

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Management Committee **Date:** 10 July 2017

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.25 pm

Members Present: B Sandler (Chairman), B Rolfe (Vice-Chairman), H Brady, R Jennings, G Chambers, S Heap, H Kauffman, S Kane, C C Pond, G Shiell, D Stallan, J M Whitehouse and L Hughes

Other Councillors: J Lea

Apologies: S Jones, J Knapman and R Morgan

Officers Present: N Richardson (Assistant Director (Development Management)), G J Woodhall (Senior Democratic Services Officer) and T Carne (Public Relations and Marketing Officer)

1. WEBCASTING INTRODUCTION

The Senior Democratic Services Officer made a short address to remind everyone present that the meeting would be broadcast live to the internet, and would be capable of repeated viewing, which could infringe their human and data protection rights.

2. WELCOME AND INTRODUCTION

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

3. SUBSTITUTE MEMBERS

The Committee noted the following substitution for this meeting:

- (a) Cllr L Hughes for Cllr J Knapman.

4. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Member Code of Conduct, Councillors G Chambers, R Jennings and G Shiell declared a personal interest in the following item of the agenda, by virtue of the Councillors having been a member of the Leisure Management Portfolio Holder Advisory Group. The Councillors had determined that their interest was non-pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/11139/17 Site of Proposed new Waltham Abbey Leisure Centre, Ninefields, Waltham Abbey.

(b) Pursuant to the Council's Member Code of Conduct, Councillor G Chambers declared a personal interest in the following item of the agenda, by virtue of having had significant contact with the residents concerning this application. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0456/17 19 Shaftesbury, Loughton.

5. MINUTES

Resolved:

(1) That the minutes of the meeting held on 5 April 2017 be taken as read and signed by the Chairman as a correct record.

6. EPF/1139/17 - SITE OF PROPOSED NEW WALTHAM ABBEY LEISURE CENTRE, NINEFIELDS, WALTHAM ABBEY

The Assistant Director of Governance (Development Management) presented a report for a reserved matters application for appearance, layout, scale, massing, materials, external works, and landscaping of the new Leisure Centre site only for approved outline consent EPF/2207/16 in Ninefields, Waltham Abbey. This application was before the Committee as it was classified as a "*major application*" for development where the Council was the landowner.

The Assistant Director stated that the wider application site was 3.73 hectares in size, and currently consisted of open space, a car parking area and the Ninefields Community Centre. The site was located to the south-west of Hillhouse within the Ninefields estate and was bordered to the south by a brook and a public footpath. The application site for the proposed Leisure Centre consisted of the south-eastern parcel of land which currently contained the vacant Community Centre, the immediately surrounding area of open space, and the adjacent car park area. The site was not located within the Metropolitan Green Belt.

The Assistant Director reported that the proposed Leisure Centre building would contain a swimming pool, fitness suite, dance studio, group cycle room, reception area, café, community room and a staff room. A 98 space car park would be situated to the north and west of the building and accessed from the Hillhouse estate. Pedestrian access would be from the eastern elevation that opened onto the existing square and would replace the existing, and now vacant, Community Centre.

The Assistant Director conveyed that Planning Officers had concluded the proposed Leisure Centre was an appropriately designed building which would meet the needs of the local community whilst retaining and enhancing the appearance of the area. The proposed development would not cause any undue detrimental impact on the amenities of surrounding residents and would be served by adequate off-street parking provision. There had been no objections to the proposed details of the development from any statutory consultees, and the application complied with all relevant Local Plan policies and Government guidance, so therefore the application was recommended for approval.

The Committee noted the summary of representations received in respect of this application, including two objections from residents concerning the potential detrimental impact on parking and residential amenities, and two further comments

from residents regarding vehicle access to the new Leisure Centre. Waltham Abbey Town Council had no objections to the proposal. The Committee heard from an Objector before proceeding to debate the application.

In response to questions from the Committee, the Assistant Director stated that the new Leisure Centre would be situated within a residential catchment area, and the parking provision was low but Planning Officers considered it acceptable and sustainable. It was hoped that more people would walk to the Leisure Centre as it was in a residential area, and this was the justification for reducing the parking provision from 120 at the outline planning stage to 98 in the application before the Committee. The dimensions of each parking space was 5.5 metres by 2.9 metres on the provided plans and this could be added to condition 4.

