

committee agenda



**Epping Forest
District Council**

***District Development Control Committee
Wednesday, 13th August, 2014***

You are invited to attend the next meeting of **District Development Control Committee**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping
on Wednesday, 13th August, 2014
at 7.30 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

Gary Woodhall
The Directorate of Governance
Tel: 01992 564470
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors B Sandler (Chairman), B Rolfe (Vice-Chairman), A Boyce, Mrs H Brady, R Butler, K Chana, J Hart, R Jennings, Mrs S Jones, H Kauffman, J Knapman, Ms Y Knight, Mrs J Lea, C C Pond and J M Whitehouse

**A BRIEFING WILL BE HELD FOR THE CHAIRMAN, VICE-CHAIRMAN AND GROUP
SPOKESPERSONS OF THE-COMMITTEE, AT 6.30 P.M.
IN COMMITTEE ROOM 1 PRIOR TO THE MEETING**

SUBSTITUTE NOMINATION DEADLINE:

18:30

WEBCASTING/FILMING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chief Executive will read the following announcement:

“This meeting will be webcast live to the Internet and will be archived for later viewing. Copies of recordings may be made available on request.

By entering the chamber’s lower seating area you are consenting to becoming part of the webcast.

If you wish to avoid being filmed you should move to the public gallery or speak to the webcasting officer”

2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 5 - 6)

General advice to people attending the meeting is attached together with a plan showing the location of the meeting.

3. APOLOGIES FOR ABSENCE

(Director of Governance) To be announced at the meeting.

4. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

(Director of Governance) To report the appointment of any substitute members for the meeting.

5. DECLARATIONS OF INTEREST

(Director of Governance) To declare interests in any item on this agenda.

6. MINUTES

To confirm the minutes of the last meeting of the Sub-Committee (previously circulated).

7. EPF/0439/14 - LAND ADJACENT TO 22 AND 28 OAKWOOD HILL INDUSTRIAL ESTATE, OAKWOOD HILL, LOUGHTON (Pages 7 - 16)

(Director of Governance) To consider the attached report for the erection of a new MOT workshop, Grounds Maintenance workshop with office facilities, glasshouses and associated parking, storage areas and fencing; this is a revised application to EPF/0063/13 (DEV-005-2014/15).

8. EPF/0670/14 - OAK HILL FARM, COPPICE ROW, THEYDON BOIS (Pages 17 - 24)

(Director of Governance) To consider the attached report for the proposed replacement of a perimeter fence with a 1.8m high chain-link fence; this is a revised application (DEV-006-2014/15).

9. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

10. EXCLUSION OF PUBLIC AND PRESS

Exclusion

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement

Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the

completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.

- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers

Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and members of the Subcommittee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak, you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

Sometimes members of the Council who have a prejudicial interest and would normally withdraw from the meeting might opt to exercise their right to address the meeting on an item and then withdraw.

Such members are required to speak from the public seating area and address the Sub-Committee before leaving.

What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

If you are not present by the time your item is considered, the Subcommittee will determine the application in your absence.

Can I give the Councillors more information about my application or my objection?

Yes you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website www.eppingforestdc.gov.uk. Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

How are the applications considered?

The Subcommittee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

Further Information?

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

Report to the District Development Control Committee

**Report Reference: DEV-005-2014/15.
Date of meeting: 13 August 2014**



**Epping Forest
District Council**

Subject: Planning Application EPF/0439/14 – Land adjacent to 22 and 28 Oakwood Hill Industrial Estate, Oakwood Hill, Loughton – Erection of a new MOT workshop, grounds maintenance workshop with office facilities, glasshouses and associated parking, storage areas and fencing. (Revised application to EPF/0063/13).

Responsible Officer: Katie Smith (01992 564103).

Democratic Services: Gary Woodhall (01992 564470).

Recommendation:

That Planning permission be granted 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.**

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- (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.**

Reason:- To ensure a satisfactory appearance in the interests of visual amenity, in accordance with the guidance contained within the National Planning Policy Framework and policy DBE1 of the adopted Local Plan and Alterations.

