

# Committee Agenda



## Epping Forest District Council

### **AREA PLANNING SUB-COMMITTEE WEST** **Wednesday, 11th January, 2023**

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, 11th January, 2023**  
at **7.00 pm**.

**Georgina Blakemore**  
Chief Executive

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

V Messenger, 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, J Parsons, 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 7 December 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 BARCLAYS BANK PLC, 6 MARKET SQUARE, WALTHAM ABBEY EN9 1DN (Pages 13 - 22)**

To consider the attached report for 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/1620/22 WINSTON FARM, HOE LANE, NAZEING, WALTHAM ABBEY, EN9 2RJ (Pages 23 - 32)**

To consider the attached report on the demolition of the existing building and the erection of a new dwelling.

**11. 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 Paragraph Number</b>	<b>Information</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
				
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, 7 December 2022

**Place:** Council Chamber, Civic Offices, High Street, Epping    **Time:** 7.00 - 8.05 pm

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

**Apologies:** J Lea

**Officers Present:** L Kirman (Democratic Services Officer), A Marx (Development Manager Service Manager (Planning)) and R Moreton (Corporate Communications Officer)

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

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### 28. 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.

### 29. 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.

### 30. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Member Code of Conduct.

### 31. MINUTES

#### RESOLVED:

That the minutes of the Sub-Committee held on 9 November 2022 be taken as read and signed by the Chairman as a correct record.

### 32. ANY OTHER BUSINESS

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

**33. 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>

**34. SITE VISITS**

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

**35. 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:** 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>  
**Decision:** Deferred

Deferred for constitutional/legal advice regarding acceptability of relevant Portfolio Holder signing off additional planning condition relating to refuse removal strategy

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

**Application Ref:** EPF/1954/22  
**Application Type:** Full planning permission  
**Case Officer:** Kie Farrell  
**Site Address:** Building Yard, Keyzers 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>  
**Deferred:** Deferred

Referred to DDMC with recommendation to grant planning permission, subject to conditions and S106 agreement

**37. PLANNING APPLICATION - EPF/2356/20 HANNAH NURSERY, SEWARDSTONE ROAD, E4 7RG**

**Application Ref:** EPF/2356/20  
**Application Type:** Full planning permission  
**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>  
**Decision:** Refused

**Reasons (2)**

- 1 The development causes harm to residential amenity of neighbouring properties due to noise and disturbance, contrary to policy DBE9 of the adopted Local Plan and Alterations (1998-2006) and policies DM 9 and DM 10 of the Local Plan Submission Version 2017.
- 2 The application has not robustly demonstrated that the proposals will not cause adverse harm to the integrity of the Epping Forest Special Area of Conservation. There are also no alternative solutions or imperative reasons of overriding public interest why the development should be permitted. Accordingly, the development is contrary to policies CP1 and CP6 of the Adopted Local Plan and Alterations, policies DM2 and DM22 of the Epping Forest Local Plan (Submission Version) 2017 and with the requirements of the National Planning Policy Framework 2021.

**Informatives (2)**

- 3 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 has a formal post-application advice service. Please see the Councils website for guidance and fees for this service - <https://www.eppingforestdc.gov.uk/planning-and-building/apply-for-pre-application-advice/>. If appropriate, the Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development through this service.
- 4 This decision is made with reference to the following plan numbers: SK01; SK02; 4020/1; 4020/2; Planning Statement.

