

Committee Agenda



**Webcast
Meeting**



**Epping Forest
District Council**

AREA PLANNING SUBCOMMITTEE SOUTH **Wednesday, 3rd February, 2010**

Place: Roding Valley High School, Brook Road, Loughton, Essex

Room: Dining Hall

Time: 7.30 pm

Democratic Services Officer: A Hendry - Office of the Chief Executive
Email: ahendry@eppingforestdc.gov.uk Tel: 01992 564

Members:

Councillors J Hart (Chairman), Mrs L Wagland (Vice-Chairman), K Angold-Stephens, R Barrett, K Chana, Mrs S Clapp, Miss R Cohen, M Cohen, D Dodeja, Mrs A Haigh, J Knapman, R Law, A Lion, J Markham, G Mohindra, Mrs C Pond, Mrs P Richardson, B Sandler, P Spencer, Mrs J Sutcliffe, P Turpin, H Ulkun and D Wixley

A PLAN SHOWING THE LOCATION OF RODING VALLEY HIGH SCHOOL IS ATTACHED TO THIS AGENDA. A BRIEFING WILL BE HELD FOR THE CHAIRMAN, VICE-CHAIRMAN AND GROUP SPOKESPERSONS OF THE SUB-COMMITTEE, AT 6.30 P.M. PRIOR TO THE MEETING

WEBCASTING 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.

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 and copies made available to those that request it.

Therefore by entering the Chamber and using the lower 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 sit in the upper council chamber public gallery area

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast;
2. Members are reminded of the need to activate their microphones before speaking; and
3. the Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be filmed live for subsequent uploading to the Internet and will be capable of repeated viewing.

If you are seated in the public seating area it is possible that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast although Officers will try and avoid this.

This may infringe your human and data protection rights and if you have any concerns about this you should speak to the Webcasting Officer.”

2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 5 - 8)

General advice to people attending the meeting is attached together with a plan showing the location of the meeting.

3. APOLOGIES FOR ABSENCE

4. MINUTES (Pages 9 - 14)

To confirm the minutes of the last meeting of the Sub-Committee held on 13 January 2010.

5. DECLARATIONS OF INTEREST

(Assistant to the Chief Executive) To declare interests in any item on this agenda.

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution 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.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

7. DEVELOPMENT CONTROL (Pages 15 - 30)

(Director of Planning and Economic Development) To consider planning applications as set out in the attached schedule

Background Papers: (i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are summarised on the schedule. (ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which consideration is to be given to the enforcement of planning control.

8. DELEGATED DECISIONS

(Director of Planning and Economic Development) Schedules of planning applications determined by the Head of Planning and Economic Development under delegated powers since the last meeting of a Plans Subcommittee may be inspected in the Members Room or at the Planning and Economic Development Information Desk at the Civic Offices, Epping.

9. 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.

Confidential Items Commencement: Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the 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 (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and members of the Subcommittee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak, you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

Sometimes members of the Council who have a prejudicial interest and would normally withdraw from the meeting might opt to exercise their right to address the meeting on an item and then withdraw.

Such members are required to speak from the public seating area and address the Sub-Committee before leaving.

What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

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

Can I give the Councillors more information about my application or my objection?

Yes you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website www.eppingforestdc.gov.uk. Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

How are the applications considered?

The Subcommittee 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.

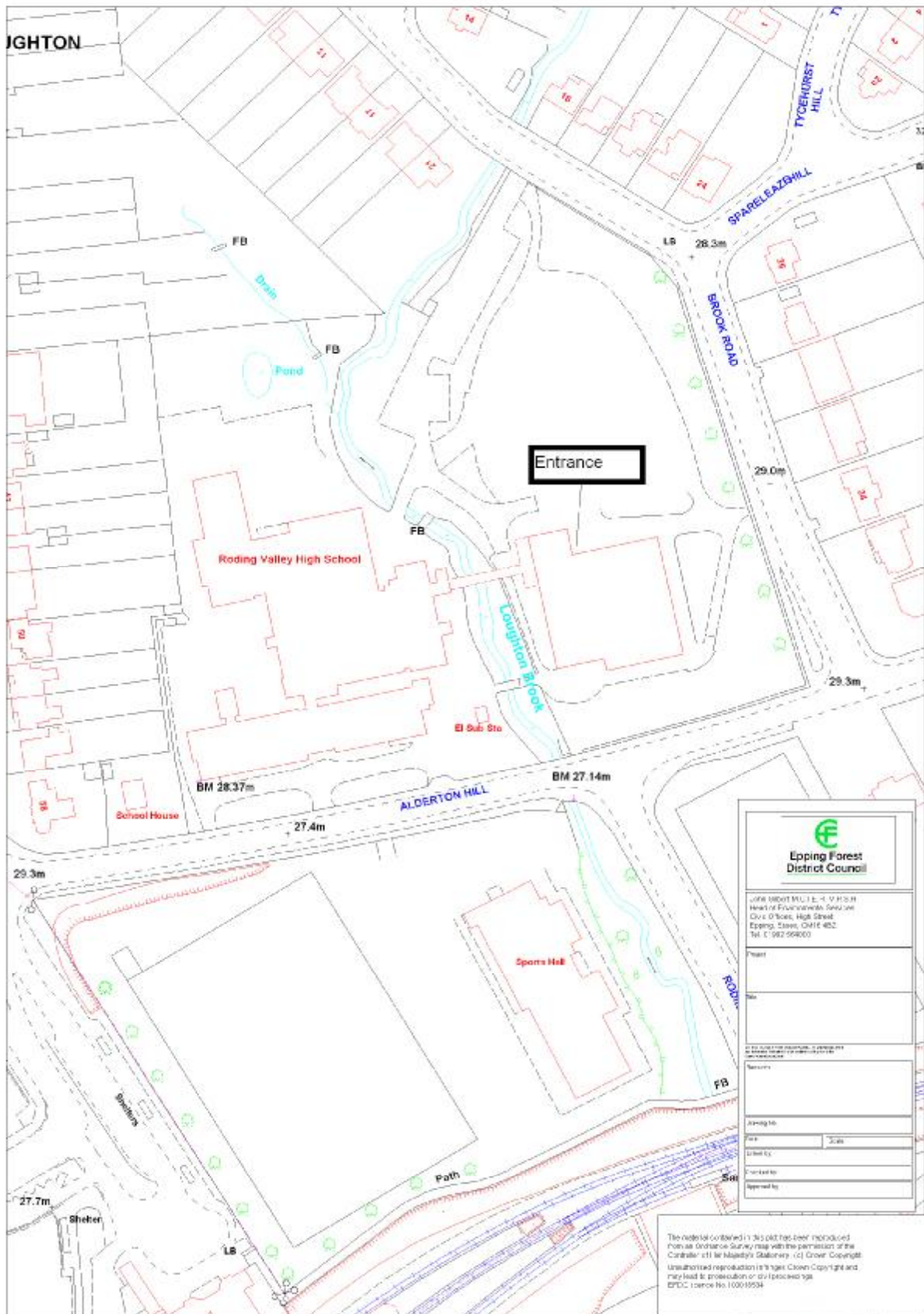
The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

