

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee South **Date:** Wednesday, 16 June 2010

Place: Roding Valley High School, Brook Road, Loughton, Essex **Time:** 7.30 - 10.05 pm

Members Present: J Hart (Chairman), K Chana (Vice-Chairman), R Barrett, Mrs T Cochrane, D Dodeja, Ms J Hart, J Knapman, L Leonard, A Lion, Mrs C Pond, Mrs P Richardson, B Sandler, P Spencer, Mrs J Sutcliffe, Mrs L Wagland, Ms S Watson and D Wixley

Other Councillors:

Apologies: K Angold-Stephens, R Cohen, C Finn, J Markham and G Mohindra

Officers Present: S Solon (Principal Planning Officer), K Smith (Senior Planning Officer), A Hendry (Democratic Services Officer), R Martin (Website Assistant) and R Perrin (Democratic Services Assistant)

10. 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.

11. 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.

12. Minutes

RESOLVED:

That the minutes of the meeting held on 26 May 2010 be taken as read and signed by the Chairman as correct record subject to the addition of Matthew Bradley, County Council Officer for highways and Councillor D Wixley declaration of interest as follows;

Pursuant to the Council's Code of Member Conduct, Councillor D Wixley declared a personal interest in the following items of the agenda by virtue of being a customer at the Garden Centre and for family reasons visiting the cemetery next door to the application. The Councillor had determined that his interest was not prejudicial and he would stay in the meeting for the consideration of the application and voting thereon:

- EPF/2361/09 Garden Centre, 212 Manor Road, Chigwell.

13. Declarations of Interest

(a) Pursuant to the Council's Code of Member Conduct, Councillors P Spencer, Mrs J Sutcliffe, Ms S Watson and D Dodeja declared a personal interest in the following item of the agenda by virtue of being members of Buckhurst Hill Parish 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/0503/10 81 High Road, Buckhurst Hill

(b) Pursuant to the Council's Code of Member Conduct, Councillors B Sandler, Mrs L Wagland, J Knapman, K Chana and A Lion 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 they would stay in the meeting for the consideration of the applications and voting thereon:

- EPF/0635/10 1 Orchard Way, Chigwell
- EPF/0850/10 20Tomswood Road, Chigwell

(c) Pursuant to the Council's Code of Member Conduct, Councillor J Knapman declared a personal interest in the following item of the agenda by virtue of being the Essex County Councillor and that the Leader of Council was the EFDC representative and chairman of the Epping Forest College. The Councillor had determined that his interest was not prejudicial and they would stay in the meeting for the consideration of the application and voting thereon:

- EPF/0533/10 Loughton Sports Centre, Rectory Lane, Loughton

(d) Pursuant to the Council's Code of Member Conduct, Councillors L Leonard, T Cochrane, D Wixley and C Pond declared a personal interest in the following items of the agenda by virtue of being members of Loughton Residents Associations. The Councillors had determined that their interest was not prejudicial and they would stay in the meeting for the consideration of the applications and voting thereon:

- EPF/0533/10 Loughton Sports Centre, Rectory Lane, Loughton
- EPF/0670/10 Cakes and Shakes, 246B High Road, Loughton

(e) Pursuant to the Council's Code of Member Conduct, Councillors Mrs C Pond, D Wixley and Mrs P Richardson declared a personal interest in the following items of the agenda by virtue of being member 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 applications and voting thereon:

- EPF/0872/10 6 The Fountains, Loughton
- EPF/0533/10 Loughton Sports Centre, Rectory Lane, Loughton
- EPF/0579/10 16 Tycehurst Hill, Loughton
- EPF/0670/10 Cakes and Shakes, 246B High Road, Loughton

(f) Pursuant to the Council's Code of Member Conduct, Councillor Jennie Hart declared a personal interest in the following items of the agenda by virtue of being member of Loughton Resident Association and had previously been the Deputy Warden of the Deben Community Association for the Loughton Sports Centre . The Councillor had determined that her interest was not prejudicial and she would stay in the meeting for the consideration of the applications and voting thereon:

- EPF/0872/10 6 The Fountains, Loughton
- EPF/0533/10 Loughton Sports Centre, Rectory Lane, Loughton
- EPF/0579/10 16 Tycehurst Hill, Loughton
- EPF/0670/10 Cakes and Shakes, 246B High Road, Loughton

(g) 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 Councillor had determined that his interest was not prejudicial and he would stay in the meeting for the consideration of the application and voting thereon:

- EPF/0872/10 6 The Fountains, Loughton

(h) 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 knowing the public speaker on the application. The Councillor had determined that his interest was not prejudicial and he would stay in the meeting for the consideration of the application and voting thereon:

- EPF/0533/10 Loughton Sports Centre, Rectory Lane, Loughton.

14. Any Other Business

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

15. Development Control

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

RESOLVED:

That the planning applications numbered 1 – 7 be determined as set out in the attached schedule to these minutes.

16. 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.

