



AREA PLANNING SUB-COMMITTEE WEST Wednesday, 13th April, 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, 13th April, 2022 at 7.00 pm.

Georgina Blakemore Chief Executive

Democratic Services
Officer:

R Perrin, Democratic Services Tel: (01992) 564243 Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors S Heather (Chairman), D Dorrell (Vice-Chairman), N Avey, R Bassett, H Kane, S Kane, Y Knight, J Lea, J Leppert, T Matthews, D Plummer, M Sartin and D Stocker

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 564039.

1. WEBCASTING INTRODUCTION

- 1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.
- 2. The Chairman will read the following announcement:

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

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery."

2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTES (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 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. MINUTES (Pages 9 - 22)

To confirm the minutes of the last meeting of the Sub-Committee held on 16 March 2022.

5. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

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/2036/20 ROYDON MARINA VILLAGE, HIGH STREET, ROYDON, HARLOW CM19 5EJ (Pages 23 - 40)

To consider the attached report for an extension to the existing marina to provide an additional 168 berths, 99 parking spaces, additional associated facilities and widening and improvement to existing vehicular and pedestrian access.

10. PLANNING APPLICATION - EPF/1213/21 LAND OFF ARLINGHAM MEWS, SUN STREET, WALTHAM ABBEY EN9 1ED (Pages 41 - 50)

To consider the attached report on the Change of Use of Ground Floor Retail Units (A1) to 1 x Studio and 2 x 1 bed unit (C3).

11. PLANNING APPLICATION - EPF/1503/21 1 DARBY DRIVE, WALTHAM ABBEY EN9 1EQ (Pages 51 - 58)

To consider the attached report on the erection of a one and a half storey extension to the restaurant and internal alterations to the existing retail unit to provide staff amenity space. (Revised application to EPF/1993/20).

12. PLANNING APPLICATION - EPF/1819/21 168 HONEY LANE, WALTHAM ABBEY EN9 3BE (Pages 59 - 72)

To consider the attached report for the proposed redevelopment to provide x2 no. semi-detached houses.

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):

Agenda Item No	Subject	Exempt Information Paragraph Number
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 <u>before</u> 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 <u>not</u> 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

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 2021-22 Members of the Committee and Wards Represented:

Chairman	Vice Chairman			
Cllr Heather	Cllr Dorrell	Cllr Avey	Cllr Bassett	Cllr Knight
Waltham Abbey Honey Lane	Waltham Abbey Paternoster	Broadley Common, Epping Upland and Nazeing	Lower Nazeing	Lower Nazeing
Cllr Sartin	Cllr Matthews	Cllr S Kane	Cllr Stocker	Cllr Lea
Roydon	Waltham Abbey High Beach	Waltham Abbey Honey Lane	Waltham Abbey Honey Lane	Waltham Abbey North East
Vacant				IVOITII EdSt
	Cllr Leppert	Cllr H Kane	Cllr Plummer	
Waltham Abbey	Waltham Abbey	Waltham Abbey	Waltham Abbey	
North East	Paternoster	South West	South West	



EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee West Date: 16 March 2022

Place: Council Chamber, Civic Offices, Time: 7.00 - 8.40 pm

High Street, Epping

Members S Heather (Chairman), D Dorrell (Vice-Chairman), N Avey, H Kane, S Kane,

J Lea, J Leppert, T Matthews, M Sartin and D Stocker Present:

Apologies: R Bassett, A Mitchell and D Plummer

Officers V Messenger (Democratic Services Officer) and T Carne (Corporate

Present: Communications Team Manager)

Officers G Courtney (Planning Applications and Appeals Manager (Development Present Management)), A Marx (Development Manager Service Manager (Planning)), virtually:

C Ahmet (Planning Officer), S Dhadwar (Senior Planning Officer) and

A Hendry (Democratic Services Officer)

29. 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.

30. 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.

31. **MINUTES**

RESOLVED:

That the minutes of the Sub-Committee held on 16 February 2022 be taken as read and signed by the Chairman as a correct record.

32. **DECLARATIONS OF INTEREST**

- Pursuant to the Council's Members' Code of Conduct, Councillor S Heather a) declared a non-pecuniary interest in the following item of the agenda by virtue of being a member of the Lee Valley Regional Park Authority. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
 - EPF/2036/20 Roydon Marina Village, High Street, Roydon CM19 5EJ

- b) Pursuant to the Council's Members' Code of Conduct, Councillor S Heather declared a non-pecuniary interest in the following item of the agenda by virtue of being a member of the Lee Valley Regional Park Authority. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
 - EPF/2713/21 Land at the former Chimes Garden Centre, Old Nazeing Road, Nazeing EN10 6RJ
- c) Pursuant to the Council's Members' Code of Conduct, Councillor M Sartin declared a non-pecuniary interest in the following item of the agenda by virtue of being a member of the Lee Valley Regional Park Authority. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:
 - EPF/2036/20 Roydon Marina Village, High Street, Roydon CM19 5EJ
- d) Pursuant to the Council's Members' Code of Conduct, Councillor M Sartin declared a non-pecuniary interest in the following item of the agenda by virtue of being a member of the Lee Valley Regional Park Authority. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:
 - EPF/2713/21 Land at the former Chimes Garden Centre, Old Nazeing Road, Nazeing EN10 6RJ

33. ANY OTHER BUSINESS

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

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

It was noted that the briefing note, dated October 2021, had been produced by the Planning Policy team to ensure that a consistent approach was 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 Planning Policy Briefing Note (October 2021) was available at: https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/PlanningPolicyBriefing-Note-06-October-2021-accessible.pdf

35. SITE VISITS

Councillor M Sartin proposed a site visit for EPF/2036/20 - Roydon Marina Village, High Street, Roydon CM19 5EJ, which was seconded by Councillor N Avey, prior to the consideration and determination of the remaining applications.

36. PLANNING APPLICATION - EPF/1549/18 - RACEDALE, TYLERS ROAD, ROYDON, ESSEX, CM19 5LJ

APPLICATION No:	EPF/1549/18

SITE ADDRESS:	Racedale Tylers Road Roydon Essex CM19 5LJ
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing
DESCRIPTION OF PROPOSAL:	Demolition of existing dwelling and erection of two detached dwellings
DECISION:	Grant Permission (Subject to Legal Agreement)

Click on the link below to view related plans and documents for this case: http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=610393

CONDITIONS

- 1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: CA 0318.01, 02, 03, 04, 05 & 06
- 3. Samples of the types and colours of the external finishes shall be submitted to and approved by the Local Planning Authority in writing prior to their use on site. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 4. No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 5. Following completion of the measures identified in the approved Page 11

remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

- 6. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 7. 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.
- 8. 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. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation
- 9. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to

any variation.

- 10. 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.
- 11. 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.
- 12. No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased runoff and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 13. Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include: Location of active and passive charging infrastructure; Specification of charging equipment; and Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
 - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
 - b) How charging point usage will be charged amongst users;
 - c) The process and the triggers for identifying when additional passive charging points will become activated; and
 - d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date
- 14. Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 15. Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband

service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.

- 16. The proposed new roof light shall be of the conservation type and shall be installed so that it is not any higher than the surrounding roof tiles.
- 17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of any Class A, AA, B, or E within Part 1 of schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.
- 18. All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 19. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:
 - -24 hour emergency contact number;
 - -Hours of operation;
 - -Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - -Routes for construction traffic;
 - -Locations for loading/unloading and storage of plant, waste and construction materials;
 - -Method of preventing mud being carried onto the highway;
 - -Measures to protect vulnerable road users (cyclists and pedestrians)
 - -Any necessary temporary traffic management measures;
 - -Arrangements for turning vehicles;
 - -Arrangements to receive abnormal loads or unusually large vehicles;
 - -Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

37. PLANNING APPLICATION - EPF/2609/19 - 1-6 SHERNBROKE ROAD HOSTEL, SHERNBROKE ROAD, WALTHAM ABBEY, EN9 3JF

APPLICATION No:	EPF/2609/19
SITE ADDRESS:	1-6 Shernbroke Road Hostel Shernbroke Road Waltham Abbey EN9 3JF
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Honey Lane

DESCRIPTION OF PROPOSAL:	Erection of 26 flats with associated parking & landscaping following demolition of the former Shernbroke Hostel.
DECISION:	Grant Permission (Subject to Legal Agreement)

Click on the link below to view related plans and documents for this case:
http://olangub.engingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx2SEARCH_TYPE=18,DOC_CLASS_CODE=PL8EQLDER1_REF=629854

CONDITIONS

- The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers:

 001 Rev I, 002 Rev G, 003 Rev G, 004 Rev G, 005 Rev G, 201 Rev G, 203 Rev E, 205 Rev F, 207, 208, 209, 501 Rev M and901 Rev C; 54 064.21, 23 and 24; 22182se-01;

 PSF1076WA 100 Rev I, 101 Rev! and 200 Rev I; 18159-SYM-XX-XX-DR-C-3000 Rev T4 and 3001 Rev T4; 2867/SK/E/230 Rev T1 and 2867/E/230 Rev T3
- No development shall take place, including any works of demolition, until measures set out in the Construction Method Statement prepared by DCH Construction to accompany the application have been fully installed. The approved Statement shall be adhered to throughout the construction period.
- 4 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.
 - B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred

option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

- No development, including works of demolition or site clearance, shall take place until the measures in the Tree Protection Plan, and Arboricultural Method Statement set out in the Arboricultural Impact assessment accompanying the application, particularly drawing number P3141.1 . 002 rev B in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction Recommendations). The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- No increase in the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas shown in the drawings hereby approved shall take place without prior consent from the Local Planning Authority.
- The development be carried out in accordance with the Surface Water Drainage Strategy set out in the approved drainage plans (Drainage Layout Sheet 1 and 2, 18159-SYM-XX-XX-DR-C-3000, Rev T4, and 18159-SYM-XX-XX-DR-C-3001, Rev T4, September 2020) submitted with the application unless otherwise agreed in writing with the Local Planning Authority.
- No construction works above ground level shall have taken 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, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- Hard and soft landscaping works as detailed in drawings PSF1076WA 100 Rev I and 101 Rev I shall be undertaken during the first appropriate planting season following substantial completion of the buildings, unless otherwise agreed by the Local Planning Authority. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- External lighting within the development in accordance with the details shown on drawing 28567/SK/E/230 Tev T1 shall be fully installed prior to first occupation of any residential unit within the development, unless otherwise agreed by the Local Planning Authority. No further lighting shall thereafter be installed on any external elevation of the above 3 metres

above ground level without the consent of the Local Planning Authority.

- 11 Cycle and refuse stores in accordance with details shown on drawings 207, 208 and 209 hereby approved shall be fully installed in accordance with the agreed details, and made available for use by residents within the development prior to first occupation of any residential unit within the development, unless otherwise agreed by the Local Planning Authority.
- Prior to first occupation of the development, ecological enhancements set out in section 5.4 of the Ecological Assessment accompanying the application (by AGB Environmental dated 28 October 2019) shall be implemented in full, unless otherwise agreed by the Local Planning Authority.
- No removal of hedgerows, trees or shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.
- All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 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.
- 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.
- No trenches or pipe runs for services and drains required to service the development hereby approved shall be cut or laid otherwise than in accordance with BS5837:2012 (Trees in relation to design, demolition and construction Recommendations), except with the approval of the local planning authority.
- Prior to first occupation of the development hereby approved, the active Electric Vehicle Charging Points shown on drawing 2867/E/230 Rev T3, and infrastructure indicated on the said plan for future installation of additional Electric Vehicle Charging Points shall be installed and retained thereafter for use by the occupants of the site.

