

# Committee Agenda



## Epping Forest District Council

### **AREA PLANNING SUB-COMMITTEE WEST** **Wednesday, 7th December, 2022**

You are invited to attend the next meeting of **Area Planning Sub-Committee West**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping**  
on **Wednesday, 7th December, 2022**  
at **7.00 pm**.

**Georgina Blakemore**  
Chief Executive

**Democratic Services**  
**Officer:**

L Kirman, Democratic Services Tel: (01992) 564243  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

#### **Members:**

Councillors S Heather (Chairman), D Stocker (Vice-Chairman), N Avey, R Bassett, H Kane, S Kane, J Lea, J Leppert, J Lucas, T Matthews, R Pugsley, M Sartin and S Yerrell

#### **WEBCASTING/FILMING NOTICE**

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

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

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

**If you have any queries regarding this, please contact the Corporate Communications Manager on 01992 564542.**

**1. WEBCASTING INTRODUCTION**

This meeting is to be webcast and the Chairman will read the following announcement:

“I would like to remind everyone present that this hybrid meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or other such use by third parties).

Therefore, by participating in this meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If any public speakers on Zoom do not wish to have their image captured, they should ensure that their video setting throughout the meeting is turned off and set to audio only.

Please also be aware that if technical difficulties interrupt the meeting that cannot be overcome, I may need to adjourn the meeting.

**Members are reminded to activate their microphones before speaking”.**

**2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)**

General advice to people attending the meeting is attached.

**3. APOLOGIES FOR ABSENCE**

To be announced at the meeting.

To report non-attendance before the meeting, please use the Members Portal webpage [https://eppingforestdc-self.achieveservice.com/service/Member\\_Contact](https://eppingforestdc-self.achieveservice.com/service/Member_Contact) to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the Council’s website, at the bottom under ‘Contact Us’  
<https://www.eppingforestdc.gov.uk/your-council/members-portal/>

**4. DECLARATIONS OF INTEREST**

To declare interests in any item on this agenda.

**5. MINUTES (Pages 9 - 12)**

To confirm the minutes of the last meeting of the Sub-Committee held on 9 November 2022.

**6. ANY OTHER BUSINESS**

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

**7. EPPING FOREST DISTRICT COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)**

This briefing note, dated October 2021, has been produced by the Planning Policy team to ensure that a consistent approach is taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version ("LPSV"), which was published on 18 December 2017 and the Main Modifications to the LPSV published for consultation between 15 July and 23 September 2021. The primary purpose of this note is to inform the development management process and to assist Development Management officers, Councillors, applicants, and planning agents. Other Council officers involved in the development management process may also find the note helpful (e.g., Housing, Contaminated Land, Landscaping etc).

The Planning Policy Briefing Note (October 2021) is available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.pdf>

**8. SITE VISITS**

To identify and agree requirements for formal site visits to be held with regard to any planning application listed in this agenda, prior to consideration of the application.

**9. PLANNING APPLICATION - EPF/1051/22 6 MARKET SQUARE (BARCLAYS BANK PLC), WALTHAM ABBEY EN9 1DN (Pages 13 - 22)**

To consider the attached report on the redevelopment of the former Barclays Bank to mixed use development including upward extension by way of an additional storey at roof level, retaining commercial use on the ground floor and creating a 1 no. duplex 3 bed flat across first and second floors above the commercial space with entrance at street level.

**10. PLANNING APPLICATION - EPF/1954/22 BUILDING YARD, KEYSERS ROAD, NAZEING, WALTHAM ABBEY, EN10 6RJ (Pages 23 - 36)**

To consider the attached report for the change of use: From Builders Yard to a Residential Site Removal of the existing outbuildings.

**11. PLANNING APPLICATION - EPF/2356/20 HANNAH NURSERY, SEWARDSTONE ROAD, E4 7RG (Pages 37 - 46)**

To consider the attached report for the use of a former glasshouse for the display of cars for sale. Use of industrial unit in part of former packing shed building for ancillary storage of cars as ancillary offices & provision of x8 no. ancillary staff car parking spaces.

**12. PLANNING APPLICATION - EPF/3282/21 38 HONEY LANE, WALTHAM ABBEY EN9 3BS (Pages 47 - 60)**

To consider the attached report for the demolition of existing dwelling and detached residential annexe. Removal of existing vehicular access. Construction of new residential apartment block containing 14 dwellings.

**13. EXCLUSION OF PUBLIC AND PRESS**

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

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
Nil	Nil	Nil

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

**Background Papers:** Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

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

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## **Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans Sub-Committees**

### **Are the meetings open to the public?**

Yes, all our meetings are open for you to attend. Only in special circumstances are the public excluded. If you wish to observe meetings live you can view the webcast on the Council's website at: <https://www.eppingforestdc.gov.uk/your-council/watch-a-meeting/> Alternatively, you can attend in person and will be seated in the public gallery of the Council Chamber.

### **When and where is the meeting?**

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

### **Can I speak?**

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. You can register to speak at the meeting either virtually via Zoom or in person at the Civic Offices. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Services. Speakers are not permitted on Planning Enforcement or legal issues.

### **Who can speak?**

Three classes of speakers are generally allowed: Only one objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

### **What can I say?**

You will be allowed to have your say about the application, but you must bear in mind that you are limited to **3 minutes**. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

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

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee South or Area Plans Sub-Committee West you will either address the Committee from within the Council Chamber at the Civic Offices, or will be admitted to the meeting virtually via Zoom. Speakers must NOT forward the Zoom invite to anyone else under any circumstances. If attending virtually, your representation may be supplied in advance of the meeting, so this can be read out by an officer on your behalf should there be a technical problem. Please email your statement to: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

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

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

## **How are the applications considered?**

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

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

An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
  - (i) the Council's approved policy framework; or
  - (ii) the development or other approved plan for the area; or
  - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

## **Further Information**

Further information can be obtained from Democratic Services.

Area Planning Sub-Committee West 2022-23  
 Members of the Committee and Wards Represented:

				
<b>Chairman</b>	<b>Vice Chairman</b>			
Cllr Heather Waltham Abbey Honey Lane	Cllr Stocker Waltham Abbey Honey Lane	Cllr Avey Broadley Common, Epping Upland and Nazeing	Cllr Bassett Lower Nazeing	Cllr Pugsley Lower Nazeing
				
Cllr Sartin Roydon	Cllr Matthews Waltham Abbey High Beach	Cllr S Kane Waltham Abbey Honey Lane	Cllr Lea Waltham Abbey North East	Cllr Lucas Waltham Abbey North East
			(Awaiting photo)	
Cllr Leppert Waltham Abbey Paternoster	Cllr Yerrell Waltham Abbey Paternoster	Cllr H Kane Waltham Abbey South West	Cllr Parsons Waltham Abbey South West	

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Sub-Committee West    **Date:** Wednesday, 9 November 2022

**Place:** Council Chamber, Civic Offices, High Street, Epping    **Time:** 7.00 - 8.07 pm

**Members Present:** Councillors D Stocker (Vice-Chairman, in the Chair), N Avey, R Bassett, H Kane, S Kane, J Lea, T Matthews, M Sartin and S Yerrell

**Members Present (Virtually):**

**Other Councillors:** Councillors J Parsons

**Other Councillors (Virtual):**

**Apologies:** S Heather, J Lucas and R Pugsley

**Officers Present:** A Hendry (Democratic Services Officer), S Mitchell (PR Website Editor) and J Rogers (Principal Planning Officer)

**Officers Present (Virtually):** V Messenger (Democratic Services Officer)

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### 18. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements agreed by the Council, to enable persons to address the Sub-Committee in relation to the determination of applications for planning permission.

Councillor Stocker noted that in the absence of the Chairman, as the Vice Chairman he would be chairing the meeting tonight.

It was agreed that Councillor Avey would be acting Vice Chairman for the duration of the meeting.

### 19. Webcasting Introduction

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

**20. Declarations of Interest**

- a) Pursuant to the Council's Members' Code of Conduct, Councillor S Yerrell declared a personal but non-pecuniary interest in the following item of the agenda. The Councillor had determined that he would not partake in the consideration of the application and voting thereon:

- EPF/1984/22 – Units 12, 14 & 15, Arlington Mews, Sun Street, Waltham Abbey

**21. Minutes****RESOLVED:**

That the minutes of the Sub-Committee held on 12 October 2022 be taken as read and signed by the Chairman as a correct record.

**22. Any Other Business**

It was reported that there was no urgent business for consideration at the meeting.

**23. Epping Forest District Council Planning Policy Briefing Note (October 2021)**

It was noted that the Epping Forest District Council Planning Policy Briefing note was available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.pdf>

**24. Site Visits**

There were no formal site visits requested by the Sub-Committee.

**25. Planning Application - EPF/2456/21 The Leaves, Tylers Road, Roydon CM19 5LJ**

**Application Ref:** EPF/2456/21  
**Application Type:** Full planning permission  
**Case Officer:** Ian Ansell  
**Site Address:** The Leaves Tylers Road Roydon CM19 5LJ  
**Proposal:** Storage & sales of cars.  
**Ward:** Broadley Common, Epping Upland and Nazeing  
**Parish:** Roydon  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NzFa>  
**Decision:** Approve with Conditions

**Conditions: (4)**

- 1 The development hereby permitted shall be retained strictly in accordance with the following approved plan: ELA/4 Rev A.

Reason: For the avoidance of doubt and to ensure the proposal is retained in accordance with the approved plan.

- 2 The use hereby permitted shall only operate between 9am and 6pm

Mondays to Fridays and 9am and 5pm Saturdays, and at no times on Sundays and Bank or Public Holidays.

Reason: In order to protect the amenities of surrounding residents in accordance with policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policy DM9 of the Local Plan Submission Version 2017 and the NPPF 2021.

- 3 The workshop building shall be used only for cleaning, valeting and preparation of vehicles and shall not be used for mechanical repairs or the painting or spraying of vehicles.

Reason: In order to protect the amenities of surrounding residents in accordance with policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policy DM9 of the Local Plan Submission Version 2017 and the NPPF 2021.

- 4 Notwithstanding the provisions of the Town & Country Planning (Control of Advertisement) (England) Regulations 2007 (or any subsequent order amending, revoking or re-enacting the Regulations), no advertisements shall be displayed at or on the site or on any vehicle so as to be visible from the road without prior consent from the Local Planning Application through an appropriate application.

Reason: In order to protect general visual amenity and the Green Belt, in accordance with policies GB2A and DBE13 of the adopted Local Plan and Alterations, Policies DM4 and DM13 of the Local Plan Submission Version 2017 and the NPPF 2021.