**38. PLANNING APPLICATION - EPF/3282/21 38 HONEY LANE, WALTHAM ABBEY EN9 3BS**

**Application Ref:** EPF/3282/21  
**Application Type:** Full planning permission  
**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>  
**Decision:** Deferred

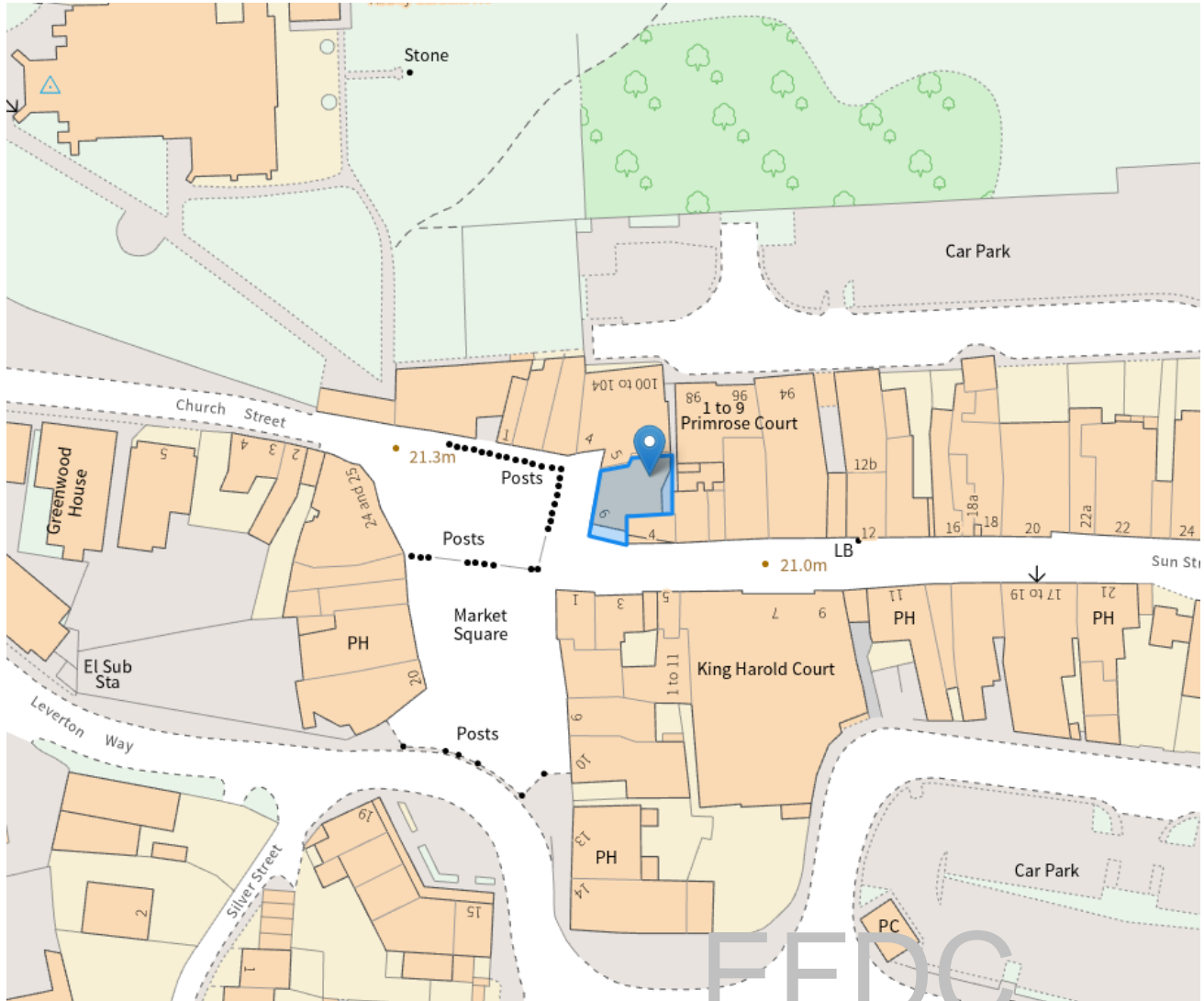
Deferred to later meeting due to lack of Habitats Regulation Assessment and lack of agreed Heads of Terms relating to S106 agreement.

**CHAIRMAN**



# Epping Forest District Council

# EFDC



# 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:** 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, 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 in relation to refuse and recycling collections.

