

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee South **Date:** Wednesday, 5 November 2008

Place: Roding Valley High School, Brook Road, Loughton, Essex **Time:** 7.35 - 9.25 pm

Members Present: J Hart (Chairman), Mrs L Wagland (Vice-Chairman), R Barrett, D Bateman, K Chana, Mrs S Clapp, Miss R Cohen, M Cohen, D Dodeja, Mrs A Haigh, R Law, J Markham, G Mohindra, B Sandler, Mrs J Sutcliffe and H Ulkun

Other Councillors: None

Apologies: K Angold-Stephens, J Knapman, Mrs C Pond, Mrs P Richardson and P Spencer

Officers Present: N Richardson (Principal Planning Officer), G J Woodhall (Democratic Services Officer), S G Hill (Senior Democratic Services Officer) and S Mitchell (PR Website Editor)

Also in attendance M Bradley and E Featherstone (ECC Highways Officers)

62. WEBCASTING INTRODUCTION

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

63. WELCOME AND INTRODUCTION

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

64. MINUTES

RESOLVED:

That the minutes of the meeting held on 15 October 2008 be taken as read and signed by the Chairman as a correct record.

65. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors Mrs L Wagland, K Chana, G Mohindra and B Sandler declared a personal interest in the following items of the agenda, by virtue of being members of Chigwell Parish Council. The Councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/1763/08 Brook House Cottage, High Road, Chigwell;
- EPF/1647/08 The Stables, 60A Hainault Road, Chigwell;
- EPF/1650/08 M11 Motorway Service Area, Roding Lane, Chigwell; and
- EPF/1750/08 29 Retreat Way, Chigwell.

(b) Pursuant to the Council's Code of Member Conduct, Councillor R Barrett declared a personal interest in the following items of the agenda, by virtue of being a member of Loughton Town Council. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/1794/08 Highview Court, 29 High Road, Loughton;
- EPF/1650/08 M11 Motorway Service Area, Roding Lane, Chigwell;
- EPF/1780/08 45 Hillcrest Road, Loughton;
- EPF/1807/08 122 High Road, Loughton; and
- EPF/1884/08 T11 Site, Langston Road, Loughton.

(c) Pursuant to the Council's Code of Member Conduct, Councillor R Law declared a personal interest in the following items of the agenda, by virtue of being a member of Loughton Town Council. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/1650/08 M11 Motorway Service Area, Roding Lane, Chigwell; and
- EPF/1884/08 T11 Site, Langston Road, Loughton.

(d) Pursuant to the Council's Code of Member Conduct, Councillor R Law declared a personal interest in the following items of the agenda, by virtue of being a member of Loughton Town Council. The Councillor had determined that his interest was prejudicial and would leave the meeting for the consideration of the applications and voting thereon:

- EPF/1794/08 Highview Court, 29 High Road, Loughton;
- EPF/1780/08 45 Hillcrest Road, Loughton; and
- EPF/1807/08 122 High Road, Loughton.

(e) Pursuant to the Council's Code of Member Conduct, Councillor J Markham declared a personal interest in the following items of the agenda, by virtue of being a member of the Loughton Residents' Association. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/1794/08 Highview Court, 29 High Road, Loughton; and
- EPF/1807/08 122 High Road, Loughton.

(f) Pursuant to the Council's Code of Member Conduct, Councillors R Barrett and J Markham declared a personal interest in the following item of the agenda, by virtue of a public speaker being a member of the Loughton Residents' Association. The Councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1650/08 M11 Motorway Service Area, Roding Lane, Chigwell.

66. ANY OTHER BUSINESS

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

67. DEVELOPMENT CONTROL

The Sub-Committee considered a schedule of applications for planning permission.

RESOLVED:

That the planning applications numbered 1 – 8 be determined as set out in the attached schedule to these minutes.