**Informatives: (1)**

- 5 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**26. Planning Application - EPF/1051/22 6 Market Square (Barclays Bank Plc), Waltham Abbey EN9 1DN**

**Application Ref:** EPF/1051/22  
**Application Type:** Full planning permission  
**Case Officer:** Ian Ansell  
**Site Address:** 6 Barclays Bank Plc Market Square Waltham Abbey Essex EN9 1DN  
**Proposal:** Redevelopment of the former Barclays Bank to mixed use development including upward extension by way of an additional storey at roof level, retain

commercial use on the ground floor and creating a 1 no. duplex 3 bed flat across first and second floors above the commercial space with entrance at street level

**Ward:** Waltham Abbey South West  
**Parish:** Waltham Abbey  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NzDB>  
**Decision:** Deferred

Deferred for more information

**27. Planning Application - EPF/1984/22 Units 12,14, and 15 Arlingham Mews, Sun Street, Waltham Abbey EN9 1ED**

**Application Ref:** EPF/1984/22  
**Application Type:** Full planning permission  
**Case Officer:** Kie Farrell  
**Site Address:** Units 12,14, and 15 Arlingham Mews, Sun Street, Waltham Abbey, EN9 1ED  
**Proposal:** Change of use of three vacant retail units, to two one bed flats.  
**Ward:** Waltham Abbey South West  
**Parish:** Waltham Abbey  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000OhqJ>  
**Decision:** Referred to DDMC

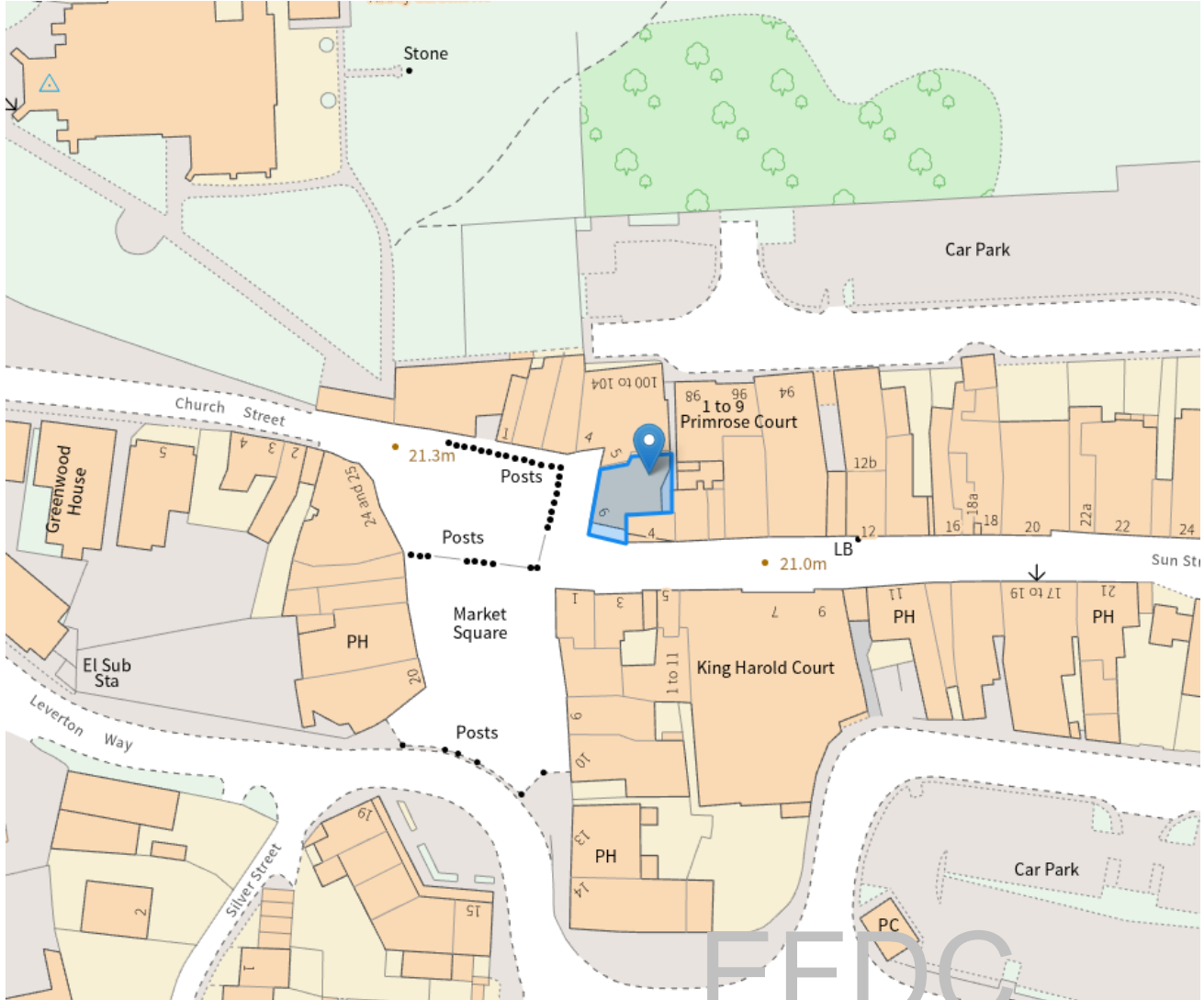
Referred to DDMC after a recommendation to grant planning permission by West Committee which was considered by Officers to be a substantial departure from the adopted policy framework.

**CHAIRMAN**



# Epping Forest District Council

# EFDC



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Application Number:	EPF/1051/22
Site Name:	6 Market Square Waltham Abbey EN9 1DN

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# OFFICER REPORT

**Application Ref:** EPF/1051/22  
**Application Type:** Full planning permission  
**Applicant:** Hanson Holdings Ltd  
**Case Officer:** Ian Ansell  
**Site Address:** Barclays Bank Plc 6 Market Square Waltham Abbey EN9 1DN  
**Proposal:** Redevelopment of the former Barclays Bank to mixed use development including upward extension by way of an additional storey at roof level, retaining commercial use on the ground floor and creating a 1 no. duplex 3 bed flat across first and second floors above the commercial space with entrance at street level  
**Ward:** Waltham Abbey South West  
**Parish:** Waltham Abbey  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NzDB>  
**Recommendation:** Approve with Conditions

*This application is before this Committee since it has been 'called in' by Councillor Helen Kane (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council)).*

Members deferred determination of this application at their last meeting for further information on the external appearance of the building and the siting and design of the refuse store.

## *Conservation Officer design response*

6 Market Square was constructed in the mid-20<sup>th</sup> century and stands within the historic core of the Waltham Abbey Conservation Area. It has been identified in the Conservation Area Character Appraisal (2016) as a building that does not make a positive contribution to the special character and appearance of the designated area. The proposed development of the site should therefore be considered as an opportunity for enhancement in order for the building to better reflect the high quality of the surrounding built environment.

Buildings at prominent locations should be expected to have a presence, a certain mass acting as visual focal points in the wider setting. The introduction of an additional floor, adequately recessed behind the parapet, would achieve this objective. The mansard type roof would soften the current sharp angled flat-topped roof, and as a result, help the building to blend better with the traditional pitched and gable end forms of the vernacular buildings on Sun Street.

The existing parapet wall is around 1.5m high above the existing roof level, around half the height of the extension. The building sits close behind the parapet at its base, preventing creation of any balcony or terrace on the frontage.

The building is however of a particular style and can never fit comfortably into the prevailing architectural character. The works including the refurbishment of the windows retain the integrity of the built form. Replacement of the windows with casements as suggested at the previous meeting by the Historical Society would only result in an awkward pastiche of conflicting detailing having a substantially greater negative impact on the character and appearance of the Conservation Area.

### *Refuse store*

Alternative options for the location of the bins store have been explored. The site does not have rear access to Darby Drive, a situation common on Market Square and Sun Street. As a result, the only suitable location is, as proposed, to the Sun Street side of the building.

In order to lessen the visual impact of the bin area on the street, the ground floor side elevation has been redesigned to accommodate the residential entrance and a self-contained residential bin and cycle store area. Matching double doors are located on outer sides of the existing opening with a central window. The central window and doors to the left are obscure glazed to screen the area behind where the bins are located. The window and door surrounds will match those on the rest of the building. Level changes on the road result in a short ramp being installed to the residential entrance, protected by a low railing, the ramp and railing do not affect the bin store entrance

### *Conclusion:*

The works have been carefully designed and revised to respond to concerns raised during the progress of the application. The provision of new residential accommodation in the Town Centre is to be welcomed and the works respond to the setting in the Market Square in particular and the Conservation Area more generally.

Officers therefore reiterate the earlier recommendation to approve the application subject to conditions.

## **ORIGINAL REPORT**

### **Description of Site:**

The application relates to the former Barclays Bank building located in the north eastern part of Market Square with a return frontage to the north side of Sun Street. The building comprises two storeys, much of the larger ground floor area lies to the rear of the surrounding buildings; the building is now understood to be vacant having previously been used exclusively by the bank.

The site lies in an area of mixed town centre retail and associated usage with commercial and residential uses on the upper floors. The site is within the Waltham Abbey Conservation Area and there are a number of listed buildings in the immediate vicinity although the site itself has no such designation.

### **Description of Proposal:**

The application proposes extensions and alterations to the building to create a ground floor commercial space and a residential unit above comprising of a three bed flat over two floors.

Extensions are proposed at first floor – a rear extension at the side of the existing staircase and including an enclosed terrace area – and at roof level where a new floor is added in a mansard style addition. The residential unit will be accessed from a new self-contained entrance on the Sun Street entrance where a bin and cycle store will also be created. Otherwise the primary elevations are refurbished retaining the existing form.

### **Relevant History:**

None

## **Policies Applied:**

### *Adopted Local Plan:*

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP1	Achieving sustainable development objectives
CP2	Protecting the quality of the rural and built environment
CP7	Urban form and quality
HC6	Character, appearance and setting of Conservation Areas
HC7	Development in Conservation Areas
NC1	SPA's, SAC's and SSSI's
TC3	Town Centre function
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE9	Loss of Amenity
ST1	Location of development
ST2	Accessibility of development
ST6	Vehicle parking

### *NPPF (July 2021):*

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either; (a) approving development proposals that accord with an up-to-date development plan without delay; or (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

2	Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
5	Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
8	Promoting healthy and safe communities – paragraphs 92, 97
9	Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
11	Making effective use of land – paragraphs 119, 122, 123, 124
12	Achieving well designed places – paragraphs 126, 130, 131, 132, 135
14	Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169
15	Conserving and enhancing the natural environment – paragraphs 174, 175, 179 - 182, 183, 185, 186



*Epping Forest District Local Plan (Submission Version) 2017:*

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given)."

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the advanced stage of the LPSV, all policies should be afforded significant weight:

No.	POLICY
SP1	Presumption in favour of sustainable development
SP2	Spatial Development Strategy
T1	Sustainable transport choices
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM7	Heritage Assets
DM9	High Quality Design

DM10	Housing design and quality
DM15	Managing and reducing flood risk
DM16	Sustainable Drainage Systems
DM19	Sustainable water use
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality

### **Consultation Carried Out and Summary of Representations Received**

Date of site visit: 27 June 2022

Number of neighbours consulted: 23

Site notice posted: 20 June 2022

Responses received: No response received from neighbours.

Waltham Abbey Historic Society commented that an additional storey on the building would dwarf surrounding historic buildings.

Parish Council: Waltham Abbey Town Council responded, they raised no objection.

### **Main Issues and Considerations:**

The site lies on a prominent part of the market square in an area of considerable variety of built form and finish. The existing building is seen to have little historic architectural merit being a relatively modern rebuild but is of an appropriate scale to its general setting. The building features a relatively high parapet wall extending around the two road frontages, and the second floor addition is set behind this. As a result, only the upper half of the elevation is visible from street level and therefore has a modest visual impact on the street scene and surrounding buildings, adding further to the diversity of built forms and heights in the square. Evidently, this will be neither unduly dominant nor harmful to any nearby protected buildings.

The design of the side elevation in particular the residential entrance has been refined on the advice of the Conservation Officer. This elevation does not form part of the primary retail frontage and the introduction of the residential entrance will provide a degree of active frontage onto Sun Street. Minimal interventions are now proposed to the established built form.

The extension elements at the rear abut an enclosed courtyard and are set away from boundaries not currently abutted by built form. The enclosed terrace has a limited amenity value to the future occupiers without impacting neighbours.

The site location within the town means parking cannot be provided, nor should it be in such a highly accessible location where other public parking areas remain available.

The application is accompanied by a Habitat Regulations Assessment trip generation analysis which recognises the former use would generate staff and customer journeys and concludes introduction of a reduced commercial footprint and a residential element would reduce overall vehicle movements including any in the EFSAC area. At the time the application was made, the site lie outside the 3km core zone in relation to recreational impact. The information is not disputed, and an appropriate assessment has been completed as under:

### **Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)**

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV).

