

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee **Date:** 27 May 2009
South

Place: Roding Valley High School, Brook Road, Loughton, Essex **Time:** 7.30 - 8.50 pm

Members Present: J Hart (Chairman), Mrs L Wagland (Vice-Chairman), K Angold-Stephens, R Barrett, Mrs S Clapp, Miss R Cohen, M Cohen, D Dodeja, Mrs A Haigh, R Law, J Markham, Mrs C Pond, Mrs P Richardson, P Spencer, Mrs J Sutcliffe and D Wixley

Other Councillors:

Apologies: D Bateman, K Chana, J Knapman, G Mohindra and B Sandler

Officers Present: S Solon (Principal Planning Officer), K Smith (Senior Planning Officer), M Jenkins (Democratic Services Assistant), A Hendry (Democratic Services Officer) and D Clifton (Principal Housing Officer [IT])

1. 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.

2. MINUTES

RESOLVED:

That the minutes of the last meeting held on 6 May 2009 be taken as read and signed by the Chairman as a correct record.

3. DECLARATIONS OF INTEREST

(a) 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 having chaired the Loughton Town Council meeting which had discussed these items. The Councillor had determined that his interest was prejudicial and that he would leave the meeting for the consideration of the items and voting thereon:

- EPF/0633/09 199 High Road/2 Station Road, Loughton, Essex IG10 4NZ
- EPF/0715/09 42 Bushfields, Loughton, Essex IG10 3JP

(b) Pursuant to the Council's Code of Member Conduct, Councillors K Angold-Stephens, R Barrett, Mrs C Pond and Mrs P Richardson, declared personal interests in the following items of the agenda by virtue of being members of Loughton Town

Council. The Councillors had determined that their interests were not prejudicial and that they would stay in the meeting for the duration of the discussion and voting thereon:

- EPF/0633/09 199 High Road/2 Station Road, Loughton, Essex IG10 4NZ
- EPF/0715/09 42 Bushfields, Loughton, Essex IG10 3JP

(c) Pursuant to the Council's Code of Member Conduct, Councillor Mrs L Wagland, declared a personal interest in the following item of the agenda by virtue of being a member of Chigwell Parish Council. The Councillor had determined that her interest was not prejudicial and that she would stay in the meeting for the duration of the discussion and voting thereon:

- EPF/0485/09 Former Beagles Hut, The Retreat, Retreat Way, Chigwell IG7 6EL

(d) Pursuant to the Council's Code of Member Conduct, Councillor J Hart declared a personal interest in the following item of the agenda by virtue of knowing the applicant concerned as his premises had been used as a venue during the period that the councillor was a member of the Town Centre Partnership. The Councillor had determined that his interest was not prejudicial and that he would stay in the meeting for the duration of the discussion and voting thereon:

- EPF/0633/09 199 High Road/2 Station Road, Loughton IG10 4NZ

(e) Pursuant to the Council's Code of Member Conduct, Councillor R Law, declared a personal interest in the following item of the agenda by virtue of members of his family having worked for the applicant concerned. The Councillor had determined that his interest was prejudicial and that he would leave the meeting for the duration of the discussion and voting thereon:

- EPF/0633/09 199 High Road/2 Station Road, Loughton IG10 4NZ

4. ANY OTHER BUSINESS

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

5. 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.

6. PROBITY IN PLANNING - APPEAL DECISIONS, OCTOBER 2008 TO MARCH 2009

The Sub-Committee received a report regarding Probity in Planning – Appeal Decisions, October 2008 to March 2009.

In compliance with the recommendation of the District Auditor, the report advised the decision making committees of the results of all successful appeals, particularly

those refused by committee contrary to officer recommendation. A Best Value Performance Indicator (BVPI) was for district councils to aim to have less than 40% of their decisions overturned on appeal. The latest figure for the national average for District Councils was 30.9%. although that BVPI had been discontinued, the District Council had created a Local Performance Indicator with a target of 25% of allowed decisions.

Over the six month period between October 2008 and March 2009, the Council received 75 decisions on appeal, 71 were planning and related appeals, and 4 were enforcement appeals. Of the 71 planning and related appeals, 35 had been allowed (49.2%), but none of the 4 enforcement appeals were allowed, therefore a combined total of 46.6% of the Council's decisions were overturned during this period.

For the year 2008/09 as a whole: a total of 153 decisions were received, 146 planning appeals and 7 enforcement appeals. Of the 146 planning appeals 59 were allowed, as were 2 of the 7 enforcement appeals, therefore, a total of 39.8% of the Council's decisions were overturned. For Local Performance Indicator 45, which only considered appeals against the refusal of planning permission, the 6 month performance figure was 50.7% allowed. For the full year the figure was 40.3%.

The proportion of appeals that arose from decisions of the committees to refuse, contrary to the recommendation of officers, during the 6 month period was 24%, almost 1 in 4 appeals, of the 17 decisions that this percentage represented, the Council were successful in sustaining its objection in only 2 of them. The remaining 15 (88%) were lost. It was noted that 5 of the cases allowed directly involved the erection of new dwellings and 2 others indirectly, and it had been understood that the Inspectorate had been charged to allow appeals for new dwellings whenever possible in order to assist in meeting housing needs. Refusals based upon density factors or overdevelopment were therefore unlikely to succeed unless real harm to the surroundings or adjacent properties could be shown or poor design identified.

