

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee **Date:** 30 October 2013
South

Place: Roding Valley High School, Brook Road, Loughton, Essex IG10 3JA **Time:** 7.30 - 8.45 pm

Members Present: K Angold-Stephens, G Chambers, K Chana, Mrs T Cochrane, L Girling, J Knapman, L Leonard, A Lion, J Markham, G Mohindra, Mrs C Pond, B Sandler, Mrs L Wagland and Ms S Watson

Other Councillors: -

Apologies: J Hart, N Wright, R Cohen, Ms J Hart, H Mann, Mrs T Thomas, H Ulkun and D Wixley

Officers Present: N Richardson (Assistant Director (Development Control)), G J Woodhall (Democratic Services Officer), A Hendry (Democratic Services Officer), S G Hill (Senior Democratic Services Officer) and P Pledger (Assistant Director (Property and Resources))

35. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

In the absence of both the Chairman and Vice-Chairman, the Democratic Services Officer opened the meeting and requested nominations for the role of Chairman. Following their acceptance by the Committee, a nomination was requested by the Chairman for the role of Vice-Chairman.

Resolved:

- (1) That Councillor S Watson be elected Chairman for the duration of the meeting; and
- (2) That Councillor K Chana be elected Vice-Chairman for the duration of the meeting.

36. 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.

37. 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.

38. MINUTES

Resolved:

(1) That the minutes of the meeting held on 2 October 2013 be taken as read and signed by the Chairman as a correct record.

39. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

40. ANY OTHER BUSINESS

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

41. THREAT OF SPECIAL MEASURES AND REFUNDING OF PLANNING FEES

The Assistant Director of Planning & Economic Development (Development Control) presented a report on the threat of special measures and the potential refunding of planning fees.

The Assistant Director reported that the Government had introduced a new policy on 1 October 2013 whereby a local authority had to refund any planning fees if it failed to determine an application within 26 weeks. In addition, those local authorities who had 20% or more of their decisions overturned at appeal, or determined 30% or less of their major applications within the 26 week threshold over a rolling two-year period, would be placed in 'Special Measures'. This would allow an Applicant to submit a major planning application, and its fee, direct to the Planning Inspectorate for determination.

The Assistant Director highlighted that the time taken to determine major planning applications would need to be closely monitored to ensure that the Council did not lose income unnecessarily. There were potential problems foreseen with planning applications that required the signing of a Section 106 legal agreement, particularly if the delay was being caused by the Applicant. However, an extension of time for the determination of a major planning application could be agreed with the Applicant, and this option would be pursued wherever possible. It was possible that the terms of reference for the District Development Control Committee and the Area Planning Sub-Committees would be reviewed to ensure that the time taken to consider major planning applications could be reduced. A major planning application was defined as a development of 10 or more dwellings or 1,000 square metres of floor space.

The Committee shared the concerns of the Assistant Director and foresaw difficulties if a Section 106 legal agreement had not been signed by the Applicant in time as the Council would then have no option but to refuse the application and rely on a sympathetic hearing by the Planning Inspector at the subsequent appeal. The Council had to ensure that it did not enter special circumstances through poor performance. The Assistant Director agreed that the date of receipt of each planning application could be added to the report on the Sub-Committee agenda, to highlight those applications where a decision could not be delayed any longer, and advised the Sub-Committee that the validation checklist for the necessary paperwork to accompany each planning application had recently been revised. The Sub-Committee was informed that an agreement with the Applicant to extend the time to

consider an application could be entered into at any point in the process, and there was a risk that this process could be extended to encompass all planning applications in the future.

Resolved:

- (1) That the new threat of planning fees being returned for planning applications not decided within 26 weeks of being validated be noted;
- (2) That the threat of the Council entering 'Special Measures' if major planning applications were not determined in a timely fashion or too many decisions being overturned at Appeal be noted;
- (3) That the need for the Sub-Committee to determine planning applications in a timely manner be noted; and
- (4) That, where necessary, Applicants be encouraged by the Assistant Director of Planning & Economic Development (Development Control) to sign pre and post application agreements to extend the time period for determination so as to minimise the risk of the Council having to return planning fees or falling into 'Special Measures'.

42. DEVELOPMENT CONTROL

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

Resolved:

- (1) That the planning applications numbered 1 – 5 be determined as set out in the attached schedule to these minutes.