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concluded that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology underpinning the appropriate assessment of the LPSV, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

1. Recreation activities arising from new residents (recreational pressures); and
2. Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

### **Stage 1: Screening Assessment**

This application has been screened in relation to both the recreational pressures and atmospheric pollution Pathways of Impact and concludes as follows:

1. The site lies within the 3km - 6.2 km Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
2. The development would not result in a net increase in traffic using roads through the EFSAC. Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to recreational pressures but would not have a likely significant effect in relation to atmospheric pollution.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to recreational pressures.

### **Stage 2: 'Appropriate Assessment'**

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC. As the application proposal lies more than 3km from the boundary of the EFSAC there is no requirement to make a financial contribution. Within this strategic context the Council is therefore satisfied that the application proposal would not, as a result, have an adverse effect on the integrity of the EFSAC.

## **Conclusion:**

The primary issue in this case is the visual impact of the roof extension in particular. As set out above officers are satisfied that the scale of this addition is acceptable and its visual impact is limited as a result of it being located behind the existing parapet. Other design improvements have focused on the need to ensure an active frontage is created on Sun Street. The opportunity to provide additional living accommodation in the town centre is a further benefit.

Subject to conditions therefore, the application is recommended for approval.

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

***Planning Application Case Officer: Ian Ansell  
Direct Line Telephone Number: 01992 564481***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

## **Conditions: (5)**

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

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

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 0010 Rev 2, 0011 Rev 2, 0012 Rev 1, 1020 Rev 3, 1021 Rev 3, 1032 Rev 6, 1033 Rev 3, 1034 Rev 1, 2000 Rev 4, 2001 Rev 1, 2002 Rev 6 and 2003 Rev 3 and 2004 Rev 1

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 The external materials to be used on all extensions and alterations hereby approved shall accord with the details shown on drawings numbered 2002 Rev 6 and 2003 Rev 3. Any variation there from shall be subject to further approval from the Local Planning Authority through an appropriate application.

Reason: To ensure development has a satisfactory appearance in the Conservation Area in accordance with policies HC6, HC7 and DBE3 of the adopted Local Plan and Alterations, policies DM7, DM9 and DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.

- 4 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.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy

CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF.

- 5 The ground floor commercial floorspace hereby approved shall be used only for purposes falling within Use Classes E (a), (b), (c) and (e) of the Town & Country Planning (Use Classes) Order 1987 (as amended) and shall not be open for trading later than 9pm on any day of the week.

Reason: The suitability of any other uses and hours of business in this Town Centre location should be further assessed in order to protect general amenity and the viability of the centre, in accordance with policies Tc3, DBE2 and DBE9 of the adopted Local Plan and Alterations, DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

**Informatives: (1)**

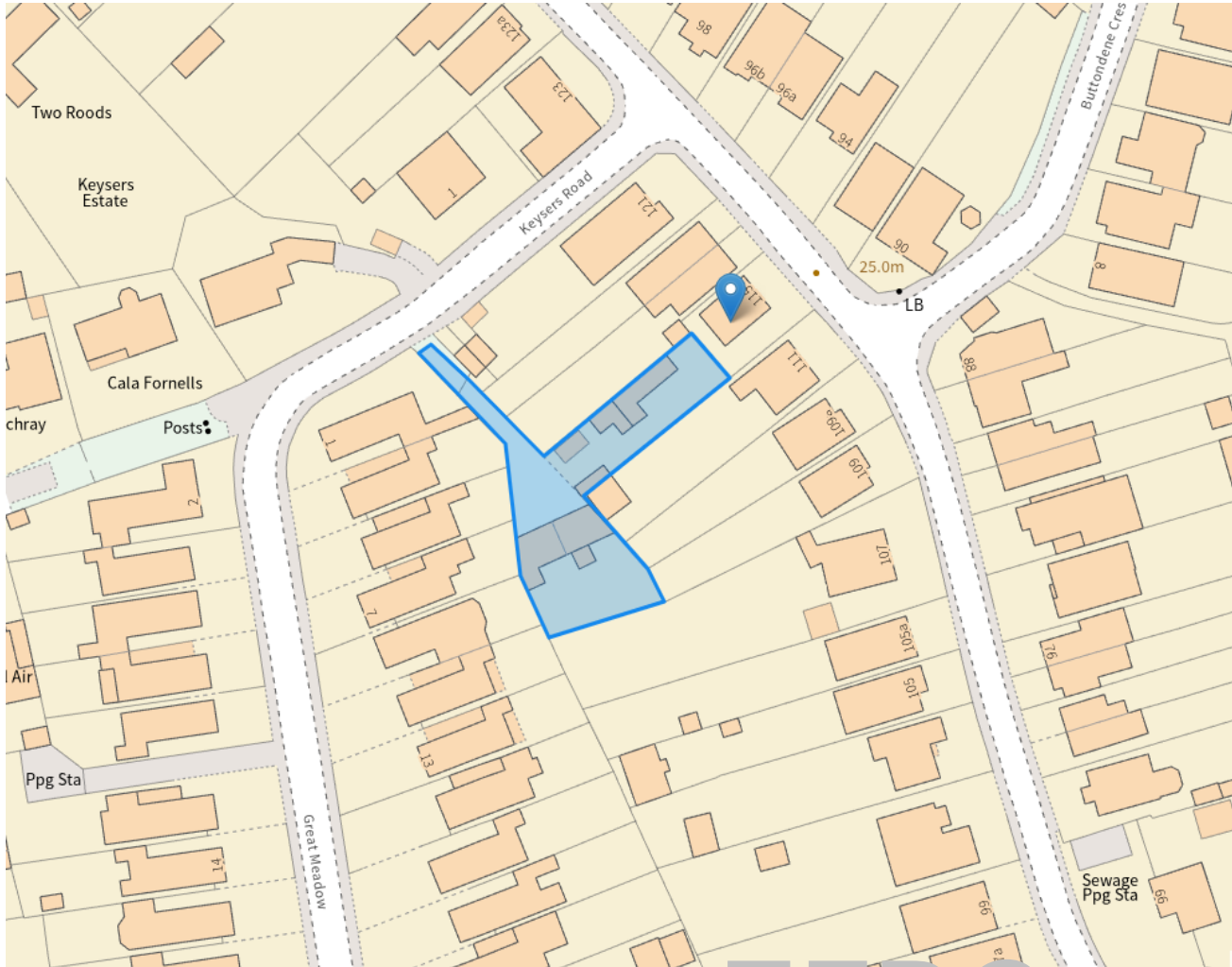
- 6 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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# Epping Forest District Council

# EFDC



# EFDC

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Application Number:	EPF/1954/22
Site Name:	Building Yard, Keyzers Road, Nazeing, Waltham Abbey, EN10 6RJ

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# OFFICER REPORT

**Application Ref:** EPF/1954/22  
**Application Type:** Full planning permission  
**Applicant:** Mr Matt Maskell  
**Case Officer:** Kie Farrell  
**Site Address:** Building Yard, Keysers Road, Nazeing, Waltham Abbey, EN10 6RJ  
**Proposal:** Change of use: From Builders Yard to a Residential Site Removal of the existing outbuildings  
**Ward:** Lower Nazeing  
**Parish:** Nazeing  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000OfS9>  
**Recommendation:** Refuse

*This application is before this Committee since it has been 'called in' by Councillor Richard Bassett (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council)).*

Called in by Councillor Richard Bassett on 21<sup>st</sup> October 2022.

## **Description of Site:**

The application site comprises land between Keysers Road, Great Meadow and Old Nazeing Road.

The site is currently vacant / not in use but was last in use as a Builder's Yard and back garden land.

The site contains several existing outbuildings all of which are single storey (maximum height 3m).

The site is within Environment Agency Flood Zone 2 (Medium probability of flooding).

## **Description of Proposal:**

*Change of use: From Builders Yard to a Residential Site Removal of the existing outbuildings.*

This application follows two recent refused applications for a similar schemes, the first of which was also dismissed at appeal in July 2022.

The current scheme comprises:

- Single storey, 2 bedroom (plus 'study') dwelling.
- 254 sq m floor area (Bedroom 1 - 25 sq m, Bedroom 2 – 40 sqm)
- Maximum height approximately 3.3m (maximum height of refused EPF/2959/21 scheme was 6.6m)
- 2 car parking spaces
- Green sedum roof
- Set off neighbouring boundaries by minimum of 1m.
- Garden areas of 237 sq m and 169 sq m.



## **Relevant Planning History:**

### **Building Yard site (023435):**

EPF/1956/22

Enhancement of existing builders yard for use for scaffold yard  
Refused 08.11.2022.

#### Reasons for refusal:

1. The proposal by reason of its commercial nature would result in an incongruous and intrusive development which fails to respect its residential setting contrary to policies CP2, CP7, DBE1 and DBE2 of the adopted Local Plan 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017 and the NPPF 2021.
2. The proposal by reason of its commercial nature would result in an incongruous and intrusive development that would have a harmful impact on the occupiers of neighbouring residential properties by way of noise and disturbance. As such the proposal fails to safeguard the living conditions of the occupiers of neighbouring properties contrary to policies CP7, DBE2 & DBE9 of the adopted Local Plan 1998 & 2006, policy DM9 (H) of the Local Plan Submission Version 2017 and the NPPF 2021.
3. 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, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

EPF/2959/21

Change of use: from builders yard to a residential site. Removal of the existing outbuildings, erection of a new 3-bed chalet style bungalow & replacement of the existing gate to a new gate. (Revised application to EPF/1579/21)  
Refused 17.01.2022.

#### Reasons for refusal:

1. The proposed development is located in Flood Zone 2, as indicated on maps held by the Environmental Agency, and as such the development may be at direct risk of flooding and may increase the risk of flooding elsewhere. In such instances development should only be permitted if a sequential test indicates that there are no alternative sites appropriate for the proposed development in areas with a lower probability of flooding. No such sequential test has been undertaken / submitted and indeed it is not considered that the proposed development on this site would pass this test. Therefore in the absence of a sequential test the proposed development is considered contrary to Policy U2A of the adopted Local Plan, Policy DM15 of the Local Plan Submission Version, and the guidance contained within the NPPF (July 2021).
2. The proposed development by reason of its design, scale, height, bulk and siting would result in a cramped and over intensive level of development which fails to respect its

setting contrary to policies CP2, CP7 & DBE1 of the adopted Local Plan 1998 & 2006, policies DM9 & DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.

3. The proposed development by reason of its design, scale, height, bulk and siting would result in overlooking / a harmful loss of privacy to the rear gardens of neighbouring residential properties and would also have a harmful overbearing visual impact on occupiers of neighbouring residential properties. As such the proposal fails to safeguard the living conditions of the occupiers of neighbouring properties contrary to policies CP7, DBE2 & DBE9 of the adopted Local Plan 1998 & 2006, policy DM9 (H) of the Local Plan Submission Version 2017 and the NPPF 2021.
4. 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, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

EPF/1579/21

Change of use from builders' yard to residential. Removal of existing outbuildings, erection of a new 3-bed chalet style bungalow and garage and replacement gate.