Further Information?

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

Area Plans Subcommittee South – Location Plan



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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee South **Date:** Wednesday, 13 January 2010

Place: Roding Valley High School, Brook Road, Loughton, Essex **Time:** 7.30 - 8.00 pm

Members Present: J Hart (Chairman), K Angold-Stephens, R Barrett, Miss R Cohen, M Cohen, D Dodeja, R Law, A Lion, Mrs C Pond, Mrs P Richardson and D Wixley

Other Councillors:

Apologies: Mrs L Wagland, K Chana, Mrs S Clapp, Mrs A Haigh, J Knapman, J Markham, G Mohindra, B Sandler, P Spencer, Mrs J Sutcliffe and P Turpin

Officers Present: S Solon (Principal Planning Officer), D Clifton (Principal Housing Officer [IT]), S G Hill (Senior Democratic Services Officer) and R Perrin (Democratic Services Assistant)

79. 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.

80. Minutes

RESOLVED:

That the minutes of the meeting held on 9 December 2009 be taken as read and signed by the Chairman as a correct record.

81. Appointment of a Vice-Chairman

In the absence of the Vice- Chairman, the Chairman invited nomination from the Sub-Committee for the appointment of a Vice-Chairman for the duration of the meeting:

RESOLVED:

That Councillor M Cohen be appointed as Vice-Chairman for the duration of the meeting.

82. Declarations of Interest

(a) Pursuant to the Council's Code of Member Conduct, Councillors Mrs C Pond, D Wixley, R Barrett, K Angold-Stephens, Mrs P Richardson and R Law declared a personal interest in the following item of the agenda by virtue of being members of Loughton Town Council. The Councillors had determined that their interest was not prejudicial and they would stay in the meeting for the consideration of the application and voting thereon:

- EPF/2185/09 1 Alderton Mews, Alderton Hill, Loughton
- EPF/2191/09 10 Monkchester Close, Loughton
- EPF/2234/09 1 Parsonage Court, rectory Lane, Loughton

(b) Pursuant to the Council's Code of Member Conduct, Councillors Mrs C Pond, D Wixley, R Barrett and K Angold-Stephens declared a personal interest in the following item of the agenda by virtue of being members of Loughton Resident Association. The Councillors had determined that their interest was not prejudicial and they would stay in the meeting for the consideration of the application and voting thereon:

- EPF/2185/09 1 Alderton Mews, Alderton Hill, Loughton
- EPF/2191/09 10 Monkchester Close, Loughton

(b) Pursuant to the Council's Code of Member Conduct, Councillor D Wixley declared a personal interest in the following item of the agenda by virtue of being a Tree Warden. The Councillors had determined that their interest was not prejudicial and they would stay in the meeting for the consideration of the application and voting thereon:

- EPF/2185/09 1 Alderton Mews, Alderton Hill, Loughton
- EPF/2191/09 10 Monkchester Close, Loughton.

83. Any Other Business

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

84. Development Control

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

RESOLVED:

That the planning applications numbered 1 – 4 be determined as set out in the attached schedule to these minutes.

85. 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/2185/09
SITE ADDRESS:	1 Alderton Mews Alderton Hill Loughton Essex IG10 3JE
PARISH:	Loughton
WARD:	Loughton Alderton
DESCRIPTION OF PROPOSAL:	TPO/EPF/41/88 Pine - Fell and replace
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 shrub or shrubs, 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 shrub 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: 2

APPLICATION No:	EPF/2191/09
SITE ADDRESS:	10 Monkchester Close Loughton Essex IG10 2SN
PARISH:	Loughton
WARD:	Loughton St Johns
DESCRIPTION OF PROPOSAL:	TPO/EPF/07/91 T12 Oak - Fell
DECISION:	Grant Permission

CONDITIONS & REASONS

None

Report Item No: 3

APPLICATION No:	EPF/1990/09
SITE ADDRESS:	Loughton Sports Centre Rectory Lane Loughton Essex IG10
PARISH:	Loughton
WARD:	Loughton St Marys
DESCRIPTION OF PROPOSAL:	Demolition of Loughton Sports Centre. Proposal for 85 bed care home development with car parking and landscaped secure garden areas.
DECISION:	Withdrawn by Applicant

The applicant withdrew this item prior to the Committee meeting.