In addition, the Assistant Director explained that the control of the parking area would be a management responsibility once the Centre was open and not a planning issue. Cllr Stallan advised the members of the Committee to discuss the issue of parking control at the site with the Leisure & Community Wellbeing Portfolio Holder if they had any concerns. Cllr Whitehouse highlighted that there was no provision for cycle parking within the plans before the Committee, and the Assistant Director stated that a condition for cycle parking could be added if the Committee so desired.

Cllr Kane enquired if there would be a separate entrance for the Community Centre, as residents had requested out-of-hours access to it. In addition, there did not appear to be the standard condition for the hours of operation for the building phase and the provision of wheel-washing facilities and the such like. The Assistant Director explained that there was not a separate entrance for the Community Centre shown on the plans that had been submitted. In respect of the hours of construction for the Leisure Centre, the Assistant Director undertook to see if this had been dealt with under the application for the outline planning permission; if it had not then Officers could add the standard hours of construction condition to the permission if Members wished.

Cllr Kauffman sought assurances that the new Leisure Centre building would be fully compliant with the requirements of the Disability Discrimination Act 2005; the Assistant Director was sure that it would be as the building would be owned by the Council. Cllr Pond requested whether condition 2 could be amended to ensure that the external cladding of the building would be fully fire-proof. The Chairman added that the proposed building would only be two storeys high, and the Assistant Director explained that this was more of an issue for Building Control rather than Planning, but an informative could be added to the decision notice to remind the Building Control Inspectors that the Committee wanted fire-proof external cladding to be used.

Decision:

(1) That planning application EPF/1139/17 at the site of the proposed new Waltham Abbey Leisure Centre in Ninefields, Waltham Abbey be granted permission, subject to the following conditions:

1. The development hereby permitted will be completed strictly in accordance with the approved drawings numbers:
P4560-110 Rev: B;
P4560-1200 Rev: B;
P4560-1210 Rev: B;
P4560-1211 Rev: B;
P4560-1212;
P4560-1350 Rev: A; and

P4560-1400.

2. No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
3. Prior to the first use of the development hereby approved, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant 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.
4. The parking spaces should be as dimensioned on the approved plan drawing number P4560_1200 Rev: B and shall be provided prior to the first use of the development and shall be retained free of obstruction for the parking of staff and visitors vehicles.
5. Prior to the first use of the development hereby approved, details of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be provided on site prior to the first use of the development and retained thereafter.

7. EPF/0816/17 THE GOLDEN LION, BORDERS LANE, LOUGHTON

The Assistant Director of Governance (Development Management) presented a report for the variation of Condition 2 'Plan Numbers' on planning application EPF/1269/15 (Demolition of existing Public House and 10 & 12 Newmans Lane and construction of 8 x 1-bedroom flats and 22 x 2-bedroom flats in two blocks with undercroft parking and landscaping) at the site of the former Golden Lion Public House in Borders Lane, Loughton. This application was before the Committee as it was considered a major category application (more than ten dwellings) as defined by the Department of Communities & Local Government for development on Council-owned land.

The Assistant Director reported that the site was roughly rectangular and situated on the north side of Borders Lane at the junction with Newmans Lane. The site was well screened at the junction by existing vegetation with the southern part of the site grassed over. Several trees were preserved, including a veteran Oak tree. The

southern part of the site contained the Public House building, with a car parking area to the north. Beyond the car park was 10 & 12 Newmans Lane, a pair of semi-detached two storey dwellings; no. 10 was unoccupied and was currently boarded up due to subsidence issues. The land to the east of the site was a relatively recently developed housing estate and was previously the 'upper' site to Epping Forest College. Demolition work had started on the site. The proposed alterations included an enlarged communal deck, removal of the upper communal area, changes to the balcony design and size, alterations to the window design, wall to roof terraces, alterations to materials, the grills at car park level to be replaced by brick lattice and internal alterations.

The Assistant Director informed the Committee that Planning Officers had concluded the proposed amendments to the approved scheme were considered acceptable and did not give rise to any excessive design or amenity issues. There was one small change suggested to condition 4, adding the words "...of Block B..." to be clear which block the condition was referring to, and with that amendment, the proposal was recommended for approval.

The Committee noted the summary of representations received in respect of this application, including one letter of objection and two letters raising concerns about the proposals from nearby residential dwellings. There were no public speakers registered for this application, so the Committee proceeded to debate the application.

