as ‘permitted development’, meaning that express planning permission is not required from the local planning authority.

If temporary structures, such as scaffolding, have been sited or fences constructed and walls removed on land without the landowner’s permission, this will be a civil matter that the effected parties need to resolve, being a case of trespass, and not a matter that the Council could take enforcement action against. It may be that the parties seek legal advice if a resolution cannot be found through discussions.”

Signed:

Date: 11 September 2023