- 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.
- 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.
- 21 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.
- Prior to the first occupation of the development the Developer shall implement raised kerbs to the two adjacent bus stops (Morris Court and Gants Court), with all details being agreed with the Highway Authority.
- 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.
- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- External balconies indicated on the plans hereby permitted shall not be infilled or enclosed above the height of the external means of enclosure thereto without prior consent from the Local Planning Authority.

38. PLANNING APPLICATION - EPF/1144/20 - GLENHOLME NURSERY, NURSERY ROAD, NAZEING, WALTHAM ABBEY, EN9 2JF

APPLICATION No:	EPF/1144/20
SITE ADDRESS:	Glenholme Nursery Nursery Road Nazeing Waltham Abbey EN9 2JF
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Proposed removal of 2 existing caravans, demolition of existing buildings (115m2), retention of building A (97m2), erection of building B (97m2) for agricultural workers accommodation with provision of associated amenity space.
DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case: http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=637520

CONDITIONS

- The demolition of the existing buildings and erection of building B as shown on drawing number 4010/3A shall be begun before the expiration of three years from the date of this permission.
- The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:
 - 4010/1A, 4010/2, 4010/3A, 4010/4A, 4010/5, 4010/6, TCTC-17864-PL-01, TCTC-17864- PL-02A Proposed Layout Plan and Remediation Recommendations, TCTC-17864-L-01, TCTC-17864 Tree schedule (BS5837), TCTC-17864-B, Phase 1 Habitat Survey and scoping assessment by Hybrid Ecology Ltd 12th October 2020, Planning Statement.
- Within three months from the date of this decision the caravans shown on drawing 4010/2 to be removed shall be removed from the site.
- The occupation of the development hereby approved shall be limited to a 10 persons maximum for the development, Occupants must also be solely or mainly working, in horticulture, agriculture or in forestry, at Glenholme Nursery, Nursery Road, Nazeing.
- The refuse storage facility shown on the approved plans shall be completed within three months from the date of this decision and shall thereafter be retained free of obstruction and used for the storage of refuse and recycling only and for no other purpose, unless otherwise agreed in writing by the Local Planning Authority.
- All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey (Hybrid Ecology Ltd, October 2020), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A of Part 2 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.
- The vehicle parking as indicated on the approved plans shall be provided within three months from the date of this decision and retained as such in perpetuity for their intended purpose.
- Prior to the commencement of any further above ground level works, a Biodiversity Enhancement Layout for protected and Priority species shall be submitted to and approved in writing by the local planning authority, following the details contained within the Ecological Survey (Hybrid Ecology Ltd, October 2020).

The content of the Biodiversity Enhancement Layout shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures:
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.
- Prior to any further ground works taking place, details of foul and 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.
- Should the worker accommodation hereby approved be no longer required then the buildings shall be removed from the site together with any associated materials.
- 12 Prior to any further ground works taking place, an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites -Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not

previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

- Prior to any further above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:
 - Location of active and passive charging infrastructure;
 - Specification of charging equipment; and
 - Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
 - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
 - b) How charging point usage will be charged amongst users;
 - c) The process and the triggers for identifying when additional passive charging points will become activated; and
 - d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.
- Prior to any further above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.
- 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 without the prior written permission of the Local Planning Authority.

39. PLANNING APPLICATION - EPF/2036/20 - ROYDON MARINA VILLAGE, HIGH STREET, ROYDON, HARLOW, CM19 5EJ

APPLICATION No:	EPF/2036/20

SITE ADDRESS:	Roydon Marina Village High Street Roydon Harlow CM19 5EJ
PARISH:	Roydon
WARD:	Roydon
DESCRIPTION OF PROPOSAL:	Extension to existing marina to provide an additional 168 berths, 99 parking spaces, additional associated facilities and widening and improvement to existing vehicular and pedestrian access.
DECISION:	Deferred

Click on the link below to view related plans and documents for this case: http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=641916

DEFERRED

For members site visit.

40. PLANNING APPLICATION - EPF/2713/21 - LAND AT THE FORMER CHIMES GARDEN CENTRE, OLD NAZEING ROAD, NAZEING, WALTHAM ABBEY, EN10 6RJ

APPLICATION No:	EPF/2713/21
SITE ADDRESS:	Land at the former Chimes Garden Centre Old Nazeing Road Nazeing Waltham Abbey EN10 6RJ
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Erection of 14 dwellings (4 flats and 10 dwellings) (resubmission of EPF/3040/19)
DECISION:	Referred to DDMC

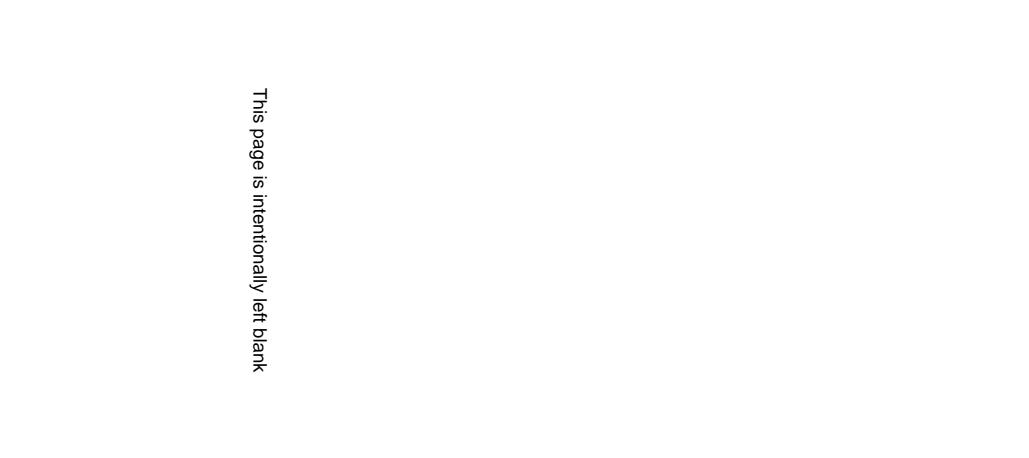
Click on the link below to view related plans and documents for this case: http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=658755

Referred to DDMC

With a recommendation from Area Planning Sub Committee West to approve subject to conditions and a Legal Agreement.

CHAIRMAN

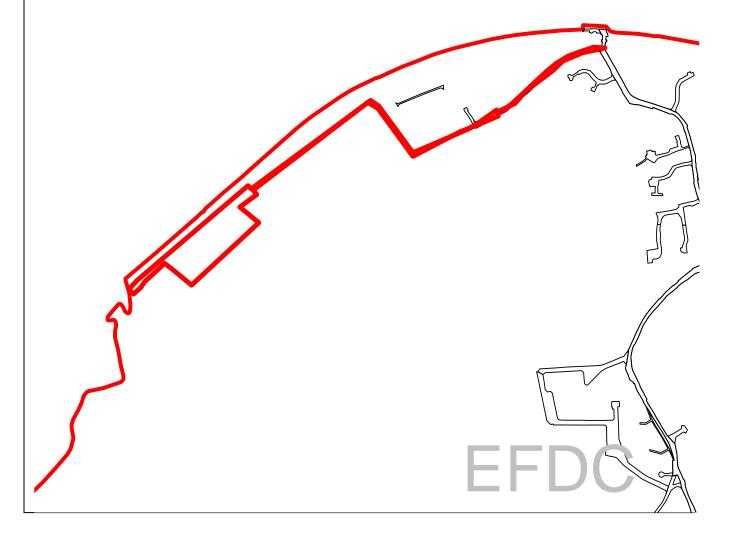






Epping Forest District Council





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Application Number:	EPF/2036/20
Site Name:	Roydon Marina Village High Street, Roydon CM19 5EJ
Scale of Plot:	1:9000

Report Item No: 9

APPLICATION No:	EPF/2036/20
SITE ADDRESS:	Roydon Marina Village High Street Roydon Harlow CM19 5EJ
PARISH:	Roydon
WARD:	Roydon
APPLICANT:	Morgan
DESCRIPTION OF PROPOSAL:	Extension to existing marina to provide an additional 168 berths, 99 parking spaces, additional associated facilities and widening and improvement to existing vehicular and pedestrian access.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

CONDITIONS

- The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

LakeRM-1-5-001I-SiteLocationPlan

LakeRM-1-1-007-ExistMarinaOS

LakeRM-1-1-006K-AccessRoadWideningPlan

LakeRM-1-1-005Q-PropMarinaPlan LakeRM- Toilet Building (Feb 2020)

3 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.

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Mitigation and Enhancement Scheme 150511-ED-12b (Tim Moya Associates, July 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall be for both the construction period and once the site is occupied and identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging and use of the water by wintering and breeding birds; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Prior to any above groundworks, details and location of the parking spaces equipped with active Electric Vehicle Charging Points shall have been submitted to and approved in writing with the Local Planning Authority (LPA). For the avoidance of doubt 10% of the proposed spaces shall have ELVC points. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:

- Location of active and passive charging infrastructure;
- Specification of charging equipment; and

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- Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
- a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
- b) How charging point usage will be charged amongst users;
- d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.

Prior to the commencement of the works to the canal towpath hereby permitted, a towpath improvement strategy shall be submitted to and approved in writing by the LPA. The strategy shall include:

Details of surfacing materials

Plans showing existing and proposed ground levels

The location and type of safety and user information signage to be installed Details of road markings

Details of road safety infrastructure, including speed bumps and bollards

Details of lighting to be installed, including the type, appearance and location, and its impact, including the submission of a Lux plan.

The towpath widening shall be carried out in accordance with the approved details.

- Prior to the first occupation of the development hereby permitted, a pollution prevention strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented as required to safeguard water quality of the River Stort Navigation.
- Prior to the commencement of the development hereby permitted, a Risk Assessment and Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Risk Assessment and Method Statement shall identify risks to users of the River Stort Navigation (including its towpath) and its environmental quality during the excavation, demolition and construction phases (as appropriate) and set out appropriate controls to avoid adverse impacts.
- The parking area shown on the approved plan shall be provided prior to the first mooring of a boat/vessel and shall be retained free of obstruction for the parking of visitors vehicles.
- 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.
- No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - 1. The parking of vehicles of site operatives and visitors
 - 2. Loading and unloading of plant and materials
 - 3. Storage of plant and materials used in constructing the development
 - 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 - 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
 - 7. Tree protection measures.
- Should the use of the lake for mooring of boats cease, all moorings, pontoons, stages etc within the lake shall be removed from the site within 6 months.
- The marina extension hereby approved shall be used only for recreational purposes and a maximum of 168 boats shall be moored at the red-lined site at any one time. None of the boats shall be residentially occupied. Full details of the management of the site including restrictions on length of stay of users of the site (not to exceed 28 days) shall be submitted to and agreed in writing by the Local Planning Authority prior to the first use of the site for mooring boats. The agreed restrictions on occupation of the boats at the site shall thereafter be maintained unless otherwise agreed in writing by the Local Planning Authority.
- Prior to the first occupation of the development the proposed towpath improvements, as shown on drawing no. 2432-02 within the Transport Assessment, shall be fully implemented and maintained as such in perpetuity.