In response to questions from the Committee, the Assistant Director stated that all of the flats in a block would have access to the first floor communal area, although some of the flats did have their own balcony. The parking provision remained as per the original application, which was considered acceptable given the sustainable location of the site.

Cllr Kane highlighted that the communal area on the second floor was being removed from the scheme, and the first floor communal area had been increased in depth by 4 metres to compensate. Cllr Pond also requested that the use of fire-proof cladding for the buildings be communicated to the Council's Building Control Inspectors as an informative.

Decision:

(1) That planning application EPF/0816/17 at The Golden Lion, Borders Lane, Loughton be granted permission subject to the following 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 development hereby permitted will be completed strictly in accordance with the approved drawings nos: PL10A, 14739-001, 14739-002, 14739-004, 14739-005, 14739-006, 14739-007, 14739-008, 14739-009, 14739-010, 14739-011, 14739-012, 14739-013, 14739-014, 17/2633-600, 17/2633-601, 17/2633-602, 17/2633-700 and 17/2633-701
3. No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.

4. Prior to first occupation of the development hereby approved, the proposed first and second floor window openings in the north east facing (serving hall/landing areas) and east facing windows (serving hall/landing areas, non habitable rooms) of Block B (labelled as elevation D on drawing number 17/2633-602) shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - measures to control the emission of dust and dirt during construction, including wheel washing; and
 - a scheme for recycling / disposing of waste resulting from demolition and construction works.
6. No development above ground level shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
7. All construction/demolition works and ancillary operations, including vehicle movement on 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.
8. No development shall take place until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree or shrub or

plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree or shrub or plant 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.

9. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
10. Prior to the first occupation of the development the access, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
11. Prior to the first occupation of the development the existing vehicular access shall be permanently closed off incorporating the reinstatement of the footway and full height kerbing.
12. Prior to first occupation of the development the developer shall be responsible for the implementation of Real Time Passenger Information, to Essex County Council specification, to the south-bound bus stop adjacent to the site.
13. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation per dwelling - of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
14. There shall be no discharge of surface water onto the Highway.
15. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
16. Before each phase of development approved by this planning permission, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, should be submitted to and approved in writing by the Local Planning Authority. The scheme should be based on the surface water drainage statement referenced:

A3433/NSW/SurfaceWaterDrainageStatement/TheGoldenLionPC

issued 18 November 2015 for approved consent EPF/1269/15.

17. The scheme shall include:

- A survey of existing drainage on site. Once the survey has been conducted the applicant should demonstrate permission from the relevant water body for any proposed connection to a surface water sewer.
 - Infiltration testing in line with BRE 365 and a ground survey to confirm underlying soils and groundwater levels. If infiltration testing is found to be viable, this method should be utilized where feasible with run-off rates from the site restricted to a maximum of 4.8l/s for the 1 in 1, 8.3l/s for the 1 in 30 and 9.7l/s for the 1 in 100 inclusive of climate change event. If infiltration is found to be unviable run-off rates from the site should be restricted to a maximum of 5l/s for the 1 in 1, 8.5l/s for the 1 in 30 and 10l/s for the 1 in 100 inclusive of climate change event.
 - Storage for the 1 in 100 year event inclusive of climate change storm event.
 - An appropriate level of treatment for all runoff leaving the site in line with CIRIA Guidance.
 - Details of final exceedance and conveyance routes.
18. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 19. The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.
 20. Prior to commencement of the development the applicant must submit a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies.
 21. The adopting body responsible for maintenance of the surface water drainage system shall record yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
 22. No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
 23. The development shall be carried out only in accordance with the Daytime Bat Assessment Report by Betts Ecology unless the Local Planning Authority gives its written consent to any variation. If any bats are found during this demolition all works must stop immediately and advice sort from a fully licenced ecologist.
 24. Prior to first occupation of the development hereby approved, the proposed screen around the communal terrace shall be fitted with a brick wall to a height of 1.3m with a 0.5m obscured glass screen on top as shown on drawing No. 14739-014 and shall be permanently retained in that condition.

8. EPF/0232/17 - SHOTTENTONS FARM, PECK HILL, NAZEING

The Assistant Director of Governance (Development Management) presented a report for the erection of 24 x one-bedroomed units in 2 x two-storey blocks for occupation by horticultural workers from the nearby nursery at Shottentons Farm at Peck Hill in Nazeing. The application was before the Committee as Area Planning Sub-Committee West had voted for it to be referred to the Committee for a decision.