17. PROBITY IN PLANNING - APPEAL DECISIONS OCTOBER 2009 TO MARCH 2010

The Sub-Committee considered a report regarding Probity in Planning – Appeal Decisions, October 2009 to March 2010. The report advised the decision making committees of the results of all successful appeals, particularly those refused by committee contrary to officer recommendation.

Over the six month period between October 2009 and March 2010, the Council received 60 decisions on appeal, of which 56 were planning and related appeals and 4 were enforcement related. Of these, 19 were allowed (31.7%).

The proportion of the 56 appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6 month

period was 23%, and of the 13 decisions that this percentage represented, the Council was not successful in sustaining the committee's objection in 7 of 13 (53.8%). Two of the seven cases allowed directly involved re-development and a higher density of housing and it was understood that the Inspectorate had been charged to allow appeals for new dwellings whenever possible to assist in meeting housing needs. Therefore refusals based upon density factors or overdevelopment were unlikely to succeed in roads of mixed residential uses that already included flats, unless real harm to the surroundings or adjacent properties could be shown, or poor design could be identified.

During this period, there were no awards of costs made for or against the Council.

The Council's performance for this 6 month period and the previous 6 months, was an improvement on 2008/09, despite there being fewer appeals submitted.

RESOLVED:

That the Probity in Planning Appeal Decisions October 2009 to March 2010 be noted.

CHAIRMAN

Report Item No: 1

APPLICATION No:	EPF/0872/10
SITE ADDRESS:	6 The Fountains Loughton Essex IG10 4RZ
PARISH:	Loughton
WARD:	Loughton Forest
DESCRIPTION OF PROPOSAL:	TPO/EPF/04/98 (T1 and T3) 2 x Poplar trees - Crown lift by 4 metres and repollard (T2) Aspen - Remove and replace
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998 (1989) (or with any similar replacement Standard).
- 2 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.
- 3 The crown reduction authorised by this consent shall be to previous pruning points.
- 4 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.
- 5 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.
- 6 The crown lifting authorised by this consent shall extend only to the whole or partial removal of branches necessary to give 4 metres clearance above ground level.

Report Item No: 2

APPLICATION No:	EPF/0503/10
SITE ADDRESS:	81 High Road Buckhurst Hill Essex IG9 5SN
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
DESCRIPTION OF PROPOSAL:	Refrigeration unit sited on forecourt in metal cage enclosure.
DECISION:	Grant Permission

CONDITIONS

None

Report Item No: 3

APPLICATION No:	EPF/0533/10
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. (Revised application)
DECISION:	Refuse Permission

REASONS FOR REFUSAL

- 1 The proposal would result in the loss of a local sports facility. No provision is made for replacement sports facilities and it has not been adequately demonstrated that the site is no longer required to meet sporting needs within the local area, contrary to Government advice contained within Planning Policy Guidance Note 17.
- 2 The number and size of the car parking spaces proposed falls significantly below the standard set by the Essex County Council Parking Standards: Design and Good Practice (September 2007), contrary to policy ST6 of the Adopted Local Plan and Alterations.
- 3 The proposed care home, due to the limited size of the bedrooms, internal communal space and the amount of outdoor amenity space, would provide an inadequate level of amenity for its future occupiers, contrary to policy DBE8 of the Adopted Local Plan and Alterations.
- 4 There is insufficient need for the proposed facility within the local area and as a result it is likely that the future occupiers of the care home would be migrating into the locality, thereby placing an increased burden on local NHS services. The sum of the proposed financial contribution towards local GP services is insufficient to mitigate this harm, contrary to policy CP3 (i) of the Adopted Local Plan and Alterations.

Report Item No: 4

APPLICATION No:	EPF/0579/10
SITE ADDRESS:	16 Tycehurst Hill Loughton Essex IG10 1BU
PARISH:	Loughton
WARD:	Loughton St Marys
DESCRIPTION OF PROPOSAL:	Single storey rear extension and two storey side extension. (Revised application)
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 In the southern flank of the side extension hereby approved the first floor landing window, and the window in the ground floor door, shall be fitted with obscured glass before the extension is occupied 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.

Report Item No: 5

APPLICATION No:	EPF/0635/10
SITE ADDRESS:	1 Orchard Way Chigwell Essex IG7 6EE
PARISH:	Chigwell
WARD:	Chigwell Row
DESCRIPTION OF PROPOSAL:	Redevelopment of the site to create five dwellings with associated car parking and garaging.
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of five years beginning with the date of this notice.
- 2 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 No development shall take place until measures to enable the provision of upgrades to street lighting within the vicinity of the site, necessitated by this development, are secured.
- 4 No development shall take place on site, including site clearance, tree works, demolition, storage of materials or other preparatory work, until all details relevant to the retention and protection of trees, hereafter called the Arboricultural Method Statement, have been submitted to the Local Planning Authority and approved in writing. Thereafter the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

The Arboricultural Method Statement shall include a tree protection plan to show the areas designated for the protection of trees, shrubs and hedges, hereafter referred to as Protection Zones. Unless otherwise agreed, the Protection Zones will be fenced, in accordance with the British Standard Trees in Relation to Construction-Recommendations (BS.5837:2005) and no access will be permitted for any development operation.