- (3) The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 13/0319/P01; 10332/P/001; 10356/P/001 rev.A; 100 rev. P3; 13/0319/P02; 13/0319/P03; 13/0319/P04; 13/0319/P05; 13/0319/P06; 13/0319/P07; 13/0319/P08; 13/0319/P09; SP9216-LD3863-01 issue C; 101 rev. P1; 700 rev. A; and 701 rev. B.**

Reason: To ensure the proposal is built in accordance with the approved drawings.

- (4) 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.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with the guidance contained within the National Planning Policy Framework and policies CP2 and LL11 of the adopted Local Plan and Alterations.

- (5) 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.

Reason:- To comply with the duties indicated in Section 197 of the Town & Country Planning Act 1990 so as to ensure that the amenity value of the existing trees are safeguarded, in accordance with the guidance contained within the National Planning Policy Framework and policy LL10 of the adopted Local Plan and Alterations.

- (6) 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 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]

Reason:- To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

- (7) 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. The approved monitoring and maintenance programme shall be implemented.**

Reason:- To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

- (8) 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.**

Reason:- To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

- (9) No development shall take place until details of a satisfactory ground gas investigation and risk assessment has been carried out and submitted to the Local Planning Authority for approval in order to determine what if any ground gas remediation measures may be required or shall specify appropriate ground gas mitigation measures to be installed in the building(s) in lieu of any ground gas investigation.**

The investigations, risk assessment and remediation methods, including remedial mitigation measures to be installed in lieu of investigation, shall be carried out or assessed in accordance with the guidance contained in BS 9485:2007 "Code of practice for the Characterisation and Remediation from Ground Gas in Affected Developments." Should the ground gas mitigation measures be installed, it is the responsibility of the developer to ensure that any mitigation measures are suitably maintained or to pass on this responsibility should ownership or responsibility for the buildings be transferred.

Reason:- Since the site has been identified as being potentially at risk from off site ground gases and to protect human health and buildings, in accordance with the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

- (10) 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.

Reason- In the interests of the amenities of noise sensitive properties, in accordance with the guidance contained within the National Planning Policy Framework and policies RP5A and DBE9 of the adopted Local Plan and Alterations.

- (11) Prior to first occupation of the development the access arrangements, as shown in principle on drawing no.10332/P/001, dated Jan 2014, shall be agreed with the Highway Authority and shall include the following:

- The removal of the existing bus layby and shelter and the realignment of the footway to the edge of the carriageway across the site frontage.
- The provision of a new bus layby.
- The continuation of the existing footway to the new bus layby.
- Provision of a new shelter, flag, timetable and raised kerbs at the new stop.
- Provision of a new pedestrian refuge island sited to the west of the new access to include appropriate dropped kerb crossings on the footways and tactile paving.
- A minimum of 8m radii kerbing for the new bellmouth access.
- The provision of two pedestrian dropped kerb crossing points with tactile paving across the new bellmouth access.

The approved scheme of works shall be implemented prior to first occupation of the development.

Reason: In the interests of highway safety and to enhance pedestrian movement to the site and improve accessibility in the in accordance with policy ST4 of the adopted local plan and alterations which accords with the policies contained in the National Planning Policy Framework.

- (12) No development shall take place, including any ground works or

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 provision of suitable access arrangements to the application site in connection with the demolition/construction operations
- 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
- wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with policy ST4 of the adopted local plan and alterations which accords with the policies contained in the National Planning Policy Framework.

- (13) 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.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with policy ST4 of the adopted local plan and alterations which accords with the policies contained in the National Planning Policy Framework.

- (14) Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

Reason: In the interest of visual amenity in accordance with policy ST4 of the adopted local plan and alterations which accords with the policies contained in the National Planning Policy Framework.

- (15) 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.

Reason:- The development is located in an area identified as being in an Epping Forest District Council flood risk assessment zone and would be likely to result in increased surface water run-off, in accordance with the guidance contained within the National Planning Policy Framework and policy U2B of the adopted Local Plan and Alterations.

- (16) Prior to the commencement of the development hereby approved, details showing the location and maximum height of open storage (excluding trees and shrubs) within the site shall be submitted to the local planning authority for approval in writing. Thereafter open storage shall only occur in accordance with the approved detail/

Reason: In the interest of visual amenity in accordance with policy DBE1 of the adopted local plan and alterations which accords with the policies contained in the National Planning Policy Framework.