Report Item No: 4

APPLICATION No:	EPF/2234/09
SITE ADDRESS:	1 Parsonage Court, Rectory Lane Loughton Essex IG10 2BB
PARISH:	Loughton
WARD:	Loughton Broadway
DESCRIPTION OF PROPOSAL:	Proposed conversion of single dwelling house into office space for EFDC's careline service. Office to become extension of existing office area. Development also proposes new front entrance screen, opening alterations, new air conditioning unit and roof balustrade.
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.
- 3 The proposed office accommodation, shall only be used in conjunction with the administration of the Local Authority sheltered housing developments.

AREA PLANS SUB-COMMITTEE SOUTH

Date: 3 February 2010

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/1806/09	246b High Road, Loughton	REFUSE	17
2.	EPF/2300/09	238 High Road, Loughton	REFUSE	22
3.	EPF/2296/09	37 Valley Hill, Loughton	GRANT	27

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Report Item No: 1

APPLICATION No:	EPF/1806/09
SITE ADDRESS:	246B High Road Loughton Essex IG10 1RB
PARISH:	Loughton
WARD:	Loughton St Marys
APPLICANT:	Mr Ghulam Alahi
DESCRIPTION OF PROPOSAL:	Change of use from purposes within Use Class A1 to a mixed use for purposes within Use Classes A1 and A3.
RECOMMENDED DECISION:	Refuse Permission

REASON FOR REFUSAL

- 1 The proposal would result in the loss of a shop use (Use Class A1) from the key retail frontage of the Loughton High Road principal shopping centre, as defined in the Epping Forest District Local Plan and Alterations. It would increase the proportion of non-retail frontage within the key retail frontage, exacerbating the impact of an already excessively high proportion of non-retail frontage on the vitality and viability of the shopping centre. The use would threaten the long term vitality and viability of the shopping centre by undermining its retail function and therefore contribute to a threat to its position in the hierarchy of town centres within the District. Accordingly, the proposal is contrary to policies TC1, TC3 and TC4 of the Epping Forest District Local Plan and Alterations.

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to Section P4, Schedule A (k) of the Council's Delegated Functions).

Description of Proposal:

It is proposed to continue the use of the ground floor shop premises as a mixed use for purposes within Use Classes A1 (shops) and A3 (restaurants and cafes).

The interior of the unit has been divided to include a row of seating booths along the north east boundary wall and to the rear, with a food preparation area enclosed by display counters selling ice cream and patisserie products on the opposite side. The seating area would accommodate approximately 32 customers. No primary cooking is carried out.

The rear section of the unit provides toilet facilities for customers and there is a door providing access to a stairway in the central section, providing access to an upstairs storeroom.

Opening times are 10.00am to 11.00pm Monday to Sunday and including bank holidays.

Description of Site:

The premises are situated on the eastern side of the High Road. The shop is a small unit in a parade of seven. It is bordered on the south west boundary by a charity shop (A1) and on the north eastern boundary by the supermarket chain Morrisons (A1). The proposal site is part of the key retail frontage of the Loughton High Road town centre, as defined on the proposals map of the Local Plan and Alterations. The frontage of the shop is 5.5m.

Access to a rear yard is provided by an entryway at the south west end of the parade. The shop is part of a two storey building with the first floor storage space.

The last use of the shop was as a clothes shop. It was vacant for a short period of time prior to the start of the use this application relates to.

Relevant History:

EPF/1805/09 - Illuminated fascia sign. Grant Permission (With Conditions) - 23/12/2009.

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment

TC1 – Town Centre Hierarchy

TC3 – Town Centre Function

TC4 – Non Retail Frontage

TC5 – Window Displays

DBE9 – Loss of Amenity

SUMMARY OF REPRESENTATIONS:

3 properties were consulted, a site notice displayed and the following replies were received

LOUGHTON TOWN COUNCIL: The Committee was strongly critical that this was a retrospective application and deplored such changes of use without planning permission.

The Committee was very concerned that, as the premises was located in a Key Frontage area of the High Road, the front part of the shop, comprising the first 10 square metres should be entirely for A1 retail use. At present however, this was not the case as could be seen from the seating arrangement shown on the accompanying plans. The Committee would waive its objection to the granting of this mixed Change of Use application if the District Council was minded to impose suitable planning conditions.

262 HIGH ROAD (Gladleys): Objection. There are enough A3 uses on the High Road and no justification for more. Not enough footfall for all to survive and to allow unfettered A3 use is unfair on existing businesses.

28 THE AVENUE: Objection. Noise and disturbance. Litter problems.

LOUGHTON RESIDENTS ASSOCIATION: Strong Objection. Critical of the fact that this is a retrospective application. The proposal is in breach of policy and could set a dangerous precedent.

Issues and Considerations:

The main issues to consider are the impact on the vitality and viability of the retail centre and on residential amenity.

Vitality and Viability of Retail Centre

Policy TC1 states that “the council will, in principle, permit proposals which should sustain or improve the vitality and viability of any of the centres, and which will either maintain or not adversely affect their position in the Town Centre Hierarchy”. Loughton High Road is defined as a principal town centre in the Local Plan and Alterations.

However, Policy TC4 – Non Retail Function sets out the detailed criteria for assessing the impact of changes of use of shops in the defined key retail frontage of town centres. The supporting text for the policy makes it clear that the retail function will be safeguarded in each town centre by ensuring at least 70% of the ground floor key retail frontage will be kept in retail use. Policy TC4 also requires that changes of uses of shops do not result in more than two adjacent non retail uses. It must therefore be considered whether this mixed use would affect the vitality and viability of Loughton Town Centre with reference to the local policies.

