

**Report to District Development
Management Committee**



**Epping Forest
District Council**

**Report Reference: DEV-013-2016/17
Date of meeting: 28 September 2016**

Subject: EPF/1922/16 – 15 Oakwood Hill Industrial Estate, Oakwood Hill, Loughton, Essex, IG10 3TZ – Application for variation of condition 2 ‘plan numbers’ on planning application EPF/2197/16 (Installation of two storey business units (Use Class B1a); part single and part two storey cafe (Use Class A3); forming a business incubator development of 34 units based on reconditioned shipping containers). Variation is to allow for a supporting base structure for the approved crates.

Responsible Officer: Nigel Richardson (01992 564110)

Democratic Services: Gary Woodhall (01992 564470)

Recommendation:

(1) 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.**
- 2. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1.01, 1.02, 1.03, 1.04, 1.05, 1.11, 1.12, 1.13, 1.14, and 1.22 all dated 11/12/2015 and e16041-001-A and e16041-002-A both dated 16/03/16**
- 3. The development shall be implemented in accordance with the approved details submitted under EPF/1915/16 showing a photograph of the proposed crate.**
- 4. The development shall be implemented in accordance with the Surface Water Drainage Design document and drainage plan 5202/501-A submitted under EPF/1915/16. These 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.**
- 5. No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed**

humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

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

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

7. 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.]

- 8. 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.**
- 9. 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.**
- 10. The development shall be implemented in accordance with the design and method statements (submitted plans and email communication with London Underground) submitted under reference EPF/1915/16.**
- 11. Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.**
- 12. The development shall be implemented in accordance with the submitted Construction Management Plan (dated March 2016) submitted under reference EPF/1915/16. This approved Statement shall be adhered to throughout the construction period.**
- 13. 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.**
- 14. There shall be no open storage.**

Report Detail

In accordance with the Terms of reference in Article 10 of the Constitution, this

application is put straight to the District Development Management Committee since it is a Major category planning application (commercial floor space over 1000m²) for development on the Council's own land. In this case the Council owns the freehold of the site.

Description of Site:

The application site is located within the Oakwood Hill Industrial Estate and the Estate is designated as an employment area. The site comprises an open yard formally used for storage for a removal company, flanked by two, two storey business units with a vehicle access between. The application site also includes the ground floor of unit 15A, one of the two storey units which fronts the application site. The site backs on to the London Underground line, and slopes up to the rear of the site. It is in a prominent location within the estate, directly opposite the entrance road to the estate and therefore visible from Oakwood Hill. The site is not within the Green Belt or a Conservation Area. Since the previous approval a sample 'crate' has been positioned on the site.

Description of Proposal:

This proposal seeks a minor material amendment to the approved plans (by way of a variation of condition to alter the plan numbers) which was granted by this committee on 24 February 2016. Previously planning permission was granted for the installation of two storey business units (use class B1a); part single and part two storey café (use class A3); together with associated welfare facilities and parking. The two storey business units will be formed from shipping containers creating 34 individual business incubator units, each container will form a different unit. The first floor units will be accessed externally by an external stairway and walkway. The containers will be located to the rear of the site backing onto the London Underground line. The café will also be housed within shipping containers with one of the containers creating a new undercroft vehicle entrance as it will link (externally) existing units 15A and 15B at first floor level. The total new floor space including the café is 1062m².

The existing ground floor of unit 15A will serve as a communal area providing toilets, kitchen facilities, board room, waste area and a cycle store. 14 car parking spaces are located within the site.

This application seeks permission for a supporting base structure to ensure that the crates sit flat on the site. This is needed due to the slope of the site to the rear. The base structure will lift the front of the crates up by a maximum of 0.8m to ensure that the business units (crates) are level. No other changes are proposed.

Relevant History:

EPF/2197/15 - Installation of two storey business units (Use Class B1a); part single and part two storey cafe (Use Class A3); forming a business incubator development of 34 units based on reconditioned shipping containers – Approved at DDMC.

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring properties

ST6 – Vehicle Parking

LL10 – Adequacy of provision of landscape retention

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Summary of Representations:

LOUGHTON TOWN COUNCIL – The Committee had NO OBJECTION to this application

34 neighbours consulted and a Site Notice posted: No neighbour comments received

Issues and Considerations:

The main issues with this proposal are considered to be impact on the overall design and amenity. (For reference the previous report has been copied in full below).

Design

The base structure will not alter the overall design, which will still appear as a contemporary container development. The base structure will not be an obvious addition given its location at ground level and is not considered to alter the design or appearance which was previously considered acceptable.

The previously approved elevations were shown as level – this proposed alteration ensures that the containers can be level without any other alteration. The front of the containers will increase in height by a maximum of 0.8m to 6m, but this will not disrupt the relationship with the existing buildings on the site. Those either side are at a similar height.

Amenity

No amenity issues were raised with the previous approval, as there are no nearby residents. This proposed alteration does not raise any further amenity issues.

Conclusion:

The amendment is relatively small – ensuring that the proposal can be built in accordance with the approved plans on this sloping site. The addition of the base structure is considered acceptable and therefore approval with conditions is therefore recommended.

Previous report for EPF/ 2197/15

Description of Site:

The application site is located within the Oakwood Hill Industrial Estate and the Estate is designated as an employment area. The site comprises an open yard formally used for storage for a removal company, flanked by two, two storey business units with a vehicle access between. The application site also includes the ground floor of unit 15A, one of the two storey units which fronts the application site. The site backs on to the London Underground line and is in a prominent location within the estate. It is directly opposite the entrance road to the estate and therefore visible from Oakwood Hill. The site is not within the Green Belt or a Conservation Area.

