



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE EAST **Wednesday 13th March 2024**

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

Council Chamber - Civic Offices
on **Wednesday 13th March 2024 at 7.00 pm**

Georgina Blakemore
Chief Executive

Democratic Services Officer: Democratic Services Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members: Councillors I Hadley (Chairman), H Brady (Vice-Chairman), C Amos, R Balcombe, N Bedford, P Bolton, L Burrows, P Keska, C McCann, C McCredie, J McIvor, R Morgan, L Paine, J Philip, R Sharif, B Vaz, H Whitbread, J H Whitehouse and J M Whitehouse

This meeting will be broadcast live and recorded for repeated viewing.

1. WEBCASTING INTRODUCTION

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

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

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

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

Members are reminded to activate their microphones before speaking".

2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 4 - 5)

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](#) 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'.

4. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

5. MINUTES (Pages 6 - 7)

To confirm the minutes of the last meeting of the Sub-Committee held on 14 February 2024.

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. 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.

8. EPF/0022/23 34 CROWS ROAD EPPING CM16 5DE (Pages 8 - 19)

To consider the attached report for the Demolition of an existing 4 bedroom detached house and erection of two semi-detached 4 bedroom houses.

9. EPF/1808/23 101 THORNHILL NORTH WEALD CM16 6DP (Pages 20 - 23)

To consider the attached report for the single storey front extension.

10. EPF/2443/23 NEW HAVEN, BLACKHORSE LANE, NORTH WEALD BASSETT, EPPING, CM16 6EP. (Pages 24 - 41)

To consider the attached report for the part demolition, extension and conversion of existing three bedroom dwelling into 2 semi detached 4 bedroom dwellings and erection of 1 x 4 bedroom detached dwelling. Demolition of detached garage

11. EPF/2578/22 - HOMES FARM, MOUNT ROAD, THEYDON GARNON, EPPING, CM16 7PH (Pages 42 - 55)

To consider the attached report for the change of use of five existing agricultural buildings to commercial uses E(g)(iii) and B8 with access, landscaping, and other associated works.

12. 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.

Agenda Item 2

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. Alternatively, you can attend in person and will be seated in the public gallery of the Council Chamber.

When and where is the meeting?

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

Can I speak?

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

Who can speak?

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

What can I say?

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

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

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee South or Area Plans Sub-Committee West you will either address the Committee from within the Council Chamber at the Civic Offices or will be admitted to the meeting virtually via MS Teams. Speakers must NOT forward the MS Teams 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 are available on [our website](#). 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, email democraticservices@eppingforestdc.gov.uk

Agenda Item 5

EPPING FOREST DISTRICT COUNCIL AREA PLANNING SUB-COMMITTEE EAST MEETING MINUTES

Wednesday 14 February 2024, 7.00 pm - 8.10 pm

Council Chamber - Civic Offices

Members Present:	Councillors I Hadley (Chairman), H Brady (Vice-Chairman), C Amos, R Balcombe, N Bedford, P Bolton, L Burrows, C McCann, C McCredie, L Paine, B Vaz, H Whitbread, J H Whitehouse and J M Whitehouse
Members Present (Virtually):	None.
Apologies:	Councillor(s) P Keska, J McIvor, J Philip and R Sharif
Officers In Attendance:	V Messenger (Democratic Services Officer), S Mitchell (PR Website Editor) and J Rogers (Principal Planning Officer)
Officers In Attendance (Virtually):	M Picking (Democracy & Elections Apprentice) and M Rahman (Planning Officer)

[A RECORDING OF THE MEETING IS AVAILABLE FOR REPEATED VIEWING](#)

56 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.

57 WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Sub-Committee, in relation to the determination of applications for planning permission. The Sub-Committee noted the advice provided for the public and speakers in attendance at Council Planning Sub-Committee meetings.

58 DECLARATIONS OF INTEREST

- a) Pursuant to the Council's Members' Code of Conduct, Cllr J H Whitehouse declared a non-pecuniary interest in the following item of the agenda by virtue of being a member of the Campaign for the Protection of Rural England. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:
- EPF/1480/23 – Land at Fyfield Road, Ongar CM5 0AY

59 MINUTES

RESOLVED:

That the minutes of the Sub-Committee held on 17 January 2024 be taken as read and signed by the Chairman as a correct record.

60 ANY OTHER BUSINESS

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

61 SITE VISITS

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

62 EPF/2198/22 140, HIGH STREET, EPPING, CM16 4AG

Decision: This application was [approved with conditions \(subject to S106 Legal Agreement\)](#).