- (17) Prior to the commencement of the development hereby approved, a reptile survey shall be undertaken within the site and submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed consultations and recommendations of the survey.

Reason: To ensure that there is no harm to wildlife within the site in accordance with policy NC4 of the adopted Local Plan and Alterations which accords with the policies contained in the National Planning Policy Framework.

- (18) The MOT testing station and workshop hereby approved shall be used only between the hours of 0800-1715 Monday to Friday and 0800-1300 Saturdays. The Grounds Maintenance use hereby permitted shall operate only between the hours of 0700-1600 Monday to Saturday. No activities shall take place on Sundays or Bank Holidays.

Reason: In the interest of neighbouring amenity in accordance with Policies DBE2 and DBE9 of the adopted local plan and alterations which accords with the policies contained in the National Planning Policy Framework.

- (19) Entrance gates within the site shall remain open during all hours when the use is in operation.

Reason: To ensure that there is no obstruction to highway safety caused by large vehicles queuing within the highway whilst waiting to gain access to the site, in accordance with policy ST4 of the adopted local plan and alterations which accords with the policies contained in the National Planning Policy Framework.

Report Detail

1. This application has been referred by the Area Plans South Sub-Committee. The Officer's report to the Sub-Committee (attached as Appendix 1) discusses the planning merits of the case and carried a recommendation from Officers to grant planning permission.

Planning Issues

2. At the Committee Members debated the material planning considerations as set out in the appended Officer's report. Members raised some additional concerns and also suggested some additional conditions, to be imposed if planning permission were granted. These matters will be considered in this report.

Ecology

3. Members queried the need for further ecology reports to be undertaken within the site and since the Committee met, the Countrycare Manager has been consulted. She advises as follows:

“The original habitat survey (dated October 2011) identified the potential for a small population of reptiles. Due to the removal of the trees, the subsequent warming up and exposure of the ground and the growth of the scrub since then, there is more potential now for reptiles to be present. I would recommend a reptile survey be carried out to be on the safe side.”

4. It is therefore, recommended that if the District Development Control Committee decides to grant planning permission a condition requiring a reptile survey should be added to these conditions set out in the appended report. This will allow for any remediation to take place should reptiles be present.

Soundproofing

5. Members queried whether a planning condition could be imposed requiring the proposed building to be soundproofed, in the interests of safeguarding against any potential harm to the amenities of the residents living in the vicinity of the site. The Planning Officer’s assessment of this issue (as set out in the appended report) is as follows:

“The use of the site would be such that there would be some generation of noise – although this would not be considerably greater than that which could be generated by occupiers of the existing industrial estate. Having regard to the separation distance and also that the road exists between the residential and proposed uses, it is not considered that the noise level would amount to a material loss of amenity that would justify withholding planning permission.”

6. However, if Members disagree with the above assessment and conclude that noise levels from the proposed use could cause material harm to the amenities of nearby residents, they may impose a planning condition requiring the soundproofing of the building. Such a condition is considered to meet the tests set out in the NPPF, providing that Member’s consider it necessary (and would justify placing an additional cost onto the development).

7. It should be noted that repairs are only undertaken for Council fleet vehicles. Vehicles brought to the site for MOT testing by members of the public are not repaired on site.

Sequential Test

8. Members queried whether a sequential test was required to identify the proposed site as that most suitable for the proposed development. However, there is no policy requirement for a sequential test for this type of development unlike proposals for retail use of development within a flood zone.

9. Notwithstanding this, officers within the Council’s Estates section are not aware of vacant sites/units within the local area which are available and suitable for accommodating this development. In particular, the former ‘Browns of Loughton’ site in Oakwood Hill retains a long lease and is intended to be made available as small

business units (an application for freeholder consent for these works has been received by the District Council).

Relevance of Planning Permission EPF/0425/79

10. The above application does not relate to the application site, but to the adjacent site and the existing Industrial units built. The application, approved in April 1979, was described as: *Erection of 18 warehouse units in two blocks comprising 2450 sq.m. and ancillary parking and loading areas.*

11. That planning permission was subject to planning conditions including the provision of hard (e.g. walls) and soft (e.g. planting) landscaping, in the interest of visual amenity. It is recommended that if approval is given for this development now proposed for the current application site this would be subject to similar requirements (indeed planting is proposed within the application) and accordingly would not undermine the adjacent development.