The supporting documentation relating to the application is not extensive but it is evident that the sale of goods for consumption on the premises plays a significant role. The extent of eat-in facilities (seating booths) point to an A3 primary use with the A1 element as a subsidiary that is nevertheless sufficiently important to also be a primary purpose. Although it is recognised that mixed uses for purposes within Use Classes A1 and A3 can play a role in promoting the vitality and viability of town centres by attracting customer footfall and subsequently the use of other retail shops, such uses are non-retail uses that are subject to the criteria set out in Policy TC4.

The proposal would not result in two or more adjoining non-retail uses and in this respect is acceptable. However the policy also requires retail uses to remain at 70% of all uses within the key frontage. The proposal breaches this aspect of the policy. The most recent town centre survey (October 09) states that current units in retail use on Loughton High Road’s key frontage amounts to 68.30%. The addition of this unit to non retail would result in a fall to 67.82% retail. This clearly exceeds policy guidelines as to what signifies a healthy retail element within the key frontage.

Local policy TC1 sets out a hierarchy of retail centres which it is considered beneficial to safeguard. Proposals which maintain and do not adversely affect this hierarchy will be considered favourably. As stated above the current level of non retail is above the considered acceptable limit. The intention of the policy is of critical importance. The limit has been exceeded and the policy is in danger of being devalued. Potentially the qualities which made the town centre attractive to retailers and customers could be significantly undermined. This is to the detriment of the town centre as a whole and it provides a threat to its place within the strategic hierarchy.

The proposal site had lain vacant for a short period prior to this occupation and its current use. No evidence has been provided in relation to the marketing of the premises, and notwithstanding the current economic climate there is nothing to suggest that a marketing exercise would not result in the continuation of the unit in purely A1 use. Indeed a recent appeal decision (EPF/1546/08) dated 23/06/09 and relating to a change from A1 to A5 of No 244 High Road found that “Loughton High Road is not a town centre in decline and I am not persuaded that a retail occupier would not be found for this premises”. However Members may form the opinion that as an element of A1 use is retained (takeaway sales) a departure from policy in this instance would cause no significant harm to the objectives underpinning Policy TC4. These being namely the protection and promotion of the vitality of Loughton Town Centre.

Neighbour Amenity

Policy DBE9 states new development should not result in loss of amenity in relation to such things as smell, noise or other disturbance.

The Environmental Health section has been consulted in relation to this application. The proposed use is operating during normal daytime trading hours and into the late evening. However the findings of this department are that excessive noise would not be an issue. Cooking methods are generally the reheating of food not requiring an extraction system. Therefore loss of amenity from smells would not be of concern. There are no amenity concerns.

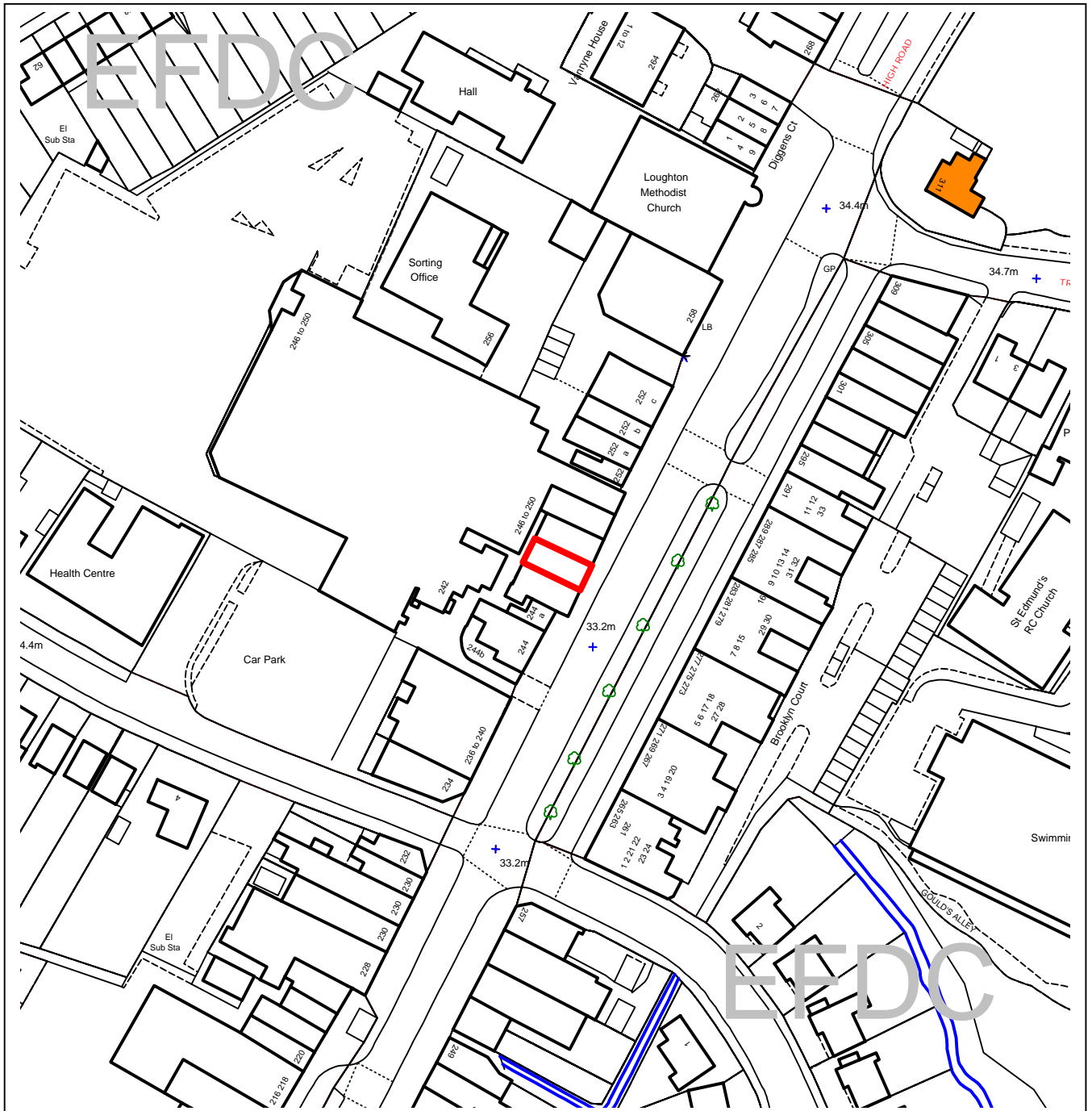
Conclusion:

There is reasoned justification in refusing this application as the 30% ceiling for non retail use has been exceeded. The importance of this level in maintaining the vitality and viability of Loughton Town Centre, and its place in the hierarchy, has been outlined above. Notwithstanding the failure to comply with policy, the potential contribution of such mixed use to vitality and viability is recognised. Members may therefore feel that the nature of the use is such that the vitality and viability of the town centre is not further compromised. This makes the application more balanced than what would normally be the case. However the local policy is explicit in its requirements relating to non retail uses. For this reason it is recommended the application be refused.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	1
Application Number:	EPF/1806/09
Site Name:	246B High Road, Loughton IG10 1RB
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/2300/09
SITE ADDRESS:	238 High Road Loughton Essex IG10 1RB
PARISH:	Loughton
WARD:	Loughton St Marys
APPLICANT:	Mrs S Jennings
DESCRIPTION OF PROPOSAL:	Change of use of ground floor from purposes within Use Class A1 to a mixed use for purposes within Use Classes A1 and A3.
RECOMMENDED DECISION:	Refuse Permission

REASON FOR REFUSAL

- 1 The proposal would result in the loss of a shop use (Use Class A1) from the key retail frontage of the Loughton High Road principal shopping centre, as defined in the Epping Forest District Local Plan and Alterations. It would increase the proportion of non-retail frontage within the key retail frontage, exacerbating the impact of an already excessively high proportion of non-retail frontage on the vitality and viability of the shopping centre. It would also cause further harm to the vitality and viability of the shopping centre by resulting in a substantial break in the retail frontage in excess of 2 shop units. The use would threaten the long term vitality and viability of the shopping centre by undermining its retail function and therefore contribute to a threat to its position in the hierarchy of town centres within the District. Accordingly, the proposal is contrary to policies TC1, TC3 and TC4 of the Epping Forest District Local Plan and Alterations.

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to Section P4, Schedule A (k) of the Council's Delegated Functions).

Description of Proposal:

It is proposed to continue the use of the ground floor shop premises to a mixed use for purposes within Use Classes A1 (shops) and A3 (restaurants and cafes).

The front half of the shop (27m²) would continue to be used for retail purposes (sale of sweets) retaining a shop window display.

The central/rear part of the shop (approximately 50m²) would continue to be used as a "café" with a customer service, food preparation area and display area, a customer seating area and ancillary

children's play area. The customer seating area accommodates 8 tables and 24 chairs. No primary cooking is carried out.

The rear part of the shop is used to provide toilet and office facilities.

Opening times are 07.30 to 18.00 Monday to Saturday and 08.00 to 17.00 on Sundays.

Description of Site:

The premises are situated on the eastern side of the High Road, north of its junction with The Drive. It is a small ground floor shop within a short parade of 4 shops that is part of the key retail frontage of the Loughton High Road town centre as defined on the proposals map of the Local Plan and Alterations. The frontage of the shop is 3.2m.

The shop is part of a 3-storey building with offices at first and second floor level. Access for servicing is available from a rear yard area off The Drive.

The parade in which the shop is situated comprises an estate agent (234), a betting office (236) and a lawful mixed shop and restaurant use (240). Just over 70% of the key frontage of the town centre is in non-retail use.

The last use of the shop was as a hairdressers. It was vacant for a short period of time prior to the start of the use this application relates to.

Relevant History:

No Relevant History.

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment
TC1 – Town Centre Hierarchy
TC3 – Town Centre Function
TC4 – Non Retail Frontage
TC5 – Window Displays
DBE9 – Loss of Amenity

SUMMARY OF REPRESENTATIONS:

(3 properties were consulted, a site notice displayed and the following replies were received:

LOUGHTON TOWN COUNCIL: The Committee was strongly critical that this was a retrospective application and deplored such changes of use without planning permission.

The Committee was very concerned that, as the premises was located in a Key Frontage area of the High Road, the front part of the shop, comprising the first 10 square metres should be entirely for A1 retail use. At present however, this was not the case as could be seen from the seating arrangement shown on the accompanying plans. The Committee would waive its objection to the granting of this mixed Change of Use application if the District Council was minded to impose suitable planning conditions.

262 HIGH ROAD (Gladleys): Objection. There are enough A3 uses on the High Road and no justification for more. Not enough footfall for all to survive and to allow unfettered A3 use is unfair on existing businesses.

LOUGHTON RESIDENTS ASSOCIATION: Strong Objection. Clearly in breach of the local plan restrictions on the proportion of non-retail uses. Non-retail use already exceeds 30%. Analysis submitted in support ignores properties on the other side of the road. No justification for proposed change other than A1 use retained at the front. If given credence this would drive a coach and horses through the provisions of the Local Plan.

