

**Report to the District Development
Control Committee**



**Epping Forest
District Council**

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

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.