Status of Policy E8 of the Local Plan

12. Members raised concern regarding the inclusion of Policy E8 within the Officers report. The current status of Policy E8, along with all other policies of the Local Plan, is that due weight should be given according to their degree of consistency with the NPPF.

13. Legal advice received by the Council is that the policy is not compliant with the NPPF because its requirements are unjustifiably specific, in the sense that it requires development limited to the provision of sites for small business and/or industry workshops. Accordingly, the weighting that would be attached to this policy would not be sufficient to refuse planning permission for a development that did not comprise sites for small business and/or industry workshops. However, the policy does still exist, as does the designation of the land. The principle of designating land for (less specific) employment generating purposes remains compliant with the NPPF.

Access and Deliveries

14. Concern has been raised regarding the size of vehicles accessing the site and any implications for highway safety. It is considered that a planning condition requiring that the entrance gates remain open during the hours of operation will limit the potential for obstruction. Officers at County Highways have viewed tracking drawings detailing vehicles accessing the site and are satisfied that there will be no highway safety harm. The visibility splay from the entrance is good in both directions to view on-coming traffic.

15. A further condition may be used to limit the hours of operation. The hours of use set out within the application are 0800-1715 Monday to Friday and 0800-1300 Saturdays for the workshop and 0700-1600 Monday to Saturday for the Grounds Maintenance Workshop (with slightly reduced hours during winter months). These hours are considered reasonable.

Conclusion

16. The Committee should decide whether the proposed development is acceptable. If Members are minded to grant planning permission for the development, Officers draw their attention to the conditions set both within the

appended report and also the additional reasons refer to within report: ecology, soundproofing (if considered necessary), gates to remain open and hours of operation.

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Report to the District Development Control Committee

**Report Reference: DEV-006-2014/15.
Date of meeting: 13 August 2014**



**Epping Forest
District Council**

**Subject: EPF/0670/14 - Oak Hill Farm, Coppice Row, Theydon Bois -
Proposed replacement perimeter fence with a 1.8m high chain-
link fence (Revised application).**

Responsible Officer: Stephan Solon (01992 564018)

Democratic Services: Gary Woodhall (01992 564470)

Recommendation:

(1) That planning permission be refused for the following reason:

(a) by reason of its height and inappropriate associated landscaping the proposed fence would fail to respect the character of the landscape and consequently be harmful to the visual amenities of the locality. The proposal is therefore contrary to Local Plan and Alterations policies CP2(i), DBE4(i) and LL2(i), which are consistent with the policies of the National Planning Policy Framework.

Report:

1. This application was reported to the meeting of the Area Plans East Sub-Committee held on 23 July with an Officer recommendation that planning permission be granted. The Officers report is set out below.

2. The Officers recommendation was not agreed by the Sub-Committee and Members voted to refuse the application due to adverse impact on the character and amenity of the area from the height of the proposed fencing and the introduction of non native planting in connection with the development.

3. However subsequent to that decision, 4 members of the Sub-Committee stood to exercise their right to refer the matter up to the District Development Control Committee for final decision.

4. The application is therefore reported with the recommendation of the Sub-Committee that planning permission be refused.

5. Officers assessment of the proposal remains unchanged and is set out below in the original report on the application which recommends planning permission be granted.

ORIGINAL OFFICERS REPORT

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f)). It is also before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site:

The application site comprises two distinct areas. The first is the site of former farmhouse with considerable adjacent farm buildings that is in the very advanced stage of being redeveloped to provide a large detached house. The second is an agricultural field to the east that is on lower lying ground. The entire site is enclosed by a variety of fence types of varying height up to approximately 1.8m. It is in poor condition, particularly on the site boundary with Coppice Row.