- Prior to first occupation of the development the developer shall refresh the existing 'Keep Clear' markings and shall maintain them as such in perpetuity.
- The remaining lake area not utilised for moorings shall be retained as open water habitat free of moorings to protect the areas of ecological enhancement.
- Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted and agreed by the LPA to ensure best practice construction measures and avoid harm to sensitive habitats and species, including pollution incidents and noise disturbance, along with ongoing environmental pollution controls to protect the sensitive water habitats. The works shall be carried out in accordance with the agreed CEMP.
- Prior to commencement of development a Landscape and Ecological Management Plan (LEMP) shall be submitted and approved in writing by the LPA to ensure the on-going management and maintenance of the Ecological Mitigation and Enhancement Scheme July 2021, in particular the new areas of reedbed, the wildflower meadow and planting belt alongside the access road/towpath. Management shall ensue in accordance with the agreed details.
- No development shall take place until an invasive non-native species protocol detailing the management strategy for the Himalayan Balsam on site and biosecurity measures to avoid introducing non-native species into the area is submitted and approved in writing by the local planning authority. Development shall proceed in accordance with the approved method statement.
- 21 Provision shall be made within the parking area for a minimum of two multiple bike stands.

This application went to Committee West on the 16th March 2022 but was deferred for a site visit prior to any debate or discussion. The site visit took place on the 31st March 2022.

This application is before this Committee 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)).

Description of Site:

The site is part of the existing Roydon Mill Leisure Park and the lake that has been used for many years for recreational purposes. The lake lies to the west of the caravan area and is bounded to the north by the railway line and to the south by the River Stort Navigation. There are residential mobile homes to the east and much of the leisure park has been redeveloped with new log cabin style mobile homes. A large part of the lake is already in use as a marina, which was granted planning consent in 2009. The red lined application site encompasses a western part of the lake, the adjacent bank areas and the access road which is located on the lake bank, through the caravan park area and follows the tow path up to its junction with Roydon High Street. A Public footpath runs along the tow path and then continues to the south of the lake. There are substantial trees and hedgerows around much of the lake. The site is within the Metropolitan Green Belt.

Description of Proposal:

The application seeks consent for the extension of the existing marina to provide an additional 168 berths, 99 parking spaces, additional facilities and widening of the existing vehicular and pedestrian access.

The additional berths are along and extending out from the northern bank of the lake, with a proposed slip way, parking on the northern bank and toilet block. An exclusion zone has been added to the proposed plans during the course of the application which will prevent boats accessing the island and area to the west of the island and further bird surveys were undertaken during the course of the application.

This is a revised proposal following a 2016 application for an extension to provide 240 berths which was refused

Relevant History:

Extensive history, the most relevant of which:

EPF/0934/16 – Extension to existing marina so as to provide an additional 240 berths, 120 parking spaces and additional associated facilities - refuse collection points, elsan points, and 28.88sqm extension to facilities building - Refused

EPF2113/08 - Creation of a marina with moorings for up to 315 boats and associated facilities, including new lock with the River Stort Navigation, facilities building, workshop, fuel storage tank and 77 parking spaces – Approved 2009

Policies Applied:

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).

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

CP1 Sustainable development

CP2 Protecting the quality of the environment

GB2A Green Belt

GB5 Residential moorings and non-permanent dwellings

GB7A Conspicuous development

GB10 Development in the LVRP

NC4 Protection of Established Habitat

NC5 Promotion of nature conservation schemes

RP3 Water quality

RP5A Adverse environmental impacts

RST7 Recreational function of the Lee and Stort navigations

RST23 Outdoor leisure uses in the LVRP

RST24 Design and layout of development in the LVRP

RST25 Glen Faba and Roydon Mill Leisure Park

DBE1 design of new buildings

DBE4 Design in the Green Belt

LL1 Rural landscape

LL2 Inappropriate rural development

LL7 Planting protection and care of trees

LL10 Adequacy of provision for landscape protection

LL11 Landscaping schemes

ST1 Location of development

ST2 Accessibility of Development

ST3 Transport Assessments

ST4 Road safety

ST6 Vehicle parking

NPPF

Epping Forest District Local Plan (Submission Version) 2017

Policy E4 DM2 DM3	The Visitor Economy Epping Forest SAC and the Lee Valley SPA	Weight Significant Significant
DIVIS	Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4	Green Belt	Significant
DM9	High Quality Design	Significant
DM15	Managing and reducing flood risk	Significant
DM17	Protecting and enhancing watercourses and flood	
	Defences	Significant
DM22	Air Quality	Significant
T1	Sustainable Transport Choices	Significant
D4	Community, Leisure and Cultural Facilities	Significant
P9	Roydon	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 128
BRICK LOCK COTTAGE, ROYDON
31, 200, 206, 218 HIGH STREET
5, 8, 11, 12, 15, 18 THE GRANARY
4, 6, 15A, 17, 41 HOLY ACRE, ROYDON MARINA
20 LITTLE BROOK ROAD, ROYDON
7 PARKFIELDS
VILLA COLINA, HARLOW
MIDFIELD, HIGH STREET
2 BAKERY COTTAGES, HARLOW ROAD
46, 75 TEMPLE MEAD
THE ROYDON SOCIETY
ROYDON RESIDENT x 2

Objections summarised as:

Objection impact on water levels, boats on site are used for residential not leisure, traffic issues, air quality issues, road not suitable for increase in traffic, already oversized, overspill parking on the towpath and adjacent roads, proximity of the crossing to the level crossing causes issues

ROYDON PARISH COUNCIL: OBJECTION

A similar application, for a larger number of boats, was refused in 2016 and the parish council registered its concerns at that point. The parish council agreed at its recent meeting to OBJECT to this new application for the following reasons: -

Access - The access to the site from the High Street is a sub-standard towpath owned by the Canal & River Trust which, even with widening in places, is single track and does not provide the required separation between vehicle, cycle and pedestrian traffic. The towpath runs alongside the River Stort Navigation which is very deep in places - there is no barrier separation. The additional traffic which will be generated by this application will make navigating the towpath more difficult than it already is.

Essex Highways argues that policy ST4 (road safety) has been satisfied but this policy is to be replaced in the Local Plan (submission) so could be regarded as having limited significance. For completeness, ST4 sets out that 'the Council will grant planning permission for new development only when the proposal either (i) is well related to the road hierarchy, (ii) is unlikely to lead to an excessive degree of traffic congestion; (iii) will not be detrimental to highway safety; and (iv) is not likely to result in excessive adverse effects, from traffic generation, on the character or environment of any part of the

LEE VALLEY REGIONAL PARK AUTHORITY

The revised proposals were considered by Members at the Lee Valley Regeneration and Planning Committee held on the 23 September, at which the following recommendation was approved:

- (1) that Epping Forest District Council be informed that the Authority withdraws its 'holding' objection to the proposed revised application to extend the marina at Roydon Marina Village now that the ecological surveys have been provided;
- (2) that following consideration of the additional information the Council also be informed that the Authority does not now object in principle, providing the conditions as suggested are added to any decision
- (a) implementation of the Ecological Mitigation and Enhancement Scheme July 2021 (ref 150511-ED-12b) and roadside planting scheme as detailed in the application;
- (b) the retention of the remaining lake area as open water habitat free of moorings to protect the areas of ecological enhancement:
- (c) the production of a Construction Environmental Management Plan (CEMP) to ensure best practice construction measures and avoid harm to sensitive habitats and species, including pollution incidents and noise disturbance, along with ongoing environmental pollution controls to protect the sensitive water habitats:
- (d) submission of a Landscape and Ecological Management Plan (LEMP) prior to the commencement of the development to ensure the on-going management and maintenance of the Ecological Mitigation and Enhancement Scheme July 2021, in particular the new areas of reedbed, the wildflower meadow and planting belt alongside the access road/towpath;
- (e) a lighting strategy for biodiversity, both for the construction period and once the site is occupied to take account of protected species such as bats, and use of the water by wintering and breeding birds;

- (f) an invasive non-native species protocol detailing the management strategy for the Himalayan Balsam on site and biosecurity measures to avoid introducing non-native species into the area:
- (g) Section 106 Contributions to off-site works at the adjacent Glen Faba waterbody in accordance with details set out in paragraph 18 as mitigation for the loss of open water at Roydon Lake and to help enhance a viable refuge for wildlife; and
- (3) that Epping Forest District Council be informed that the Authority wish to be consulted on the above.

Please note paragraph 18 mentioned in 2g) above is reproduced
below. 18 As previously discussed, given the small size of the water
behind the island, and the overall loss of open water habitat, it remains
relevant to propose that contributions are sought towards the provision
of mitigation on the adjacent Glen Faba site where the Authority has
already implemented some measures to improve its biodiversity. This
could be secured through a Planning Obligation/Section 106
agreement. The works could include:
☐ Scrub management around the shores of the lake to enable egress
by grazing birds such as Wigeon to the grassland (indicative cost £5K)
☐ Removal of scrub around the margins of the lake to enable growth of
marginal plant species providing habitat for Water Vole (indicative cost
£15K)
☐ Creation of a new reedbed to compliment that proposed on the
development site and the wider area (indicative cost £60K)
☐ Enhancement works to the existing Heronry on site (indicative cost
£5k)

Main Issues and Considerations:

The main issues in the determination of the application are considered to be the following:

Impact on the Green Belt
The landscape and visual amenity of the area
Impact on wildlife, conservation and ecology
Impact on highways and highway safety
Effect on residential amenity
Hydrology
Loss of Open Water
Residential Use
Adequacy of Facilities
Flood Risk
Impact on the EFSAC/LVSPA

Green Belt

The proposed 'built development' is the addition of berths that will sit in the water, car parking areas to the north bank, slipway, and the toilet/facilities block which will measure 7m deep, 19m wide with a maximum height of 5.7m.

Policy DM4 specifically provides a list of exceptions. These exceptions include at C (ii):

Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as any development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;

SVLP (2017) follows the ethos of the NPPF 2021 at paragraph 149 b).

The proposed facilities are for outdoor recreation and given the relatively minor nature of the proposed 'development' required to facilitate a large increase in the size of the marina the proposal is considered to be an exception to Green Belt policy.

As an aside Policy P9 of the SVLP (2017) includes a 'Vision for Roydon' which includes the goal:

'The village will build upon its key strengths, such as the mainline railway station, as well as other assets such as the historic church, <u>Marina Village</u> and surrounding Lee Valley Regional Park' [emphasis added]

Therefore, the proposal is in line with the vision for Roydon as the marina has been identified as a key strength for the village.

Although the proposed development itself has little impact on the openness of the Green Belt, as on plan the works are minor; when the moorings are operational then up to 168 additional boats will be using the application site along with associated parked cars. Although a 'typical' scene – boats on waterways; they will have an impact on openness to some degree.

The original 2009 application was granted permission partly on the basis of Very Special Circumstances (VSC) as there was a need within London and the South East for the additional moorings to meet the needs of the increasing numbers of recreational boaters. It was argued that the site was well located and could be developed without excavation. Additionally, it was considered that any marina to serve London would be required to be within the Green Belt.

The applicants have provided information with this application will regards to 'need'. And have suggested that demand has increased since the 2016 application, and this is backed up the Canal and River Trust's London Mooring Strategy which confirms there is currently excess demand for moorings in the London area (which includes the Upper Lee Navigation and River Stort).

The Applicants currently have 130 people on the waiting list for moorings at the existing marina and enquiries running at 10-15 per a day for winter moorings (there is no provision for winter moorings at the site).