63 EPF/1480/23 LAND AT FYFIELD ROAD, ONGAR, CM5 0AY

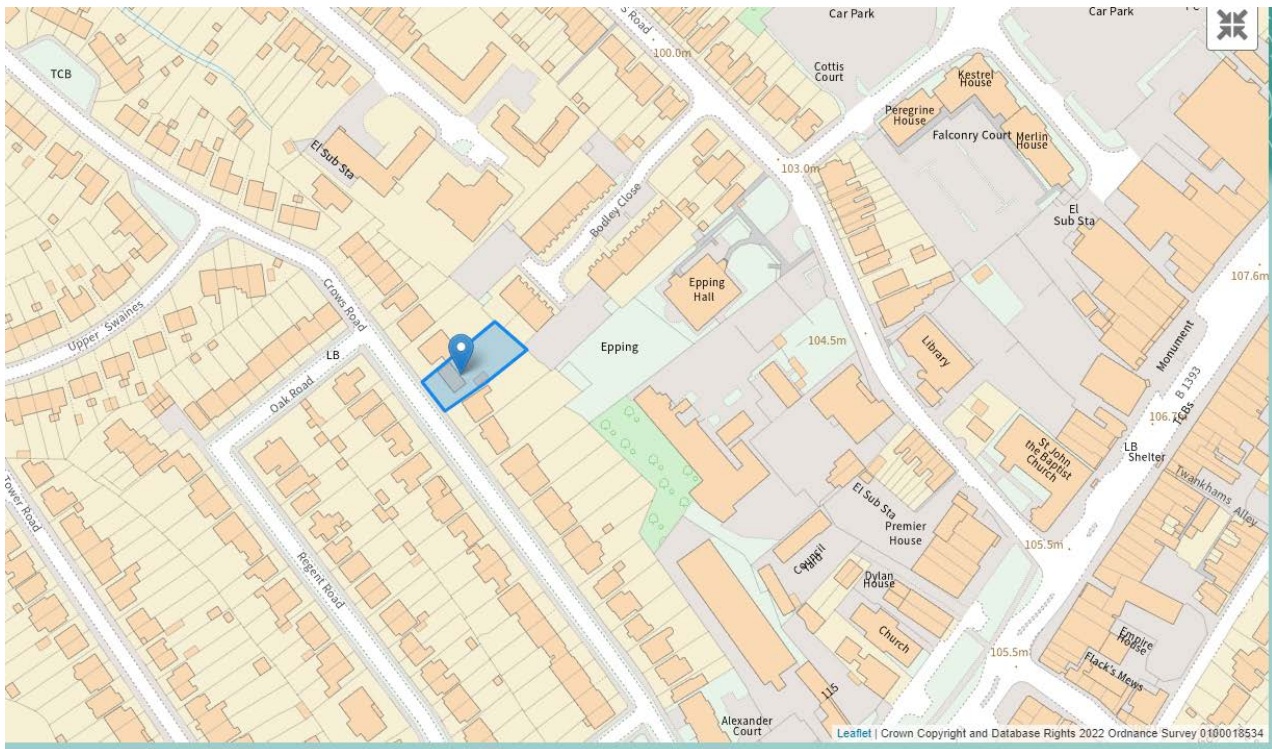
Decision: This application was [approved with conditions \(subject to S106 Legal Agreement\)](#).

CHAIRMAN

Agenda Item 8

OFFICER REPORT

Application Ref: EPF/0022/23
Application Type: Full planning permission
Applicant: Mr Geoffrey Shaw
Case Officer: Kelly Sweeney
Site Address: 34, Crows Road, Epping, CM16 5DE
Proposal: The demolition of an existing 4 bedroom detached house and erection of two semi-detached 4 bedroom houses.
Ward: Epping Lindsey and Thornwood Common
Parish: Epping
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001V3VS>
Recommendation: Approve with Conditions



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The application has been called-in by Councillor Whitbread the grounds of the scale and nature of the development.

Summary

The proposed family houses would be compatible with the prevailing character and pattern of residential development in the area. They would be of a traditional design and would be appropriate in terms of their width, height, bulk and massing leaving suitable visual gaps between neighbouring dwellings as well as an appropriate level of private amenity space at the rear. There would be no

harm to residential amenity and each house would have off-street parking. Approval of the application is therefore recommended.