The site is in the Green Belt with Epping Forest Land to the north on the opposite side of Coppice Row and to the west and south. Epping Forest Land to the south is “buffer land” owned by the Conservators. The land to the north and west is within the Epping Forest SSSI and SAC. The north, east and southern boundaries of the agricultural field are enclosed by woodland that is the subject of a woodland tree preservation order, ref EPF/03/89/W1. Immediately beyond the southern field boundary is a public footpath that starts at Coppice Row and follows the route of a private drive serving dwellinghouses known as West Lodge, at its junction with Coppice Row, together with Birch Hall and Birch Hall Farm further to the south. Fields immediately south of Birch Hall and Birch Hall Farm are a deer sanctuary.

The dwellinghouse under construction at the application site is accessed off the south side of Coppice Row, a short distance west of the 30mph speed limit area within Theydon Bois. The field within the application site is accessed via a field access off the drive opposite Birch Hall Farm.

Description of Proposal:

It is proposed to erect 1.8m high chain link fencing around the entire site and an electricity substation adjacent to the entrance to the site off Coppice Row. The fence would be set between 7m and 15m from the carriageway of Coppice Row. East of the site entrance the fence would be set on land significantly lower than the carriageway. The fence would be under the canopies of trees between it and Coppice Row. The fence would be set 5m from the eastern site boundary for its first 45m south of Coppice Row. Elsewhere the fence would be on the site boundary. The proposal includes the removal of all chain-link fencing around the site.

All the fencing, including that which is not adjacent to the highway requires planning permission as a consequence of the removal of permitted development rights for the entire site when planning permission was given for the house. The proposal does not supersede previously approved proposals for entrance gates and adjacent walls. It is designed to incorporate the previously approved development which is confined to the vehicular access to the site.

The application is accompanied by an Arboricultural Method Statement and Habitat

Survey Report. The stated purpose of the fence is to provide security for the dwellinghouse and the application is accompanied by a statement from the Senior Architectural Liaison Officer of Essex Police in connection with a Secured by Design Application

Relevant History:

Consent was given for a new dwelling house at the western part of the site, initially under planning permission EPF/1345/10 and finally under planning permission EPF/1352/12. The latter planning permission is presently being implemented and consequently the earlier consent is not relevant.

Consent has also been given for the formation of a pond in the field that comprises the eastern part of the site under planning permissions EPF/1841/11 and EPF/1420/13.

Details pursuant to conditions on the dwellinghouse consent have been approved and works are at a very advanced stage. Condition no 17 of planning permission EPF/1352/12 removed permitted development rights for the erection of boundary fences enclosing the north, east and south field boundaries. The condition states:

“Notwithstanding the details shown on drawing number OHF003 Rev 11b and the provisions of Class A of Part 2 to Schedule 2 of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no gates, fences, walls or other means of enclosure that at any point exceed a height of 1 metre above ground level shall be erected on the land outlined in blue on drawing numbers ESB GE 01 and ESB GE 003 without the prior written permission of the Local Planning Authority.”

The stated reason for the condition is: *“In the interests of maintaining the openness of the Green Belt and the visual amenities of the locality and since the circumstances of the application site and adjoining land in the ownership of the applicant warrant the control of the Local Planning Authority over this form of development.”*

Planning permission reference EPF/0850/12 was given for the erection of new entrance gates and associated walls and fence at the entrance to the site of the dwellinghouse.

A proposed 1.8m high fence around the largely residential western part of the site has been approved as part of a landscaping scheme for the approved dwellinghouse under decision references EPF/0151/11 and EPF/0091/12, both of which are incorporated into the decision on planning permission EPF/1352/12.

Application EPF/1626/12 proposed a 1.8m high fence around the entire site to be sited on the site boundary. That application was withdrawn following discussion with Officers over a considerable period of time regarding how a revised proposal could overcome objections to that proposal.

Application EPF/2659/13 proposed 2m high 6mm gauge steel fencing around the entire site. It was refused by this Sub-Committee for the following reason:

“The proposed fence due to its height, industrial design and positioning, including adjacent to a public footpath, fails to respect or enhance the character and appearance of the landscape and would have an excessive adverse impact upon the openness, rural character and visual amenities of the Green Belt contrary to policies

LL2 and GB7A of the Adopted Local Plan and Alterations.”