Given that the situation in terms of demand has increased since the 2016 application it is considered that very special circumstances still exist to justify the development within the Green Belt.

To summarise, the proposal in itself is included within the exceptions for development in the Green Belt, although the associated boats and car movements will have an impact on the openness of the Green Belt in this location there is a demonstrable need for the development and therefore this is a justifiable very special circumstance. Additionally, the SVLP specifically promotes the marina as a key strength within Roydon and its expansion supports this vision.

As a final point, the proposal will also require the employment of 8 new members of staff at the marina which will result in additional new employment for this area.

Highways and Access

The proposal utilises the existing access into Roydon Marina, which is along the tow path and then through the Marina complex itself. Concern has been raised by neighbours and the Parish Council with regards to the use of this access.

The towpath provides the access road to the marina between the junction with the B181 and the Roydon Mill Road Bridge across the canal. The towpath is used by a wide range of different users including pedestrians and is part of the National Cycleway Route 1, so is a well-used section of towpath by multiple users.

The towpath is currently restricted to single vehicle flow over a significant length when also shared with cyclists and pedestrians. This is a fairly poor existing situation. The application proposes improvements to widen the central part of this narrowest section and additionally provide a 0.9m wide footpath and the Canal and River Trust supports this intention (provided the towpath also remains a shared space). It will improve the current situation.

With regards to the access to the High Road and highway safety, Essex County Council were consulted on the application. They have commented that the Highway Authority is very familiar with the site and has thoroughly assessed the submitted transport information and has concluded that the proposal is not contrary to National/Local policy and current safety criteria.

The applicant has submitted a robust Transport Assessment that demonstrates, to the satisfaction of the Highway Authority, in terms of safety and capacity that the impact of the proposed development will be minimal on the highway in the vicinity of the site and on the wider highway network. It is noted that this proposal is 72 berths less than the previous submission which the Highways Authority also found to be acceptable. Further to this, accident data has been investigated again, and there are no recorded highway accidents within the vicinity of the site for the last 5 years. This shows that despite the constraints at the access, it continues to function safely.

The applicant has provided the full provision of parking on-site, which is a maximum number, as per the current standards.

The applicant is also proposing to implement some towpath improvements (as outlined above) which the Highway Officer states will include some benefit for pedestrians and cycles. The Highway Officer also noted that at the access onto the highway, and for a reasonable length from it, there is sufficient width for vehicles to be able to pass each other without any delay or detriment to highway safety.

The Highways Officer concludes that the proposal will not be detrimental to highway safety, capacity or efficiency.

The Council's Emergency Planner was also consulted on the plans, and welcomes the proposed widening of the towpath, but otherwise has no concerns with the application.

The NPPF (2021) at paragraph 111. is clear, stating:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

On the basis of the above and despite the concerns raised it is not considered that there are highway or transport grounds to refuse the application.

Landscape and visual amenity

The site is well screened by existing trees and additional landscaping and planting are proposed. Whilst the car park areas and indeed the boats themselves will have a visual impact within the site, it is not considered that there will be any excessive impact from viewpoints outside the site. Given the low-lying nature of the site it is not considered that the scheme will have a significantly adverse impact on the landscape or visual amenity of the locality.

The Tree and Landscape Officer has no objection to the proposal subject to a condition for further details of landscaping, ensuring that species numbers/planting densities/sizes and the planting and aftercare can be agreed.

Impact on Wildlife, Conservation and Ecology

The proposed development is in close proximity to the Lee Valley RAMSAR and Special Protection Area (SPA) and the Rye Meads Site of Special Scientific Interest (SSSI) and therefore has the potential to affect its interest features.

European Sites

The SPA is also classed as a European site which are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). Another component of the Lee Valley SPA and RAMSAR site, the Turnford and Cheshunt Pits SSSI, is further away; but is hydrologically linked to the application site via the Lee and Stort Navigation. The proposal site is also in relatively close proximity to the Hunsdon Mead SSSI.

Essex County Council Ecology Consultants undertook a Habitats Regulations Assessment Screening Record which concludes the following:

As there is no potential for Likely Significant Effects from direct land take, Protected Species outside of Designated Site, water pollution, public access / disturbance, inappropriate scrub control, fisheries: fish stocking, invasive species, inappropriate cutting or mowing, air pollution, and hydrological changes, there is no potential for the development proposals to contribute to any likely significant effects along these pathways, in combination with other plans and projects.

There is no potential for any other impact pathways to result in likely significant effects, in combination with other plans and projects are also screened out.

As the development will not affect any of the sensitive features/threats to the aforementioned Habitats Sites, the LPA considers that, without mitigation, the development is not likely to result in a 'likely significant effect' (LSE) to Lee Valley SPA and Ramsar site. Therefore, this assessment does not need to proceed to HRA Stage 2: Appropriate Assessment.

Having considered the proposal, the Ecology Consultants conclude that, the project will not have a Likely Significant Effect on the designated features of the Habitats site listed in this assessment, either alone or in combination with other plan and projects.

Having prepared this HRA screening of the implications of the plan or project for the site, in view of those sites' conservation objectives, the authority can agree to the project under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

More General Ecology

Significant documents have been submitted as part of this application and surveys updated during the course of the application; these documents include an Extended Phase 1 Habitat Assessment, Otter and Water Vole Survey, Winter Bird Survey Report, Breeding Bird Survey Report, Bat Activity Survey Report and Ecological Mitigation and Enhancement Scheme.

The Essex County Council Ecological Consultant has confirmed that the submitted information is sufficient to provide certainty to the LPA of the likely impacts on protected and priority species and habitats and, with appropriate mitigation measures secured, the development can be acceptable. The Consultant has recommended the addition of conditions to ensure the mitigation and enhancements take place as outlined and that a wildlife sensitive lighting design scheme is submitted, and this is considered reasonable to apply these conditions.

With regard to the European Site, the Council as a Competent Authority has to assess the likeliness of significant impacts of the development as part of the Habitats Assessment Screening (as above). It is not considered the development will have any significant impacts on any European Site and as such no further assessment is required.

National Sites

This application is in close proximity to the Rye Meads Site of Special Scientific Interest (SSSI). It is also in relatively close proximity to the Hunsdon Mead SSSI. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified.

Other Wildlife issues

in addition to the above there are other non-statutory wildlife sites that are connected to the site via the watercourse. Given the sensitive nature of the site the application included an extended Phase 1 Habitat Survey, bat survey, breeding bird report, otter and water vole survey, overwintering bird report. These conclude that the impacts of the development on habitats and wildlife will be limited and suggest appropriate mitigation and enhancement strategies which can be conditioned.

The Environment Agency has not raised an objection to the proposals subject to conditions to securing a revised mitigation and enhancement plan.

The LVRP Authority response has no objection with regards to the principle of the development. However, did request as well as conditions, section 106 contributions to off-site works at the adjacent Glen Faba waterbody as mitigation for the loss of open water at Roydon Lake and to help enhance a viable refuge for wildlife. The suggested contribution is £85,000. The Glen Faba lake is to the south of the Marina.

However, all ecological bodies have responded with 'no objection' to the proposal and therefore there is not considered to be a suitable justification for this request particularly given that conditions to ensure appropriate mitigation have been included by other stakeholders. Although there will most certainly be a loss of open water this is not considered a significant issue (discussed further below).

Residential Amenity

Whilst the development will result in some increased traffic movements it is not considered that an increase in the number of boats on the lake will result in harm to the residential amenity of residents in the vicinity. None of the proposed works are adjacent to any residential property.

Whilst there may well be disruption and noise during construction these are not grounds for refusal of the application.

Hydrology

The Canal and Rivers Trust (CRT) as part of their remit are concerned with regards to the impact on water resources of the River Stort Navigation.

The CRT has no objection to the application on water resources grounds if the actions set out by the applicant are implemented in co-operation with the CRT.

The hydrology of the navigation is a planning matter that must be taken into consideration in determining the planning application. In the absence of any objection from the CRT and no evidence that the development will have any adverse impact on the waterway it is considered that the development accords with Policy RST7 of the adopted Local Plan.

Loss of the Open Water

There is some concern that this proposal will result in only a very small area of open water, which perhaps diminishes the attractiveness of the marina and the surrounding area. However, this lake is only one in a number of similar expanses of water that are within the vicinity and that are accessible within the LVRP and it is not considered that the reduction in open water at this location will reduce the attractiveness of the Park for visitors. It is noted that this is a significant reduction of berth numbers compared to the previously refused application. The LVRP Authority have not objected to the proposal.

On balance it is not considered that the reduction in open water is sufficient grounds to refuse the application. The concentration of boats within this one location, which is well screened and self-contained means that the remainder of the water bodies in the locality can remain largely undeveloped and free of moorings which could be viewed as a benefit to the park as whole.

Residential Use

The proposal is for the boats at the marina to be occupied only for recreational purposes. Use of the marina for residential mooring (houseboats) would have significantly more impact on the locality, as residents would be dependent on road access and local facilities and there would be significant highway implications due to constant movements. Additionally, use for permanent residential accommodation would be clearly contrary to Green Belt Policy and sustainability policies. There are existing conditions on the marina which restrict occupation to ensure that the marina is only used for recreational purposes. Several objectors have argued that existing conditions are being flouted and that the boats are lived on. No Enforcement complaints have been made in recent times.

A condition can be added to ensure that the marina is only used for residential boaters. Should any breaches of the occupancy conditions be found, then appropriate action can be sought.

Drainage and Flood Risk.

The Council's Land Drainage team were consulted on the application and raise no objection based on the Flood Risk Assessment that was submitted and the Environment Agency and Essex County Council SUDS have also raised no objection to the proposal subject to conditions.

EFSAC and Air Quality

The application has been assessed by the Council's Transport Planners in terms of the impact on the air quality of the EFSAC. The proposal is not considered to result in recreational impacts on the EFSAC and therefore air quality is the only issue to assess in this regard.

The submitted information, suggests an increase in vehicle movements of 181 per a year. It is expected that the proposal will generate a negligible number of HGV's. Origin information has also been submitted and analysed, concluding that 9% of the existing users may travel through or within 200m of the EFSAC. Therefore, there is a predicted maximum increase of 16 AADT vehicle movement passing through the EFSAC or within 200m.

It is accepted, given the numbers above, that the impact on the EFSAC is expected to be negligible, however, this still represents an impact. A condition has been suggested that any approval includes an obligation for 10% of all new parking bays within the Marina to include EV charging points to facilitate electric vehicles and minimise the impact on the EFSAC. This suggestion is considered acceptable.

Conclusion:

Given the above discussion, the proposal is considered on balance to be acceptable and approval subject to conditions is recommended.