Refused 15.10.2021 **and Dismissed at appeal 14.07.2022.**

Reasons for refusal:

1. *The proposed development is located in Flood Zone 2, as indicated on maps held by the Environmental Agency, and as such the development may be at direct risk of flooding and may increase the risk of flooding elsewhere. In such instances development should only be permitted if a sequential test indicates that there are no alternative sites appropriate for the proposed development in areas with a lower probability of flooding. No such sequential test has been undertaken / submitted and indeed it is not considered that the proposed development on this site would pass this test. Therefore in the absence of a sequential test the proposed development is considered contrary to Policy U2A of the adopted Local Plan, Policy DM15 of the Local Plan Submission Version, and the guidance contained within the NPPF (July 2021).*
2. *The proposed development by reason of its design, scale, height, bulk and siting would result in a cramped and over intensive level of development which fails to respect its setting contrary to policies CP2, CP7 & DBE1 of the adopted Local Plan 1998 & 2006, policies DM9 & DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.*
3. *The proposed development by reason of its design, scale, height, bulk and siting would result in overlooking / a harmful loss of privacy to the rear gardens of neighbouring residential properties and would also have a harmful overbearing visual impact on occupiers of neighbouring residential properties. As such the proposal fails to safeguard the living conditions of the occupiers of neighbouring properties contrary to policies CP7, DBE2 & DBE9 of the adopted Local Plan 1998 & 2006, policy DM9 (H) of the Local Plan Submission Version 2017 and the NPPF 2021.*
4. *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, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.*

EPF/2296/12

Change of use from Builders Yard to Tree Surgeons Yard, dismantle single garage and erect log store in new position.

Withdrawn 22/01/2013.

115 Old Nazeing Road (000250):

EPF/0470/13

115B Old Nazeing Road

Reinstatement of 2 windows

Approved 10/05/2013

EPF/1200/91

115 Old Nazeing Road

Change of use of shop to residential flat

Approved 27/01/1992

EPO/631A/73 (Reserved Matters)

Garage Building Details

Approved 16/10/1973

EPO/631/73 (Outline)

Outline application for the use of the land as an extension to the builders yard and the erection of garage for commercial vehicles at builders yard rear of 115 Old Nazeing Road

Approved 04/09/1973

W/EPO/556a/66

Details of Shop and Flat 115 Old Nazeing Road

Approved 28.03.1967

W/EPO/556/66

Outline application for shop and flat 115 Old Nazeing Road

Approved 07.02.1967

EPR/72/52

Rebuilding of store at rear of Nash's shop

Approved 16.5.52.

**Policies Applied:**

*Adopted Local Plan:*

CP3 New Development

CP4 Energy Conservation

CP5 Sustainable Building

I1A Planning Obligations

H2A Previously developed land

H3A Housing Density

H4A Housing Mix

DBE1 Design of New Buildings  
DBE2 Effect on Neighbouring Properties  
DBE3 Design in Urban Areas  
DBE6 Car Parking in New Development  
DBE8 Private Amenity Space  
DBE9 Loss of amenity  
LL10 Adequacy of Provision for Landscape Retention  
LL11 Landscaping Schemes  
ST1 Location of Development  
ST4 Road Safety  
ST6 Vehicle Parking  
U1 Infrastructure Adequacy  
U2A – Development in Flood Risk Areas  
RP4 Contaminated Lane  
CP1 Achieving Sustainability Objectives

NPPF (July 2021):

The National Planning Policy Framework (NPPF) 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.

Epping Forest District Local Plan Submission Version 2017 (LPSV):

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019.

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan.

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ended 23<sup>rd</sup> September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

SP1: Presumption in Favour of Sustainable Development  
H1: Housing mix and accommodation types  
DM2: Epping Forest SAC and Lee Valley SPA  
DM9: High Quality Design  
DM10: Housing design and quality  
DM11: Waste Recycling facilities in New Development  
DM15: Managing and reducing flood risk  
DM16: Sustainable Drainage Systems

### **Consultation Carried Out and Summary of Representations Received**

Nazeing Parish Council: Support.

*“Resolved: No objection and support the application as it*

*i) Complies with current legislation,*

*ii) Is a limited infill site,*

*iii) Is previously developed land at a sustainable location,*

*iv) Is also in a residential area so the current commercial use is out of keeping.*

*v) Addresses the reasons for refusal of the previous application for this change of use.*

*It was noted that the Council would expect obscure glass windows to be installed as necessary.”*

Number of neighbours Consulted: 22

4 comments in support of the application have been received as follows:

9 Great Meadow:

“We have taken a look at the proposed drawings submitted and are in favour of the new single storey 2 bedroom bungalow, it is in keeping with the current properties and has some environmental benefit i.e. sedum roof.”

1 Great Meadow:

“I believe this is the best use of the land rather than an industrial unit. This will finally settle the use of this yard to the benefit of the local residents.”

109 Old Nazeing Road (2):

“I support this application on the condition it is built exactly as shown on the planning application and no further changes to the plan are made whatsoever even minor changes without further consultation with those in neighbouring properties or gardens and our comments being taken into consideration before any changes are agreed.”

“I support this application solely on the condition that no further changes whatsoever are agreed to this planning application even minor changes without consultation with those in neighboring properties or gardens and their comments being taken into consideration before

any agreement to changes are given.”

1 neutral comment has been received as follows:

109A Old Nazeing Road:

“No objection to the proposed bungalow provided the plans remain the same as submitted”.

1 comment objecting to the application have been received as follows:

7 Great Meadow:

*“We object to this applications on the grounds that the high wall is fully across the bottom of our garden we will be looking directly onto it from our lounge 30 foot away and 20 foot from a bedroom. We will have no sky line no sun rise. The kitchen will be at the bottom of our garden and the utility room with all the noise that will create you have already allowed Number 9 to move there kitchen which now sides onto me as well, Surely we have the right to some piece in our garden and as its only 30 foot long we are getting crowded out by extension and new property proposals encroaching our space. Why can.t they move the property to the centre of this land it might not upset the residents so much Its got a geen roof but the wall backing onto us is too high for us to see over it. We have had our property on the market of a year now and because of all the applications made over this time we are now blighted and unable to sell we have had offers but once told about the applications for this land they all back out.”*

## **Consultation Responses**

### **Essex CC Highways: No objection**

*“From a highway and transportation perspective the Highway Authority has no objections to this proposal as it is not contrary to the Highway Authority’s Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policies ST4 & ST6 of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.”*

### **EFDC Land Drainage comments dated 27<sup>th</sup> October 2022:**

*“Having reviewed the details supplied for the above application the Environmental Protection and Drainage team wish to put on a **holding objection** on the application on the grounds of flood risk in line with policy DM15 of the Local Plan Submission Version.*

*The site is located within flood zone 2 and the applicant has failed to provide sufficient information to demonstrate that the increase in vulnerability of the users has been considered and is sufficiently protected by incorporating the necessary mitigation measures and construction techniques. In order to overcome this objection, the applicant must provide a site specific flood risk assessment and meet the requirements set out in policy DM15 of the Local Plan Submission Version.”*

**EFDC Trees and Landscape):** No objection subject to landscaping condition.

**EFDC Contaminated Land:** No objection subject to condition.

*“The Phase I Report (ref. 75139R1), dated August 2021, relating to potential contamination issues at the above site has been reviewed and I have the following comments to make regarding its content:*

*The report satisfactorily addresses the requirements for submission of Phase I contaminative study, in that it is signed, dated, contains relevant information and evidence of a site walkover performed; background information for the site and surrounding area; a detailed conceptual site model (CSM); and a preliminary risk assessment identifying and assessing potential contaminant linkages.*

*Reviews of historic maps and background checks have identified plausible pollutant pathways. As the CSM has highlighted potentially active pollutant linkages, the report has recommendations for further site investigations to assess the extent of any potential contamination at the site.*

*Due to the sensitive nature of the proposed residential use, I recommend that the land contamination condition NSCN57 be attached to any approval. Once a contaminated land assessment document has been received and reviewed the attached condition will be considered for discharge.*

*Reason: To ensure that 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 policy RP4 of the adopted Local Plan 1998 & 2006, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF 2021.”*

#### **Environment Agency comments:**

*“The sequential test is required if the site is in FZ2 and a sequential test for the same development hasn’t already been carried out at that site (see below) – link here: [Flood risk assessment: the sequential test for applicants - GOV.UK \(www.gov.uk\)](#).”*

#### **Essex CC Place Services (Ecology):**

No comments received on the current application but in respect to the previous application (EPF/2959/21) there was no objection subject to securing biodiversity mitigation and enhancement measures.

#### **Main Issues and Considerations:**

##### **Flood Risk**

The application site is located within Environment Agency Flood Zone 2 (Medium probability of flooding) and would introduce 'more vulnerable' development to an area at risk of flooding.

As such a Sequential Test must be undertaken prior to the submission of any application. The aim of the Sequential Test is to steer development to areas with the lowest probability of flooding as development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

No Sequential Test has been submitted and therefore the proposal is contrary to Policy U2A of the adopted Local Plan, Policy DM15 of the Local Plan Submission Version, and the guidance contained within the NPPF.

Notwithstanding the above, it is unlikely that the proposal would pass a Sequential Test given the number of alternative sites allocated within the Local Plan Submission Version, along with other potentially available sites considered as part of the site selection work that formed the evidence base to the new Local Plan.

The Council's Environmental Protection and Drainage Team have confirmed that the site is within Flood Zone 2. The applicant has not submitted a Flood Risk Assessment with this application and in the absence of this information has failed to demonstrate that the increase in vulnerability of the users has been considered and is sufficiently protected by incorporating the necessary mitigation measures and construction techniques. The Environmental Protection and Drainage Team has submitted a holding objection (full comments set out above) to the application.

The proposed residential development is therefore unacceptable on the grounds of Flood Risk.

In the appeal decision for the refused EPF/2959/21 scheme, the Planning Inspector comments as follows on Flooding:

*"11. The Council and the Appellant dispute the location of the site as being within the Environment Agency's Flood Zone 2 and the requirement for a sequential test as to why the development could not be located within another site with a lower probability of flooding. **From the information submitted it is clear that the site is within Flood Zone 2 and so according to the National Planning Policy Framework, a sequential test is required. This has not been done.**"*

### **Existing Buildings**

The existing buildings shown on Drawing ELA/2 Rev A do not accurately reflect the actual buildings on the site which are in various states of disrepair.

### **Design, Character and Appearance**

Drawings submitted with previous applications stated that the combined floor area of the existing outbuildings on the site is 179 sq m.

It is unclear which of the existing buildings on the site are lawful and it is not necessarily the case that the floorspace of these buildings act as a guide as to the acceptable amount of floorspace for any future residential dwelling on the site.

All of the buildings on the application site are single storey with a maximum height of 3 metres, some of brick construction, some timbers sheds.

The application site is located between two storey dwellings on Old Nazeing Road and modest single storey bungalows on Great Meadow.

The proposed dwelling is single storey with a maximum height of approximately 3.3m. The building is L shaped, in two parts.

The first part (accommodating living area/kitchen/study/hall) is on the footprint of the main existing building on the site (shown on the Existing Layout drawing as Units 1, 2 and 3) but also extends further forward and rearward than the existing building onto open garden land where sheds and a greenhouse are currently located.

The second part (accommodating two bedrooms and bathrooms) is on the footprint of other existing buildings (shown on the Existing layout drawing as Units 4, 5, 6 and 7) on land to the rear of 115 Old Nazeing Road and between the rear gardens of 111 and 117. The proposed building does not extend as far towards the houses on Old Nazeing Road as the existing buildings but is much wider, filling almost the full width of this part of the site but with 1m setbacks from the boundary on either side.



Any proposed dwelling must respect its setting in terms of scale, proportion, siting, massing, height, orientation, roof-line and detailing.

The proposed dwelling is single storey (with a flat green sedum roof) with a maximum height of approximately 3.3m and in that respect is not out of character with the existing buildings on site or the neighbouring bungalows in Great Meadow.

However, the proposed dwelling has a large footprint extending further forward and rearward of the existing Unit 1,2,3 building and in close proximity to the side boundaries (set back 1m from neighbouring boundaries).

It is considered that the footprint / floor area of the proposed dwelling is excessive resulting in a cramped and over intensive development which fails to respect its setting and therefore is unacceptable in design, character and appearance terms.

