

LOUGHTON TOWN COUNCIL

PLANNING AND LICENSING COMMITTEE

MINUTES of the Meeting held on Monday 8 January 2024 at 7.30pm at Loughton Town Council Chamber, 1 Buckingham Court

Committee Members:

Councillors: C Davies (in the Chair)
P Abraham W Kauffman S Murphy
K Rainbow J Riley G Wiskin

Also present:

Officers: Debra Paris (Planning Committee Clerk)

PL561 Apologies for Absence

No apologies for absence were received for this meeting.

PL562 Declarations of Interest

The Committee declared a non-pecuniary interest in the following planning applications: EPF/2688/23 – 6 Tewkesbury Close; EPF/2690/23 – 49 Felstead Road; EPF/2696/23 – 133 Chequers Road; EPF/2733/23 – 12 Alderton Way; EPF/2736/23 – 21 Woodland Road; and EPF/2785/23 – 53 Algiers Road, owing to comments received from the Loughton Residents Association Plans Group (LRAPG).

Cllr Davies declared a non-pecuniary interest in planning application EPF/2756/23 – 35 Wellfields, as she was acquainted with one of the people involved in this application. Cllr Davies confirmed that she would not participate in this item.

PL563 Confirmation of Minutes

The Minutes of the meeting of the Planning and Licensing Committee held on 18 December 2023 were CONFIRMED as a correct record and signed by the Chairman.

PL564 Matters for Report

564.1 Notices of Appeal

**564.1.1 EPF/1399/23 – 39 Albion Hill, Loughton, IG10 4RD.
Proposal: Application for landscaping scheme including outdoor swimming pool, decking, and grass terraces, in pursuant with approved application EPF/0277/20. (Appeal ref no: APP/J1535/D/23/3331421 – Min no PL460.1)**

The Committee NOTED the information received from Epping Forest District Council in respect of the above application.

- 564.1.2 EPF/1966/23 – 39 Albion Hill, Loughton, IG10 4RD.**
Proposal: Retention of infill extension on ground floor to side/front elevation with a flat roof, extension to single storey rear extension, increase in overall height of building inc eaves, internal and external alterations including door/window openings with Juliet balconies, and external finishes (Revised Scheme to approved consent EPF/0277/20. (Appeal ref no: APP/J1535/D/23/3333399 – Min no PL513.1)

The Committee NOTED the information received from Epping Forest District Council in respect of the above application.

564.2 Loughton Building Design Award 2024

The Planning Committee Clerk advised that one nomination for this award had been received for 7 High Beech Road.

The Committee suggested the following nominations also be included for consideration for this award:

- The Aviary Bar & Brasserie, 200 High Road, IG10 1DN
- Dada, 31 Station Road, IG10 4NZ
- Gelato, High Road, IG10 1AH
- 70 Alderton Hill, IG10 3JB
- 5 Staples Road, IG10 1HP

PL565 Pre-Planning Consultation: Proposed Upgrade to a Base Station Installation at Westall Road / Ethridge Road Junction, Westall Road, Loughton, IG10 2HX.

The Committee had NO OBJECTION to this application.

However, members requested that the applicant, Cornerstone, improve the planting/landscaping at this site and maintain the planting at all its sites around Loughton, which have been planted to enhance the visual impact of the apparatus installed. Without maintenance of the planting the visual impact was being negatively affected.

PL566 Planning Applications

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

566.1 Application No: EPF/2607/23

Officer: Kelly Sweeney

Location: 1 Coteford Close, Loughton, IG10 2NT

Proposal: Single storey side/rear extension.

The Committee had NO OBJECTION to this application. However, members expressed concern that no front elevations had been provided with this application to properly assess any potential impact.

Application No: EPF/2682/23

Officer: Nathaniel Raimi

Location: 35 Forest Road, Loughton, IG10 1EE

Proposal: Re-submission of EPF/2065/06 for part single and part two storey side extension.

The Committee OBJECTED to this application on grounds that it did not address the issues previously objected to, namely the loss of symmetry, the loss of a parking space and the encroachment onto the pavement of the proposed parking on this site. Although, the height had been reduced the

proposal would still have a negative impact on the street scene. Also, the committee did not consider the proposal was in sympathy with the architectural style of this period property, or its neighbours. The dwelling should not come forward of the existing building line.

Application No: EPF/2688/23

Officer: Mohinder Bagry

Location: 6 Tewkesbury Close, Loughton, IG10 3NT

Proposal: Change of use from waste land to garden.

The Committee NOTED the contents of a letter of objection.

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

“The applicant has signed Certificate A and claims they are the sole owner of the land. Yet they have put an advert in the paper certifying they do not own the land. Notwithstanding this, the advert refers to the erection of a garden building, not to convert waste land to garden. It is an offence under the planning acts to sign the wrong certificate of ownership knowingly or recklessly.

As such we consider the application should be invalidated and the applicant clarify what they are applying for.”