*Comments from Area Waste Management Officer*

Members made comments on the need for an agreed waste removal strategy. The Applicants have confirmed that they had taken advice on this issue.

The Councils Waste Management Officer has advised the following:

*I can confirm our contractors do service Market Square/ Sun Street . As the Councillors mentioned, we do not collect sacks waste at Market Square/ Sun Street residents are to present their waste in containers supplied by EFDC. Sacks collection could result in numerous fly tip points , all the properties have bin stores or bin collection services .*

*For one flat the bins required would be :*

*X1 180 litre refuse bin*

*X1 180 litre food and garden bin*

*X1 kitchen caddy*

*X1 hessian sack*

*X1 180 litre recycling bin (for glass and recycling materials)*

The refuse store designed into the development has capacity to meet these requirements fully

Officers therefore advise that the application before Members meets appropriate requirements for refuse storage.

## PREVIOUS REPORT AND UPDATE

### *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
- 16 Conserving and enhancing the historic environment – paragraphs 194, 195, 197, 199 – 205, 208

*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.

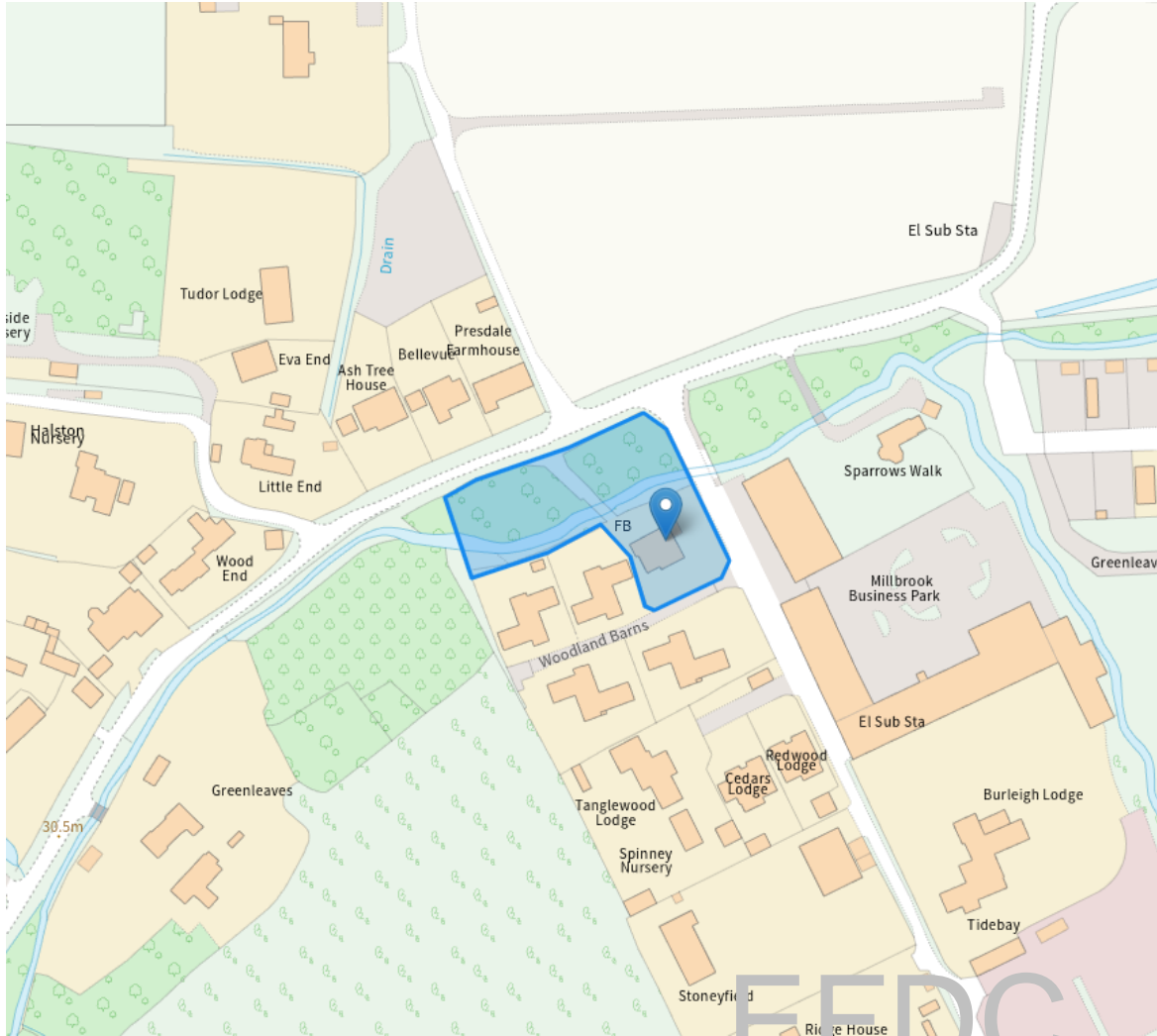
**Informatives: (1)**

- 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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Application Number:	EPF/1620/22
Site Name:	Winston Farm, Hoe Lane, Nazeing, Waltham Abbey, EN9 2RJ

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# OFFICER REPORT

**Application Ref:** EPF/1620/22  
**Application Type:** Full planning permission  
**Applicant:** Mr Luigi Forgione  
**Case Officer:** Sukhvinder Dhadwar  
**Site Address:** Winston Farm, Hoe Lane, Nazeing, Waltham Abbey, EN9 2RJ  
**Proposal:** Demolition of the existing building and the erection of a new dwelling  
**Ward:** Lower Nazeing  
**Parish:** Nazeing  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000OGuZ>  
**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)).*

## **Description of Site:**

The application site covers an area of 0.25 hectares and contains a bungalow in the southern part of the site. The northern part of the site contains a stream running through a broadleaved wooded area. This section of the site falls within the Nazeing and South Roydon Conservation Area. It is protected by a blanket Tree Preservation Order along with one veteran tree and falls within Flood Zones 2 and 3.