The floor area of the proposed dwelling is 254 sq m which significantly exceeds the combined floor area of the existing buildings on the site.

The proposed floor area of 254 sq m (including bedrooms of 25 sqm and 40 sq m) is also significantly larger than the minimum required floor area for a 2 bed, 4 person dwelling over a single storey (70 sq m).

For context, the national space standards state that the minimum floor area for a 6 bed, 8 person dwelling over a single storey is 125 sq m.

This suggests that there is considerable scope for the floor area / footprint to be reduced in order to set the building further back from the site boundaries in order to lessen the cramped and over intensive nature of the proposal.

### **Impact on the Residential Amenity of Occupiers of Neighbouring Residential Properties**

Adopted Policy DBE2 states that Planning permission will not be granted for new buildings which have a detrimental effect upon existing neighbouring or surrounding properties in either amenity or functional terms.

Due to the single storey nature of the proposed dwelling and the absence of windows in flank walls the proposal would not result in harmful loss of privacy / overlooking of any neighbouring properties.

However, due to its proximity to boundaries with 7 Great Meadow and 111 and 117 Old Nazeing Road it is considered that the proposed dwelling would have a harmful overbearing visual impact on occupiers of these neighbouring residential properties which would have a 3.3m high brick flank wall set 1m off the shared boundaries.

The proposed development is therefore considered to be unacceptable in terms of its impact on the residential amenity of the occupiers of neighbouring residential properties.

The floor area of the proposed dwelling is 254 sq m which is significantly larger than the minimum required floor area for a 2 bed, 4 person dwelling over a single storey (70 sq m).

For context, the national space standards state that the minimum floor area for a 6 bed, 8 person dwelling over a single storey is 125 sq m.

This suggests that there is considerable scope for the floor area / footprint to be reduced and for the building to be set back further back from the site boundaries in order to mitigate the harmful visual impact on neighbouring properties.

### **Quality of Accommodation**

The proposed dwelling has a floor area of 254 sq m which very significantly exceeds the minimum national residential space standard for a 2 bedroom, 4 person dwelling over a single storey (minimum 70 sq m).

All habitable rooms appear to benefit from good levels of light and outlook.

Two separate garden areas are proposed of 237 sq m and 169 sq m respectively.

Acceptable in this respect.

### **Highways**

ECC Highways has no objection to the proposal. Vehicular access will be via the existing access from Keyzers Road. Off street car parking for two cars is proposed on the driveway to the front of the proposed dwelling.

### **SAC:**

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, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

### **Conclusion:**

Recommended for refusal.

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

***Planning Application Case Officer: Kie Farrell***

***Direct Line Telephone Number: 01992 564248***

***or if no direct contact can be made please***

***email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

### **Refusal Reason(s): (4)**

- 1 The proposed development is located in Flood Zone 2, as indicated on maps held by the Environmental Agency, and as such the development may be at direct risk of flooding and may increase the risk of flooding elsewhere. In such instances development should only be permitted if a sequential test indicates that there are no alternative sites appropriate for the proposed development in areas with a lower probability of flooding. No such sequential test has been undertaken / submitted and indeed it is not considered that

the proposed development on this site would pass this test. Therefore in the absence of a sequential test the proposed development is considered contrary to Policy U2A of the adopted Local Plan, Policy DM15 of the Local Plan Submission Version, and the guidance contained within the NPPF (July 2021).

- 2 The proposed development by reason of its design, scale, footprint and siting would result in a cramped and over intensive level of development which fails to respect its setting contrary to policies CP2, CP7 & DBE1 of the adopted Local Plan 1998 & 2006, policies DM9 & DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.
- 3 The proposed development by reason of its design, scale, footprint and siting would have a harmful overbearing visual impact on occupiers of neighbouring residential properties. As such the proposal fails to safeguard the living conditions of the occupiers of neighbouring properties contrary to policies CP7, DBE2 & DBE9 of the adopted Local Plan 1998 & 2006, policy DM9 (H) of the Local Plan Submission Version 2017 and the NPPF 2021.
- 4 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, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

**Informatives: (2)**

- 5 The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development.
- 6 This decision is made with reference to the following plan numbers:

Drawing ELA/1 Rev A – Existing Layout

Drawing ELA/2 Rev A – Existing Layout & Elevations

Drawing ELA/3 Rev A – Proposed Layout & Elevations

Drawing ELA/6 Rev A – Block Plan & Location Plan

Contaminated Land Report

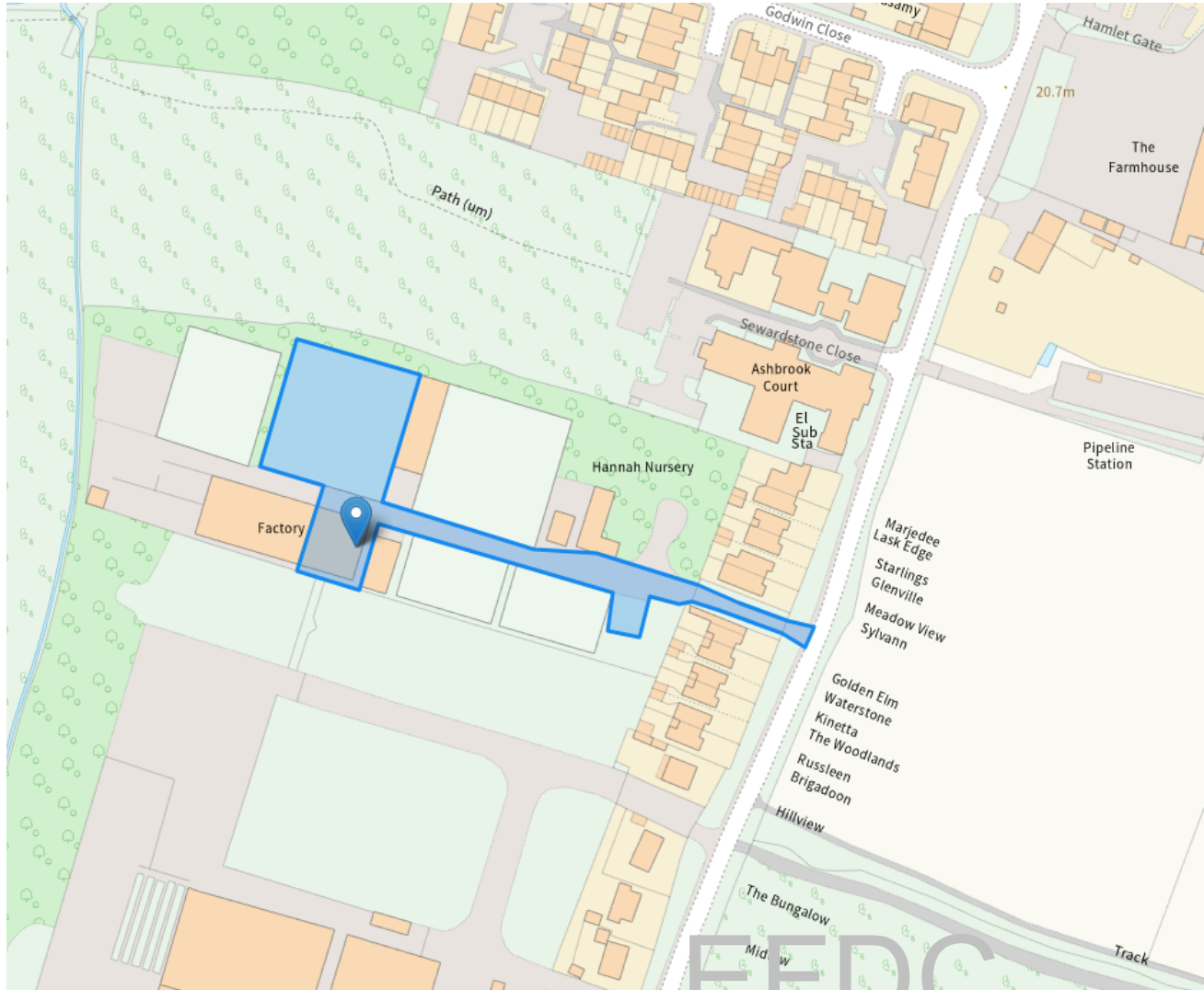
Preliminary Ecological Appraisal Incorporating Bat Survey Inspection, August 2021.

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# Epping Forest District Council

# EFDC



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Application Number:	EPF/2356/20
Site Name:	Hannah Nursery Sewardstone Road E4 7RG

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# OFFICER REPORT

**Application Ref:** EPF/2356/20  
**Application Type:** Full planning permission  
**Applicant:** Messrs Gaiteri, Filocco, Martorana & Di Maria  
**Case Officer:** Caroline Brown  
**Site Address:** Hannah Nursery Sewardstone Road E4 7RG  
**Proposal:** Use of a former glasshouse for the display of cars for sale. Use of industrial unit in part of former packing shed building for ancillary storage of cars as ancillary offices & provision of x8 no. ancillary staff car parking spaces.  
**Ward:** Waltham Abbey High Beach  
**Parish:** Waltham Abbey  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NxLq>  
**Recommendation:** Approve with Conditions

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

## **Description of Site:**

Hannah Nursery' was historically a long-established horticultural site comprising of blocks of glasshouses, located to the west of Sewardstone Road, to the rear of residential properties fronting onto Sewardstone Road. Access lies in between 2 bungalows with a 4.5m wide vehicular access track that runs down the centre of the site.

Glasshouses cover a significant proportion of the site and a number of other buildings on the southern side comprising of two former packing shed buildings. The area to the west of Sewardstone Road is concentrated by nurseries and horticultural nurseries within the boundaries of the Green Belt.

A large former packhouse building replaced a block of glasshouses approved in 2012 Ref: EPF/1621/12. Due to the long term vacancy of the glasshouses and the a decline in the viability of the nursery, planning permission was granted in February 2019 for the change of use of the large former packing shed to Class B2 general industrial use and for the use of an adjacent glasshouse for ancillary car storage, related parking for a total of 16 cars, landscaping to the west of the glasshouses and tree planting along the western periphery of the site and the demolition of the existing scaffolding unit. (Ref: EPF/3345/18).

In 2019, the former packhouse was subdivided into 3 units, one of which was for the manufacture of double-glazed windows and doors and the other 2 Units B & C used for the repair and servicing of motor vehicles to the western end of the site with an area of hardstanding subdivided by metal fencing used for the parking of cars and 2 portacabins for use in connection with Unit C.

The site lies within the boundaries of the Metropolitan Green Belt, no Listed Buildings attributed to the site, and it is not within a Conservation Area.

## **Description of Proposal:**

The application seeks to regularise the use of a former packhouse building in connection with the horticultural use glasshouse (last used by a double-glazed firm) for the display of cars for sale and the

packing shed for ancillary storage of cars, ancillary offices and 8 ancillary staff landscaped car parking spaces sited close to the main entrance.

Precision Motor Group is an online based used car seller. Visits to the site are by appointment only, with a proposed time lock on the site entrance gate, operating between the hours of 07.00 to 18.00 Monday to Saturday and not Sundays or Bank Holidays.

The proposed 8 staff car parking spaces area is currently being used for the storage of shipping containers and commercial vehicles.

### **Relevant History:**

EPF/3345/18: Demolition of existing scaffolding unit, removal of existing fencing and portacabins, use of existing building for Class B2 industrial use and adjacent glasshouse for ancillary car at Hannah Nursery, Sewardstone Road, Waltham Abbey, Essex – approved - February 2019.

EPF/1621/12 Demolition of the existing glasshouse and the erection of a new pack house - Approved  
EPF/2408/07 Erection of agricultural tie dwelling - Refused 04/01/08 (Allowed on Appeal) - Not Implemented.