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:

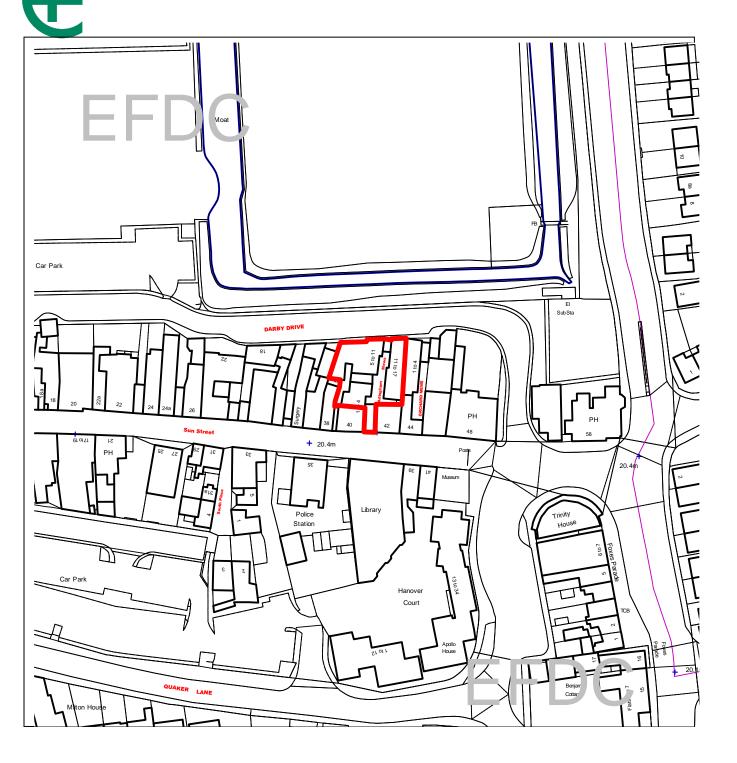
Planning Application Case Officer: Marie-Claire Tovey

Direct Line Telephone Number: 01992 564414

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council



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Application Number:	EPF/1213/21
Site Name:	Land off Arlingham Mews Sun Street, Waltham Abbey EN9 1ED
Scale of Plot:	1:1250

Report Item No: 10

APPLICATION No:	EPF/1213/21
SITE ADDRESS:	Land off Arlingham Mews
	Sun Street
	Waltham Abbey
	EN9 1ED
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	c/o agent
DESCRIPTION OF	Change of Use of Ground Floor Retail Units (A1) to 1 x Studio and
PROPOSAL:	2 x 1 bed unit (C3)
RECOMMENDED	Refuse Permission
DECISION:	

Click on the link below to view related plans and documents for this case:

REASON FOR REFUSAL

- The proposed development would result in the loss of ground floor retail units, including some falling within the Primary Retail Frontage / Primary Shopping Area, that could harm the vitality and viability of Waltham Abbey Town Centre. Insufficient evidence has been provided to demonstrate that the units are not capable of being re-let for a main town centre use. As such the proposal is contrary to policies TC1 and TC3 of the of the adopted Local Plan and Alterations (1998 & 2006), policies E2 and P3 of the Local Plan Submission Version (2017) as amended by Main Modifications (July 2021) and the NPPF (2021).
- By reason of its design and proposed use, the proposed development would fail to preserve or enhance the existing buildings and yards or the surrounding Waltham Abbey Conservation Area contrary to policies DBE3, DBE10, HC6, HC7 and HC12 of the adopted Local Plan and Alterations (1998 & 2006), policies DM7, DM9 and DM10 of the Local Plan Submission Version (2017), and paragraphs 189, 190, 192, 193, 194, 200 and 201 of the NPPF (2021).
- By reason of its design and layout the proposed development would provide poor levels of outlook and privacy and therefore an unacceptable quality of accommodation for future occupiers. As such the proposal fails to provide suitable living conditions contrary to policies CP7 & DBE9 of the adopted Local Plan 1998 & 2006, policy DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.
- 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.

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)).

Called in by Councillor Kane on 1st June 2021 in the event of a recommendation for refusal. Valid from 29.4.21. Registered 25.5.21. Appeared in Weekly list dated 28.05.21.

Address

Land off Arlingham Mews, Sun Street, Waltham Abbey, EN9 1ED.

Description of Site

Arlingham Mews is a 1980s shopping/office arcade on two floors with access via a pedestrian courtyard running between Sun Street and Darby Drive.

The application site is located within Waltham Abbey Town Centre and the Waltham Abbey Conservation Area.

Description of Proposal

Change of Use of Ground Floor Retail Units (A1) to 1 x Studio and 2 x 1 bed unit (C3).

Based on the annotated drawing received on 24.06.21, the existing retail units proposed to be converted to residential units are numbers 1, 2, 3, 8, 9, 14, 15 and part of Unit 11.

The application form states that 139.3 sq. m of existing retail floorspace would be lost.

3 residential units are proposed (2 x 1 bed and 1 x Studio).

An extension is proposed to the rear of existing Unit 3 in order to accommodate the living room of proposed Flat 1.

Existing Unit 11 (Shop 1) would be retained but would be reduced in size to accommodate the living room of proposed Flat 2.

An external toilet would be created at the rear of existing Unit 15 / alongside the bedroom of proposed Flat 2.

An extension is proposed to the rear and side of existing Unit 8 to accommodate the bedspace of proposed Flat 3.

No off street car parking is proposed.

No private amenity space is proposed.

Relevant History (003395)

9 (Ground and First Floor) & 13 (First floor) Arlingham Mews

EPF/0849/05 (duplicate of EPF/1732/04)

Change of use of Unit 9 (A1 retail) and Unit 13 (B1 office) to residential to form 5 x one bedroom flats. (Resubmitted application)

Refused 03.08.2005 (Committee overturn). Dismissed at appeal 31.01.2006.

Reasons for refusal:

- 1. The proposal would result in the loss of existing retail units that could harm the vitality and viability of Waltham Abbey Town Centre. As such the proposal is contrary to the provisions of Policy TCR3 of the Essex and Southend on Sea Replacement Structure Plan. It has not been demonstrated that the units are not capable of being re-let and therefore the proposed conversion of the units into residential units would be contrary to the provisions of Policy H10 of the Epping Forest District Local Plan.
- 2. The proposed flats, by reason of their internal arrangement, would lead to excessive overlooking of neighbouring flats within the development and excessive transmission of noise to bedrooms from adjoining flats and communal areas. They would therefore result in poor living conditions for their occupants contrary to policy DBE9 of the Epping Forest Local Plan.

Relevant extract from Appeal Decision (APP/J1535/A/05/1189854) Paragraphs 7-11:

"Vitality and Viability

- 7. The Appellants have provided no evidence of a specific marketing campaign, but there is persuasive advice from their letting agents as to a lack of demand for accommodation of this type within the shopping centre. There is nothing before me to suggest that a suitable tenant, or tenants, for the first floor accommodation is likely to be found in the foreseeable future and, in such circumstances, I find the principle of a change to residential use to be acceptable and in accordance with both SP and LP policies.
- 8. However, because of its prominent location, the ground floor of Unit 9 represents a key element in the shopping frontage of the mews, the loss of which would materially harm the vitality and viability of the centre. I therefore conclude, notwithstanding my findings with regard to the first floor accommodation, that the proposal is unacceptable in its present form and in conflict with both SP Policy TCR3 and with Planning Policy Statement 6 Planning for Town Centres, a key objective of which is to promote vital and viable town centres.

Future Occupiers' Living Conditions

- 9. The internal layout proposed for the residential units would result in kitchens within some flats adjoining bedrooms in others. Separating partitions are illustrated on the plans as being of lightweight construction, creating the clear possibility of unacceptable levels of noise transmission between flats. Whilst a planning condition could be imposed to address this problem, there is other legislation in place that would, in any event, require levels of sound insulation between flats sufficient to minimise any harmful noise transmission...
- 10. Of greater concern in my view, is the relationship between windows in the various flats. The only window in the living room of Flat 4, for example, would be directly overlooked, from just a few metres away, by two windows in the entrance hall of Flat 3. In addition, the living room in Flat 5 would be almost directly overlooked from the kitchen window in Flat 2, again from relatively close quarters, whilst there would be mutual overlooking between projecting oriel windows to the living rooms of Flats 1 and 2. To my mind and notwithstanding the built up town centre location, residential occupiers are entitled to a reasonable level of privacy which I consider the appeal proposal does not achieve.
- 11. Whilst LP Policy DBE9 seeks to protect the privacy and other amenities of neighbouring occupiers, I consider that its principles are equally applicable to occupiers of the development itself. My conclusion, therefore, on this issue, is that the proposal would fail to provide acceptable

living conditions for future occupiers of the development with particular reference to privacy, in conflict with the objectives of LP Policy DBE9."

9 & 13 Arlingham Mews (First floor units)

EPF/1732/04

Change of use of unit 9 (A1 retail) and unit 13 (B1 office) to residential to form 5 x one bedroom flats.

Refused 20.12.2004 (Delegated)

1. The proposed loss of an existing retail unit would harm the vitality and viability of Waltham Abbey town centre; as such the proposal is contrary to the provisions of Policy TCR3 of the Replacement Essex and Southend on Sea Structure Plan and Government advice in Planning Policy Guidance 6 (Town Centre and Retail Development). It has not been demonstrated that the units are not capable of being re-let and therefore the proposed conversion of the units into residential units would be contrary to the provisions of Policy H10 of the adopted Local Plan.

9 Arlingham Mews

EPF/1322/03

Change of use from A1(retail) to four self-contained one bedroom flats.

Refused 12.09.2003.

Reasons for refusal:

- The proposed loss of an existing retail unit would harm the vitality and viability of Waltham Abbey town centre, as such the proposal is contrary to the provisions of Policy TCR3 of the Replacement Essex and Southend on Sea Structure Plan and Government advice in Planning Policy Guidance 6 (Town Centres and Retail Development).
- 2. The unit is not vacant or under-used and therefore the proposed conversion of a retail unit to four residential units would be contrary the provisions of Policy H10 of the adopted Local Plan.

Unit 17 Arlingham Mews EPF/878/00 Change of use from office to residential flat. Approved 06.09.2000.

Policies Applied

The following saved policies within the Council's adopted Local Plan (1998) and Alterations (2006) are relevant:

CP1 – Achieving Sustainable Development Objectives

CP2 – Protecting the Quality of the Rural and Built Environment

DBE3 Design in Urban Areas

DBE9 - Loss of Amenity

DBE10 - Residential Extensions

U3B Sustainable Drainage

DBE8 Private Amenity Space

ST6 Vehicle Parking Standards

ST1 Location of development

ST2 Accessibility of development

H1A Housing Provision.

TC1 Town Centre Hierarchy

TC3 Town Centre Function
HC6 Character, Appearance and setting of Conservation Areas
HC7 Development within Conservation Areas
HC12 Development affecting the setting of Listing Buildings

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 23rd 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

DM7: Heritage Assets DM9: High Quality Design DM10 Housing Design and Quality E2: Centre Hierarchy/Retail Policy.

Consultation carried out and summary of representations received

Waltham Abbey Town Council - No response received.

20 Neighbours consulted. No responses received.

Issues and considerations

The main issues to consider when assessing this application are the potential impacts on the vitality and viability of Waltham Abbey Town Centre, impact on heritage assets, design, character and appearance, quality of accommodation and the living conditions of neighbours.

Loss of Retail

Policy TC1 of the adopted Local Plan defines Waltham Abbey as one of three principal town centres within the district.

Policy TC3 states that residential accommodation will be permitted in appropriate locations in town centres but not at ground floor level and that any proposal that could have a detrimental impact on the vitality and viability of the centre will be refused.

Policy E2 of the emerging LPSV defines Waltham Abbey as a 'District Centre'. Map 5.7 shows that the part of the application site / proposed development falls within the Waltham Abbey Primary Shopping Area / Primary Frontage.

Residential development is not a main town centre use as defined by the NPPF glossary.

