

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** District Development Control **Date:** 13 August 2014  
Committee

**Place:** Council Chamber, Civic Offices, **Time:** 7.30 - 9.10 pm  
High Street, Epping

**Members Present:** B Sandler (Chairman), B Rolfe (Vice-Chairman), A Boyce, Mrs H Brady, R Butler, K Chana, J Hart, R Jennings, Mrs S Jones, Ms Y Knight, C C Pond, J M Whitehouse, Ms G Shiell, D Stallan and Mrs T Thomas

**Other**

**Councillors:** K Angold-Stephens, B Surtees and D Wixley

**Apologies:**

**Officers Present:** S G Hill (Assistant Director (Governance & Performance Management)), R Perrin (Democratic Services Assistant) and N Richardson (Assistant Director (Development Management))

### **12. WEBCASTING INTRODUCTION**

The Committee Officer reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

### **13. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

It was noted that Councillor T Thomas was substituting for Councillor H Kauffman, Councillor D Stallan was substituting for Councillor J Knapman and Councillor G Shiell was substituting for Councillor J Lea at the meeting.

### **14. DECLARATIONS OF INTEREST**

No declarations of interest were made at the meeting pursuant to the Code of Conduct.

### **15. MINUTES**

**Resolved:**

That the minutes of the meeting held on 25 June 2014 be taken as read and signed by the Chairman as a correct record.

### **16. EPF/0439/14 - LAND ADJACENT TO 22 AND 28 OAKWOOD HILL INDUSTRIAL ESTATE, OAKWOOD HILL, LOUGHTON**

The Committee considered an application for the construction of new workshop facilities for the Council on a site adjacent to an existing industrial estate in Loughton. The application had been referred by Area Planning Subcommittee South on 9 July 2014.

The Committee received further information on the application which had been sought by Area Planning Subcommittee South relating to:

- (i) Ecology – It was now proposed that a further condition be imposed requiring a further reptile survey on the site;
- (ii) Soundproofing – It was agreed that a further condition be imposed to ensure that proposed soundproofing be agreed prior to use of the building;
- (ii) Vehicular HGV access for deliveries – it was noted that officers proposed restrictions on the closing of the gate (during operational hours) and hours of operation.

Responses relating to sequential testing of sites, the relevance of a prior approval on the site and the weight to be given to existing plan policy were noted.

Members expressed concern that the residents of the Oakwood Hill Estate should be afforded greater protection and asked for a further condition requiring a scheme of enhanced planting at the front of the site or on the opposite verge to provide adequate tree screening. Subject to these amendments the Committee approved the proposals.

**Resolved:**

That, subject to the following conditions, planning application EPF/0439/14 on land adjacent 22 and 28 Oakwood Hill Industrial Estate, Oakwood Hill, Loughton be granted:

- (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.

(20) Prior to the commencement of the development hereby approved, details of sound insulation to the proposed building housing the Grounds Maintenance and MOT Workshops shall be submitted to the local planning authority for approval in writing and implemented prior to first occupation of the building.

Reason: In the interest of neighbouring amenity in accordance with Policies DBE2 and DBE9 of the adopted Local Plan and Alterations, which accord with policies contained in the National Planning Policy Framework.

(21) The use of the buildings shall not commence until details of tree planting on an agreed part of the Council-owned residential development in Oakwood Hill, located opposite the site, have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved and if within a period of five years from the date of the planting, that tree or replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree 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 safeguard the visual amenities of residents living in facing residential properties on the opposite side of the road, in accordance with Policies DBE2 and DBE9 of the adopted Local Plan and Alterations, which accord with policies contained in the National Planning Policy Framework.

#### **17. EPF/0670/14 - OAK HILL FARM, COPPICE ROW, THEYDON BOIS**

The committee considered an application referred from Area Planning Subcommittee East from its meeting on 23 July 2014. The application sought the replacement of a perimeter fence with a 1.8 metre high chain link fence together with associated hedge planting. The application had been referred with a recommendation of refusal on visual amenity grounds.

The committee heard from an objector and the applicants agent.

The Committee noted that the Council were unable to impose a condition on the current application to require the fencing of the residential curtilage of the property as the permission relating to that requirement was not being implemented.

The Committee expressed concern that laurel formed part of the hedge planting proposed and sought the agreement of the applicants agent to remove this from the planting scheme notwithstanding the scheme of landscaping on the application plans. It was agreed that a condition relating to the approval of the landscaping be imposed.

The committee voted of the proposed refusal which was lost and then proceeded to approve the application subject to the originally proposed conditions and an additional condition relating to the planning scheme.

#### **Resolved:**

That, subject to the following conditions, planning application EPF/0670/14 at Oak Hill Farm, Theydon Bois be granted:

(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) Subject to condition 4 below, the development hereby permitted will be completed strictly in accordance with the approved drawings nos: ESB PF 002 rev C, ESB PF 005 rev A and ESB PF 010

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

(3) 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.

(4) Notwithstanding the planting details shown on drawing number ESB PF 002 rev C, the perimeter fence hereby approved shall not take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.

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 policy LL11 of the adopted Local Plan and Alterations.

## **18. ANY OTHER BUSINESS**

There was no further urgent business to be transacted at the meeting.

**CHAIRMAN**