Site and Surroundings

The site is located in a residential area on the eastern side of Crows Road and comprises a large, detached house set within a large plot which backs onto other residential dwellings and their associated parking. There is a double height detached garage located towards the rear garden of the site situated on the boundary with No. 32. The site is not listed or located within a conservation area. There are no protected trees and the site is not located within the Metropolitan Green Belt.

The neighbouring property to the south-east (No. 32) is a large, detached house which is set on a slightly higher topography than the application site. The other neighbouring property to the north-east (No. 36) is a detached chalet bungalow located on a slightly lower topography than the application site. The change in street levels means that there is a gradual increase in ridge heights across the three dwellings. Both of the neighbouring dwellings sit beyond the rear elevation of the existing dwelling and have been extended.

Overall, the area comprises of a mix of two storey semi-detached and detached dwellings of predominantly 1930s in character with hipped roofs or gables interspersed with smaller bungalows.

Proposal

Planning consent is sought for the demolition of the existing dwelling and the erection of a pair of family sized semi-detached dwellings. Internally each house would comprise 4 bedrooms and would have a large rear garden. Each dwelling would have a driveway to the frontage to accommodate at least one vehicle.

Externally the semi-detached houses would have a traditional appearance incorporating hipped gables and front bay windows.

Relevant Planning History

There are no relevant planning history records relating to this site.

Development Plan Context

Epping Forest Local Plan adopted 2023.

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

SP1	Spatial Development Strategy 2011-2033
H1	Housing Mix and Accommodation Types
T1	Sustainable Transport Choices
DM2	Epping Forest SAC and the Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM5	Green and Blue Infrastructure
DM7	Historic Environment
DM9	High Quality Design
DM10	Housing Design and Quality
DM11	Waste Recycling Facilities on New Development
DM15	Managing and Reducing Flood Risk
DM16	Sustainable Drainage Systems

DM19	Sustainable Water Use
DM21	Local Environmental Impacts, Pollution and Land Contamination
DM22	Air Quality

National Planning Policy Framework 2023 (Framework)

The Framework is a material consideration in determining planning applications. The following paragraphs are considered to be of relevance to this application:

Paragraphs	131, 135 and 137
Paragraph	180
Paragraph	189

Summary of Representations

Site notice posted: Yes.

Number of neighbours Consulted:22-4 objections were received commenting as follows: -

- The development will de-value nearby properties.
- The existing property was formally associated with the Baptist Church.
- The development will have a negative impact upon nearby footings and foundations.
- The development will have a cumulative impact upon the area when taking into consideration other nearby developments.
- There concerns about the presence of roosting birds and bats. The ecology assessment is insufficient.
- The development will result in increased surface water run-off.
- The development will result in loss of light, outlook and privacy.
- The development will not be in keeping with the character and appearance of the area.
- It will be a cramped form of development due to its position in relation to neighbouring dwellings.
- The development would constitute an overdevelopment of the plot.
- There will be more parking on street.
- Noise and disturbance will be generated during the construction of the development.
- The current house should be refurbished.

Officer Comment: Concerns relating to the value of existing dwellings, the history of the ownership of the property and the nature of the current owner are not material planning considerations. Furthermore, matters relating to the structural safety and impact upon nearby foundations are not a material planning consideration and must be dealt with under building regulations. All other matters are dealt with in the main body of the report.

EPPING SOCILETY- Object on the grounds that there is evidence of roosting bats within the site and that the proposed parking layout appears cramped.

EPPING TOWN COUNCIL – No objection.

Internal and External Consultees: -

Essex County Council Highways-No objection.

Essex County Council Ecology Consultant-No objection subject to safeguarding conditions and a financial contribution towards mitigation in relation to the Epping Forest Special Area of Conservation (SAC).

Contaminated Land Officer-No objection subject to a safeguarding condition.

Environmental Protection and Drainage-No objection subject to safeguarding conditions.

Trees and Landscape Officer-No objection subject to safeguarding conditions.

Planning Considerations

The planning considerations in this case are as follows: -

- Principle
- Impact on the Character and Appearance of the Site and the Wider Area.
- Residential Amenity
- Highways Impact.
- Trees and Landscaping
- Epping Forest Special Area of Conservation (EFSAC)
- Sustainability and Ecology

Principle

Both the Council's Local Plan (2023) and the National Planning Policy Framework (2023) support the use of previously developed land to provide new family housing. The development would create two family houses within a residential area. As such the proposal is acceptable in principle. Concerns have been raised by residents with respect to the loss of the existing house. Given that the site is not listed or located within a conservation area and is to be replaced by new housing the Local Planning Authority have no grounds to resist the loss of the existing dwelling in this instance.