Part C of Policy E2 states:

Within defined Primary Retail Frontage ground floor units will be maintained in A1 Class Uses in accordance with Policies P 1 to P 5. Proposals that would not result in a reduction in the specified percentage of A1 Class Uses will be permitted for other main town centre uses where this would support the function, vitality or viability of the Town or District Centre and maintain an active daytime frontage.

Part I of Policy P3 (Waltham Abbey) states:

"In accordance with Policy E 2, in Waltham Abbey Small District Centre, at least 45% of the ground floor Primary Retail Frontage and at least 25% of the ground floor Secondary Retail Frontage will be maintained in A1 use."

Part F of Policy E2 (as amended by Minor Modification MM36) states:

"In Town and District Centres, the Council may permit residential development provided that it meets the following criteria:

Where the proposal is within Primary or Secondary Retail Frontages, it must be above the ground floor; and

In all cases, the proposal must be in an appropriate location and must not lead to the loss of main town centre uses, floorspace or active frontage."

The proposed residential units are at ground floor level within a Town Centre and the proposal is therefore contrary to adopted policy TC3 and is unacceptable in this respect.

The proposed residential units are at ground floor level within a District Centre partly within Primary Retail Frontage.

The part of the proposed development that falls outside of Primary Retail Frontage is not considered to be in an appropriate location and would lead to the loss of main town centre uses, floorspace and active frontages.

The proposal is therefore contrary to emerging policy E2 (Main Modifications version) and is unacceptable in this respect.

The submitted Design and Access Statement states that the units are vacant however no coherent evidence has been submitted to demonstrate that the units have been marketed for retail / a main town centre use and that they are not capable of being re-let for this purpose.

Design, Character and Appearance and Impact on Heritage Assets

Conservation Officer comments:

"Arlingham Mews is a relatively modern development with ground floor retail units and residential use to the first floor, accessed through a historic alleyway that leads from Sun Street to Darby Drive. It stands within the Waltham Abbey Conservation Area and adjacent to several listed buildings; Nos. 38, 40, 44 and 44A Sun Street.

This application seeks consent to change the use of the ground floor retails units to residential use; associated with this are extensions to provide more accommodation.

Sun Street is the historic market street that runs through the medieval core of Waltham Abbey. The remains of the narrow burgage plots and lanes leading from Sun Street, to the historic open yards behind, is one of the main factors that contributes to the character of the conservation area. An extract from the OS Map of the late 19th century, shown in Figure 1 below, demonstrates the extent of these yards at that time and should be compared with the current situation shown in Figure 2; a red square is placed on each figure to indicate the proposal site.

As previously mentioned, these open yards are very characteristic of the historic layout of the town, however as shown in Figures 1 and 2, these have been encroached upon over time. The proposed extensions to Arlingham Mews would infill the left yard further (shown in Figure 2), causing the loss of more of this characteristic enclosed area. In addition to this, the proposed scheme would change the historic character and use of these spaces, from functional to residential, for example through the domestication of the windows and the introduction of boundary treatments

In line with the above it is considered that the proposal will not preserve or enhance the Waltham Abbey Conservation Area; planning permission is therefore recommended to be REFUSED.

This is supported by policy HC6, HC7 and HC12 of our Local Plan and Alterations (1998 and 2006), policy DM7 of our Submission Version Local Plan (2017), and paragraphs 189, 190, 192, 193, 194, 200 and 201 of the NPPF (2021)."

The comments of the Conservation Officer are supported by the case officer and it is considered that the proposed extensions and change of use would have an unacceptable impact on the existing buildings, yard and surrounding Conservation Area.

Quality of Accommodation

3 residential units are proposed and each of these is critically deficient in some way in terms of quality of accommodation to be provided as follows:

Flat 1 – Living room has no clear glazed windows – no outlook. Bedroom overlooked by Flat 2 opposite (5m between facing habitable room windows) and pedestrian passers by using walkway between Sun Street and Darby Drive leading to unacceptable levels of privacy.

Flat 2 – Habitable rooms overlooked by facing habitable rooms of Flats 1 and 3 opposite (5m between facing habitable room windows) and pedestrian passers by using walkway between Sun Street and Darby Drive leading to unacceptable levels of privacy.

Flat 3 – There is a separate bedroom area and therefore this unit is considered to be an undersized 1 bed flat (minimum 50 sq. m required) and not a studio. Furthermore, the bedroom has no clear glazed windows meaning that there is no outlook from this habitable room. Poor outlook from living area onto flank wall of Flat 1, 2.5m away. Kitchen/Living/Dining room overlooked by facing living room of Flat 2 opposite (less than 4m away) and pedestrian passers by using walkway between Sun Street and Darby Drive leading to unacceptable levels of privacy. By reason of its design and layout the proposed development would provide poor levels of outlook and privacy and therefore an unacceptable quality of accommodation for future occupiers. As such the proposal fails to provide suitable living conditions contrary to policies CP7 & DBE9 of the adopted Local Plan 1998 & 2006, policy DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.

Unacceptable in this respect.

Highways and Parking

ECC Highways Engineer comments:

"From a highway and transportation perspective the Highway Authority has no objections to make on 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 Local Plan and policy T1 of the Local Plan Submission Version 2017."

No off street car parking is proposed.

EFDC Land Drainage

"The site is not at risk of flooding nor will the proposal impact on the current surface water drainage arrangements / increase flood risk elsewhere, therefore I have no comments to make on behalf of the Environmental Protection and Drainage Team."

EFDC Contaminated Land

"There are no acknowledged sources of potentially contaminated land at this site on the council's system. Should the proposal for this site be amended including demolition of existing buildings, consideration should be given as to whether further contaminated land conditions would be required. However, as this proposal retains the current structure of the building, conditions should be attached

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 DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

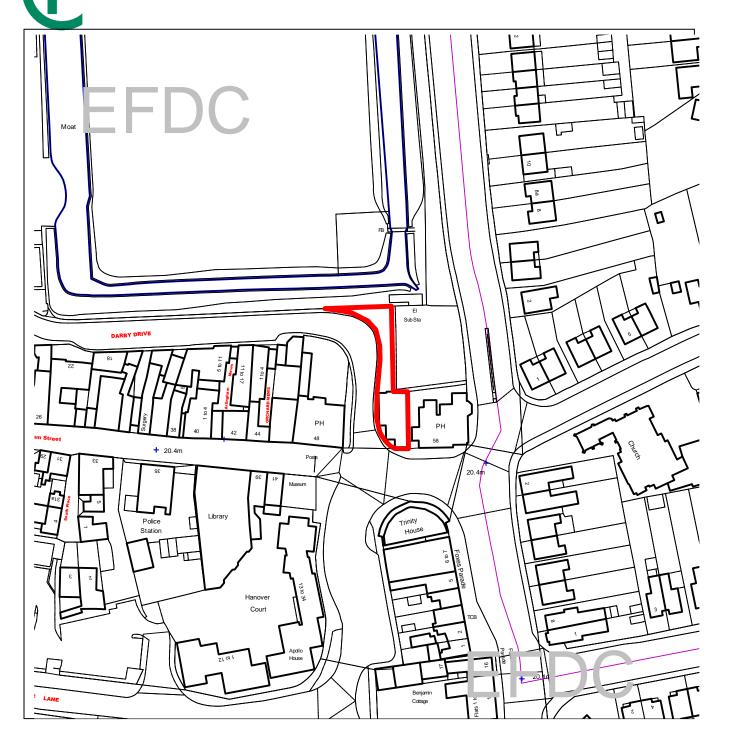
Conclusion

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@eppingforesstdc.gov.uk

Epping Forest District Council



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Application Number:	EPF/1503/21
Site Name:	1 Darby Drive, Waltham Abbey EN9 1EQ
Scale of Plot:	1:1250

Report Item No: 11

APPLICATION No:	EPF/1503/21
SITE ADDRESS:	1 Darby Drive Waltham Abbey EN9 1EQ
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	Care of Agent
DESCRIPTION OF PROPOSAL:	Erection of a one and a half storey extension to the restaurant & internal alterations to the existing retail unit to provide staff amenity space. (Revised application to EPF/1993/20).
RECOMMENDED DECISION:	Refuse Permission

Click on the link below to view related plans and documents for this case: http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=653098

REASON FOR REFUSAL

The proposal will introduce a car free development into the area as well as displace existing parking used for existing business in the Town Centre, resulting in a significant demand for on street parking in the locality. As a result the proposal would fail to preserve or enhance the character and appearance of the Conservation Area and would also be harmful to highway safety. The proposal is therefore contrary to policies CP2, CP3, HC7 and DBE1 of the Adopted Local Plan and with policies DM7 and DM9 of the Epping Forest Local Plan (Submission Version) 2017 and with the objectives of the National Planning Policy Framework.

This application is before this Committee since it has been 'called in' by Councillor H Kane (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of site

The application site is located to the north of no.54 Sun Street which is within the centre of Waltham Abbey. The site is located to the immediate east of Darby Drive. The application site is not within the boundaries of the Metropolitan Green Belt and it is within the Waltham Abbey Conservation Area. No Listed Buildings are attributed to the site.

Description of proposal

Erection of a one and a half storey extension to the restaurant & internal alterations to the existing retail unit to provide staff amenity space. (Revised application to EPF/1993/20).

Relevant History:

EPF/2447/11 - Outline application for the erection of a new block containing two retail units at ground floor with four flats at first and second floor, to the rear of no 54 Sun Street – refused 06/02/12 (appeal dismissed 02/10/12)

EPF/1029/13 - Phase 1 of mixed use development to the rear of 54 Sun Street, to include new office (B1) at ground floor and 1 no. one bedroom flat at first floor – refused 18/07/13 (appeal dismissed 26/06/14)

EPF/1056/13 - Phase 2 of mixed use development to the rear of 54 Sun Street, to include new office (B1) at ground floor and 1 no. one bedroom flat at first floor – refused 18/07/13

EPF/1224/15 – Outline planning permission for mixed use retail shop and office development – refused 27/07/2015

EPF/1145/17 - Change of use from A1 to A3/A5 – Grant Permission (With Conditions) 10/08/2017

EPF/3359/17 - The erection of a one and a half storey building for a flexible A1 (retail)/A2 (financial and professional) use. – Held in abeyance due to SAC

EPF/0514/19 - Proposed extension and a shop front renovation. – Grant Permission (With Conditions) 23/04/2019

EPF/1993/20 - Erection of a one and a half storey extension to the restaurant & internal alterations to the existing retail unit to provide staff amenity space. – Refuse Permission:

- 1. The proposal will introduce a car free development into the area as well as displace existing parking used for existing business in the Town Centre, resulting in a significant demand for on street parking in the locality. As a result, the proposal would fail to preserve or enhance the character and appearance of the Conservation Area and would also be harmful to highway safety. The proposal is therefore contrary to policies CP2, CP3, HC7 and DBE1 of the Adopted Local Plan and with policies DM7 and DM9 of the Epping Forest Local Plan (Submission Version) 2017 and with the objectives of the National Planning Policy Framework.
- 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. As such, the proposed development is contrary to policy NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM22 of the Epping Forest Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

EPF/2873/20 - Extension and shop front renovation. – Grant Permission Subject to Conditions

Policies Applied:

- CP1 Achieving sustainable development objectives
- CP2 Protecting the quality of the rural and built environment
- CP3 New development
- CP9 Sustainable transport
- TC3 Town centre function
- HC6 Character, appearance and setting of conservation areas
- HC7 Development within conservation areas

DBE1 - Design of new buildings

DBE2 - Effect on adjoining properties

DBE6 - Car parking in new development

DBE8 - Private amenity space

DBE9 - Loss of amenity

DBE12 - Shopfronts

ST1 - Location of development

ST2 - Accessibility of development

ST4 - Road safety

ST6 - Vehicle parking

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full 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:

SP1 – Presumption in favour of sustainable development

DM9 - High quality design

DM7 – Heritage Assets

E1 – Employment sites

Summary of Representations

No. of neighbours consulted: 6, no comments received

TOWN COUNCIL: No Objection

ECC Highways - No Objection

Main Issues and Considerations:

There would not be any significant harm caused to the living conditions of any nearby neighbour and therefore the main issues to consider are the potential impact on the character and appearance of the Conservation Area, parking provision, employment issues and any other material considerations.