Description of Proposal:

The proposal seeks permission for the installation of two storey business units (use class B1a); part single and part two storey café (use class A3); together with associated welfare facilities and parking. The two storey business units will be formed from shipping containers creating 34 individual business incubator units, each container will be a different unit. The first floor units will be accessed externally by an external stairway and walkway. These containers will be located to the rear of the site backing onto the London Underground line. The café will also be housed within shipping containers with one of the containers creating a new undercroft vehicle entrance as it will link (externally) existing units 15A and 15B at first floor level. The total new floor space including the café is 1062m².

The existing ground floor of unit 15A will serve as a communal area providing toilets, kitchen facilities, board room, waste area and a cycle store.

The plans have been revised since first submission. Neighbours and other consultee were re-consulted on the revised plans. The site layout has been altered to allow for an increase in parking from 8 spaces to the proposal now providing 14 car parking spaces within the site.

Relevant History:

None relevant to this particular site.

Policies Applied:

Epping Forest District Local Plan and Alterations
CP2 – Protecting the Quality of the Rural and Built Environment
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring properties
ST6 – Vehicle Parking
LL10 – Adequacy of provision of landscape retention

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Summary of Representations:

LOUGHTON TOWN COUNCIL: The Committee had no objection to this revised application.

In response to the original consultation the Town Council returned the following comments:

The Committee had NO OBJECTION to this application, and supported the concept of a business incubator development and the proposed use of recycled shipping containers.

31 Neighbours consulted and a site notice erected:

LOUGHTON RESIDENTS ASSOCIATION PLANS GROUP – Initially objected due to the fact the parking survey was undertaken in the school holidays but following revised information and an additional parking survey withdrew their objection.

UNIT 9, OAKWOOD HILL INDUSTRIAL ESTATE – Concern with regards to impact on parking.

PLOT 1, OAKWOOD HILL INDUSTRIAL ESTATE – Object still insufficient parking, concern with regards to more problems with highway improvements on Chigwell/Borders Lane, difficulties manoeuvring for HGV's, business interruptions and dangerous accesses.

EFDC ESTATES - not satisfied that there is enough parking facilities on site and this would have a detrimental impact on the estate.

Issues and Considerations:

The main issues with this proposal relate to design, impact on amenity, employment issues and highway/parking issues.

Design

This proposal is a very contemporary method of providing low cost accommodation and will appear as a prominent addition to the Oakwood Hill Industrial Estate, particularly with the first floor container at the entrance to the site. It is however, not considered out of keeping with the surrounding industrial character and is not far removed in terms of character from its previous use providing storage in containers.

The proposal is considered to add interest to the industrial estate as a whole and will be visible from the main streetscene of Oakwood Hill adding a positive contribution to the wider streetscene.

Although unusual, 'container buildings' are becoming more widespread with examples outside the district at Boxpark in Shoreditch, which contains 'pop-up' shops and restaurants and Containerville, in Hackney which is similar to the proposed scheme with start-ups and small businesses using the units. The container appearance of this proposal in this location generally does complement the surrounding business unit character.

Amenity

The proposal does not raise any amenity concerns as there are no nearby residential

properties.

Employment

The NPPF promotes a strong, responsive and competitive economy that supports growth and innovation and this proposal is considered to fully comply with this ethos. The NPPF states that '*significant weight should be placed on the need to support economic growth through the planning system*'. This proposal is located in an area designated within the Local Plan as an employment site and although the employment policies are not compliant with the NPPF (as it discourages the long term protection of sites) it clearly is a suitable and sustainable location to promote and encourage further business.

Clearly incubator business units will add to employment numbers and will provide the opportunity for low cost and therefore presumably low risk business accommodation for small businesses or those just starting out.

The Council's Economic Development Officer is generally supportive of the scheme as there is a general need to renew older employment stock and intensify sites where appropriate to meet job growth forecasts. Additionally the Officer considered the prominent position of the scheme provides a first good impression for the estate as a whole, and the location within an existing estate provides the option for the start up businesses to expand perhaps into other units within the estate.

Highway and Parking Issues

The application was originally accompanied by a parking survey which was completed during the summer holidays which faced criticism for its timing. The application was then revised providing additional parking spaces from 8 spaces to 14, revised parking surveys completed in November and further details on existing parking in the area.

Oakwood Hill Industrial Estate is heavily parked and on two visits by the Case Officer parking in and around the estate was difficult but not impossible. There are no parking restrictions in place on the estate or on Oakwood Hill. There are two free public car parks within the estate which are used but do seem to lack maintenance. It appears that the estate parking issues are exacerbated by the proximity to Debden Station as it appears that commuters park along Oakwood Hill outside of the estate and perhaps also within the estate roads as well.

The Essex County Council Highways Officer objected to the original application but has withdrawn this objection following the revised submissions and has concluded that despite a maximum requirement of 32 for a development of this scale and nature, 14 spaces would be an acceptable level of provision given the accessible location and good access to more sustainable modes of transport - this location is within 500m of Debden Underground station and there are a number of bus routes operating locally.

Although it is acknowledged that parking can be an issue within the estate and surrounding roads and that the number of cars parked may result in difficulties for large lorry movements this is an ongoing and existing issue and one that can not be resolved through a planning application.

It is therefore considered that in this case, given the sustainable location of the site, the evidence submitted by the applicant and the increase in the proposed onsite parking numbers coupled with the large amount of surrounding unrestricted parking

(albeit heavily used) that this proposal will not have a significant negative impact on the existing surrounding parking situation or that of highway safety to justify a refusal.

Conclusion:

The proposal is unusual, but is considered that it would add to the viability and promotion of this designated employment area and the wider District and no amenity issues are raised. There is an existing parking problem in the surrounding area but this application is on balance considered acceptable given the number of parking spaces proposed and the sustainable location of the site. Therefore given the above assessment the application is considered acceptable and approval is recommended.