The site is located to the south of Hoe Lane and to the west of the access road off of Hoe Lane. The surrounding area contains a variety of residential and commercial uses.

The site was originally included within the approved application for the demolition of the previous kennels and associated buildings and replacement with four dwellings which have now been built.

The whole application site falls within land designated as Green Belt.

## **Description of Proposal:**

Permission is sought for the demolition of existing building and erection of a new dwelling.

## **Relevant History:**

Reference	Description	Decision
EPF/0734/14	Erection of four dwellings following the demolition of kennels and associated commercial buildings and relinquishment of residential mobile home.	Granted
EPF/1352/21	Permission is sought for the demolition of existing building and erection of a new dwelling	Refused
EPF/0189/22	Application to determine if Prior Approval is required for the enlargement of a dwellinghouse by construction of additional storeys	Approved



## **DEVELOPMENT 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
CP3	New Development
CP6	Achieving Sustainable Urban Development Patterns
CP7	Urban Form and Quality
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
HC6	Character, Appearance and setting of Conservation Area
HC7	Development within Conservation Areas
U3B	Sustainable Drainage Systems
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
LL11	Landscaping schemes
ST4	Road Safety
ST6	Vehicle Parking
NC1	SPAs, SACs and SSSIs
NC3	Replacement of Lost Habitat
NC4	Protection of established Habitat
RP4	Contaminated land
NC1	SPAs, SACs and SSSIs
NC3	Replacement of Lost Habitat
NC4	Protection of established Habitat

## **NATIONAL PLANNING POLICY FRAMEWORK (FEBRUARY 2019)**

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 (2017) (LPSV)**

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 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 LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