The Assistant Director stated that the application site was 0.31 hectares in size and located just off Pecks Hill, to the south-east of Shottentons Farm, within the relatively rural area of Nazeing. The site was currently an open field which had not been previously developed, although there were a large number of glasshouses to the north and a farm complex to the south. Access to the site was from a private track which started at the junction between Pecks Hill and Sedge Hill. The site was located within the Metropolitan Green Belt but not within a conservation area.

The Assistant Director reported that Planning Officers had concluded the proposal constituted inappropriate development in the Green Belt. The proposal would cause harm to the openness of the Green Belt through the erection of two visually prominent and substantial two-storey buildings. The applicant had failed to demonstrate the very special circumstances required to outweigh the identified harm, as there was no compelling justification that there was an essential requirement for such horticultural dwellings. The proposal also failed to respect the prevailing character and appearance of the area as the design of the proposed dwellings were reminiscent of a motel, and created a development incongruous within its setting. Therefore, Planning Officers had recommended that planning permission be refused.

The Committee noted the summary of representations, including the fact that no representations had been received from the 4 neighbouring properties. In addition, Nazeing Parish Council had offered no objections, but requested a condition restricting the use of the units to horticultural workers employed on the farm and for the units to be demolished if that use subsequently ceased. The Committee heard from the Applicant's Agent before proceeding to debate the application.

Cllr Jennings had concerns about the accommodation blocks having a second storey and agreed with Planning Officers that the buildings would cause harm to the openness of the Green Belt. Cllr Jennings had sympathy with the reason for the application but felt that this application was a step too far. Cllr Brady also had concerns about the harm that the second storey would cause to the openness of the Green Belt, and felt that the application would be more agreeable if the accommodation blocks were only a single storey in height. Cllr Kauffman agreed that the proposed accommodation blocks were too high and that the buildings could be redesigned to give the required accommodation. The proposed blocks looked too much like a barracks and the second storey could be housed in the roof.

However, Cllr Kane felt that the application demonstrated the very special circumstances necessary for development in the Green Belt, caused no visual harm to the location and there were many other buildings already in situ at the site. Cllrs Heap and Chambers agreed with this. The Chairman commented that the thriving business at Shottentons Farm needed to recruit staff and these proposed accommodation blocks were practical buildings. If the second storey was located in the roof space then this would make the individual accommodation units much smaller than currently proposed.

Cllr Whitehouse queried why the proposed room sizes had not been included in the report? Cllr Whitehouse also commented that the application site was undeveloped

and queried why this application was not made for previously developed Green Belt land that was nearby. The Assistant Director explained that the proposed rooms would be 30 metres² in area and in essence would be studio flat, student style accommodation.

Cllr Stallan highlighted that accommodation for Nursery workers was an issue kept under review by the Housing Portfolio Holder and the Private Sector Housing Team. Cllr Stallan also queried what the definition for the wording "...in the locality..." in the draft condition 2 was; could the use of the accommodation be limited to the workers of the Nursery only? The Assistant Director stated that it was a standard condition in the Local Plan, the wording of the condition could be tightened to be for workers of Shottentons Farm only. The Committee felt that as the application was based on the perceived need at Shottentons Farm then the accommodation should be reserved for Nursery workers only and perhaps the wording suggested by Nazeing Parish Council to demolish the blocks if they were no longer required for workers of the Farm should be used. However, it was pointed out that as the land would become previously developed land then the demolition of the accommodation blocks once they had ceased to be used would serve little purpose.

The recommendation by Planning Officers to refuse the application was lost on a vote. Cllr Kane then proposed that the application be granted planning permission, with the suggested conditions in the report plus condition 2 amended to limit the use of the accommodation to workers of Shottentons Farm only, but without the demolition clause proposed by the Parish Council.

Decision:

(1) That planning application EPF/0232/17 at Shottentons Farm in Peck Hill, Nazeing be granted planning permission, subject to the following 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 occupation of the 24 x one-bedroom accommodation units hereby approved shall be limited to one person solely or mainly working in agriculture or in forestry at Shottentons Farm, Pecks Hill, Nazeing.
3. No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
4. A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
5. No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

6. No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant 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.
7. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
8. No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
9. All construction/demolition works and ancillary operations, including vehicle movement on 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.