However this period also saw an unusually high number of officer decisions, taken under delegated powers, overturned at appeal. A total of 19 out of 53 cases were allowed (36%). The majority, 13, were householder applications for extensions and alterations.

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

New Appeal Procedures

The Sub-Committee were informed that new appeal procedures had been introduced from 6 April 2009. These concerned two main issues:

(a) for householder applications made after 6 April 2009 (for extensions or alterations to single dwellings or works within the curtilage of a single dwelling) applicants would only have 12 weeks (instead of 6 months) from the decisions being made in which to appeal. On receiving an appeal the Council needed to prove to the inspectorate, with the officer's report under delegated powers, committee report or minutes from the committee meeting, a copy of the reasons for refusal and notification of the relevant polices. The Council was not able to make any further statement. Objectors will not be able to make further comment, but copies of letters of objection received at the application stage would be passed to the inspectorate as at present; and

(b) appellants (and the Council) would be able to make an application for costs for appeals dealt with by written representations, which was, by far, the most

common method of considering an appeal. Until now, costs had only been possible to claim for Hearings and Inquiries. The Council had been protected from accusations that it had acted unreasonably in the majority of cases because the appeals had been dealt with by written representations. This was no longer the case, and so there was added responsibility upon all decision makers whether committee members or officers, to act responsibly and make decisions on planning merits alone.

The Council's performance for the 6 month period had been the worst for many years. There had been continuing support for Green Belt policies and the support for the Council's decisions to take enforcement action was particularly encouraging but overall, the results had been poor.

The Sub-Committee felt that too much pressure was being applied to them by the Government's Planning Inspectorate with regard to the decisions they had made. It was also felt that as locally elected representatives their role in the planning process had been scaled down.

Members requested that a meeting or seminar be arranged on widening the pool of knowledge and experience on making planning decisions and how they can be made defensible at appeal. Members were keen on greater liaising with councillors from other districts and in particular the Local Government Association.

RECOMMENDATION:

That a meeting or seminar be arranged for District Councillors to discuss experiences on making planning decisions and how they can be made defensible at appeal.

RESOLVED:

That, as part of the probity in planning, the appeal decisions for the period October 2008 to March 2009, be noted.

7. 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

Minute Item 5

Report Item No: 1

APPLICATION No:	EPF/0633/09
SITE ADDRESS:	199 High Road/2 Station Road Loughton Essex IG10 4NZ
PARISH:	Loughton
WARD:	Loughton St Marys
DESCRIPTION OF PROPOSAL:	Change of use of car showroom (sui generis) to form three class A1 units and one class A3 restaurants. (Revised application EPF/1958/08)
DECISION:	Granted 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 development shall be carried out in accordance with the amended plans No. 7052/02 Rev A received 11 May 2009 unless otherwise agreed in writing with the Local Planning Authority.
- 3 The A3 use hereby permitted shall not be open to customers outside the hours of 0900 to 2300 on Monday to Saturday and 1000 to 2300, on Sundays and bank/public holidays.
- 4 No development shall take place for the proposed A3 unit hereby approved, until there has been submitted to and approved by the Local Planning Authority a scheme for the extract ventilation, filtration and deodorising of cooking fumes. The scheme shall include details of the predicted acoustic performance of the system and details of the discharge points. The approved scheme shall be carried out prior to the commencement of the A3 use hereby permitted and retained thereafter. All equipment installed as part of the approved scheme shall be operated and maintained in accordance with the manufacturer's instructions.
- 5 Prior to the premises being brought into use for the purposes hereby permitted, a scheme providing for the adequate storage of refuse from the A3 use shall be submitted to and approved by the Local Planning Authority. The scheme shall be carried out and thereafter retained at all times.

6 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.

7 The development, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction-Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

The statement must explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the LPA.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

8 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.

9 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.

Report Item No: 2

APPLICATION No:	EPF/0715/09
SITE ADDRESS:	42 Bushfields Loughton Essex IG10 3JP
PARISH:	Loughton
WARD:	Loughton Alderton
DESCRIPTION OF PROPOSAL:	Single storey side and rear extension.
DECISION:	Granted Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.

Report Item No: 3

APPLICATION No:	EPF/0518/09
SITE ADDRESS:	214 Queen's Road Buckhurst Hill Essex IG9 5AY
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
DESCRIPTION OF PROPOSAL:	Conversion of loft space into two self contained one bedroom flats, demolition of derelict store and rebuilding as additional single storey one bedroom flat and construction of a single storey extension to flat 1.
DECISION:	Deferred

This item was withdrawn from the Agenda by the Applicant to allow for further consideration.

Report Item No: 4

APPLICATION No:	EPF/0485/09
SITE ADDRESS:	Former Beagles Hut The Retreat Retreat Way Chigwell Essex IG7 6EL
PARISH:	Chigwell
WARD:	Chigwell Row
DESCRIPTION OF PROPOSAL:	Demolition and clearance of existing site and redevelopment with a detached house with ancillary car parking and associated hard surfacing and landscaping.
DECISION:	Refused Permission

REASON FOR REFUSAL

- 1 The design of the proposed dwelling would incorporate several contrasting styles resulting in a complex and unsympathetic appearance. In particular, the single storey arched entrance extending down to the windows would appear incongruous and detrimental to the appearance of the locality. The dwelling, by virtue of its design, would be out of character with other buildings in the vicinity of the site, resulting in harm to the surrounding environs contrary to policies DBE1, CP3 and CP7 of the Adopted Local Plan and Alterations.