<b>Policy</b>	<b>Weight afforded</b>
SP2 - Spatial Development Strategy 2011-2033	Significant
SP3 - Place Shaping	Significant
H1 - Housing Mix and Accommodation Types	Significant
T1 - Sustainable Transport Choices	Significant
DM1 - Habitat Protection and Improving Biodiversity	Significant
DM2 - Epping Forest SAC and the Lee Valley SPA	Significant
DM4- Green Belt	Significant
DM5 - Green and Blue Infrastructure	Significant
DM6 - Designated and Undesignated Open Spaces	Significant
DM7 - Heritage Assets	Significant
DM9 - High Quality Design	Significant
DM10 - Housing Design and Quality	Significant

DM11 - Waste Recycling Facilities on New Development	Significant
DM15 - Managing and Reducing Flood Risk	Significant
DM16 - Sustainable Drainage Systems	Significant
DM17 - Protecting and Enhancing Watercourses and Flood Defences	Significant
DM18 - On Site Management of Wastewater and Water Supply	Significant
DM19 - Sustainable Water Use	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**

Number of neighbours consulted: 12  
 Site notice posted: No, not required  
 Responses received as follows:-

2 WOODLAND BARNES COMMENT: Whilst I do not have any grounds to object to this application I feel I must point out the blatant misrepresentation by the architect of the proposed roof height as set out in the Design and Access Statement paragraph 3.6 - "While the ridge height of the proposed dwelling would be 1.5m higher than that of the existing dwelling, it would not be materially different to that of the dwelling as extended under prior approval permission". The proposed roof height is at least twice the height of the existing dwelling, the reference to 1.5m is, I expect a reference to the difference in height to the prior approval not the existing dwelling. Additionally the volume of the proposed roof is very significantly greater than the prior approval as can be seen by the helpfully annotated elevations.

4 WOODLANDS BARNES:SUPPORT: This new application is a welcome improvement to the first and second designs previously submitted to the council for approval. We support this application and hope it is passed as the existing bungalow is unsightly and we would like to see a new, more modern home in its place.

PARISH COUNCIL: No objection and to support the application for the following reasons:

The proposed dwelling

- (i) Will be energy efficient unlike the existing building.
- (ii) Will be in keeping with the neighbouring properties.
- (iii) Is a considerable improvement compared to the current building which was originally constructed for use as offices but was subsequently converted for use as a residence.
- (iv) will enhance and improve the conservation area.

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

#### Green Belt

Paragraph 137 of the National Planning Policy Framework (the Framework) requires that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 148 requires that inappropriate development is, by definition, harmful to the Green Belt and should not be

approved except in very special circumstances. This is broadly restated in Policies GB2A of the Local Plan. Paragraph 149(d) of the Framework states that the Council should regard the construction of new buildings as inappropriate in Green Belt with some exceptions. The relevant exceptions in this case include:-

The replacement of a building provided the new building is in the same use and is not materially larger than the one it replaces.

Policy GB15A of the Local Plan requires that the replacement of the existing permanent dwellings in the Green Belt, on a one for one basis, may be permitted where the new dwelling will

- I. Not be materially greater in volume than that which it would replace; and
- II. Not have a greater impact on the openness of the Green than the original dwelling; and
- III. Not result in the size of the private or cultivated garden of the replacement dwelling exceeding that which it replaces.

Or

149 (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development.

The proposal site as permission under prior approval for an extra floor under reference EPF/0189/22. However, the proposal would extend over the garage as well as 1.3m higher than the ridge height of the approved scheme under reference EPF/0189/22. It is therefore materially larger than original bungalow and the fallback position.

However looking at exception (g) the proposed house is the same height as the existing barns within the cul-de-sac within which it is situated and will be enclosed by buildings within Millbrook Business Park, many of the sites within the wider location have also been converted into residential including the former Spinney Nursery and Burleigh Lodge. It is therefore considered that the proposal will not have a significantly greater impact on the openness of the Green Belt than the existing situation and as such is not inappropriate development. It is on this basis that the proposal complies with the requirements of policy GB2A of the Adopted Local Plan and DM 4 of the SVLP.