The Arboricultural Method Statement shall include all other relevant details, such as changes of level, methods of demolition and construction, the materials, design and levels of roads, footpaths, parking areas and of foundations, walls and fences. It shall also include the control of potentially harmful operations, such as burning, the storage, handling and mixing of materials, and the movement of people or

machinery across the site, where these are within 10m of any designated Protection Zone.

The fencing, or other protection which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works have been completed and all equipment, machinery and surplus materials removed from the site.

The Arboricultural Method Statement shall indicate the specification and timetable of any tree works, which shall be in accordance with the British Standard Recommendations for Tree Works (BS.3998: 1989).

The Arboricultural Method Statement shall include a scheme for the inspection and supervision of the tree protection measures. The scheme shall be appropriate to the scale and duration of the works and may include details of personnel induction and awareness of arboricultural matters; identification of individual responsibilities and key personnel; a statement of delegated powers; frequency, dates and times of inspections and reporting, and procedures for dealing with variations and incidents. The scheme of inspection and supervision shall be administered by a suitable person, approved by the Local Planning Authority but instructed by the applicant.

- 5 The development, including site clearance, must not commence until a scheme of 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.

- 6 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Schedule Part 1, Classes A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.

7 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garages hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.

8 Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

9 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.

10 Details of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority before any work commences and the development shall be implemented in accordance with such agreed details.

11 Prior to the first occupation of the development hereby approved, hard standing car parking spaces shall be provided within the curtilage of the dwellings in accordance with the detail shown on the approved plan BRD/10/001/04 rev. A and shall be permanently retained for the parking of residents' and visitors' cars.

12 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

- 13 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 remain throughout the construction period.
- 14 Prior to the commencement of the development hereby approved, details of arrangements to facilitate the interception of surface water run-off within the site shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details.

Report Item No: 6

APPLICATION No:	EPF/0670/10
SITE ADDRESS:	Cakes and Shakes 246B High Road Loughton Essex IG10 1RB
PARISH:	Loughton
WARD:	Loughton St Marys
DESCRIPTION OF PROPOSAL:	Change of use from purposes within Use Class A1 to a mixed use for purposes within Use Classes A1 and A3. (Revised application)
DECISION:	Grant Permission (with conditions)

Following careful consideration of the submitted proposal the Sub-committee found the use to be unique in the locality, to include a high proportion of retail activity and to be a particular draw for young people in the High Road. The Sub-committee therefore recognised the particular use carried out by the applicant enhances the vitality and viability of the Loughton town centre and took the view that it was very unlikely that any other person would carry it out.

CONDITIONS

- 1 This planning permission is solely for the benefit of the applicant for the primary purpose of the sale of cakes, milkshakes and other non-alcoholic drinks for consumption on or off the premises. It shall not have effect for any other person or persons.
- 2 No seating shall be provided inside the ground floor shop within 3.3m of the inside of the shopfront. No tables or chairs shall be placed in that part of the shop. All existing seating in that area shall be removed within 3 months of the date of this planning permission.
- 3 A shop window display shall be provided within 0.5m of the inside of the shopfront within 3 months of the date of this planning permission and thereafter shall be permanently maintained in that area.
- 4 Within 3 months of the date of this permission a refuse storage area shall be provided on site in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
- 5 The use hereby permitted shall not be open to customers outside the hours of 07:00 to 23:00.
- 6 No tables or chairs shall be placed on the land used as a footway between the shopfront and the carriageway of the High Road.

Report Item No: 7

APPLICATION No:	EPF/0850/10
SITE ADDRESS:	20 Tomswood Road Chigwell Essex IG7 5QS
PARISH:	Chigwell
WARD:	Grange Hill
DESCRIPTION OF PROPOSAL:	First floor front extension and formation of balcony, first floor side extension, single storey rear extension and enlargement and extension of pitched roof in connection with a loft conversion including front, side and rear dormer windows. (Revised application)
DECISION:	Refuse Permission

REASONS FOR REFUSAL

- 1 The development the application relates to is substantially complete. The submitted drawings do not accurately describe the development and are therefore a misrepresentation of it.
- 2 By reason of its proximity to the eaves of the new roof, the side dormer window appears as an over-large and incongruous feature that detracts from the appearance of the house, and consequently that of the street scene, contrary to policies CP2 and DBE10 of the adopted Local Plan and Alterations.
- 3 By reason of their colour, size and texture, the external materials of the enlargement to the front elevation give the house a gaudy appearance that detracts from its appearance and results in a highly unsympathetic relationship to the neighbouring houses. Consequently the development is harmful to the character and appearance of the locality, contrary to policies CP2 and DBE10 of the adopted Local Plan and Alterations.
- 4 By reason of its very close proximity to the boundary with 18 Tomswood Road, the first floor side addition has an overbearing appearance that causes excessive harm to the amenities of the occupants of that property.