Conservation Area and parking issues

The principle of erecting a building on this site has been the subject of six previous applications, five of which were subsequently refused and two of them dismissed on appeal by the Inspectorate. One of these applications was held in abeyance due to the potential impact on the Epping Forest SAC which was called in by members to be decided before an area plans sub committee.

As part of the reason for refusal in all five applications was an identified harm to the character and appearance of the Conservation Area, however rather than being caused by the notion of a building on the site, it was rather due to the detailed design of the building proposed as well as the harm caused by the increased demand for on street parking.

Indeed, the Inspector concluded within the 2013 application that:

The Council do not object to the principle of redevelopment of the appeal site and I agree that the site adds little to the Conservation Area at present apart from its openness, where the addition of a well designed building could add visual interest to Darby Drive and generally to the setting around the junction with Sun Street.

However, in that instance the Inspector went on to conclude that, amongst other things, the building as proposed would cause harm to the character and appearance of the Conservation Area due to its detailed design, mass and scale.

It therefore follows that the Council may be supportive of a well-designed building within this part of the Conservation Area.

The proposed building in this application is for a one and a half storey building which has a mass and scale which is respectful to the Conservation Area. The steep pitched roof and front gables mirror those on no.54 Sun Street creating continuity between the two buildings. Subject to conditions regarding the use of materials in the construction of the building, it is concluded that the building will preserve the character of the Conservation Area.

Turning to the parking issues, the proposed development of the site will include the loss of commercial parking on the site as well as the introduction of a new A1/A2 use with no dedicated parking provision. Whilst the transport assessment states that 'they are currently only used by the grace of the landowner who could actually remove them at any time', this does not take away from the fact this is what the land is utilised for – which has been established as part of the site's planning history.

Following a site visit it appears that parking exists for the site (although it is not clear whether this is for customers or staff) as well as appearing to be occupied by the vehicles of several local companies. There is nothing to indicate where these vehicles would park, especially given the parking restrictions in this part of Waltham Abbey, nor how would any vehicles related to the proposed use be accommodated.

The Essex Parking Standards (2009) states that 'a lower provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities.' The transport statement submitted

by the applicant's state that there are public car parks situated approximately 150 and 250 metres away at Darby Drive and Waltham Abbey Town Centre respectively.

There is no provision made for disabled parking within the application submission. The parking standards also state where a site has 200 bays or less 6% of total capacity should be allocated as disabled parking as a minimum. Whilst the applicants have stated that it would be possible for customers to use public car parks within the town centre Location, this cannot be reasonably suggested for disabled parking when there is the ability to provide such need on the site. The Local Planning Authority is not satisfied that the loss of parking can be justified, and the development would be contrary to the Essex Parking Standards (2009) in this respect.

Indeed, the concerns surrounding parking were also considered by the previous Inspector on the 2013 application where it was concluded that:

I appreciate that this is a town centre location, and that various non-car modes of transport would potentially be available. However, the visual consequences of the proposal would be exacerbated by potentially indiscriminate parking as a result of the development.

The Inspector went on to conclude that the proposal would fail to preserve or enhance the character or appearance of the Conservation Area and would in fact cause it substantial harm. Since this proposal seeks permission for effectively the same principle, there is no substantive reason to take a different view from the previous Inspector.

As well as the harm to the Conservation Area, the displacement of existing parking which is well used by existing businesses in the locality as well as the introduction of a car free development will result in a significant demand for off street parking in the middle of Waltham Abbey, which is an area of significant demand for on street parking. Indeed, the Essex County Council Parking Standards require 1 space per 20sqm on floor space created for A1 uses. A reduction in spaces can be considered as appropriate in Town Centre locations, however since it has been found there would be material harm to significant parking arrangements, the reduction of spaces is not appropriate in this instance. Whilst Essex Highways have no objection to the proposal in regard to highway safety, parking control falls within the remit of the local authority, therefore the highways comments are afforded limited weight in respect of this particular issue.

The scheme is identical to the previously refused EPF/1993/20 and the same transport statement has been submitted alongside this current application, with no alterations to attempt to overcome previous reasons for refusal. The proposal is therefore contrary to CP2, CP3, HC7 and DBE1 of the Adopted Local Plan and with policies DM7 and DM9 of the Epping Forest Local Plan (Submission Version) 2017 and with the objectives of the National Planning Policy Framework.

Employment issues

Policy E1 of the Epping Forest Local Plan (Submission Version) 2017 seeks, amongst other things, to support and encourage development of flexible local employment space to meet the needs of the District.

In this instance the proposed unit would make a modest contribution to existing employment within Waltham Abbey and this lends moderate weight in favour of the application.

Epping Forest SAC

The application site lies within 6.2km of the Epping Forest Special Area of Conservation (SAC). As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the SAC as a result of increased visitor pressure arising from new residential development within 6.2km of the SAC, and from the effects

of air quality throughout the District. The Council is currently developing with partners an interim strategy for the management and monitoring of visitor pressures and air quality on the SAC. This will include measures to be funded through the securing of financial contributions from new development in accordance with Policies DM 2 and DM 22.

In respect of the recreational pressure impact pathway, the Council's Cabinet adopted an interim mitigation strategy (agreed with NE) on 18 October 2018. The Local Plan Inspector has advised that this strategy, kept under review, together with a Strategic Alternative Natural Greenspace strategy will address the recreational impact of development on the EFSAC. This interim strategy requires the payment of a financial contribution, secured via a s106 planning obligation, of £352 for Strategic Access Management and Monitoring for each net additional dwelling within 0-3 km of the Epping Forest SAC. Further work is being undertaken to finalise the strategy and it is anticipated that this will be completed by December 2019, following a further Visitor Survey which is currently being undertaken.

As regards atmospheric pollution, currently there is no such agreed approach; however, the Council and other partner organisations continue to work together to devise an air quality mitigation strategy ("AQMS") that is acceptable to NE, taking account of the Local Plan Inspector's advice. In the absence of an approved AQMS, all proposals that result in net additional residential and / or employment development anywhere within the District must be subject to an Appropriate Assessment under the Habitats Regulations.

The current application would not be affected by the Epping Forest SAC due to the net decrease in vehicular traffic found on the site.

Conclusion

The proposal will introduce a car free development into the area as well as displace existing parking used for existing business in the Town Centre, resulting in a significant demand for on street parking in the locality. As a result, the proposal would fail to preserve or enhance the character and appearance of the Conservation Area and would also be harmful to highway safety. The proposal is therefore contrary to policies CP2, CP3, HC7 and DBE1 of the Adopted Local Plan and with policies DM7 and DM9 of the Epping Forest Local Plan (Submission Version) 2017 and with the objectives of the National Planning Policy Framework. It is recommended that planning permission is refused.

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:

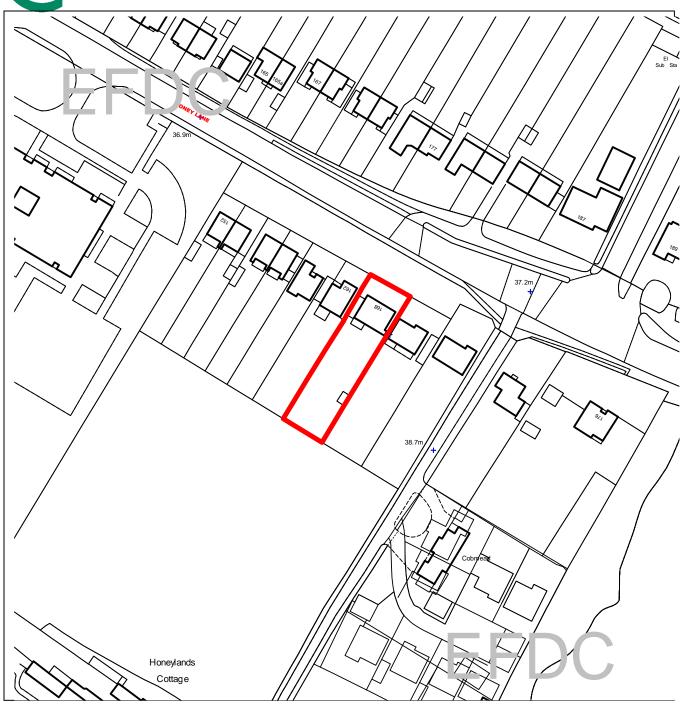
Planning Application Case Officer: Alastair Prince Direct Line Telephone Number: 01992 564462

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk





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Application Number:	EPF/1819/21
Site Name:	168 Honey Lane Waltham Abbey, EN9 3BE
Scale of Plot:	1:1250

Page 59

Report Item No: 12

APPLICATION No:	EPF/1819/21
SITE ADDRESS:	168 Honey Lane Waltham Abbey EN9 3BE
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Honey Lane
APPLICANT:	Mr Rakesh Kainth
DESCRIPTION OF PROPOSAL:	Proposed redevelopment to provide x2 no. semi-detached houses.
RECOMMENDED DECISION:	Grant Permission with conditions (Subject to Legal Agreement)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=654517

CONDITIONS

- The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 1852.01; 1852 02; 1852 03;1852 04;1852 05;1852 06
- Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- Prior to first occupation of the building/extension hereby permitted the window(s) in the flank elevation(s) at first floor level and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.
- 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.
- 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.

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.

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Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A-C of Part 1, schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

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, unless the Local Planning Authority gives its written consent to any variation.

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 without the prior written permission of the Local Planning Authority.

Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:

- Location of active and passive charging infrastructure:
- Specification of charging equipment; and
- Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
- a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
- b) How charging point usage will be charged amongst users;
- c) The process and the triggers for identifying when additional passive charging points will become activated; and
- d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.

12 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.

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

The application is also before this committee 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 subject to the applicant first entering into a legal agreement under Section 106 to provide appropriate contributions towards management and monitoring measures on any adverse impact on the Epping Forest Special Area of Conservation with regard to recreational use and air quality.

Site and Surroundings

No. 168 is a 1950 detached, dual pitched roof bungalow located to the south of Honey lane which is residential in character. The property is set in a large spacious plot with a side garage, open frontage and has been extended in the form of a rear conservatory.

Honey Lane comprises of a mix of detached, semi-detached properties and detached bungalows that vary in design, size and spacing with some benefiting from larger separation distances than others and which are well set back from the highway, behind a grassed verge.

The property lies outside of a conservation area and is not listed. The rear garden of the property backs onto the Green Belt.

Proposed Development

The proposal seeks planning consent for the demolition of the existing bungalow and the construction of $x\ 2$ no. 2 storey, 4-bed semi-detached houses measuring a width of 13m, a depth of 9m and a height of 9.5m, set in 1m from each side boundary with 4m deep single storey lean-to rear additions at a height of 3.6m and an eaves height of 2.5m and rear dormers to accommodate rooms in the roof space.