Issues and Considerations:

The main issues to consider are the impact on the vitality and viability of the retail centre and on residential amenity.

Vitality and Viability of Retail Centre

Policy TC1 states that “the council will, in principle, permit proposals which should sustain or improve the vitality and viability of any of the centres, and which will either maintain or not adversely affect their position in the Town Centre Hierarchy”. Loughton High Road is defined as a principal town centre in the Local Plan and Alterations.

However Policy TC4 – Non Retail Function sets out the detailed criteria for assessing the impact of changes of use of shops in the defined key retail frontage of town centres. The supporting text for the policy makes it clear that the retail function will be safeguarded in each town centre by ensuring at least 70% of the ground floor key retail frontage will be kept in retail use. Policy TC4 also requires that changes of uses of shops do not result in more than two adjacent non retail uses.

Although it is recognised that mixed uses for purposes within Use Classes A1 and A3 can play a role in promoting the vitality and viability of town centres by attracting customer footfall and subsequently the use of other retail shops, such uses are non retail uses that are subject to the criteria set out in Policy TC4. This proposal fails both arms of Policy TC4. The most recent town centre survey (October 09) states that current units in retail use on Loughton High Road’s key frontage amounts to 68.3%. The addition of this unit to non retail would result in a fall to 68.05% retail. The proposal would also result in two or more non retail uses (4).

Local policy TC1 sets out a hierarchy of retail centres which it is considered beneficial to safeguard. Proposals which maintain and do not adversely affect this hierarchy, where Loughton High Road is principal, will be considered favourably. As stated above the current level of non retail is above the considered acceptable limit. It is therefore considered that a further reduction in the percentage of retail units could potentially undermine the retail function of the high road. The qualities which made the town centre attractive to retailers and customers could be significantly undermined. This would be harmful to its vitality and viability and detrimental to its position within the hierarchy.

The submitted plans and supporting statement indicate that the front section of the unit, approximately 27m², would remain in A1 use. The applicant argues that this potentially renders the policy inapplicable. However the policy relates to the entire use of the unit. The use is a mix of primary retail and non retail. Although it includes retail primary purpose, as a whole the primary purpose of the use is not for retail purposes and must therefore be treated as a non retail use when applying policy TC4. There is no difficulty with this and the policy is relevant and applicable when assessing the impact of the use on the town centre.

The applicant also points to recent planning decisions/appeals relevant to changes of use from A1 to a mix of A1/A3 along Loughton High Road. The first case, decided on appeal, related to No 230 High Road. It should be noted that although the inspector pointed to a “reasonable mix” of uses the percentage of non retail use at the time (Dec 06) amounted to 26% and consequently within

the acceptable limits of the policy. The adjacent A1/A3 use was the subject of a planning application (EPF/2167/06) in 2006. Again the 30% threshold was not exceeded (26%) and planning permission was resultant. The marked difference with this application is that the minimum acceptable level of non retail use has been exceeded.

The proposal site had lain vacant for a short period prior to this occupation and its current use. No evidence has been provided in relation to the marketing of the premises, and notwithstanding the current economic climate there is nothing to suggest that a marketing exercise would not result in the continuation of the unit in purely A1 use. Indeed a recent appeal decision (EPF/1546/08) dated 23/06/09 and relating to a change from A1 to A5 of No 244 High Road found that "Loughton High Road is not a town centre in decline and I am not persuaded that a retail occupier would not be found for this premises". However Members may form the opinion that as a retail use is retained to the front of the unit, with a window display, a departure from policy in this instance would cause no significant harm to the objectives underpinning Policy TC4. These being namely the protection and promotion of the vitality of Loughton Town Centre.

Neighbour Amenity

Policy DBE9 states new development should not result in loss of amenity in relation to such things as smell, noise or other disturbance.

The Environmental Health section has been consulted in relation to this application. They state that as the proposal is operating during normal daytime trading hour's excessive noise would not be an issue. Cooking methods are generally the reheating of food not requiring an extraction system. Therefore loss of amenity from smells would not be of concern. There are no amenity concerns.

Conclusion:

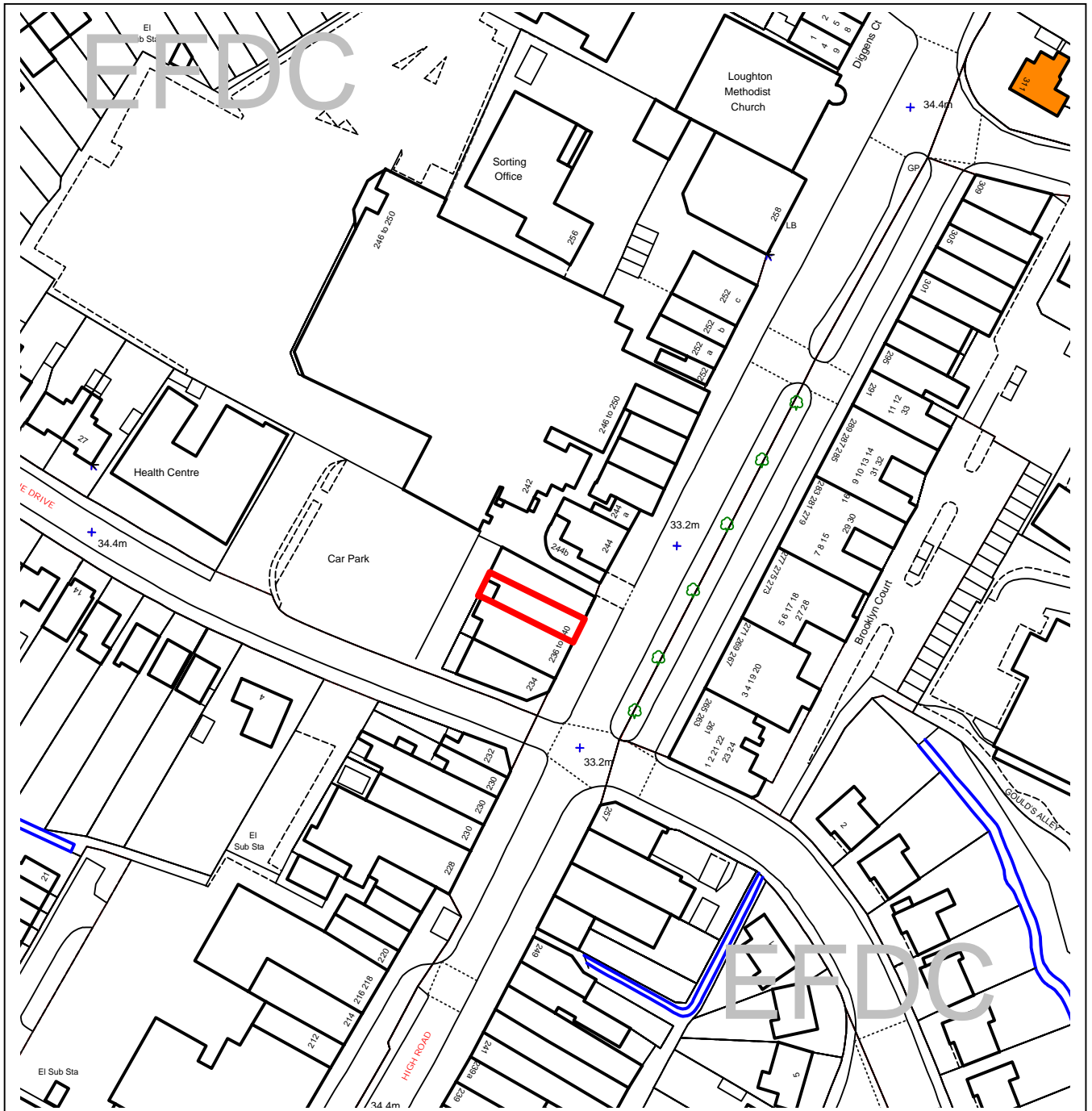
There is clear reason to refuse planning permission for this application as it contravenes both arms of Policy TC4. It would result in two or more adjacent non retail uses and further erosion in the number of A1 units within the key frontage and could potentially undermine the position of the town centre within the hierarchy of town centres in the District by causing harm to its vitality and viability.

Notwithstanding the failure to comply with the policy, the potential contribution of such mixed use to the vitality and viability is recognised. Members may therefore feel that the nature of the use is such that the vitality and viability of the town centre is not further compromised. This makes the application more balanced than what would normally be the case. However the local policy is explicit in its requirements relating to non retail uses. For this reason it is recommended the application be refused.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	2
Application Number:	EPF/2300/09
Site Name:	238 High Road, Loughton IG10 1RB
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/2296/09
SITE ADDRESS:	37 Valley Hill Loughton Essex IG10 3AQ
PARISH:	Loughton
WARD:	Loughton Roding
APPLICANT:	Mr John Toye
DESCRIPTION OF PROPOSAL:	First floor side and rear extension.
RECOMMENDED 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 The front facing wall of the first floor side extension hereby approved shall be located 0.3m behind the alignment of the front wall on the main house.
- 3 Materials to be used for the external finishes of the proposed extensions, shall match those of the existing building.
- 4 Prior to first occupation of the extension hereby approved the proposed first floor side window in centre of the side elevation shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

This application is before this Committee since the recommendation differs from the views of the local council (pursuant to section P4, schedule A (g) of the Councils delegated functions).

Description of Proposal:

Erection of a first floor side and rear extension.

Description of Site:

A two storey semi detached house in a location of similar dwellings on the north west side of Valley Hill.

Relevant History:

None.

Policies Applied:

DBE9 – Loss of amenity;
DBE10 - Residential extensions

Summary of Representations:

LOUGHTON TOWN COUNCIL – object because proposed works would cause a loss of symmetry to this pair of detached houses, which would be out of character and harmful to the appearance of this pair of semis in the street scene - contrary to policy DBE10 of the Local Plan. Also concerned at the depth of the rear extension.

6 neighbours have been consulted, and no replies have been received.

Issues and Considerations:

This house has a long side roof that extends right down to ground floor eaves level, so that a narrow first floor is contained within a roof gable. In this stretch of Valley Hill, between the junctions with Kenilworth Gardens and Highland Avenue, there are 16 similar properties, and this style of house is found in a number of locations in Loughton and Theydon Bois.

This long sloping roof results in a small first floor containing just 2 bedrooms with bathrooms being located on the ground floor. This layout has inevitably prompted many householders to extend the first floor of these houses, not least to provide first floor bathrooms. In many circumstances first floor side additions, with unsatisfactory flat roofs, have been built within the remit of 'permitted development.'

4 of the other 16 properties in this stretch of Valley Hill have been extended in a similar fashion to the one now proposed. Along with the current proposal all have sloping roofs which, in design terms is distinctly preferable to the flat roof extensions referred to above. In respect of the Town Council's objections it is acknowledged that this proposal will cause some loss of symmetry to the appearance of this pair of semi detached houses. However, the appearance of the other 4 houses extended in this fashion in this part of Valley Hill is satisfactory. Not only do they have sloping roofs but the front face of the new side extension is recessed 0.3m behind the plane of the main front wall of the house. This reduces the impact of the side extension, and, along with a sloping roof that is lower than the main roof of the house, these side extensions read as being 'subordinate' to the main dwelling. Consequently the adverse affect on symmetry is also reduced. In design terms therefore the proposed side extension at first floor is acceptable. In addition it is likely that the adjoining no.35 Valley Hill will be extended at some time in the future, and this proposal for no.37 will provide a suitable 'template' to follow. Materials to be used on the extension will match existing.