9. ANY OTHER BUSINESS

(1) That, as agreed by the Chairman and in accordance with Section 100B(4)(b) of the Local Government Act 1972, the following item of urgent business be considered following the publication of the agenda:

- (a) EPF/0456/17 – 19 Shaftesbury, Loughton.

10. EPF/0456/17 - 19 SHAFTESBURY, LOUGHTON

The Assistant Director of Governance (Development Management) presented a report for the removal of the existing double-width garage and the erection of a two-storey side extension at 19, Shaftesbury in Loughton. This application had been referred to the Committee by a minority reference from Area Planning Sub-Committee South at its meeting on 28 June 2017, after the Sub-Committee had originally voted to refuse planning permission for the application.

The Assistant Director stated that the site was set by the inside of a bend in the road and contained a semi-detached, end-of-terrace house with a garage attached to the side. The Shaftesbury estate was a cul-de-sac of houses dating from circa 1970; the original vision for the estate was for a small development of mock Georgian houses with the focus on uniformity. This character had essentially been retained. The cul-de-sac was not subject to any parking restrictions and there was a high demand for on-street parking. The proposed extension would adjoin the flank of the existing house and create two new bedrooms on the first floor.

The Assistant Director reported that Planning Officers had originally concluded the design was considered acceptable with regard to the loss of openness at this part of the street scene. Unlike the previous application for this site, which sought to demolish the existing garage and erect a new dwelling, this application for a side extension to the existing house was considered an acceptable development in respect of visual amenity and character. Therefore, the application had originally been recommended for approval. However, Area Planning Sub-Committee South had refused the application on the basis that, by reason of its bulk and height, the proposed extension would not appear sufficiently subservient to the existing house, and would cause harm to the character and appearance of the locality.

The Committee noted the summary of representations that had been received in respect of this application, including 13 letters of objection from residents of the Shaftesbury estate and three letters of objection from residents of nearby Forest Road. Loughton Town Council had objected to the application, on the grounds that it was an over-development, it would set a precedent in a street where the original concept had been retained for more than 40 years, neighbouring properties in both Shaftesbury and Forest Road would suffer from over-looking, and the symmetry of the semi-detached houses would be lost. The Committee heard from an Objector and the Applicant before proceeding to debate the application.

The Assistant Director confirmed that the previous application to build a second dwelling on the site had been refused; the current application was different and smaller. The Applicant would need further planning permission to convert the proposed extension into a separate dwelling. A further condition to limit the use of the extension as ancillary to the existing dwelling was unnecessary. Planning Officers had not seen any potential terracing effect from the application and had also originally felt that the application had not demonstrated any visual harm to the area.

Cllr Pond stated that this was a particularly 'awkward' corner of the street and if this application was granted permission then it would be difficult to refuse similar applications elsewhere. There had not been much change to the facades of the houses in the Shaftesbury estate in the past 40 years since it had been built, which had left the estate with a homogenous appearance. Granting permission for this application would substantially alter the appearance of this part of the estate, and Cllr Pond urged the Committee to ratify the decision of Area Planning Sub-Committee South to refuse permission for this application.

Both Cllr Heap and Cllr Kauffman supported the comments of Cllr Pond. The reasons for refusal for the previous application to build a second dwelling on the site was highlighted and both Councillors felt that the same reasons were equally valid for this application. The area was too small for such an extension, the loss of the garage for parking would lead to more on-street parking in the vicinity, and both Councillors felt that the current appearance of the estate was worth preserving. Cllr Jennings also reminded the Committee of the large number of objections that had been received for this application, predominantly from residents of the Shaftesbury estate, and felt that the Committee needed to take this into account.

Cllr Brady countered that the estate did not have to stay looking the same for ever; she acknowledged that the application, if granted, would alter the symmetry of the road but also felt that this was not necessarily detrimental. Cllr Kane added that, although he had much sympathy with the views of the local residents, the Committee could only refuse the application on planning grounds otherwise it would be granted on appeal.

The Chairman opined that the application before the committee would not give rise to a terracing effect; there were no planning grounds for refusal of this application and the vast majority of planning applications for extensions of this size were normally granted by Officers under delegated authority. Cllr Chambers proposed a motion that the application be granted planning permission, subject to the conditions attached to the original Planning Officer's report that was considered by Area Planning Sub-Committee South, which was seconded by Cllr Stallan.