EPF/0976/96 Erection of new glasshouses - Approved 24/09/96

### **Applied Policies:**

#### **Development Plan Context**

##### Local Plan (1998) and Alterations (2006)

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

CP2: Protecting the Quality of the Rural and Built Environment

CP3 New development

GB2A Development in the Green Belt

GB7A Conspicuous Development

GB8A change of use and adaptation of buildings in the Green Belt.

LL11- Landscaping Schemes

ST1 - Location of development

ST4 Road Safety

ST6 Vehicle Parking

NC1 SPAs, SACs and SSSIs

##### National Planning Policy Framework (NPPF), 2021

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either.

a) approving development proposals that accord with an up-to-date development plan without delay; or  
b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

Epping Forest District Local Plan Submission Version (LPSV) (2017)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14<sup>th</sup> December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given).
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan have been put forward without prejudice to the Inspector’s final conclusions on the Plan.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

Policy	Weight Afforded
SP1 - Presumption in Favour of Sustainable Development	Significant
SP6 - Green Belt and District Open Land	Significant
SP7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure	Significant
DM2 - Epping Forest SAC and the Lee Valley SPA	Significant
LL11 - Landscaping schemes	Significant
T1 - Sustainable Transport Choices	Significant
DM15 - Managing and Reducing Flood Risk	Significant
DM16 - Sustainable Drainage Systems	Significant
DM20 - Low Carbon and Renewable Energy	Significant
DM21 - Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 - Air Quality	Significant



## Consultation Carried Out and Summary of Representations Received:

WALTHAM ABBEY PARISH COUNCIL - No Objection.

11 adjoining neighbours were notified, and 7 objections have been received:

Golden Elm, Sewardstone Road

- Due to the businesses on this site, mostly cars/mot/exhaust modifications etc. there is a constant problem with cars racing in and out of the driveway at all times of the day and evening, this includes weekends, bank holidays and Christmas no consideration for neighbours, Noise.

Meadow View, Sewardstone Road

- This is agricultural land, the entrance is much too small for the huge lorries coming in and out which causes traffic congestion on Sewardstone Rd, also the noise when unloading said vehicles is unacceptable

-

Russlyn, Sewardstone Road, Chingford, E7RG

- the plans for Hannah Nursery are not appropriate to take place at the bottom of my 40-foot garden.
- Loss of privacy; noise and pollution.

Waterstone, Sewardstone Road, Chingford

- Constant noise on a daily basis including Sundays
- We have cars speeding up and down testing out new exhausts that have been fitted on site, they speed on the site and in the driveway between the 2 houses on the entrance.
- The congestion on Sewardstone Road is terrible as we have the car boot all summer and now all the cars and large lorries in and out of Hannah Nursery.

Grenville:

- the extra traffic it will cause on the road which is overloaded all ready and more noise and pollution we need the nursery to produce food now we are living the EU.

Mr & Mrs Collins, Brigadoon Sewardstone Road,

- This application seeks to further intensify the site use for Non -Agricultural Purposes in a green belt location.
- The intensification of the proposed activity of this site for motor trade sales would result not only in the loss of further local glass house facility, but the introduction of a retail facility into a residential area, this would no doubt result in significant increases in car journeys to and from the site from customers and large car transporters making deliveries- this will only add to the ongoing disruption
- Further loss of amenity to ourselves and our immediate neighbours will also escalate from noise and light pollution. Whilst it is noted that the applicants planning statement proposes a time locked gate facility to the site access, there is little faith amongst the existing residents that this will be complied with.

Barbara Cowan, Woodlands, Sewardstone Road, Chingford E4

- The applicant proposes a significant uplift in vehicle parking provision for the development and a significant intensification of the access.
- The applicant states in response to Q5 of the application form this change of use has already begun and this is borne out by local concerns, particularly around working hours, noise and additional vehicle impacts, in particular the "revving" of car engines and the speed of exit by a number of drivers. The use of the former greenhouses for such an unrelated business already creates problems for the neighbours here and any additional burden on both the amenity of neighbours and the public highway should be strongly resisted.

## Issues and Considerations:

The main issues to consider are:

- Impact of the proposed change of use on the Metropolitan Green Belt,
- Impact on neighbour amenities.
- Parking and highways
- Land drainage
- EFSAC

### Impact Metropolitan Green Belt

The National Planning Policy Framework, (NPPF), 2021 states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There is a presumption against inappropriate development which is, by definition, harmful to the green belt and should not be approved except in very special circumstances.

Paragraph 144 of the NPPF states that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting is clearly outweighed by other considerations.

Paragraph 145 states that Local Planning Authorities should have regard to the construction of new buildings as inappropriate in Green Belt and gives exceptions to this.

Paragraph 146 states that other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purpose of including land within it.

d) of 146 states that, 'the reuse of buildings is not inappropriate development provided that the buildings are of permanent and substantial construction; provided they preserve its openness and does not conflict with the purposes of including of land within it.

The buildings are of substantial construction with the former packing shed of a steel framed construction on a concrete slab, blockwork lower walls and clad with insulated profile steel panels and a roller shutter door. The glasshouse is supported by steel posts and beams set in a solid concrete floor. The lower parts of the walls are in blockwork and the walls are clad with solid sheeting with a single roller shutter door to the front elevation.

Policy GB8A supports the change of use and adaptation of buildings in the Green Belt and Local Plan policies and the National Planning Policy Framework (NPPF) allow for the change of use or adaptation of buildings in the Green Belt.

Paragraph 83 of the NPPF promotes the "*sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings...*".

Hannah Nursery is located in the Green Belt and where the past horticultural use has now ceased, and the Council has already granted permission to convert buildings to alternative commercial uses. This application relates in part to one of those buildings and to a permanent glasshouse sited adjacent to one approved for change of use.

The caveat of such conversions within the Green Belt are that: '*they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt*".

The use would not result in any increase in floor area or intensification of use than the previous uses and therefore there is no significantly greater impact on the openness of the Green Belt or to the purposes of including land within it and not constitute inappropriate development.

#### Impact on neighbouring amenity

The glasshouses are sited at a satisfactory distance from nearby residential properties, and it is considered that their amenity is maintained to an acceptable level. Appropriate conditions would ensure that the hours of use are limited to protect the amenities of surrounding neighbours. The applicant also confirms that they would be installing an automatic time-lock on the entrance gate to ensure that tenants could not use the site outside these hours.

Having regard to the nature of the proposed use and its surroundings, it is not considered that the size of the unit and activities associated with such a use would give rise to any significant demonstrable harm to neighbour's amenity in the form of noise, disturbance and accords with the requirements of policy DBE9 of the adopted Local Plan and DM9 of the emerging Local Plan.

#### Comments on Representation Received

The concerns expressed by the residents are noted. Hannah Nursery has been operating as a commercial site for some years due to the lack of viability of the previous agricultural use which was documented in the application EPF/3345/18 and is the reason why a change to an alternative commercial was allowed. The NPPF guidance considers the reuse of existing buildings in the Green Belt for commercial purposes as appropriate and is supportive of rural based enterprise and employment.

The packhouse approved under planning ref: EPF/1621/12 and the approved workshop for the manufacturing of double-glazing units would have generated a number of vehicle movements and the use displaying a cars and ancillary office space is not considered as generating any additional movements or noise and disturbance.

#### Highway and Parking

The Highway Authority raises no objections as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policies ST4 & ST6 of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.

#### Trees and Landscaping

No objection

#### Land Drainage:

Further details are required to be submitted to the Local Planning Authority of the disposal of foul sewage, surface water and drainage prior to preliminary groundworks commencing in accordance with policy U2B of the Local Plan which are considered necessary and reasonable.

#### Impact on the Special Area of Conservation

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination

with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV).

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concludes that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development).

Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of parts of the methodology underpinning the appropriate assessment HRA 2019, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently, the Council, as competent authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

- 1) Recreation activities arising from new residents (recreational pressures); and
- 2) Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

As this application is for non-residential development it has been screened in relation to the atmospheric pollution Pathway of Impact only and concludes as follows:

- 1) The development would not result in a net increase in traffic using roads through the EFSAC.

The Council is therefore satisfied that the application would not result in a likely significant effect on the integrity of the EFSAC. Having undertaken this first stage screening assessment and reached this conclusion there is no requirement to undertake an 'Appropriate Assessment' of the application proposal or seek financial contributions toward mitigation and monitoring measures.

Conclusion:

The reuse of a former horticultural building and glasshouse is appropriate in its context and would not result in any additional harmful impact on the openness of the Green Belt and would not significantly prejudice the amenity of the occupiers of adjoining properties. Other aspects in relation to parking/highway safety and landscaping are considered satisfactory subject to the imposition of conditions.

Having regard to economic, social and environmental factors as set out in the National Framework, 2021 and the policies of the adopted Local Plan and Alterations (1998 & 2006) and the emerging Local Plan, Submission Version, 2017 the use is supported. In the light of the above considerations, it is recommended that planning permission is Approved

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

***Planning Application Case Officer: Caroline Brown  
Direct Line Telephone Number: 01992 564182***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

**Conditions: (5)**

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: SK01; SK02; 4020/1; 4020/2; Planning Statement

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 2 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.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF.

- 3 The use hereby permitted shall only be open to customers between the hours of 07.00 to 18.00 on Monday to Saturday and at no time on Sundays and Bank Holidays.

Reason: In order to minimise disturbance to local residents, in accordance with policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 4 The existing storage containers and commercial vehicles stored where the staff parking is to be located shall be removed within 3 months from the date of this decision notice and drawing number SK01 implemented

Reason: the existing storage containers and commercial vehicles are incompatible with the use and the surrounding area

- 5 All the cars associated with the change of use of the former packhouse and glasshouse as shown on the submitted drawings are to be confined wholly within the buildings and not stationed anywhere outside.

Reason:- The site is within the Metropolitan Green Belt, where there is a presumption against development unless required essentially for the purposes of agriculture, forestry or for other recognised Green Belt purposes. in accordance with the guidance contained within the National Planning Policy Framework, policies GB2A and GB7A of the adopted Local Plan and Alterations, and Policy DM4 of the Epping Forest District Council Local Plan Submission Version 2017.

