

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.

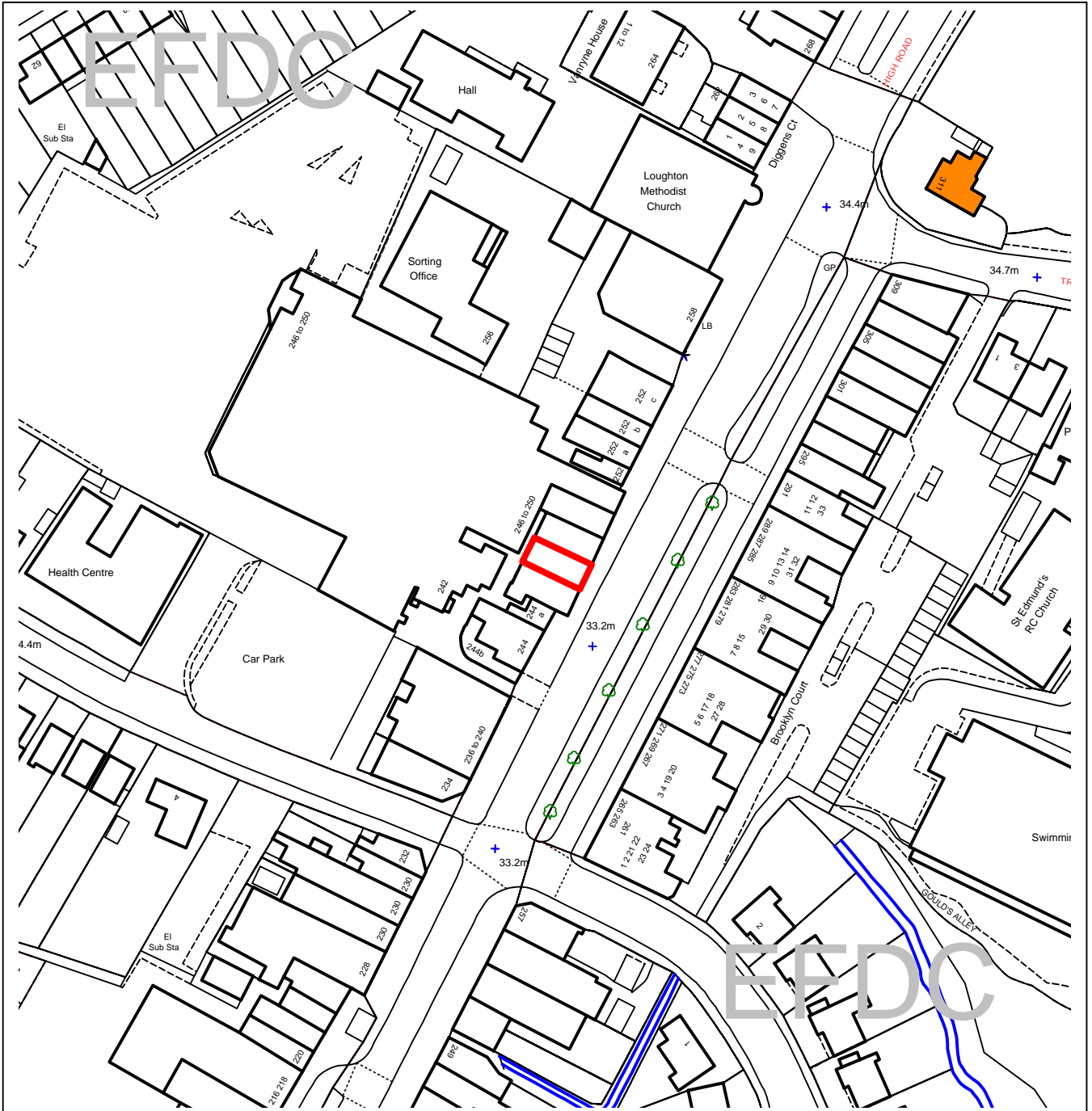
Conclusion:

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:

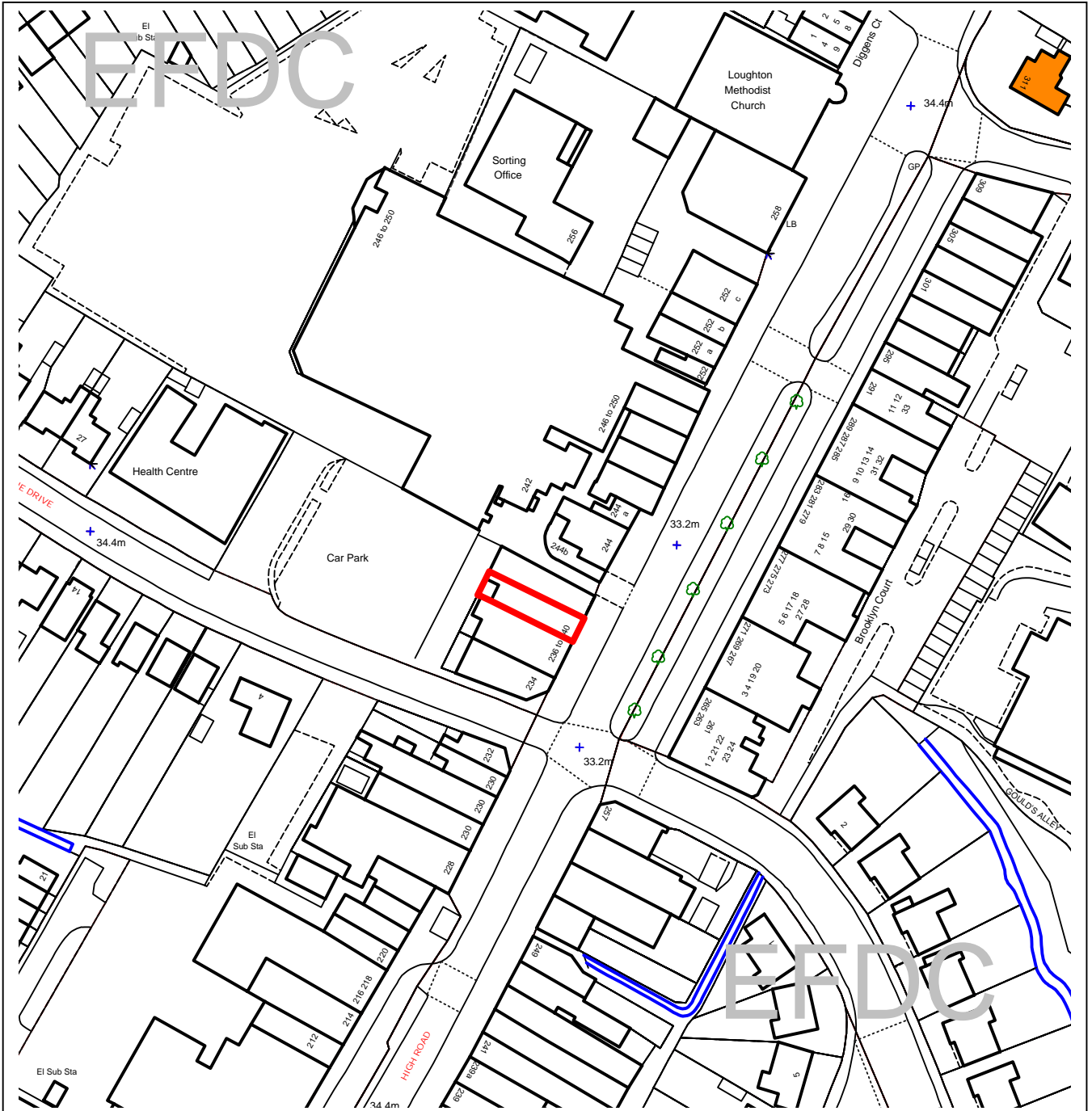
There is clear reason to refuse planning permission for this application as it contravenes both arms of Policy TC4. It would result in two or more adjacent non retail uses and further erosion in the number of A1 units within the key frontage and could potentially undermine the position of the town centre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