Decision:

(1) That planning application EPF/0456/17 at 19 Shaftesbury in Loughton be granted permission, subject to the following 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 development shall match those of the existing house, unless otherwise agreed in writing by the Local Planning Authority.
3. Prior to first occupation of the development hereby approved, the proposed window openings above ground floor level in the flank elevation shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
4. All construction/demolition works and ancillary operations, including vehicle movement on 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.

11. SECTION 106 ANNUAL REPORT 2016/17

The Assistant Director of Governance (Development Management) presented the Annual Report on Section 106 Legal Agreements for 2016/17.

The Assistant Director stated that a register of all Section 106 Legal Agreements since 2001 was held by the Council, from which an annual report was prepared for Members setting out the progress in the completion of agreements throughout the year and the benefits secured. This had previously been reported to the Governance Select Committee, but it had been decided that future reports should be made to this Committee.

The Assistant Director reported that the six Legal Agreements negotiated and agreed throughout the year would provide the following benefits:

- £5.35million to be received into the public purse;
- the transfer of land and open space to the Council;
- affordable housing contributions; and
- funding for a local bus service for Chigwell.

The Assistant Director reported that the benefits actually realised throughout the year from 11 Legal Agreements had provided a total £2.83million received into the public purse.

Cllr Brady reminded the Committee that when it had granted planning permission for the site of the former Tottenham Hotspur Training Ground at Luxborough Lane, Chigwell in December 2014, it had also been agreed to raise the bridleway parapets over the M11 motorway. However, this had not yet been completed as promised, which was making it dangerous for horse riders from using this route. The Assistant Director reminded the Committee that this had never formed part of the Legal Agreement signed by the Council with the Developer, but undertook to contact Essex County Council in an effort to progress the matter.

Resolved:

(1) That the progress made with the negotiation and implementation of the provisions of Section 106 Legal Agreements during the 2016/17 financial year be noted.

12. PUBLIC SEATING ARRANGEMENTS

The Senior Democratic Services Officer presented a report on the public seating arrangements for the Committee to consider.

The Senior Democratic Services Officer reminded the Committee that there had been a disturbance amongst members of the public at the meeting of Area Planning Sub-Committee West on 19 October 2016. This had resulted in the decision being taken to seat the members of the Planning (Sub-)Committees on the opposite side of the Chamber, and only allow those members of the public registered to speak to sit in the Council Chamber itself with all other members of the public to be seated upstairs in the Public Gallery. Following the implementation of these measures, Members of Area Plans Sub-Committee East had expressed a preference for all members of the public to be seated in the Council Chamber again, as they felt that it was difficult to gauge public opinion on specific proposals and for the public to follow the proceedings of the meeting if all but the registered speakers were upstairs in the Public Gallery.

The Senior Democratic Services Officer stated that, at their meeting on 20 April 2017, the Development Management Chairman and Vice-Chairman had agreed that each of the three Area Planning Sub-Committees plus the District Development Management Committee should individually consider and determine arrangements for public seating at their first meeting of the municipal year. The Committee was

therefore requested to consider and agree its own arrangements for public seating for all future meetings.

The Senior Democratic Services Officer also informed the Committee that an investigation into the possibility of providing a visible security presence at all Council Planning meetings would be made, with the results reported to the Governance Select Committee in due course.

Some Councillors preferred all of the public to be downstairs, as the design of the Public Gallery prevented the unobstructed viewing of proceedings. However, other Councillors preferred that only the registered speakers be allowed downstairs. Cllr C Pond recounted that vicious threats were uttered to members of the Committee in the car park after an application in Abridge was considered, and Cllr Shiell recalled that agenda have been thrown from the Gallery by the public. Cllr C Pond also highlighted that the Monitoring Officer had been written to by Cllr C Roberts regarding the seating and security arrangements for Area Planning Sub-Committee South, which had recently returned to being held in the Council Chamber.

The Committee acknowledged that it heard contentious planning applications as a matter of course; the Chairman stated that he preferred the current arrangements as he felt safer and it was easier to clear the Council Chamber if there were any incidents. Cllr Stallan proposed that the current public seating arrangements be kept in place and this was agreed by the Committee.

Resolved:

(1) That the public seating arrangements currently in operation be continued with, with only registered public speakers to be allowed in the Council Chamber and all other members of the public to be seated upstairs in the Public Gallery.

13. EXCLUSION OF PUBLIC AND PRESS

The Committee noted that there was no business which necessitated the exclusion of the public and press.

CHAIRMAN