The minutes of that meeting state: *“Members considered whether there was a way forward and suggested that a lower fence of a less industrial design (perhaps a narrower gauge chain link style fencing) would be more appropriate, but that such fencing should be restricted to the boundary of the approved residential curtilage of the site, which would be sufficient to ensure security of the house and garden and would not introduce an inappropriate feature into the agricultural land.*

Policies Applied:

GB2A	Development in the Green Belt
GB7A	Conspicuous Development in the Green Belt
HC5	Epping Forest
NC1	SPAs, SACs and SSSIs
NC4	Protection of Established Habitat
DBE1	Design and Appearance of New Buildings
DBE 4	Design in the Green Belt
LL1	Rural Landscape
LL8	Works to Preserved Trees
LL10	Adequacy of Provision for landscape Retention

NPPF

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 3

Site notice posted. Yes, at the access to the site

Responses received: None from immediate neighbours but one letter of objection was received from a resident of Theydon Bois as follows:

23 DUKES AVENUE, THEYDON BOIS: Objection

I would like to register my objection to this revised application for a perimeter fence around the ENTIRE Oak Hill Farm site. This is important Green Belt land and to fence off the entire site will affect the openness of the Green Belt, enclosing a large area of forest and farmland.

I also object to the height of the fence which will look very obvious - it will take a long time for shrubs to grow that high!

THEYDON BOIS ACTION GROUP: Objection.

The proposal would effectively bring about enclosure of a large area of Green Belt land adjacent to Epping Forest, would be harmful to the openness of the Green Belt and out of keeping with its surroundings. The need for security could be addressed by erecting a fence around the residential curtilage of the new house rather than erecting a fence around the entire site. A hedgerow around the agricultural field would be more appropriate and provide adequate security.

Concern is expressed about the impact of the fence on wildlife since it would prevent them from crossing the field. Concern is also expressed that the application site layout plan does not distinguish between the residential curtilage of the house and land outside of the curtilage.

The Action Group expresses disappointment that the fence is not proposed around the residential curtilage of the new house presently under construction and maintains this Sub-Committee found that would be a way forward.

THEYDON BOIS & DISTRICT RURAL PRESERVATION SOCIETY: Objection.

The proposed fencing will be detrimental to the openness of the Green Belt and visually intrusive when viewed from the public right of way. The fence will also restrict access by animals to the field which can be used as a food source. It may also disturb badgers. Once the house is occupied security will not be a material consideration as a previous consent provides for permanent resident security personnel. It should be demonstrated that the Conservators of Epping Forest have been consulted and do not object before any decision is made on the application.

CONSERVATORS OF EPPING FOREST: "on this occasion the Conservators would have no observations to make."

NATURAL ENGLAND: No objection

THEYDON BOIS PARISH COUNCIL: Objection.

We note the change of height and materials of the proposed fence. However we are disappointed that the way forward as suggested by the Plans East Committee, when this application was last refused, has been ignored. We are in strong agreement with the views of the Plans East Committee which suggested such fencing should be restricted to the boundary of the approved residential curtilage of the site, which would be sufficient to ensure security of the house and garden and would not introduce an inappropriate feature into the agricultural land.

Main Issues and Considerations:

Natural England makes clear there is no need for the Council to undertake an assessment of the proposal on the site's nature conservation objectives and that the proposal is not likely to have an adverse effect on the adjacent Epping Forest SSSI. Furthermore, the proposal would not prejudice the value of Epping Forest for providing open space for the purposes of recreation since it is not part of the Forest. It is therefore found that the main issues raised by the proposal are its consequences for preserved trees, the rural landscape and the Green Belt. The consequence for the landscape includes the setting historic nature of Epping Forest. All these matters will be considered with reference to the interests of achieving reasonable security for the dwelling house under construction at the site.

Impact on Preserved Trees, Landscape and Epping Forest:

The preserved trees on the site boundary with Coppice Row make a very important contribution to the visual amenities of the locality and, although not part of Epping Forest, visually they appear as part of it. Together with trees on Forest Land on the north side of Coppice Row, the preserved trees provide a unified form of enclosure of this part of Coppice Row, whose character adjacent to the site is of a road passing through the forest. Consequently a key planning objective for any development at the site is to safeguard the preserved trees in the interests of the landscape character of the locality and the visual context of Epping Forest as well as the amenity value of the trees themselves. Local Plan and Alterations policies HC5, LL1, LL2, LL8 and LL10 provide policy support for that position.