68. PROBITY IN PLANNING REPORT

The Principal Planning Officer presented a report regarding the results of all successful appeals, particularly those refused by the Committee contrary to Planning Officer recommendation. In the six-month period between April and September 2008, a total of 78 decisions were appealed against. Of the 75 planning and related appeals, 24 were allowed (32%), with 2 out of the 3 enforcement appeals allowed; a combined total of 33%. For Local Performance Indicator (LPI) 45, which only considered planning application appeals, the figure for the period was 26.86% against a target of 25% for the whole year. There were 18 appeals that arose from decisions of the Sub-Committees to refuse permission contrary to the recommendation of Planning Officers, of which 11 were lost. Thus, the Sub-Committee was urged to only set aside a Planning Officer's recommendation when it was felt that it was in the wider public interest and could be reasonably defended at an appeal. The Council had suffered costs of £50,000 for the planning appeals dismissed at 1 Connaught Avenue in Loughton. In conclusion, the Principal Planning Officer stated that the Council's performance had just fallen short of the target for the LPI, and any refusal for planning permission should be considered very carefully as to whether it could be sustained at appeal by a Planning Inspector.

The Sub-Committee inquired as to whether it was necessary for each report to offer a recommendation by the Planning Officer. The Principal Planning Officer responded that Planning Officers were Chartered Members of the Royal Town Planning Institute and good practice was for planning applications to be reported to Members with a recommendation, although it was accepted that some reports could be more balanced. The Vice-Chairman added that perhaps more material could be included on balanced reports to enable a refusal by the Sub-Committee to be defended at an appeal, and also welcomed the attendance of two Highways Officers from Essex County Council at the meeting that evening to offer the Sub-Committee further expert advice.

RESOLVED:

That the Planning Appeal Decisions for the period April to September 2008 be noted.

69. DELEGATED DECISIONS

The Sub-Committee noted that schedules of planning applications determined by the Director of Planning and Economic Development under delegated authority since the last meeting had been circulated and could be inspected at the Civic Offices.

CHAIRMAN

Report Item No: 1

APPLICATION No:	EPF/1763/08
SITE ADDRESS:	Brook House Cottage High Road Chigwell Essex IG7 6PX
PARISH:	Chigwell
WARD:	Chigwell Village
DESCRIPTION OF PROPOSAL:	TPO/EPF/39/88 T1 Horse Chestnut - Remove
DECISION:	Refuse Permission

REASON FOR REFUSAL

1. Insufficient information has been provided to justify the felling of this tree which is in a Conservation Area, contrary to policy LL9 and HC6 of the Council's Adopted Local Plan and Alterations.

The Committee determined that the tree be certified under Article 5 of the Tree Preservation Order

REASON FOR ARTICLE 5 CERTIFICATE

1. The visual importance of the Horse Chestnut in the street scene of Chigwell High Road; a busy road linking the old village to the newer suburbs.
2. Its historic value close to a Grade II listed house; Brook House, High Road, Chigwell, IG7 6PX
3. Its strong contribution to the character of the Chigwell Conservation Area.

Report Item No: 2

APPLICATION No:	EPF/1794/08
SITE ADDRESS:	Highview Court 20 High Road Loughton Essex IG10 4QZ
PARISH:	Loughton
WARD:	Loughton Forest
DESCRIPTION OF PROPOSAL:	TPO/EPF/24/88/A1 T1 Sycamore - Fell to ground level
DECISION:	Grant Permission (With Conditions)

CONDITIONS

1. The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days notice of such works.
2. A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Report Item No 3

APPLICATION No:	EPF/1647/08
SITE ADDRESS:	The Stables 60A Hainault Road Chigwell Essex IG7 6QX
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	Miss Lucy-Jane Cooper
DESCRIPTION OF PROPOSAL:	Single storey side extension and one window to kitchen.
DECISION:	Grant Permission (With Conditions)

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. Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.

Report Item No: 4

APPLICATION No:	EPF/1650/08
SITE ADDRESS:	M11 Motorway Service Area Roding Lane Chigwell Essex IG7
PARISH:	Chigwell
WARD:	Chigwell Village
DESCRIPTION OF PROPOSAL:	Construction of a compound for the undertaking of security checks on, and controlling the movement of, heavy goods vehicles. Works to include change levels, construction of a drainage pond, hard surfacing, perimeter fencing, and associated structures.
DECISION:	Deferred

This item was deferred to allow Officers to seek further consultation with the applicant regarding traffic movement associated with this development, particularly in respect of Junction 5 of the M11 motorway. Members also considered wording of the suggested planning conditions be re-visited and that Loughton Town Council be consulted on the planning application.