Character & Appearance

Policy DM9 of the adopted Local Plan states that all new development must be of an appropriate design, scale and massing in keeping with the character and appearance of the site and the wider locality.

Objections have been received raising concerns that the development would not be in keeping with the character and appearance of the site. The surrounding area is residential in character and whilst the neighbouring properties are detached, they differ quite significantly in terms of their built form and appearance. For example, No. 36 is a chalet bungalow and No. 32 is a larger two storey property. The wider street scene comprises a mix of detached and semi-detached dwellings as such it is considered that the construction of a pair of semi-detached houses in this location would be in keeping with the character and appearance of the street.

The proposed houses have been designed to reflect the predominantly 1930s character of the area and include a hipped roof with hipped roofed front gables incorporating bay window and mock Tudor detailing. At present the existing building is in a poor state of repair and it is considered that the development would be a welcome and visually pleasing addition to the street scene and would constitute an improvement to the visual appearance of the site.

The height of the proposal would match that of the existing house it would replace replicating the staggered ridge line. Although the proposed pair of semi-detached houses would be wider than the existing house it is considered that they would not appear cramped within the street scene. It is proposed that the houses would be positioned over 200mm further away from the boundary with No. 36 than the existing house. Although the proposal would be situated closer to No. 32 than at present it is evident from the proposed street scene plan that there would be a sufficient visual gap

retained given that No. 32 sits on a higher topography than the application site.

To the rear the built form of the proposed houses would remain behind the rear of No. 36 and marginally beyond the rear of No.32 where the proposed built form would be 2 storeys. A large rear garden would be provided for each dwelling and parking would be provided to the site frontage with some soft landscaping. The arrangements for the site frontages reflect those within the immediate area. It is considered that the overall depth of the proposed houses and their layout would reflect the pattern of residential development in the area.

Overall, it is considered that the development in terms of its scale, height, massing and detailed design would be acceptable and in compliance with policy DM9 of the adopted Local Plan (2023).

Residential Amenity

Policy DM9 of the Council's adopted Local Plan states that all new development must not harm to the amenity of nearby residents by way of loss of light, outlook or privacy.

There have been a number of resident objections raising concerns that the development would result in loss of light to nearby residential dwellings. However, the proposed houses would not sit forward of the front elevation of either of the neighbouring properties and as discussed in the section above the proposed houses would remain behind No. 36 and only slightly beyond No. 32 where the house would be 2 storeys in height. Each of the dwellings would have a single storey addition at the rear however they would extend only 2m beyond the rear elevation of No. 36 and 0.7m beyond the rear conservatory at No.32.

It is noted that the proposal would be replace an existing dwelling of the same height and would be positioned further away from the boundary with No. 32. As such there would not be a material increase in loss of light or outlook to any of the side facing windows located along the flank of this property. Whilst the proposed house would be closer to No. 36 there are two small side facing windows at this property that would be affected, however they do not serve habitable rooms.

As such it is evident that the proposed development would not result in harm to the amenity of either of the neighbouring properties by way of loss of light, outlook or overbearing impact. Like the existing house to be demolished the habitable room windows serving the proposed houses would be located front and back as such the development would not result in increased loss of privacy or overlooking.

The development would be located a substantial distance from properties to the rear of the site and would not result in any additional overlooking over and above that which would already be created by the existing house.

Concerns have been raised that the development would result in significant noise and disturbance as a result of the construction of the development. However, a condition is recommended limiting the hours of construction to daytime hours Monday to Saturday. This is a standard condition and is proportionate to the scale of the development proposed.

In terms of the amenity provided for future occupants of the development it is considered that the habitable rooms are of a suitable size and would be afforded an adequate level of light, outlook and privacy. Each of the proposed houses would have their own private rear garden which would be of an acceptable size.

Overall, the development would not result in harm to the amenity of nearby residents and occupants and is in accordance with Policy DM9 in this regard. Furthermore, it is considered that the proposed houses would provide an adequate level of internal and external amenity for future occupants.

Highways Impact

Epping County Council Highways have commented on the application and raise no objection to the creation of a new crossover in this location.

Each house would have two off-street parking spaces which would be acceptable particularly given the sustainable location of the site close to Epping High Street and within walking distance of Epping Underground Station. Concerns were raised by residents that the parking layout appeared to be inadequate, however the applicant has submitted amended plans improving the site layout to the frontage and the LPA are satisfied that two spaces can be provided for each house.