**Informatives: (1)**

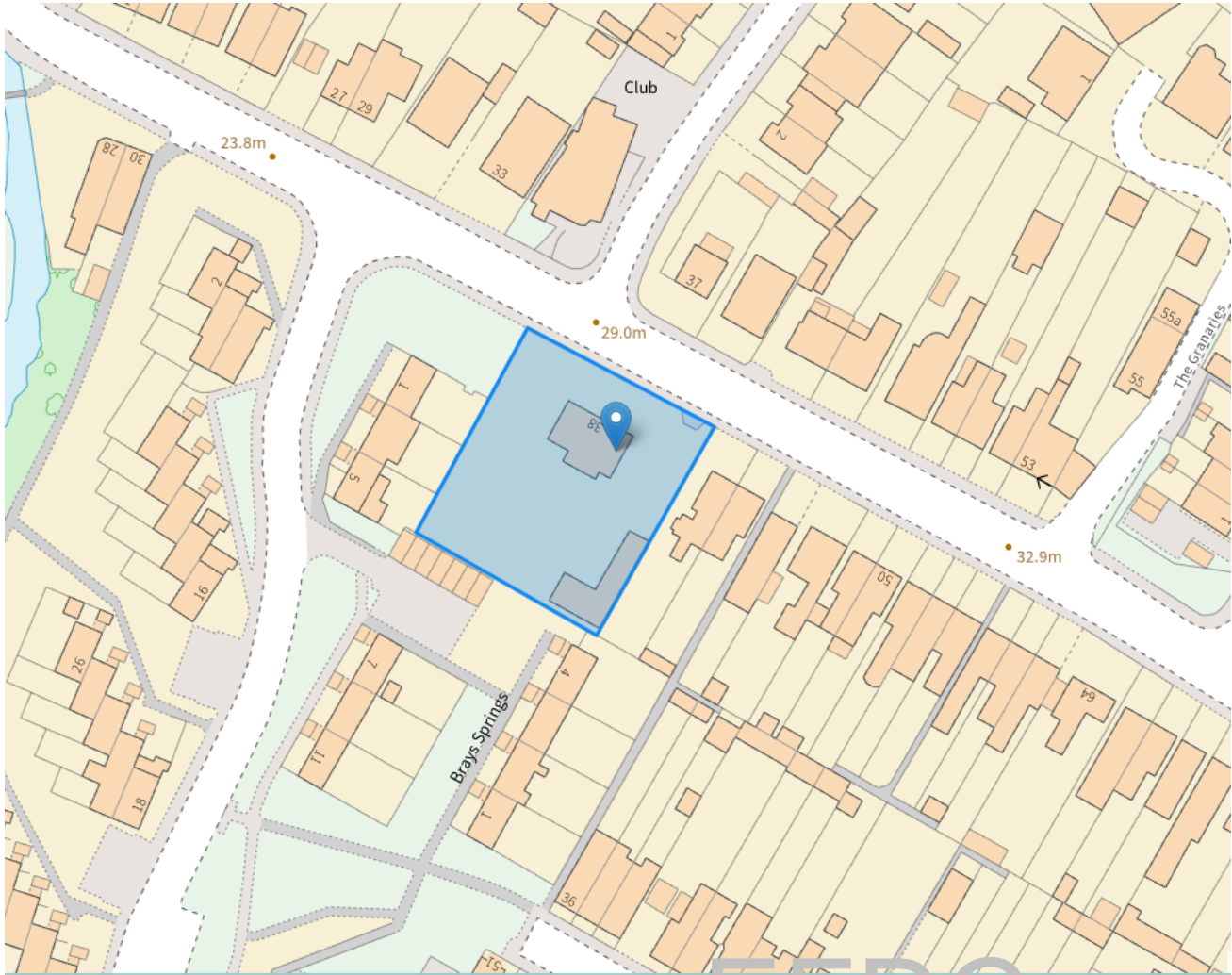
- 6 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant

planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



# Epping Forest District Council

# EFDC



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Application Number:	EPF/3282/21
Site Name:	38 Honey Lane Waltham Abbey EN9 3BS

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# OFFICER REPORT

**Application Ref:** EPF/3282/21  
**Application Type:** Full planning permission  
**Applicant:** Mr R Patel  
**Case Officer:** Alastair Prince  
**Site Address:** 38 Honey Lane Waltham Abbey EN9 3BS  
**Proposal:** Demolition of existing dwelling and detached residential annexe. Removal of existing vehicular access. Construction of new residential apartment block containing 14 dwellings.  
**Ward:** Waltham Abbey Honey Lane  
**Parish:** Waltham Abbey  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nxgr>  
**Recommendation:** Approved with Conditions (Subject to s106 Legal Agreement)

*This application is before this Committee since it is an application for residential development consisting of 10 dwellings or more (other than an application for approval of reserved matters) and is recommended for approval (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council), since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)), and since it is for a type of development that cannot be determined by Officers if more than five objections are received on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

## **Description of Site:**

The application site consists of a detached two-storey dwelling with a detached annexe that benefits from a fairly large plot and is situated on the southern side of Honey Lane close to the junction with Roundhills. To the north and east of the site are detached and semi-detached properties fronting Honey Lane. To the west is the entrance to the Roundhills estate and dwellings fronting onto this. To the south is a garage area with houses and flats beyond.

The site is located within the urban area of Waltham Abbey and is subject to a blanket Tree Preservation Order. The site slopes downwards from east to west and the existing dwelling is situated on significantly elevated land.

## **Description of Proposal**

Consent is being sought for the demolition of the existing dwelling and annexe building and the erection of two new residential apartment block containing 14 dwellings. This would consist of 3 one-bed units and 11 two-bed units across four floors.

The development would be served by a new vehicular access central within the site that would pass through the building and leads to a parking area that contains twelve parking spaces (including two disabled spaces). A further two parking spaces would be located at the front of the site and accessed directly from Honey Lane.

Communal amenity space would be provided to the rear of the site and all but one of the proposed flats would have access to a small patio or balcony.



### **Relevant History:**

EPF/0703/91 - Two storey side extension and conversion to residential units for retired persons – refused 13/12/91

EPF/1088/92 - Single storey side extension (swimming pool, changing area, w.c., sauna, pump room and gymnasium, exercise area) – approved/conditions 29/04/93

EPF/0530/18 - Demolition of existing dwelling and detached residential annex. Removal of existing vehicular access. Construction of new residential apartment block containing 14 dwellings. (16/11/2018) – Refuse Permission

EPF/0140/19 - Demolition of existing dwelling and detached residential annexe. Removal of existing vehicular access and construction of a new residential apartment block containing 14 dwellings (revision to EPF/0530/18). – Refuse Permission (Dismissed on Appeal):

1) The proposed development would cause an unacceptable adverse impact on the character and appearance of Honey Lane as the design of two blocks results in an excessively bulky and over dominant form, resulting in a cramped development on this plot, which is stark and out of character with the existing street scene, contrary to the NPPF and the Local Plan (as amended) policies CP3, DBE1, and DBE2 of the Adopted Local Plan and Alterations and policy DM9 of the Epping Forest District Local Plan (Submissions Version) 2017

2) The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such evidence, and of a completed Section 106 planning obligation to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of air pollution, the proposed development is contrary to policies CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM22 of the Epping Forest District Local Plan Submission Version 2017, the NPPF, and the requirements of the Habitats Regulations 2017.

### **Policies Applied:**

#### Epping Forest Local Plan and Alterations (1998/2006)

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP5 – Sustainable building  
CP6 – Achieving sustainable urban development patterns  
CP8 – Sustainable economic development  
CP9 – Sustainable transport  
H2A – Previously developed land  
H3A – Housing density  
H5A – Provision for affordable housing  
H6A – Site thresholds for affordable housing  
H7A – Levels of affordable housing  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
LL10 – Provision for landscape retention  
LL11 – Landscaping schemes  
ST4 – Road safety

ST6 – Vehicle parking  
U2B – Flood risk assessment zones  
U3A – Catchment effects  
RP3 – Water quality  
RP4 – Contaminated land

The National Planning Policy Framework (NPPF) has been adopted as national policy since July 2018. Paragraph 213 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.

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP 1 - Presumption in Favour of Sustainable Development  
H 1 - Housing Mix and Accommodation Types  
H2 - Affordable housing  
T 1 - Sustainable Transport Choices  
DM 1 - Habitat Protection and Improving Biodiversity  
DM 2 - Epping Forest SAC and the Lee Valley SPA  
DM 3 - Landscape Character, Ancient Landscapes and Geodiversity  
DM 9 - High Quality Design  
DM 10 - Housing Design and Quality  
DM 11 - Waste Recycling Facilities on New Development  
DM15 - Managing and reducing flood risk  
DM 18 - On Site Management of Waste Water and Water Supply  
DM 19 - Sustainable Water Use  
DM 21 - Local Environmental Impacts, Pollution and Land Contamination  
DM 22 - Air Quality

**Summary of Representations:**

39 neighbouring properties were consulted and a Site Notice was displayed.

6 objections received:

39 HONEY LANE – Object due to overdevelopment of the site, parking issues

41 HONEY LANE – Object as this would be out of character with the area, insufficient parking, and impact on utilities.

47 HONEY LANE – OBJECTION: development would not be out of keeping with the character of the area, excessive degree of bulk and massing, overdevelopment of the site, highway concerns

64 HONEY LANE – Object as the development is out of keeping with the character of the area and would negatively impact the EFSAC.

162 HONEY LANE – Object to the loss of the existing Edwardian house and since the proposed flats are out of character. The development would be a hazard to road users. Detrimental impact on the EFSAC. Overdevelopment

4 ROUNDHILLS – Objection: insufficient parking.

PARISH COUNCIL – No Objection in Principle – The Council has concerns over the access and the overflow off road parking facility.

WALTHAM ABBEY HISTORICAL SOCIETY – Object to the loss the loss of the existing building. Development out of keeping with the surrounding area.

### **Issues and Considerations:**

#### **Principle of development:**

This application site is a residential plot containing a detached dwellinghouse with a larger than usual garden area. Waltham Abbey is an urban, heavily built-up town that is, in principle, acceptable for additional residential development.

The Council has submitted the Epping Forest District Local Plan (Submission Version) 2017 (SVLP) for Independent Examination and this identifies a number of sites for residential development. This application site is not designated as an allocated site within the SVLP and therefore would be considered a 'windfall site'. Whilst the allocated sites within the emerging Local Plan will provide a suitable five-year land supply once the Plan is adopted, at the current time the Council cannot demonstrate a five-year supply of land for housing purposes. Due to this it has been shown in several recent appeal decisions, both within and outside of the district, that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission in locations such as this. Such matters weigh in favour of the development.

The proposed development would be fairly dense at some 90dph, which is significantly higher than the minimum density of 30-50dph as laid out within the adopted Local Plan. However the Submitted Version of the emerging Local Plan recognises within paragraph 2.68 that "the Council recognises that land is a finite resource, and that the District is subject to policy and environmental constraints. It is therefore critical that land for development is used in an efficient and effective way as set out in Policy SP 2. Consequently, it is expected that all new development will maximise densities on housing sites, whilst recognising that different density levels will be appropriate for different sites in different locations as set out in Policy SP 3". Policy SP 3 then goes on to lay out the following density recommendations:

To ensure the best and most efficient use of land as a guide the Council will normally expect:

- (i) a greater density of development at places with good public transport accessibility;
- (ii) densities above 50 dwellings per hectare in towns and large village centres, and along main transport routes and/or close to transport nodes;

(iii) in the areas outside town and large village centres, new residential development should achieve densities of between 30 and 50 dwellings per hectare, and should enhance the distinctive character and identity of the area;

(iv) lower density developments may be appropriate in other areas of the District. Some parts of the urban areas and some villages are particularly sensitive to the impact of intensification and redevelopment because of the prevailing character of the area and the sensitive nature of the surrounding countryside or built form.

Whilst not the most sustainable built-up area within the District there are sustainable transport modes available (bus), Waltham Abbey is within walking distance of Waltham Cross overground station, and the town centre caters for many of the residents day to day needs. Therefore a density of above 50dph or greater would be appropriate for this site.

### Design:

The site is situated close to the junction of Honey Lane and Roundhills and is the first of a long row of Edwardian properties continuing southeast along Honey Lane. Concerns have been raised about the loss of the existing Edwardian dwellinghouse, however this property is not listed, locally listed or within a Conservation Area and it is not considered to be a particularly exemplary example of an Edwardian dwelling. Therefore the principle of its demolition is considered to be acceptable.

The proposed redevelopment is fairly contemporary in design and follows a pre-application submission, which initially proposed two separate contemporary blocks. This proposal follows the advice provided within the pre-application response and whilst the provision of two buildings creates two very large properties in comparison to the surrounding dwellings, the overall height would sit lower than the neighbouring two storey dwelling that sits on higher ground. Furthermore the step down in the roofs, slight set back on the fourth floor, use of different materials, and the provision of the vehicle access through the building sufficiently breaks up the overall bulk of the building.

Given the location of the site close to the junction with Roundhills, whereby the design of the neighbouring properties are far less traditional 1960's modern, it is considered that a more prominent, stand-out building could be accommodated on this site without causing harm to the overall character and appearance of the area.