The Committee's attention was drawn to a letter of representation from Loughton Town Council.

CONDITIONS

1. Unless otherwise stated in the Remediation Strategy in para.4.2 of the ODA Planning Statement dated August 2008 for the site and as indicated on drawing no. A12095-C-116 Rev.C, all buildings and structures hereby permitted shall be demolished and the materials removed from site before 1 July 2014. Materials removed shall include the excavated top soil on the western part of the site, as shown on drawing no. A12095-C-103, to be returned to and spread on the eastern part of the site in two 150mm layers.
2. The use hereby permitted shall be discontinued on or before the 31st December 2013.
3. A scheme for the restoration of the site, which includes methodology and seed specification, shall be submitted to and approved by the local planning authority before the use hereby permitted ceases; this scheme shall be implemented before 1 July 2014.
4. All construction / demolition works and ancillary operations (which includes deliveries and other commercial vehicles movements to and from the site) shall take place on site between the hours of 06.00 to 20.00 hours on weekdays and Saturdays, and at no time during Sundays and Bank Holidays unless prior

agreement has been obtained in writing from the local planning authority.

5. No burning of materials shall take place on site throughout the demolition and construction phases of the development.
6. All reasonable steps to minimise dust emissions from the site shall be employed throughout the demolition and construction phase of the development.
7. Wheel washing or other cleaning facilities for vehicles leaving the site during demolition and construction works shall be installed in accordance with details which shall be submitted and agreed in writing by the local planning authority. The facilities shall be installed prior to commencement of any works on the site and shall be used to by all vehicles leaving the site during site preparation and construction works.
8. Development shall be in accordance with details of the surface water drainage works shown in drawing no A12095-C-105 unless otherwise submitted to and approved in writing by the Local Authority.
9. The development shall not be brought into use unless / until, the merge, diverge and weaving length arrangements serving the development directly to and from M11 have been completed in accordance with the approved in principle outline Option 2 layout in Pell Frischmann report R10295T11-A 'Departure from Standard Mitigation proposals' and constructed to the specification of the Highways Agency and to the satisfaction of the Local Planning Authority in consultation with the Highways Agency and open to traffic, unless otherwise agreed in writing by the Local Planning Authority in consultation with the Highways Agency.
10. No traffic from the development (including construction traffic) is to use M11 J5 until a traffic signal scheme for the M11 J5 / Chigwell Lane junction as shown in outline on drawing no D12095T521 has been constructed and open to traffic and a Stage 3 Completion Certificate is obtained, unless otherwise agreed in writing by the Local Planning Authority in consultation with Essex County Council and the Highways Agency. Before the traffic light signal scheme operates it shall be linked via MOVA (Microscopic Optimised Vehicle Actuation) to the existing Langston Road signalised junction, to the north.
11. The screen (A) shown on plan number A12095-C-102 dated 07.08.08 titled 'ODA logistics centre 1 - M11 Perimeter Barrier Layout' shall be erected in accordance with detail outlined in the construction management plan clm-d0601-pln 0004 or any subsequent agreed plan before commencement of the use of the site. The fence will be maintained in accordance with the standard requirements.
12. Before commencement of the development hereby approved, measures to secure restorative improvements to Andrews Pond at Roding Valley Meadow Nature Reserve, located in the vicinity of the west part of the site, shall be agreed by the Local Planning Authority.
13. Details of any lighting on the western half of the site, west of the M11 motorway, shall be submitted and agreed in writing by the Local Planning Authority before work commences on site. Should lighting be necessary it shall only be implemented on site in accordance with the agreed details.

Report Item No: 5

APPLICATION No:	EPF/1750/08
SITE ADDRESS:	29 Retreat Way Chigwell Essex IG7 6EL
PARISH:	Chigwell
APPLICANT:	Mrs J Delve
DESCRIPTION OF PROPOSAL:	Two storey rear extension. (Revised application)
DECISION:	Refuse Permission

CONDITIONS

1. The proposal would result in loss of off-street parking which would exacerbate on-street parking in the locality, to the detriment of highway safety and visual amenity contrary to policies ST4, ST6 and DBE2 of the Adopted Local Plan and Alterations.
2. The new first floor rear window in the extension, by reason of its position immediately adjacent to the site boundary would result in loss of privacy to the occupier of 30 Retreat Way, contrary to policy DBE9 of the Adopted Local Plan and Alterations.