Two other houses in this stretch of 16 properties have extended in a different fashion with larger 2 storey side extensions built in a more recessed position. While this recessed position may have less impact on the roof design of the houses these side extensions project to a metre off the common boundary. This results in a closing of the wide gaps between these houses, and on balance does not provide a better design solution to accommodating the inevitable desire of householders to extend their dwellings at first floor level.

The proposed first floor side extension will also project rearwards in the form of 2.45 metre depth extension over the existing ground floor projecting addition. At 2.45m this extension is modest in size, and it is located 2.7m from the common boundary with the adjoining no.35. This proposed extension would also be located well behind a line drawn at an angle of 45 degrees from the nearest first floor window in no.35. Bearing in mind these physical characteristics, the rear extension will not have a significant affect on the amenity and outlook of the neighbouring

property. It is also noted that the same rear extension exists at no. 45 Valley Hill following a 2007 grant of planning permission.

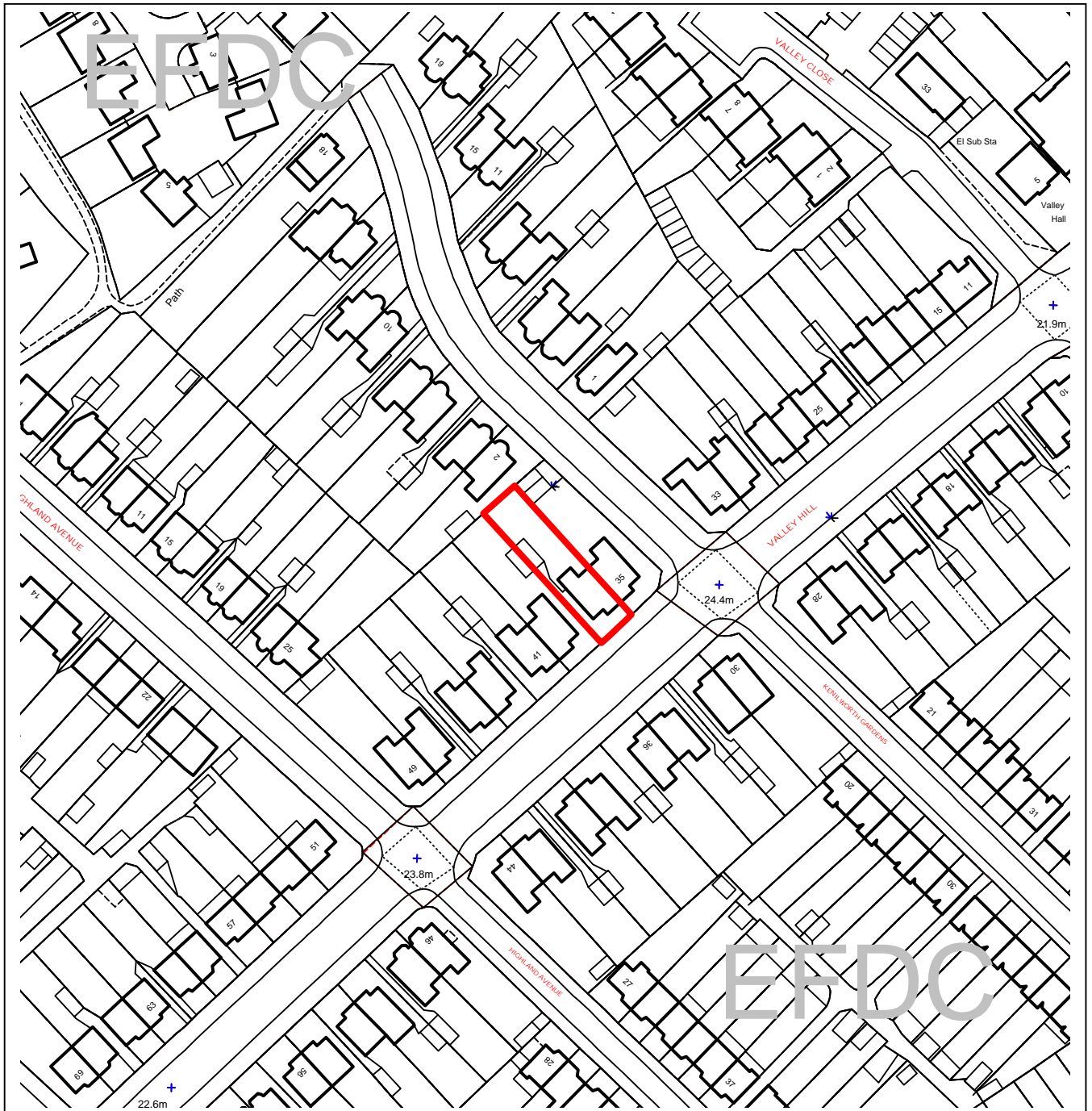
Conclusion:

Some loss of symmetry will be lost by this proposal. However this could well occur in any event when similar proposals are made for the adjoining no.35. The current proposal follows the same acceptable design as four other first floor side extensions in this stretch of Valley Hill. It is recommended that planning permission be granted subject to conditions, including one ensuring that the front face of the side extension is recessed by 0.3m.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	3
Application Number:	EPF/2206/09
Site Name:	37 Valley Hill, Loughton IG10 3AQ
Scale of Plot:	1/1250