Overall, the development would not lead to circumstances that would be prejudicial to pedestrian and highway safety and as per the report above the size of the driveways proposed reflects the pattern of the development in the immediate area where driveways of varying size have been added over time.

Trees and Landscaping

There are no trees or other landscape features on the site that are protected. The Council's Tree and Landscape Officer has commented on the application raising no objection subject to conditions which require that the development is completed in accordance with the submitted Tree Protection Plan and the submitted Hard and Soft Landscaping Plan.

Epping Forest Special Area of Conservation (EFSAC)

A large part of the Epping Forest contains a Special Area of Conservation (EFSAC) which has been identified primarily for its value in respect of beech trees and wet and dry heaths and for its population of stag beetle. As an internationally important site it is afforded the highest level of protection due to its habitats and species that are vulnerable or rare within an international context.

The Council, as a competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations), and Policies DM2 & DM22 of the Epping Forest District Local Plan (2023) has a duty to ensure that plans and projects for whose consent it is responsible will not have an adverse effect on the integrity of these designated sites either alone or in combination with other plans and projects within the adopted Local Plan.

The Council has identified two main issues (known as 'Pathways of Impact') that are currently adversely affecting the health of the Epping Forest.

The first is recreational pressure. Surveys have demonstrated that most visitors live within 6.2km (Zone of Influence) of the Epping Forest. As new residential development within 6.2km is likely to result in more people visiting the Epping Forest on a regular basis this will add to that recreational pressure.

The second issue is atmospheric pollution which is caused primarily by vehicles travelling on roads in close proximity to the Forest emitting pollutants (Nitrogen Dioxide and Ammonia). Development proposals (regardless of their type, size, and location within the District) which would result in even an increase in just one additional vehicle has the potential to contribute to increases in atmospheric pollution within the Epping Forest.

Stage 1: Screening Assessment

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

- 1) The site lies within the 3-6.2 km Zone of Influence as identified in the Epping Forest Strategic Access Management and Monitoring (SAMM) Strategy. Consequently, the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
- 2) The development 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 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 recreational pressures and atmospheric pollution.

Stage 2: 'Appropriate Assessment'

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the SAMM strategy and the Epping Forest District Green Infrastructure Strategy 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.

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 the Air Pollution Mitigation Strategy (APMS), 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 APMS.

The applicant has provided a HRA Trip Assessment which states that the development would result in an increase in trip generation that would have an impact upon the SAC and that a financial contribution in accordance with the APMS can be secured.

Consequently, the Council is satisfied that the proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions. The applicant has agreed in writing to complete a S106 agreement in this regard.

Sustainability and Ecology

The site is close to other residential dwellings and is within close proximity to the centre of Epping and Epping Underground Station. As such, the site would not be an isolated and it is considered that the proposed houses would be in a highly sustainable location.

Concerns have been raised that there is a presence of bats within the existing house to be demolished. A Bat Emergence Re-Entry Survey Report by Greenwood Environmental Limited has been provided with the application. It concluded that there is a day roost of soprano pipistrelle bats with the garage located in the rear garden of the application site. In light of these findings a mitigation strategy is included in the report which seeks to minimise the impact upon any roosting bats.

Essex County Council Ecology have assessed the findings of the report. They have advised that they are satisfied with the key findings of the report and the proposed mitigation measures but have recommended a number of pre-commencement conditions which the applicant must adhere to prior

to any demolition work taking place including the requirement to provide evidence to the LPA that they have successfully sought a licence from Natural England or evidence that Natural England deem it unnecessary to provide such a licence. Additional biodiversity enhancement measures are also sought.

A condition is recommended with respect to the additional biodiversity enhancements. It should be noted that the request for the applicant to obtain a licence from Natural England has been included on the decision as an informative given that any harm to protected species is a criminal act under UK and European Law and must be adhered to irrespective of any planning consents.

Other matters

The Contamination Land Officer raised no objection in principle to the development subject to safeguarding conditions.

Conclusion

The development would replace an existing property currently in a poor state of repair and would provide two family sized houses in a highly sustainable residential area. The proposed houses would be well designed incorporating features found in the immediate street scene. The development would not result in harm to the amenity of nearby residents and would provide a good standard of internal and external amenity for future residents. The development would also provide adequate off-street parking and would not result in circumstances which would be prejudicial to pedestrian and highway safety. The applicant has agreed to provide ecological enhancements to the site and to make a financial contribution towards mitigation against the impact the development would have upon the Epping Forest Special Area of Conservation. The development is therefore in compliance with the policies contained within the adopted Local Plan (2023). Approval of the application is therefore recommended.