### Place shaping

It is considered that the reduced size of the crown roof is acceptable given examples of others within the vicinity of the site.

Plans have been revised to show reduced sized windows on the south. The garage has been removed the application.

The principle elevation faces the woodland, not the existing cul de sac, it is acknowledged that the access which goes through the wood, and over a stream is an existing access, however given the increase in intensity of the use and the existing cul- de sac road along the southern boundary of the site, it is considered a missed opportunity to have the principle elevation face the southern boundary so that the proposal can better protect the woodland and provide an active frontage.

Plans indicate that window to window distance between the application property and number 4 Woodland Barns would be 14.5m. This is below the Essex Design Guide requirement for 25m distance. However, the first-floor windows are now obscure glazed, and no objections have been received from 4 Woodland Barns, the property directly opposite this application site.

There are existing windows on the eastern flank of the house at 1 Woodland Barns which would be 10.2m away from the proposed western flank wall of the proposed house, given these windows are on the side of this neighbouring property and overlook the application site, this distance is considered acceptable. The new house proposes no habitable room windows within the flank elevation facing this neighbouring house.

The proposal is therefore on balance considered acceptable in design terms.

### Trees

The Trees Officer raised no objections subject to conditions in regard to the impact of the proposal on the health and stability of the existing trees on the site. The proposal therefore complies with the requirements of LL10 of the Local Plan and DM5 of the SVLP.

### Ecology

The woodland and stream provide are suitable for commuting and foraging habitat and are likely to be used regularly by larger numbers of bats.

The trees and shrubs on the site provided suitable nesting and foraging habitat for birds.

There is also the likelihood that there was the presence of Invertebrates and fish living within the site along with moderate likelihood that Otters, Water Voles, hedgehogs, Amphibians, and reptiles were living on the site.

The proposal was reviewed by ECC Place Services – Ecology team, they advised insufficient information has been submitted and therefore the application cannot be approved. The justification for this was that:-

*The proposals include the demolition of the existing building, which the plans show is set back from a line of mature trees. The building to be demolished and the nearby trees have not been assessed for their bat roost potential and so the likely impacts upon this European Protected Species have not been considered sufficiently. We recommend that a Preliminary Ecological Appraisal including a Preliminary Roost Assessment of the building and any trees to be affected is provided so that the LPA can fully assess the impacts of the proposals and any mitigation considered necessary. The Preliminary Ecological Appraisal should provide details of any survey results, mitigation & enhancement measures. These details are required prior to determination as any evidence of bat presence will trigger further surveys next season.*

Officers then sought advice on the legal impact of requiring the undertaking of survey work, together with details of any mitigation that may be required in respect of protected species, be submitted for approval before the buildings are demolished as a pre-commencement condition.

Place Services advised that:-

*We cannot recommend that this application should be approved without the provision of a Preliminary Roost Assessment to confirm the likelihood of bats being present and likely absent. A Preliminary Roost Assessment can be conducted at any time of year and is not restricted to the summer months.*

*The proposed demolition of the building has the possibility to damage or destroy a bat breeding or resting place, as well as intentionally or recklessly disturb a bat while it's in a structure or place of shelter or protection. As a result, the Preliminary Roost Assessment must be secured prior to determination to ensure that the LPA can manage any likely risk and ensure that they are not liable*

*under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife Countryside Act 1981 (as amended) if bats are identified to be present and permission was granted.*

*The protected species surveys are also required prior to determination because the Local Planning Authority must consider the guidance under paragraph 99 of the ODPM Circular 06/2005. This advises that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, must be established before planning permission is granted. Therefore, if there is a reasonable likelihood of protected species being present and affected by the development, the surveys should be completed and any necessary measures to protect the species should be in place before the permission is granted.*

*Therefore, it is highlighted that Protected species surveys should only be secured via a condition of any consent in exceptional circumstances, as outlined in the BS42021. This states:*