Report Item No 6

APPLICATION No:	EPF/1780/08
SITE ADDRESS:	45 Hillcrest Road Loughton Essex IG10 4QH
PARISH:	Loughton
WARD:	Loughton Forest
DESCRIPTION OF PROPOSAL:	Two storey side extension, single storey rear extension one front, two rear and two side dormers to replace existing side dormers and rear dormer and single storey front extension.
DECISION:	Grant Permission (With Conditions)

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. Prior to first occupation of the building hereby approved the proposed window openings in the East and West side elevations at first floor level and in the proposed side dormers shall be fitted with obscured glass and have fixed frames, and shall be permanently retained in that condition.
3. Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.
4. Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting that Order) no enclosure or balcony shall be formed at any time on any part of the roof of the development hereby approved without the prior written approval of the Local Planning Authority.
5. Prior to the development hereby approved first being brought into use, full details of the proposed boundary treatment on the East side boundary are to be submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment is to be erected prior to the development hereby approved first being brought into use, and retained as such thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Report Item No: 7

APPLICATION No:	EPF/1807/08
SITE ADDRESS:	122 High Road Loughton Essex IG10 4HJ
PARISH:	Loughton
WARD:	Loughton Forest
DESCRIPTION OF PROPOSAL:	Change of Use from A1 (Retail) to D1 (Dental Surgery)
DECISION:	Grant Permission (With Conditions)

The Committee's attention was drawn to a letter of representation from Loughton Residents Association.

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 layout of the premises shall be in accordance with the approved drawing No. 702/01 and no part of the dental surgery or waiting room shall extend into the area described as 'Retail shop for dental goods' on this plan unless otherwise agreed in writing by the LPA.
3. Prior to the premises being brought into use for the purpose hereby permitted, a scheme providing for storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The scheme as agreed shall be carried out on site before the use commences and maintained thereafter.
4. A shop window display of retail products in conjunction with the dental use shall be maintained at all times and no solid obstruction or blinds shall cover the front or side windows or anywhere within 1.0metre of the windows, unless otherwise agreed in writing by the LPA.
5. The premises shall be used solely for dental surgery and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.

Report Item No: 8

APPLICATION No:	EPF/1884/08
SITE ADDRESS:	T11 Site Langston Road Loughton Essex IG10 3TH
PARISH:	Loughton
WARD:	Loughton Broadway
DESCRIPTION OF PROPOSAL:	Reserved matters application for proposed Data Centre. (Mixed B1/ B8) - Details of access, appearance, layout and scale (Revised application)
DECISION:	Grant Permission subject to variation of existing unilateral undertaking (The Committee determined to vary the existing signed unilateral undertaking to exclude the requirement of a financial contribution should this planning permission (EPF/1884/08) be implemented.)

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. No development shall be commenced until a detailed drainage design report to demonstrate how the proposed development will control the discharge and attenuation of surface water run-off from the site, has been submitted to and approved by the Local Planning Authority. The discharge rate must be acceptable to the Local Planning Authority.
3. The provision of suitable access arrangements to the application site in connection with the demolition/construction operations, to include wheel washing facilities, turning and off loading facilities for delivery /construction vehicles within the limits of the site together with an adequate parking area for those employed in developing the site. Details to be submitted to and agreed in writing with the Local Planning Authority in consultation with the Highway Authority prior to commencement of development.
4. No occupation until such time that the developer has provided the highway works shown in principle on drawings H080094/01 rev D and H080094/07 rev D. To include a 90m x 4.5m x 90m visibility splay, junction radii, and 2m footway extending the entire frontage of the site to connect with the existing footway at either end. Details to be submitted to and agreed in writing with the Local Planning Authority in consultation with the Highway Authority prior to commencement of development.

5. The development, including site clearance, must not commence until a scheme of hard and soft landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.