If you wish to discuss the contents of this report item, please contact the case officer by 2pm on the day of the meeting at the latest. If no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (13)

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: P-3C, P-5D, P-2C, P-4D and P-6A.

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

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building [or those specified on the approved plans, or those specified in the submitted application form].

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 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 Class [] of Part [] to schedule [] shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: The ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties [+Green Belt], in accordance with Policy [] of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows [other than those expressly authorised by this permission] shall be constructed on the side elevations, without the prior written agreement of the Local Planning Authority.

Reason: The ensure further consideration is given with regards to the effect on the living conditions on adjoining properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 Access to the flat roof(s) over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio, or similar amenity area.

Reason: To safeguard the privacy of adjacent properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: To ensure that appropriate access, vehicle parking and turning is provided. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 8 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be

undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 10 A Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following: a) Purpose and conservation objectives for the proposed enhancement measures; b) detailed designs or product descriptions to achieve stated objectives; c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant); d) persons responsible for implementing the enhancement measures; and e) details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.”

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

- 11 “Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall: a) identify those areas/features on

site that are particularly sensitive for and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through provision of appropriate lighting plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. 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.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 12 Hard and soft landscaping shall be implemented as shown on ARA Homes Ltd ‘Existing and Proposed site plan and landscaping’ drawing number ‘P1C’ (dated 26th September 2022); and the accompanying planting schedule. The works shall be carried out prior to the occupation of the building or completion of the development. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 13 Tree protection shall be installed as shown on EverTree Arboriculture ‘Tree Protection Layout Plan’ drawing number ‘MDS-2022-1916-003 Rev A’ within AIA report dated 20th December 2022 prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 14 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Emergence Re-entry Survey Report (Greenwood, August 2023) 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.”

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Informatives: (3)

- 15 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

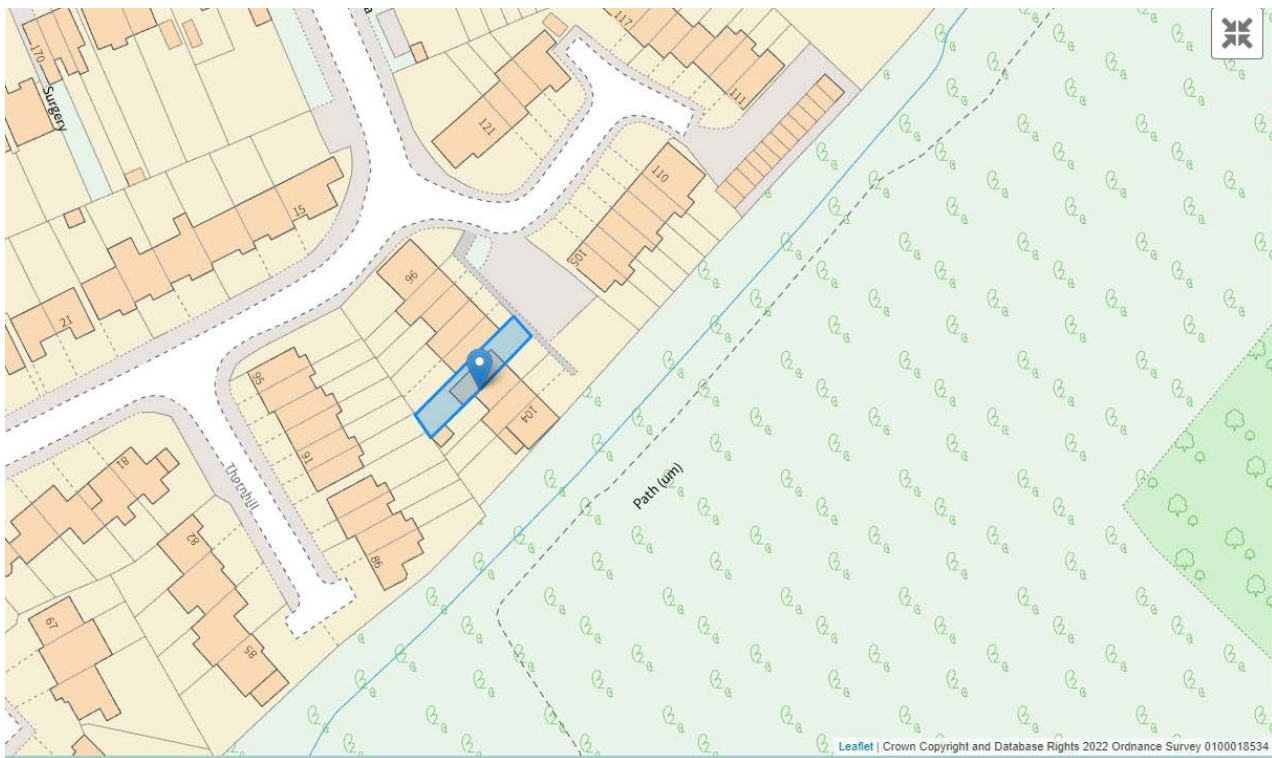
- 16 The developer should be aware that bats have been identified within the existing building(s). Bats are protected under UK and European Law as such it is a criminal offence to deliberately move, kill or injure a bat. Any works which will impact the breeding / resting place of bats, shall not in any circumstances commence unless a licence has been issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.”