The development would retain (where appropriate) and replace the existing trees along the north western boundary of the site that would enable planting/screening to be provided, which would help to soften the impact of the proposal when approached from the west.

The previous application was refused in relation to design, with the reason for refusal outlined below:

The proposed development would cause an unacceptable adverse impact on the character and appearance of Honey Lane as the design of two blocks results in an excessively bulky and over dominant form, resulting in a cramped development on this plot, which is stark and out of character with the existing street scene, contrary to the NPPF and the Local Plan (as amended) policies CP3, DBE1, and DBE2 of the Adopted Local Plan and Alterations and policy DM9 of the Epping Forest District Local Plan (Submissions Version) 2017.

The reason was considered by the Inspector, who disagreed with this reason for refusal, and concluded within their decision that the design of the scheme was acceptable. As the design of the current proposal is near identical to the refused scheme, it is felt that permission cannot be refused on this basis due to the recent planning history.

### Affordable Housing:

Policy H2 of the Epping Forest District Local Plan (Submission Version) 2017 states that on development sites which provide for 11 or more homes the Council will require 40% of those homes to be for affordable housing provided on site. Proposals that do not accord with the requirements for affordable housing must be accompanied by a financial and viability appraisal.

Where it has been demonstrated to the Council's satisfaction that the provision of affordable housing in accordance with the above levels and tenure mix would render the scheme unviable, the level of affordable housing required will be suitably adjusted. In this instance no affordable housing is proposed due to viability issues and a report has been commissioned by the applicant which makes sets out this case. This report has been independently appraised over the course of the application process and these findings have been agreed. As a result the proposal is not required to deliver affordable housing.

### Neighbouring amenity:

The proposed development would not extend beyond the rear wall of the neighbouring dwelling and would be slightly lower in height than the neighbouring house. Furthermore it is situated to the northwest of this site. As such it is not considered that there would be any detrimental loss of light or outlook to the neighbouring residents at No. 40 Honey Lane. Whilst there are upper storey balconies proposed to the rear of the new development that would provide some views into the rear garden of this neighbouring property the impact from this would be no different than the overlooking that would result from upper storey rear windows. Any upper storey flank windows facing towards this neighbour can be conditioned to be obscure glazed with fixed frames to ensure that they would not cause any lack of privacy.

The proposed development would be located some 6m from the shared boundary with the dwellings on Roundhills. Given this distance, along with the provision of replacement tree screening, it is not considered that there would be any excessive harm caused to the neighbouring residents of No's 1, 3 and 5 Roundhills.

### Future resident's amenity:

The proposal would include communal amenity areas at the rear (beyond the car park) of the new building. Whilst the usability of these spaces is questionable all but one of the proposed flats would benefit from a small private terrace or balcony. The combination of both private spaces and a larger communal area is sufficient to meet the needs of future occupants.

The proposal would include a large bin storage area (externally accessible), bicycle store, and small additional storage area for use by future residents.

### Highways:

The proposed development would be accessed by way of a new driveway off of Honey Lane that would be situated centrally to the site. This would pass through/under the new development and lead to a car park containing 12 parking spaces. A further two parking spaces would be provided to the front of the site, accessed directly from Honey Lane.

There were initial concerns about access width and visibility raised by Essex County Council and amended drawings have been provided to address these. As such there is no longer any objection from ECC highways, subject to conditions.

Given the location of the application site it within walking distance of Waltham Abbey Town Centre it is considered that one parking space per unit is sufficient.

### Epping Forest Special Area of Conservation:

The Council has a duty as the competent authority under the Habitats Regulations to protect the Epping Forest Special Area of Conservation (SAC) from the effects of development. Two issues in particular have been identified as being likely to have a specific effect on the Epping Forest SAC; being visitor pressure and impacts from air quality.

An Air Pollution Mitigation Strategy is in place and the applicant has confirmed willingness to enter into a legal agreement to provide the necessary contributions toward mitigating the effects of the development in relation to recreational pressure and air quality. The applicant has also agreed to provide residential travel packs which can be agreed via condition.

In addition to the above, as required by policy T 1 of the Epping Forest District Council Local Plan Submission Version, a condition is required to ensure that there is 1 Electric Vehicle Charging Point for every 10 spaces to encourage and facilitate the use of electric cars, which would assist in improving air quality within the District.

### Other Considerations:

Flood risk:

The development is of a size where it is necessary to avoid generating additional runoff and where the opportunity should be taken to improve existing surface water runoff. As such a Flood Risk Assessment is required, which can be dealt with by condition.

The applicant is proposing to dispose of surface water by sustainable drainage system. Further details are required for this, which can be dealt with by way of a condition.

Contamination:

A readily available Council held desk study information for this site has been screened and no evidence can be found of any potentially significant contaminating activities having taken place historically on the site. Records indicate that the site formed part of a field until the existing house was built in the 1920s-1940s and that the site has remained in domestic use since this time.

As potential land contamination risks are likely to be low, it should not be necessary for these risks to be regulated under the Planning Regime by way of standard conditions. It is the responsibility of the developer to ensure the safe development of the site (including the appropriate disposal of any asbestos in hardstanding beneath the existing footpath and the former tennis court sub base) and the addition of a single condition requiring the developer to stop development, contact the Local Planning Authority and carry out any necessary agreed investigation and remediation works if significant contamination is encountered should suffice.

Healthcare:

The East of England Ambulance Service NHS Trust have commented on the application and have identified that the development would give rise to additional healthcare provision and have requested mitigation in relation to the additional pressure caused by this. It is considered that such a contribution can be secured via a S106 Legal Agreement where appropriate.

### Conclusion:

This application site is an existing residential property situated within a built-up urban location. Whilst the scale of the new development would be significantly greater than the existing dwellinghouse and would result in a high density to the site this is considered to be appropriate for this particular location.

Furthermore the design of the buildings ensures that the overall bulk of the buildings would be adequately broken up and maintain views through buildings, a feature currently in place along that part of Honey Lane.

The new development would be more contemporary in appearance than the existing Edwardian dwelling and the other properties within Honey Lane the site is situated close to the junction with Roundhills, which is a 1960's modern estate containing dwelling that are untraditional in style. Therefore the proposal is considered to be appropriately designed for this particular site.

The impact on neighbouring residents is considered to be acceptable, subject to various conditions, and whilst there would be some disturbance and disruption during the construction of the development this harm would be temporary and is not a material planning consideration. Nonetheless, time constraints for construction works are suggested in order to minimise the impact on neighbours.

This development would provide additional housing accommodation to assist in the Council meeting its five-year land supply and proposes sufficient levels of off-street parking (for the location) and amenity space for future occupants.

The proposal meets all other policy requirements and, subject to a S106 Agreement and various conditions, complies with the guidance contained within the National Planning Policy Framework and the relevant adopted Local Plan and Submission Version Local Plan policies. As such the application is recommended for approval.

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

**Planning Application Case Officer: Alastair Prince**  
**Email: [aprince@eppingforestdc.gov.uk](mailto:aprince@eppingforestdc.gov.uk)**

**or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**

**Conditions: (21)**

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

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

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 116/07 - (02); 001, 002, 003/A, 004/A, 005, 006

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 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 such agreed details.

Reason:- To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with the guidance contained within the National Planning Policy

Framework, policy RP3 of the adopted Local Plan and Alterations, and Policies DM 16 and DM 18 of the Epping Forest District Council Local Plan Submission Version 2017.

- 4 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. 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.

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 policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 5 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan has been submitted to and approved by the Local Planning Authority. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependent upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved 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, policy U2B of the adopted Local Plan and Alterations, and policy T 1 of the Epping Forest District Council Local Plan Submission Version 2017.

- 6 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.



7 No development shall take place, including any ground works or demolition, until a Construction Management Plan 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. Safe access into the site
2. The parking of vehicles of site operatives and visitors
3. Loading and unloading of plant and materials
4. Storage of plant and materials used in constructing the development
5. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
6. Wheel and underbody washing facilities

Reason:- To limit the impact of the construction work on the living conditions of residents living in close proximity to the site, in accordance with the guidance contained within the National Planning Policy Framework, policies RP5A and DBE9 of the adopted Local Plan and Alterations, and policy DM 21 of the Epping Forest District Council Local Plan Submission Version 2017.

8 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has a garage or allocated parking space and 1 Electric Vehicle Charging Point for every 10 properties that share unallocated parking shall be installed and retained thereafter for use by the occupants of the site.

Reason: To help support improvements to air quality in accordance with the NPPF and Policy T1 and DM22 of the Epping Forest District Local Plan Submission Version 2017.

9 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.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the Adopted Local Plan and Alterations and Policy DM 19 of the Epping Forest District Council Local Plan Submission Version 2017.

10 Prior to the first occupation of the development the access shall be provided by way of a dropped kerb crossing of the footway with no radius kerbs being required.

Reason:- To ensure safe and suitable access is provided.

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.

Reason:- In the interests of highways safety, in accordance with the guidance contained within the National Planning Policy Framework, policy ST4 of the adopted Local Plan and Alterations, and policy T1 of the Epping Forest District Local Plan (Submission Version) 2017

- 12 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason:- In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with the guidance contained within the National Planning Policy Framework, policy ST1 of the adopted Local Plan and Alterations, and Policy T1 of the Epping Forest District Local Plan Submission Version 2017

- 13 Bat bricks shall be incorporated into the building. A plan showing the type and location of bat bricks to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

Reason:- To minimise damage to biodiversity, in accordance with the guidance contained within the National Planning Policy Framework and Policy DM1 of the Epping Forest District Local Plan Submission Version 2017

- 14 Bird boxes shall be erected on site. A plan showing the type and location of bird boxes to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

Reason:- To minimise damage to biodiversity, in accordance with the guidance contained within the National Planning Policy Framework and Policy DM1 of the Epping Forest District Council Local Plan Submission Version 2017

- 15 No Tree protection shall be installed as shown on Tim Moya Associates 'Tree Protection Plan' drawing number 170514-P-22 (dated October 2021) 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.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with the guidance contained within the National Planning Policy Framework, policy LL10 of the adopted Local Plan and Alterations, and policies DM 3 and DM 5 of the Epping Forest District Council Local Plan Submission Version 2017.

- 16 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub

or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with the guidance contained within the National Planning Policy Framework and policies LL10 and LL11 of the adopted Local Plan and Alterations, and policies DM 3 and DM 5 of the Epping Forest District Council Local Plan Submission Version 2017.

- 17 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In order to control any alteration to levels or spreading of material not indicated on the approved plans in the interests of amenity, in accordance with the guidance contained within the National Planning Policy Framework, policies CP2 and DBE1 of the adopted Local Plan and Alterations, and policy DM 21 of the Epping Forest District Council Local Plan Submission Version 2017.

- 18 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:- To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety, in accordance with the guidance contained within the National Planning Policy Framework, policy ST4 of the adopted Local Plan and Alterations, and policy T1 of the Epping Forest District Local Plan Submission Version 2017.

- 19 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.

Reason:- To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with the guidance contained within the National Planning Policy Framework, policy ST4 of the adopted Local Plan and Alterations, and Policy T 1 of the Epping Forest District Council Local Plan Submission Version 2017.

- 20 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

Reason:- It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is 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, policy RP4 of the adopted Local Plan and Alterations, and policy DM 21 of the Epping Forest District Council Local Plan Submission Version 2017.

- 21 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.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

**Informatives: (4)**

- 22 The Local Planning Authority has acted positively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework
- 23 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.
- 24 This is revised scheme from the previous that was dismissed at Appeal. It is worth noting that parking provision and highway safety were not factors that the Planning Inspector considered as being detrimental to the development. Nothing has changed with regard to the parking and access arrangement of the proposal.
- 25 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)