43. CONFIRMATION OF TREE PRESERVATION ORDER TPO/EPF/22/13 - 4 CONNAUGHT HILL, LOUGHTON

The Assistant Director of Planning & Economic Development (Development Control) presented a report concerning the confirmation of a Tree Preservation Order at 4 Connaught Hill in Loughton.

The Assistant Director stated that a planning application for rear and side extensions to the property had been submitted, which would necessitate the removal of a prominent Silver Birch tree. This tree was itself a replacement for an Ash tree, which was protected and permission had been obtained to fell. The replacement tree was not automatically protected under the legislation and, although the planning application had subsequently been withdrawn, it was felt that the replacement tree should now be protected.

The Assistant Director reported that two objections had been received from the owner of the property and the architect who had submitted the recent planning application, which covered five separate reasons for objection. The Director of Planning & Economic Development, in consultation with Arboricultural Officers, had responded and refuted each of the five points.

The Assistant Director concluded that, although the planning application had been withdrawn, the tree still required legal protection. If the order was not confirmed then the most likely result was that the tree would be felled, and therefore it was recommended that the order be confirmed without modification.

Resolved:

(1) That Tree Preservation Order TPO/EPF/22/13 be confirmed without modification.

44. CONFIRMATION OF TREE PRESERVATION ORDER EPF/13/13 GABLE LODGE, 108 CHURCH HILL, LOUGHTON, ESSEX

The Assistant Director of Planning & Economic Development (Development Control) presented a report concerning the confirmation of a Tree Preservation Order at the Gable Lodge in Church Hill, Loughton.

The Assistant Director reminded the Sub-Committee that a Tree Preservation Order had been made at the site to protect three Western Red Cedar trees, seven Lime Pollards, one Red Horse Chestnut and one Cedar in June 2013. A pre-application proposal had been received concerning the development of a new apartment complex at the site, which had placed all of the trees at risk from damage during the construction, and selected trees designated for removal. All of these trees were considered to be of significant landscape importance and high visual amenity, being predominantly positioned near the main road and the junction leading from it.

The Assistant Director reported that an objection to the Order had been received from the owner of the site, BUPA Care Homes, which covered three separate reasons for objection. The Director of Planning & Economic Development, in consultation with Arboricultural Officers, had responded and refuted each of the points raised. Therefore, it was recommended that the Order be confirmed without modification in the interests of public amenity.

When questioned by the Sub-Committee, the Assistant Director acknowledged that these particular trees had only come to the attention of the Council's Arboricultural Officers once the pre-application proposal had been received. One of the local Ward Members for Loughton St John's, in whose ward the site was situated, felt that it was important for these trees to be retained at the site due to their visual presence in the street.

Resolved:

(1) That Tree Preservation Order TPO/EPF/13/13 be confirmed without modification.

45. CONFIRMATION OF TREE PRESERVATION ORDER TPO/EPF/11/13 - 71A STONARDS HILL, LOUGHTON

The Assistant Director of Planning & Economic Development (Development Control) presented a report concerning the confirmation of a Tree Preservation Order at 71a Stonards Hill, in Loughton.

The Assistant Director stated that a planning application had been submitted for a new dwelling in the rear gardens of 71/71a Stonards Hill, which would necessitate the removal of two Leyland Cypress trees with no opportunity to plant suitable replacements. These trees were the largest in the immediate vicinity, being approximately ten metres in height, were fair specimens and consequently were an important feature of the area. The planning application had been refused for a number of reasons, including the potential loss of the trees.

The Assistant Director reported that objections had been received from the owner of the property and the residents at 4, 6, 7, 8, and 9 Alderton Way in Loughton, which covered six separate reasons for objection. The Director of Planning & Economic Development, in consultation with Arboricultural Officers, had responded and refuted each of the six points raised.

The Assistant Director concluded that, although the planning application had been refused, the trees still required legal protection. If the Order was not confirmed then the most likely result would be the trees being felled, with insufficient space being allocated for replanting suitable replacements should any development of the site be approved. Therefore, it was recommended that the Order be confirmed without modification.

The Sub-Committee noted that these trees were considered to be worth preserving, being very prominent in the street scene and that there were other reasons given for refusing the planning application which the Council could adequately defend at the Appeal. The Assistant Director confirmed that if the Appeal was upheld by the Planning Inspector then this would outweigh the Tree Preservation Order.

Resolved:

(1) That Tree Preservation Order TPO/EPF/11/13 be confirmed without modification.