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

Agenda Item 9

OFFICER REPORT

Application Ref: EPF/1808/23
Application Type: Householder planning permission
Applicant: Ms K Smith
Case Officer: Kelly Sweeney
Site Address: 101 Thornhill, North Weald Bassett, Epping, CM16 6DP
Proposal: Single storey front extension.
Ward: North Weald Bassett
Parish: North Weald Bassett
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001X7BF>
Recommendation: Approve with Conditions



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This application has been brought before the Planning Committee because the application is recommendation for approval and objections have been received from nearby residents and the Parish Council.

Summary

It is considered that the proposed alterations are relatively minor in nature and would not result in harm to the character and appearance of the property or the public realm. There would be no harm to residential amenity. Similar extensions and alterations within close proximity to the site are also

noted. Approval is therefore recommended.

Site and Surroundings

The site is an end of terrace of houses located within a predominantly residential area where dwellings are similar in their character. A number of houses in the immediate areas have been altered and extended. For example, 118 Thornhill has a large front extension which was granted planning permission in 2005. The site is not located within close proximity to any heritage assets. It is not within a conservation area, or the Green Belt nor are there any protected trees within close proximity to the site.

Proposal

Planning consent is sought for the construction of a single storey front extension to the existing property. The extension would extend across the full width of the house and would have a sloping roof design incorporating a hipped roof form above the front door.

Relevant Planning History

EPF/1177/23- Proposed single storey external glazed garden room. Refused.

EPF/1933/88-First Floor rear extension. Refused.

EPF/1107/88-First Floor rear extension. Refused.

Development Plan Context

Local Plan (2023)

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

DM9 High Quality Design
DM10 Housing Design and Quality
DM16 Sustainable Drainage Systems

National Planning Policy Framework (NPPF) 2023

Summary of Representations

Two resident objections have been received commenting as follows: -

- The development would be harmful to the character of the site and the wider area.
- The extension would constitute an overbearing and overly enclosed form of development.
- The proposal would result in loss of light to nearby residents.

NORTH WEALD PARISH COUNCIL – Objected on the following grounds: -

'The application represents overdevelopment, it is out of keeping with the street scene and adjacent properties, it is detrimental to neighbouring residents. The extension would overlap the neighbouring property and cause a loss of visual aspect to the residents at number 102. Thornhill'.

Planning Considerations

The main issues for consideration in this case are:

- a) The principle of the development;
- b) The impact on the character and appearance of the locality.
- c) The impact to the living conditions of nearby residents.
- d) Other Matters.

Principle

The application seeks approval to add a small extension to an existing dwelling. Subject to compliance with policies relating to the impact upon the character and appearance of the area and impact upon residential amenity the proposal is acceptable in principle.

Character and Appearance

Policy DM9 of the adopted Local Plan (2023) seeks to ensure that development does not harm the character and appearance of existing buildings and that any extensions and alterations are appropriate in terms of their appearance, scale and massing.

Concerns have been raised that the development would constitute an overdevelopment harmful to the character of the site and the wider area. Whilst it is noted that the front extension would extend across the full width of the front elevation of the house it would be single storey in height and of a modest depth as such it would appear subordinate to the main property. The subject property is at the end of the terrace and as such the front extension would not appear visually incongruous or prominent within the street scene.

As discussed previously in the report there are a number of other extensions and alterations to dwellings on Thornhill including a large front extension at 118 Thornhill. As such overall it is considered that the development would not be harmful to the character and appearance of the site or the wider area and is in compliance with policy DM9 of the Council's Local Plan 2023.