Application No: EPF/2690/23

Officer: Marie-Claire Tovey

Location: 49 Felstead Road, Loughton, IG10 3BB

Proposal: Change of use from C3 Dwelling House- C4 HMO

The Committee NOTED the contents of a letter of objection.

Members deplored the retrospective nature of this application.

The Committee OBJECTED to this application reiterating its previous comments, Min no PL534.1, which were:

“The Committee OBJECTED to this application stating the houses in this part of Felstead Road were designed and built for family housing, and this property should remain as a family home. To allow this change of use to an HMO would create an incongruous form of development that would cause significant harm to the character of the area. It would also create a dangerous precedent which would prevent the council from resisting other similar conversions in the street.

*It is not necessary for the external appearance to be altered to refuse a planning application on the grounds of loss of character, as cited in the case *Kazalbash v Secretary of State for Levelling Up, Housing And Communities* [2023] EWCA Civ 904 (27 July 2023). The Court of Appeal decided that an Inspector did not err in law when concluding that a proposed development involving the subdivision of a dwelling house would “harm the character and appearance of the area”. The judgment considered that the phrase “character and appearance” was self-evidently a larger concept than appearance alone.*

The HMO would lead to extra pressure for parking and would also result in more car pollution and a subsequent impact on the air quality to the SAC. The design was of poor quality. The rooms were too small, and the living room space was inadequate to accommodate 5 people in an HMO. They

were inappropriately stacked with, for example, a WC above a bedroom. Overall, the accommodation was substandard in floorspace terms, and deficient in a reasonable standard of amenity. The Committee further considered this to be a completely inappropriate location for an HMO.

Members expressed concern that the conversion had already taken place and urged the local planning authority to take appropriate enforcement action."

Application No: EPF/2696/23

Officer: Mohinder Bagry

Location: 133 Chequers Road, Loughton, IG10 3QF

Proposal: Kerb drop.

The Committee NOTED the contents of a letter of objection.

The Committee OBJECTED to this application on the grounds that several properties already have full width crossovers, which is reducing the capacity for other residents, visitors and delivery vans to park on Chequers Road. As such members believe the council should resist from permitting any more full width crossovers which also breaks up the visual rhythm of path to crossover and the visual amenity of the road which is becoming bare. It also reduces the opportunity to green the road by planting trees in pavements and increases the risk of flooding.

The Committee would be willing to waive its objection if the applicant were to amend the proposal to a single width crossover matching the existing drive of this dwelling.

Application No: EPF/2733/23

Officer: Nathaniel Raimi

Location: 12 Alderton Way, Loughton, IG10 3EQ

Proposal: Two storey pitched roof side extension set off the side boundary.

The Committee NOTED the contents of a letter of objection.

The Committee had NO OBJECTION to this application.

Application No: EPF/2736/23

Officer: Marie-Claire Tovey

Location: 21 Woodland Road, Loughton, IG10 1HQ

Proposal: Front porch, hip to gable roof, front and rear dormers and rooflights.

The Committee NOTED the contents of a letter of objection.

The Committee OBJECTED to this application stating it was an overdevelopment. The increase in bulk to the roof (the blank flank side of the roof extension would be very prominent) resulting in a negative impact on the street scene on this part of Woodland Road. The proposed grey roof would also be out of keeping.

There would be a loss of light and increased sense of enclosure to the side windows at No 23 Woodland Road.

The proposed increase in bedrooms in this proposal would place extra stress on the EF 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 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 is brought into operation.

If the Local Planning Authority was minded to approve this application, members requested that a condition be imposed for materials to match original.

Cllr Davies left the meeting during consideration of the following planning application, EPF/2756/23, by the Committee. Cllr Kauffman took the Chair for the following item.

Application No: EPF/2756/23

Officer: Robin Hellier

Location: 35 Wellfields, Loughton, IG10 1PA

Proposal: TPO/EPF/26/01 (Ref: T1)

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 **STRONGLY OBJECTED** to this application.

The Committee fully supported the concerns of the Tree Officer which were:

1. There is a fine oak standing in the public green sward that appears to be at least 2-3 metres closer to the property at about 21 metres than T3 (24 metres). There must be clarity over which tree is influencing the subject property before a decision can be made about which tree is responsible.
2. The level monitoring diagram appears to show most building downward movement occurring at Point 1, which is located at the front left boundary, from July to September with slight recovery up to November. There have only been 3 sets of readings from July 2023 and while there has been significant recovery at point 4 from September to November, there also appears to be crack opening into the winter months up to November '23, which is unusual and requires further explanation.
3. There has been no consideration of the potential for heave to the two properties; 33 and 35, closest to T3. With the relative age of T3 and the shallow foundations of these 1950s houses, it seems likely that heave might pose a significant risk to both the tree owner's house and the neighbour at 33.
4. No alternatives to felling have been offered such as Geobear resin injection to stabilise the clay beneath the foundations. The option of pruning T3, which is about 16 metres tall and not the 20 metres mentioned in the geotechnical report has not been discussed but may be a compromise in the light of the tree's veteran status and the control provided by lowering the tree's water demand rather than removing it completely and the risk of ground recovery pursuant to that action.