46. 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

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Report Item No: 1

APPLICATION No:	EPF/0168/13
SITE ADDRESS:	243 High Road Loughton Essex IG10 1AD
PARISH:	Loughton
WARD:	Loughton St Marys
DESCRIPTION OF PROPOSAL:	Change of use from Use Class A1 (vacant travel agents) to class A3 (coffee shop)
DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=545297

CONDITIONS

1. The coffee shop use hereby approved shall only be open to customers in the hours of 8am to 5.30 pm Mondays to Fridays, 8.30am to 5.30 pm on Saturdays, and 10am to 4pm on Sundays.
2. The glass shopfront to this shop shall be permanently retained and any window display shall be an appropriate one for a shopping parade.

Report Item No: 2

APPLICATION No:	EPF/1608/13
SITE ADDRESS:	59 Chigwell Park Drive Chigwell Essex IG7 5AZ
PARISH:	Chigwell
WARD:	Chigwell Village
DESCRIPTION OF PROPOSAL:	Part double, part single storey rear extension, two storey side extension, roof extension, rear dormer window in a loft conversion and two roof lights in front elevation. (Revised application)
DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=552312

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 building, unless otherwise agreed in writing by the Local Planning Authority.

Report Item No: 3

APPLICATION No:	EPF/1645/13
SITE ADDRESS:	Marden Close Lambourne Road Chigwell Essex IG7 6ER
PARISH:	Chigwell
WARD:	Chigwell Row
DESCRIPTION OF PROPOSAL:	Change of use of 2 two storey blocks from twenty bedsits to ten one bedroom flats, external alterations to elevations and improved car park for 12 cars and new landscaping.
DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=552491

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. No development shall commence until a survey by a competent person has been carried out to establish the presence or otherwise of Japanese Knotweed and submitted to the Local Planning Authority. The survey should also note any knotweed adjoining the site. If Japanese Knotweed is confirmed, full details of a scheme for its eradication and/or control programme suitable for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the substantial completion of the development hereby approved.
3. The car parking layout hereby approved shall be retained on a permanent basis, and shall not be altered without the prior written consent of the Local Planning Authority.
4. The development hereby permitted will be completed strictly in accordance with 11 approved drawings numbered 612/030/PL01; /PL02; /PL03/A; /PL04; /PL05; /PL06; /PL07/A as revised; /PL08A; /PL09; /PL10; /PL11.

Report Item No: 4

APPLICATION No:	EPF/1716/13
SITE ADDRESS:	Former Bank of England Sports Ground Langston Road Loughton Essex
PARISH:	Loughton
WARD:	Loughton Broadway
DESCRIPTION OF PROPOSAL:	Erection of Data Centre Building, associated parking, landscaping and substation.
DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=552830

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: AO.200, A.202, A.203, AO.204, AO.206, AO.208, SK.01
3. No construction works above ground level shall have taken 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, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
4. 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.
5. 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 an 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.

6. 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.
7. No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

8. Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

9. Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation

scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

10. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval in writing. The approved monitoring and maintenance programme shall be implemented.
11. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
12. Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) "Proposed Data Centre, Langston Road, Loughton, Project Ref: 29010/001" dated August 2013 has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include a restriction in run-off and surface water storage on site as outlined in the FRA.
13. Notwithstanding the Flood Risk Assessment (FRA) "Proposed Data Centre, Langston Road, Loughton, Project Ref: 29010/001" dated August 2013 submitted with the planning application, a further FRA is required to be submitted and approved in writing by the Local Planning Authority containing further details of the proposed discharge rate and the retaining wall proposed along the embankment, within the site.
14. Prior to the first occupation of the development the new vehicular access shall be implemented as shown in principle on approved drawing no.AO.202, unless otherwise agreed in writing by the Local Planning Authority.
15. Prior to the first occupation of the development details of the re-instatement of the redundant vehicular access shall be submitted to and approved in writing by the Local Planning Authority, to include full reconstruction of the footway with full height kerbing. The approved details shall then be implemented.

16. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
17. No development shall take place on the proposed substation until details of its siting, design and external finish have been submitted to and approved in writing by the Local Planning Authority and it shall only be built hereafter in accordance with these approved details.

Report Item No: 5

APPLICATION No:	EPF/1752/13
SITE ADDRESS:	1 Palace Gardens Buckhurst Hill Essex IG9 5PQ
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
DESCRIPTION OF PROPOSAL:	Raising of roof and loft conversion with rear dormer and front roof lights.
DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=552974

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 building, unless otherwise agreed in writing by the Local Planning Authority.