Each property has 2 car spaces utilising the existing vehicle access and the creation of an additional access.

The proposal has been designed to be capable of accommodating people with accessibility needs including the current and future needs of older people including an open layout, level threshold, ground floor shower/WC that meet Lifetime Homes Standards.

The properties are to be finished in traditional materials, red brick, cream render and plain tiles.

Relevant Planning History

EPF/0195/21- Proposed redevelopment to provide x 2 no. semidetached houses – undetermined - Appeal lodged against the Council for Non-determination. – Dismissed 25/11/2021 ref: APP/J1535/W/21/3273285 where the Inspector raised no objection to the principle of the 2, 2 storey dwellings but concluded that:

'the proposal would have an unacceptable effect on the biodiversity interests, in particular the SAC. As such, it would not comply with saved Policies NC1, CP1 and CP6 of the Council's Epping Forest District Local Plan (1998) and Alterations (2006) where they are concerned with affording protection to SACs and minimising impacts on the environment, amongst other considerations, and similarly with regard to Policies DM 2 and DM 22 of the Draft Local Plan.

The proposal would also not accord with the revised Framework where it is concerned with protecting and enhancing biodiversity. It would also not accord with the Habitat Regulations because there would be an adverse effect on the integrity of the SAC'.

EPF/1122/21 - 'Prior Approval' for the construction of an additional storey above the bungalow - Approved 15/06/2021.

Policies Applied:

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).

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

DBE1: New Buildings

DBE2: Effect on neighbouring properties

DBE8: Private amenity space

DBE9: Neighbouring residential amenity

LL10: Adequacy of provision for landscape retention

LL11 Landscaping schemes
ST1: Location of development
ST2: Accessibility of Development

ST4: Road safety ST6: Parking provision

H2A: Previously developed land

H4A: Dwelling Mix H3A Housing Density

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.

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

Paragraphs 110 - 112

Paragraph 119, 126, 130, 180

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 14th 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.

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 (ends 23rd 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:

CONSULTATION CARRIED OUT & SUMMARY OF REPRESENTATIONS RECEIVED:

Waltham Abbey Town Council - OBJECTION

Loss of light to neighbouring properties and out of character in the street scene.

8 adjoining neighbours were notified, and 3 objections have been received.

- Loss of a bungalow for self-gain
- Character of street compromised
- Overdevelopment
- Additional dwelling result in a greater number of vehicles in the road
- Block natural light
- Overbearing impact
- Dormers create unacceptable invasion of privacy
- Impact of air pollution on the forest

Main issues for consideration:

- Loss of bungalow
- Impact on the character and appearance of the surrounding area and on the amenity of neighbouring properties:
- Form of Accommodation;
- Parking and highway safety.
- Land Drainage
- Contamination
- Epping Forest Special Area of Conservation

Principle of Development

In terms of planning policy, the site is considered as previously developed land, and in line with Government policy redevelopment of this land is encouraged.

The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should encourage the efficient and effective use of land close to town centres by re-using land that has been previously developed provided that it is not of high environmental value.

The principle of residential development is therefore acceptable in terms of criteria set out in Policies DBE1 and DBE3 subject to an assessment of the scheme against policies and the parameters governing residential development.

The previous planning application ref: EPF/0195/21 proposed redevelopment of the site to provide x 2 no. semi-detached houses and was appealed against Non-determination by the council. The Inspector in his decision notice raised no objection to the redevelopment of the site,

'The proposal would contribute as a small site towards the supply and mix of housing, under the Framework. It would also optimise the potential of the site in as far as it is comparatively large for the existing one dwelling. It is also intended that the proposal would meet accessibility standards in order to assist with mobility and be energy efficient. The appellant also considers that the proposal would be reflective of the character of the houses in the area and incorporate the use of good quality materials and design'.

Loss of a Bungalow

The proposed development would involve the redevelopment of the site involving the replacement of the existing bungalow by 2, 2 storey semi-detached dwellinghouses.

Policy H1 'Housing Mix and Accommodation Types' of the Epping Forest District Local Plan (submission version), 2017 specifically seeks to resist the loss of bungalows in order to ensure the housing needs of different sectors within the community and that an appropriate mix of accommodation types is maintained. This is consistent with the Framework's aim of delivering housing of differing sizes and types to meet the needs of different groups of the community, including older people. This policy has been through examination and there has been no suggestion from the Local Plan Inspector that it is an unacceptable or inappropriate policy.

The Council considers that bungalows can play an important role because of their potential ease of adaptation such that they can provide choice for people with accessibility needs, including the current and future needs of older people. Consequently, the loss of bungalows and specialist accommodation will be resisted.

However, in this instance, the Council gives weight to the fact that the site now has 'Prior Approval' consent ref: EPF/1122/21, (15/06/2021) to build an additional storey above the bungalow turning it into a 2- storey dwellinghouse. Furthermore, the Inspector at appeal ref: APP/J1535/W/21/3273285 on the previous refusal ref: EPF/0195/21 raised no objection to the redevelopment of the site for 2, 2 bed semidetached dwellings.

Weight is attributed to the fall-back position, combined with the accessible nature of the proposed dwellings and the benefit of obtaining an additional unit this is considered sufficient to outweigh the loss of the bungalow.

Design, Character and Appearance

Honey Lane comprising a mix of properties that vary in design, size and spacing sited well set back from the highway. The development is of a scale, height and depth that does not project forward or beyond the rear of the adjoining 2- storey dwellings and which are to be set in 1m from the side boundaries. The proposed single storey rear and dormer roof extensions to the dwellings are considered of acceptable proportional additions, appropriate in design, scale and siting.

In terms of the design and appearance, it is considered that proposed dwellings are of a simple traditional design that would complement and enhance the appearance of the street scene and wider area. Accordingly, the development conforms to policies CP2, CP7, DBE1 and DBE10 of the adopted Local Plan and policies of the Local Plan (1998) and Alterations (2006) and policy DM9 and DM10 of the Submission Version, 2017 and does not conflict with the design objectives of the National Planning Policy Framework., 2019 that seeks to ensure, amongst other things, that new development is of a high quality design that respects its setting and the character and environment of the locality.

Neighbouring Amenity

In terms of amenity, the proposed dwellinghouses are of a scale and separation distance so as not to result in any demonstrable harm to the living conditions of neighbouring properties in the form of a loss of light, outlook, overlooking or privacy.

No first-floor windows are proposed in the side flank elevations and the minor side windows proposed to the ground floor shower room/WC would be conditioned as being obscure glazed at any approval to prevent any overlooking or loss of privacy.

It is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level and accords with the requirements of policy DBE9 of the adopted Local Plan. and policy DM9 of the Local Plan submission Version, 2017,

Comments on Representations Received.

The concerns expressed by Epping Town Council, and neighbouring residents regarding overdevelopment of the site must be balanced against the carefully thought out design of the proposal that respects the overall scale, height and relationship of the building to its plot boundaries and to the surrounding built form.

The intensification of use of this site would accord with the Governments presumption in favour of sustainable development and should be afforded significant weight.

The development has been designed to ensure that it is appropriate in its context supported by the NPPF and would not prejudice the amenity of the occupiers of adjoining properties.

The site provides a quality, sustainable residential development that brings forward the growing need for additional housing. In such circumstances, many of the concerns raised in the objections have been considered and not been deemed sufficient to support a refusal.

Form of Accommodation

The form of accommodation is acceptable with each room having sufficient daylight and outlook and considered of a satisfactory form of living space for future occupiers. In addition, the proposed dwellinghouse meets the Nationally Prescribed Space Standards as set out in Policy DM10 of the Submission Version Local Plan, 2017, providing a good quality of accommodation for future occupants.

The proposed dwellings provide amenity area which is functional and usable in terms of its width, depth, shape and orientation to meet the needs of future occupants and which would not suffer from any direct overlooking or loss of privacy and accords with the requirements of DBE8 of the Local Plan and DM10 of the Submission Version Plan, 2017.

Parking and Highway Considerations

The proposed 2, 4 - bed development has allocated 2 car spaces to the front for each dwelling that meets the minimum standards required by the Essex Parking Standards.

From a highway and transportation perspective the Highway Authority has no objections to make on 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 Local Plan and policy T1 of the Local Plan Submission Version 2017.

Land Drainage

The site is outside of any Flood Risk Assessment Zone therefore a Flood risk assessment is not required. However, the development is of a size where it is necessary to avoid generating additional runoff and no details have been submitted in relation to surface water drainage. The Council's Land Drainage engineer requests details of surface water drainage to be submitted for consideration in accordance with policy U2B of the Local Plan which are considered reasonable and necessary.

Contamination

There is no acknowledged on-site potentially contaminated land however off-site sources include former horticultural nursery sites. No contaminated land assessment has been submitted and in line with Essex Contaminated Land Consortium Land Affected by Contamination Guidance and National Planning Guidance, the applicant is advised to submit a Phase 1 and as necessary a Phase 2 and a Detailed Remediation Scheme produced by a National Planning Policy Framework defined "Competent Person" with any application made to develop the site.

Given the sensitive nature of the use it is recommended a suitable condition on any approval for the possibility of unacknowledged contamination during development/demolition is considered necessary *and* reasonable.

Epping Forest 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 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 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.
- The development has the potential to 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 both the recreational pressures and atmospheric pollution Pathways of Impact.

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 both the recreational pressures and atmospheric pollution Pathways of Impact.

Stage 2: 'Appropriate Assessment'

Recreational Pressures

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 proportionate has sought take a approach the securing to such financial contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC, as is the case with this planning application. The applicant has agreed to make a financial contribution in accordance with the Interim Approach. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation which has been signed and completed.

Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS.

The previous planning application ref: EPF/0195/21 was dismissed at appeal by the Inspector who confirmed that,

'the protection that is afforded to the SAC is of a high order and these benefits would not outweigh the harm that would arise.'

The Inspector considered that the applicant had not demonstrated beyond reasonable scientific doubt as competent Authority that the development would not adversely affect the integrity of the Epping Forest Special Area of Conservation and in the absence of such information, and / or a completed planning obligation to mitigate against any adverse impact it would have on the Epping Forest Special Area for Conservation in terms of air pollution, the development is contrary to Policies NC1, CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), Policy DM2 and DM22 of the Epping Forest District Local Plan Submission Version (2017), and the requirements of the National Planning Policy Framework and the Habitats Regulations, 2017.

Since the Inspectors decision, the applicant has signed and completed the Legal Agreement obligation to secure the financial contributions to recreational and air quality and the management and monitoring of visitors to the Epping Forest Area of Conservation, in accordance with the IAPMS. In addition, the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC.

Conclusion

The Inspector raised no objection to the proposed development of 2, 2 storey dwellings. The proposed development is considered appropriate and an efficient use of the land, sufficiently maintaining the character, appearance and spatial pattern of development of the surrounding area and would not result in any amenity implications on neighbouring dwellings; other aspects in relation to parking/highway safety and landscaping are considered satisfactory subject to the

imposition of conditions. The application is supported by the policies of the adopted Local Plan and Alterations (1998-2006) and the emerging Local Plan, Submission Version, 2017 and the relevant parts of the National Planning Policy Framework, 2021.

In light of the above considerations it is recommended that planning permission is approved subject to conditions.

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

