

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Management Committee **Date:** Wednesday, 16 November 2022

Place: Council Chamber - Civic Offices **Time:** 7.00 - 8.20 pm

Members Present: Councillors P Keska (Chairman), B Rolfe (Vice-Chairman), R Baldwin, H Brady, S Heather, H Kane, H Kauffman, R Morgan, C C Pond, K Williamson, C Amos, S Kane and D Stocker

Members Present (Virtually): -

Other Councillors: -

Other Councillors (Virtual): -

Apologies: I Hadley, S Heap, T Matthews, S Patel and J M Whitehouse

Officers Present: A Marx (Development Management Service Manager (Planning)), G Woodhall (Team Manager - Democratic & Electoral Services) and A Buckley (Higher Level Apprentice (Internal Communications))

Officers Present (Virtually): L Kirman (Democratic Services Officer) and M Rahman (Planning Officer)

25. WEBCASTING INTRODUCTION

On behalf of the Chairman, the Team Manager for Democratic & Electoral Services reminded everyone present that the meeting would be broadcast live to the internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

26. ADVICE FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to allow persons to address the Committee for the determination of applications for planning permission.

27. SUBSTITUTE MEMBERS

The Committee was advised that the following substitute members had been appointed for the meeting:

- (a) Cllr D Stocker for Cllr T Matthews;
- (b) Cllr S Kane for Cllr I Hadley; and
- (c) Cllr C Amos for Cllr J M Whitehouse.

28. DECLARATIONS OF INTEREST

No declarations of interest were made by members of the Committee, pursuant to the Council's Code of Member Conduct.

29. MINUTES**RESOLVED:**

(1) That the revised minutes of the meeting of the Committee held on 21 September 2022, as published on the supplementary agenda, be taken as read and signed by the Chairman as a correct record.

30. SITE VISITS

There had been no site visits requested by members of the Committee for any of the applications on the agenda for the meeting.

31. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE

The Committee was reminded that a briefing note had been prepared to ensure that a consistent approach was taken to the provision of planning policy advice, following the publication of the Epping Forest District Local Plan Submission Version (LPSV) on 18 December 2017 and the Main Modifications to the LPSV which had been published for consultation on 15 July 2021. Members were advised that the primary purpose of the briefing note was to inform development management activities and to provide assistance for Councillors, Officers, Applicants, Planning Agents and other persons involved in the development management process.

Resolved:

(1) That the Planning Policy Briefing Note for the Epping Forest District Local Plan Submission Version be noted.

32. PLANNING APPLICATION EPF/0935/20 - UNIT 20, OAKWOOD HILL INDUSTRIAL ESTATE, LOUGHTON IG10 3TZ

The Service Manager for Development Management, A Marx, presented a report for a proposed new four-storey office building and associated parking. The site was located within the Oakwood Hill Industrial Estate and was currently a scaffold yard with ad hoc storage structures and portacabins located behind a palisade fence. The site backed onto the TfL underground railway line and was not in either the Metropolitan Green Belt or a conservation area. The proposed building would be 13.3 metres in height and finished with a cladding; there would be provision for 22 parking spaces within the site.

A Marx advised the Committee that condition 5 required amending to remove the reference to cooking operations. In addition, there were two new conditions to be attached to the application if approved: nothing to be installed on the roof of the building without prior permission from the Council; and details of any roof mounted solar panels to be agreed by the Council before installation.

Planning Officers had concluded that the proposed development would not have an adverse impact on the Epping Forest Special Area of Conservation (EF SAC) subject to the imposition of relevant planning conditions including a workplace Travel Plan as

well as the provision of electric vehicle charging points, and the application was considered to be acceptable. The Committee noted the summary of representations that had been received in relation to this application, which included an objection from Loughton Town Council, before proceeding to debate the application.

The Committee debated the main issues of the application, including: the principle of the development; the design of the proposed building; the impact of the proposed building on amenity; parking and highways issues; and the impact of the proposal on the EF SAC.

Cllr C C Pond proposed the following three amendments to the planning conditions for the application, seconded by Cllr H Kauffman, but these were lost when put to the vote by the Committee:

- The submission of details of landscaping to include the west facing wall;
- The Construction Method Statement to include an additional point to minimise the use of vehicles with internal combustion engines during the construction of the building; and
- Six electric vehicle parking bays to be provided, not four.