5. The 580mm deep footings only appear to sink about 80mm into consolidated clay soil with 500mm of made ground above this. This places the houses at high risk of movement.
6. The possibility of natural water tables or water courses impacting the building have not been investigated but it is widely known that these natural features exist in the locality.
7. The slope in the natural ground level may be contributing to movement in light of the 8cm deep foundations on a highly plastic clay.

The Committee stated that regardless of costs to the insurance company every effort should be made to save the tree, believing that the most likely cause of the subsidence to be the sub-standard foundations of these properties.

Cllr Davies returned to the meeting and resumed the Chair for the remaining agenda items.

Application No: EPF/2766/23

Officer: Marie-Claire Tovey

Location: Mulberry, Woodbury Hill, Loughton, IG10 1JB

Proposal: Variation to condition 2 on EPF/2259/21 (Demolition of existing dwelling house, standalone stable block, hardstanding tennis court, and replacement with new dwelling).

The Committee had NO OBJECTION to this application.

Application No: EPF/2768/23

Officer: Mohinder Bagry

Location: 29 The Crescent, Loughton, IG10 4PY

Proposal: Single storey rear and side extension

The Committee had NO OBJECTION to this application. However, members requested that should the local planning authority be minded to approve this application, that a condition be imposed for the extension to remain ancillary to the main dwelling

Application No: EPF/2785/23

Officer: Nathaniel Raimi

Location: 53 Algiers Road, Loughton, IG10 4NF

Proposal: The demolition of existing single storey rear and side extensions, replace with single storey side and rear and double storey rear extensions.

The Committee NOTED the contents of a letter of objection.

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

“The LRA Plans Group is disappointed to see yet another application submitted in connection with this dwelling. It would have been helpful if the applicant had clearly identified what has already got consent on the drawings. Any further extensions beyond what has already been approved is unacceptable and represents an overdevelopment of the site.

The LRA Plans Group also object to the lack of any detail of the proposed air source heat pump which is likely to be visible from the front of the dwelling and detrimental to the visual amenity of this part of Algiers Road. We also note the air source heat pump is not mentioned in the description of development.”

Application No: EPF/2793/23

Officer: Muhammad Rahman

Location: Sterling House, Third Floor Office - Galliard Homes, Langston Road, Loughton, IG10 3TS

Proposal: Creation of a new pedestrian automatic entrance door into the south façade of the building together with metal stair, platform, glass balustrades, steel and glass canopy and disabled platform lift.

The Committee had NO OBJECTION to this application.

Application No: EPF/2800/23

Officer: Mohinder Bagry

Location: 57 Valley Hill, Loughton, IG10 3AL

Proposal: Removal of condition 9 on planning permission EPF/1416/22 relating to Class E permitted development rights (First floor rear extension. Single storey rear extension. Alterations to entrance porch).

The Committee OBJECTED to this application stating that the said condition 9 on planning permission EPF/1416/22 should remain for the original reason outlined by the local planning authority: *“to avoid overdevelopment of the site and the unacceptable reduction in amenity space.”*

566.2 Deemed Permission – provided for information only:

The Committee NOTED the following applications:

Application No: EPF/2678/23

Officer: Mohinder Bagry

Location: 6 Tewkesbury Close, Loughton, IG10 3NT

Proposal: Certificate of lawful development for a proposed garden shed.

Application No: EPF/2692/23

Officer: Mohinder Bagry

Location: 39 River Way, Loughton, IG10 3LJ

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

Application No: EPF/2784/23

Officer: Nathaniel Raimi

Location: 53 Algers Road, Loughton, IG10 4NF

Proposal: Certificate of Lawful Development for proposed two storey rear extension.

566.3 Others – provided for information only: EPF/2688/23 and EPF/2740/23

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

PL567 Decisions

567.1 Decisions by Epping Forest District Council

No decision notices had been received.

PL568 Licensing Applications

568.1 No Licensing Applications had come to the attention of Officers.

PL569 Enforcement and Compliance

569.1 Suspected breach - Demolition of 14 Tycehurst Hill, IG10 1BU

The Planning Committee Clerk informed the Committee of a response received from Building Control at Epping Forest District Council regarding the above suspected breach.

The Committee considered that the complete demolition of this dwelling was not a building control concern, but an enforcement issue. The matter was contrary to the planning permission approved by the Planning Inspector on Appeal: application Ref: EPF/0599/23, which was for: *“the part demolition of existing building. Two storey side and rear extension with internal alterations. Second floor within roof space.”*

Members therefore requested that this matter be referred to a Planning Officer for enforcement, with particular reference to paragraph 8 of the Appeal Decision, which states:

8. Concerns have been raised by other parties related to embodied carbon-dioxide and carbon assessments related to replacement buildings. In this case, however, only a partial demotion and extension of an existing building is proposed, and no such assessment is required to allow a full planning assessment of such proposals.

The Planning Committee Clerk would report the above matter to Enforcement at Epping Forest District Council and advise further once a response was received.

Signed:
Date: 22 January 2024