The Council's Tree and Landscape Team were consulted on this application and advise it has no objection to the proposals provided appropriate conditions are imposed on any consent given in order to ensure the development is implemented satisfactorily. On the basis of that advice, and having regard to the advice of the Conservators of Epping Forest, it is concluded that the proposal is acceptable in terms of its consequence for adjacent preserved trees, the landscape and Epping Forest.

Green Belt:

The development is not inappropriate in the Green Belt therefore the main matter to consider under this heading is impact on openness. The proposed development would serve to physically contain the residential and agricultural part of the site as a single entity. Since the site is already enclosed as a whole with a variety of means of enclosure that aspect of the proposal does not amount to a material change. The greater part of the fence would not normally require planning permission and the applicant has recognised the Council's concerns in both the design of the proposal and the discussion his agent had with Officers over a long period of time. Most importantly, the applicant has responded to the Sub-Committee's decision to refuse application EPF/2659/13 by reducing the height of the proposal from 2m to 1.8m and changing its design to chain-link to match previously approved fencing around the western site boundary in planning permission EPF/1352/12.

The sensitive design of the proposal which includes the careful siting of the fence together with its incorporation within existing and new landscaping will ensure its visual impact is negligible. For that reason it is concluded the proposal would not be harmful to the openness of the Green Belt and would not undermine the purposes of including the land in the Green Belt.

Parish Council Comments:

The comments of Theydon Bois Parish Council are particularly pertinent to the matters of landscape and openness of the Green Belt. Rather than have an open boundary between the residential curtilage of the dwellinghouse and the field the Parish seems to prefer the erection of a fence on that boundary instead of the current proposal. The desirability of ensuring the field retains the character and appearance of an agricultural field is understood and the applicant states his intention is to use the field for grazing animals, an agricultural use which does not require planning permission. Regardless of the applicants' intentions, it is a matter of law that any material change in the use of the field from agriculture would be development requiring planning permission. Consequently the District Council has control over any such proposal. Whether there is a need to erect a fence on the boundary between the house and the field to ensure it retains the character and appearance of an agricultural field is a matter that merits consideration.

The appearance of the field is primarily a consequence of its use. Its means of enclosure also has an impact. The current proposal for fencing around the site as a whole is found to be acceptable in terms of the appearance of the field, as detailed above. There is no enforceable planning condition on the permission for the house that requires the erection of a fence on the boundary of its curtilage with the field so there is no mechanism that can be used to secure that. More importantly, however, the erection of a fence in that location would certainly be much more visible than the current proposal whatever its materials of construction and would consequently affect the landscape and openness of the Green Belt in a way that the current proposal would not. Although there is no proposal for such a means of enclosure, it is likely

that it would be harmful to those interests.

It is therefore concluded that there is no need for a fence on the boundary between the curtilage of the house and the field, that any such fence would have a much more significant impact on the landscape and openness of the Green Belt than the current proposals and in any event, no such fencing is proposed and there is no mechanism to secure such fencing even if it were found desirable.

Conclusion:

No objection is raised to the proposal by Natural England, the Conservators of Epping Forest or the Council's Tree and Landscape Team. The current proposal would safeguard preserved trees and be well integrated into the landscape. It would therefore safeguard the landscape character of the locality and setting of Epping Forest as well as the amenity value of preserved trees.

The proposal is not inappropriate development in the Green Belt and would not be harmful to the openness of the Green Belt or the purposes of including the land in the Green Belt.

There is no need to secure an alternative proposal enclosing the boundary of the house with the field in order to safeguard the appearance of the field as an agricultural field. Indeed, any such proposal is likely to be harmful to the landscape and openness of the Green Belt. Furthermore, no such proposal is before the Council and there is no mechanism for securing one even if it were found to be desirable.

Having regard to the above assessment, it is concluded the proposed fence which is less visually intrusive than the previously refused fence, is a sensitive and appropriate way to meet the reasonable security needs of the applicant since it would safeguard the character and appearance of the field as an agricultural field. Accordingly, it is recommended that conditional planning permission be granted.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

***or if no direct contact can be made please email:
contactplanning@eppingforestdc.gov.uk***

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