Cllr C C Pond, seconded by Cllr H Kauffman, proposed an additional condition to remove the permitted development rights for the site to prevent future conversion of the proposed office block to residential premises, and this was agreed by the Committee.

Decision:

(1) That planning application EPF/0935/20 for Unit 20 on Oakwood Hill Industrial Estate in Loughton be granted planning permission subject to the following planning conditions:

1...The development hereby permitted shall begin not later than three years from the date of this decision.

2...The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

- 1991/01 Rev F
- 1991/02 Rev F
- 1991/03 Rev E
- 1991/04

3...No development shall take place, including any works of 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:

1. The parking of vehicles of site operatives and visitors.
2. Loading and unloading of plant and materials.
3. Storage of plant and materials used in constructing the development.
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
5. Measures to control the emission of dust and dirt during construction, including wheel washing. With regards to dust control measures and wheel washing, reference shall be made to the Institute of Air Quality Management (IAQM) best practice Guidance on air quality monitoring in the vicinity of demolition and construction sites and Guidance on the assessment of dust from demolition and construction.

6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
7. Tree protection measures.

4...No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

5...No development shall take place until details of the arrangements for internal air extraction, odour control measures, noise levels, and discharge to atmosphere, including the location, appearance and finish of any external ducting and flues and associated screening have been submitted to and been approved in writing by the Local Planning Authority. The approved details shall be installed before the use hereby permitted commences and so retained. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions for the lifetime of the development and operated at all times when cooking is being carried out.

6...Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

7...Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials and type of boundary treatment to be erected, shall have been submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained.

8...Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

9...Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

10...The premises shall be used solely for office use and for no other purpose (including any other purpose in Class E(g) of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.

11...The use hereby permitted shall only be open to tenants between the hours of 07.00 to 20.00 on Monday to Friday and 08.00 to 17.00 on Saturdays, Sundays and Bank Holidays.

12...A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management

(LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include:

- (1) A survey of the extent, scale and nature of contamination and
- (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

12...B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

13...Prior to any above groundworks, details and location of the active electric vehicle parking spaces for all proposed parking spaces shall have been submitted to and approved in writing with the Local Planning Authority (LPA). The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:

- Location of active charging infrastructure;
- Specification of charging equipment; and
- Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
 - a) How charging point usage will be charged amongst users; and
 - b) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.

14...Prior to any above groundworks, details shall be submitted to the Local Planning Authority, to be approved in writing, for appropriate cycle parking for the proposal. The approved facility shall be secure, convenient, covered, and provided prior to the first occupation and shall be retained as such at all times.

15...Tree protection shall be installed as shown on agb Environmental Ltd 'Tree Protection Plan' drawing number 'P3343.1 002 Rev A' (dated 30th May 2019) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/Arboricultural Method Statement reports.

16...Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

17...Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

18...The development shall be carried out in accordance with the flood risk assessment (Flood Risk Assessment, Ref P3343.3.0, 28th April 2020) and drainage strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority.

19...The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for each stage of the development, have been submitted to and approved in writing by the local planning authority which:

- provide demolition details
- provide details for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent) and superstructure
- provide details on the use of tall plant/scaffolding and lifting equipment
- there should be no opening windows or balconies facing the LU elevation
- demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering our land
- demonstrate that there will at no time be any potential security risk to our railway, property or structures.
- accommodate ground movement arising from the construction thereof
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

20...Prior to any above ground works, details of levels shall have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

21...A Workplace Travel Plan is to be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development, which shall include the following details:

- travel plan co-ordinator;
- travel surveys;
- measures to be taken to encourage walking, cycling, use of public transport and reduce car travel by staff;
- monitoring and review; and
- programme for implementation.

22...No lift overrun, roof top plant or roof located paraphernalia (including communications antennae) to be installed without the prior written permission from the Local Planning Authority.

23...Prior to any above ground works, details of the roof mounted solar panels shall be submitted and approved before installation. The development shall be carried out in accordance with the approved details and the solar panels installed prior to first occupation.

24...The building hereby permitted shall at no time be converted in part or otherwise to residential use.

33. PLANNING APPLICATION EPF/0610/22 - 32 HALFHIDES, WALTHAM ABBEY EN9 1LE

The Service Manager for Development Management, A Marx, presented a report for a two-storey side extension and part one-storey, part two-storey rear extension. This application had originally been determined under Officer delegated authority; however, an objection by the Town Council had not been considered when assessing the application. Thus, the decision had been contrary to the Council's Scheme of Delegation and a Judicial Review was brought against the decision, which was successful. This application was now before this Committee as there was the possibility that the Council could be liable for costs or compensation.