*The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before planning permission is granted; otherwise all material considerations might not have been considered in making the decision. The use of planning conditions to secure ecological surveys after planning permission has been granted should therefore only be applied in exceptional circumstances, such as the following:*

*a) Where original survey work will need to be repeated because the survey data might be out of date before commencement of development.*

*b) To inform the detailed ecological requirements for later phases of developments that might occur over a long period and/or multiple phases.*

*c) Where adequate information is already available and further surveys would not make any material difference to the information provided to the decision-maker to determine the planning permission, but where further survey is required to satisfy other consent regimes, e.g. an EPS licence*

*d) To confirm the continued absence of a protected species or to establish the status of a mobile protected species that might have moved, increased, or decreased within the site.*

*e) To provide detailed baseline survey information to inform detailed post-development monitoring.*

*Therefore, we cannot recommend a bespoke condition to secure the bat surveys*

It for these reasons that the proposal is contrary to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife Countryside Act 1981 (as amended) guidance contained within ODPM Circular 06/2005, policies NC3 and NC4 of the Local Plan and policy DM1 of the SVLP. Approval of this application would therefore be a departure from policies contained within the adopted Local Plan.

### **Highways and Parking**

The scheme utilises an existing access and incorporates adequate parking space and garaging within the site to avoid the need for any on street parking. The proposal therefore complies with the requirements of policies ST4 and ST6 of the Local Plan and T1 of the LPSV.

### **Other Issues.**

The site due to its previous uses is likely to be contaminated and therefore full contaminated land conditions would be required to prevent harm.

The area to be developed is within Flood Zone 1 although the access and woodland area to the site runs through a Flood zone 3. A flood risk assessment was submitted with the application. The Environment Agency has raised no objection but have suggested that the Council should consider whether the proposal passes the Sequential Test. Since this is a replacement dwelling rather than a new dwelling, it is therefore considered that this requirement is not relevant to this application.

## **Conclusion:**

Since the proposal fails to demonstrate that legally protected species would not be harmed as a result of the implementation of this proposal, and this issue cannot be resolved through pre-commencement conditions, it is contrary to the requirements of policies CP1, CP2, NC3 and NC4 of the Local Plan along with SP7 and DM1 of the Submission Version Local Plan.

***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: Sukhi Dhadwar  
Direct Line Telephone Number: 01992 564597***

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

## **Refusal Reason(s): (1)**

- 1 The application site includes a woodland and stream, and the proposal requires the demolition of an existing building. Insufficient ecological information has been submitted as part of the application to provide the Council with certainty of impacts on legally protected species and Habitats and enable it to demonstrate compliance with its statutory duties, including those laid out in the Conservation of Habitats and Species Regulations 2017 (as amended). The Council is therefore unable to fully and properly assess development in terms of its impact on ecological matters. The development is therefore contrary to the requirements of chapter 15 of the NPPF, policies CP1, CP2, NC3 and NC4 of the Adopted Local Plan along with SP7 and DM1 of the Submission Version Local Plan.

## **Informatives: (2)**

- 2 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 has a formal post-application advice service. Please see the Council's website for guidance and fees for this service - <https://www.eppingforestdc.gov.uk/planning-and-building/apply-for-pre-application-advice/>. If appropriate, the Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development through this service.
- 3 This decision is made with reference to the following plan numbers:  
1512\_300 Site location plan, 1512\_303\_C Proposed site plan, 1512\_310 Existing plans and elevations, 1512\_320\_B Proposed floor plans, front elevation and sections  
1512\_326 Proposed flank and rear elevations, Design and Access Statement, Sustainability Checklist, Draft Flood Risk Assessment by STM Environmental 2021 reference FRA-2021-000049, Contaminated Land Risk Assessment Phase 1 Desk Study Report by STM Environmental April 2021 reference PH1-2021-000046 Tree Survey November 2021 reference P1935-TS01 V1 and Arboricultural Method Statement November 2021 reference P1935-AMS01 V1 by Ligna Consultancy.

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