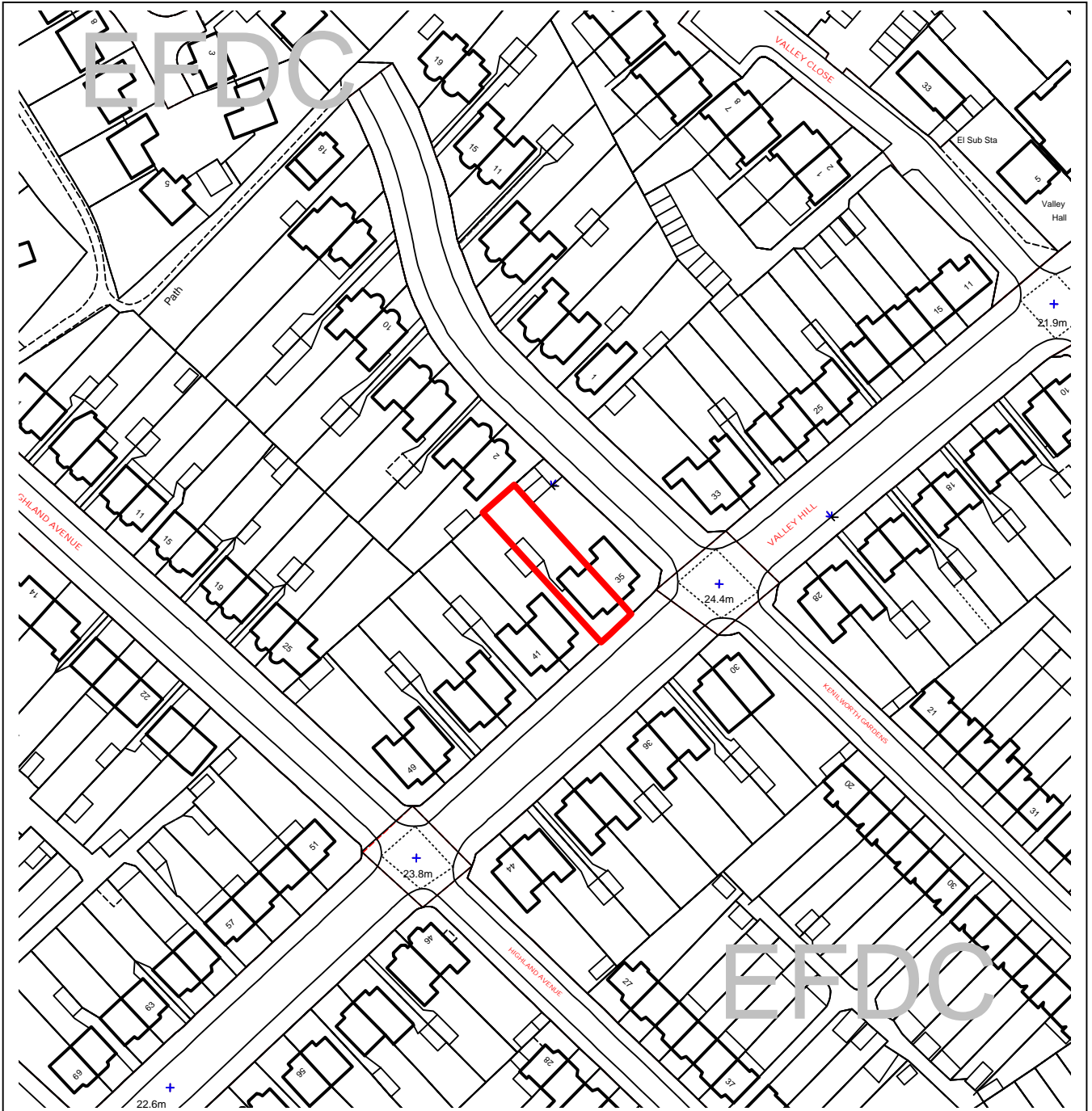
Conclusion:

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