A Marx stated that the site comprised of a semi-detached dwelling within the urban settlement of Waltham Abbey with a pedestrian alleyway along the western boundary linking Halfhides with Farm Hill Road. The site was not listed or within a conservation area, and there were no protected trees within the site. Planning Officers had considered the impact on the character and appearance of the locality, the impact on the living conditions of neighbours, and concluded that planning permission should be granted subject to planning conditions.

The Committee noted the summary of representations that had been received for this application, which included an objection from the Town Council. The Committee heard from an objector and the applicant's agent before proceeding to debate the application.

The Committee discussed whether to add an extra condition to prevent any windows being fitted to the wall facing the alleyway between Halfhides and Farm Hill Road. Whilst some members supported the recommendation to approve the application, Cllr C C Pond proposed a motion to refuse planning permission for the application – seconded by Cllr H Kane – on the grounds of the impact on the character and appearance of the area and neighbour amenity due to its mass, bulk and siting.

Decision:

(1) That planning application EPF/0610/22 at 32 Halfhides in Waltham Abbey be refused planning permission for the following reasons:

1...The proposed extension, by reason of its mass, bulk and siting, would have an over dominant and oppressive impact upon the character and appearance of the area when viewed from the highway and alleyway. This is contrary to Policies CP2 and DBE10 of the adopted Local 1998 & 2006, Policy DM9 of the Local Plan Submission Version 2017, and Paragraphs 126 & 130 of the NPPF 2021.

2...The proposed extension, by reason of its mass, bulk and siting, would have an overbearing visual impact upon neighbour amenity. As such, the proposal fails to safeguard or enhance the living conditions of neighbouring properties and is therefore

contrary to policies CP7 and DBE9 of the adopted Local Plan 1998 & 2006, Policy DM9

of the Local Plan Submission Version 2017, and the NPPF 2021.

34. PLANNING APPLICATION EPF/1289/22 - 41 DUKES AVENUE, THEYDON BOIS CM16 7HQ

The Planning Officer, M Rahman, presented a report for the demolishing of the existing two-storey side extension and replacement with a new three-bedroom detached dwelling. This application was originally considered by Area Planning Sub-Committee East with a recommendation to grant planning permission at its meeting held on 2 November 2022. The Sub-Committee narrowly voted to refuse the application, but it was referred to this Committee for a final decision under the Minority Reference rules within the Constitution.

M Rahman reported that the site was residential garden space for 41 Dukes Avenue, located on the corner of Dukes Avenue and Heath Drive. The site was not listed, nor within a conservation area, the Metropolitan Green Belt or a flood zone. The application had been recommended for refusal by the Sub-Committee on the grounds that the proposal did not relate positively to the locality due to its form, scale and massing. Planning Officers felt that a second reason for refusal should be added if the Committee upheld the Sub-Committee's recommendation, that the development failed to mitigate against the adverse impact it would have on the Epping Forest Special Area of Conservation in the absence of a Section 106 legal agreement.

The Committee noted the summary of representations that had been received for this application, including an objection from the Parish Council. The Committee heard from an objector, the Parish Council, and the applicant before debating the application.

The majority of the Committee felt that there was a consistency of design within Dukes Avenue, which this proposal would be in opposition to, and therefore the application could not be supported. It was also highlighted that it was not environmentally sustainable to demolish an extension that had only been erected 11 years ago.

Decision:

(1) That planning application EPF/1289/22 at 41 Dukes Avenue in Theydon Bois be refused planning permission for the following reasons:

1... The proposal, by reason of its form, scale, and massing, fails to relate positively to the locality or make a positive contribution to Theydon Bois, contrary to Policies CP2, CP7 & DBE1 of the adopted Local Plan 1998 & 2006, Policy DM9 (A – i & ii) & (D – ii & iv) of the Local Plan Submission Version 2017, and Paragraphs 126 & 130 of the NPPF 2021.

2... In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1 and CP6 of the adopted Local Plan 1998 & 2006, Policies DM2 and DM22 of the Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

35. ANY OTHER BUSINESS

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

36. EXCLUSION OF PUBLIC AND PRESS

The Committee noted that there was no business which necessitated the exclusion of the public and press from the meeting.

CHAIRMAN

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