The impact to the living conditions of nearby residents

Policy DM9 seeks to ensure that proposed development does not result in harm to the amenity of nearby residents and occupants. The front extension would be 1.8m deep and therefore not deep enough to result in significant loss of light or outlook to the adjoining property. There are no side windows proposed that would result in loss of privacy.

Overall, it is evident that the front extension would not result in harm to the amenity of nearby residents and complies with Policy DM9 in this regard.

Other Matters

There are no protected trees or other landscape features that would be affected by the proposed extension. Moreover, there are no highways implications.

Conclusion

The development would involve a small-scale extension to the front elevation of the property. It is considered that the extension would appear subordinate to the main house and would be acceptable in terms of its overall impact upon the character and appearance of the surrounding area. There would be no harm to the amenity of nearby residents. The development would be in compliance with policies DM9 of the Council's adopted Local Plan (2023). Approval of the application is therefore recommended.

If you wish to discuss the contents of this report item, please contact the case officer by 2pm on the day of the meeting at the latest. If no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (3)

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

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

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 1030.01.

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

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF

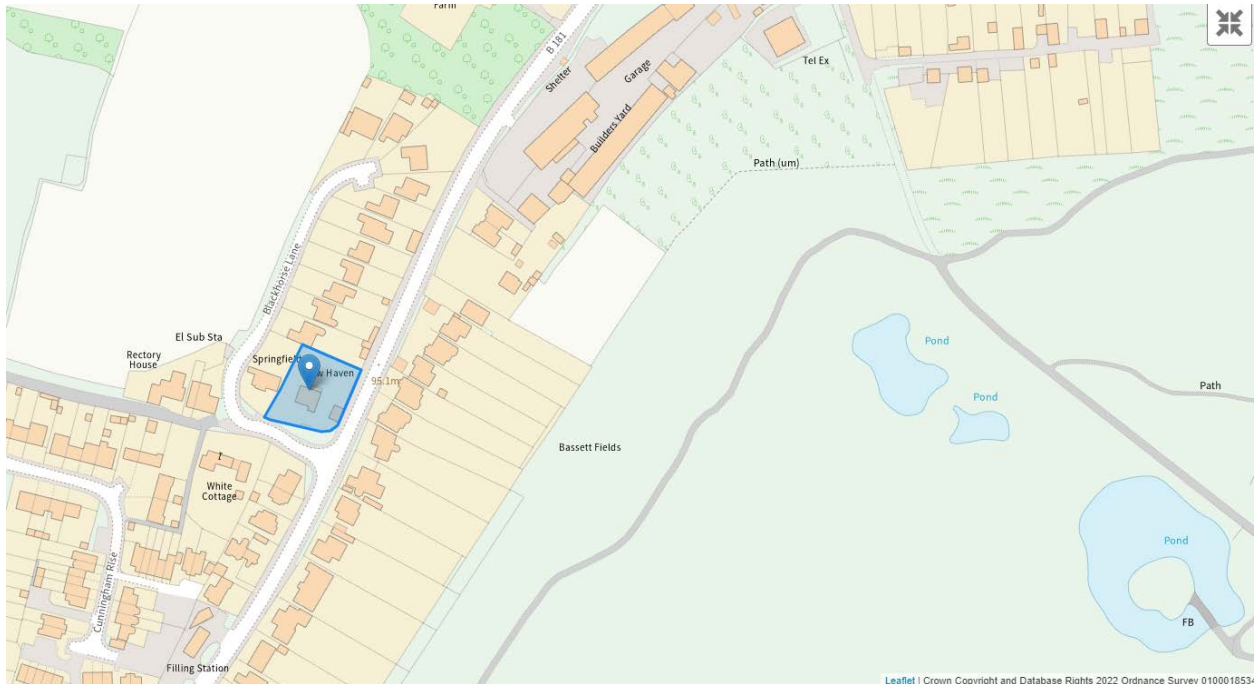
Informatives: (1)

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

Agenda Item 10

OFFICER REPORT

Application Ref: EPF/2443/23
Application Type: Full planning permission
Applicant: Mr Robert Ray
Case Officer: Nicola Bickerstaff
Site Address: New Haven, Blackhorse Lane, North Weald Bassett, Epping, CM16 6EP.
Proposal: Part demolition, extension and conversion of existing three bedroom dwelling into 2 semi detached 4 bedroom dwellings and erection of 1 x 4 bedroom detached dwelling. Demolition of detached garage
Ward: North Weald Bassett
Parish: North Weald Bassett
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv000000035x>
Recommendation: Approve with Conditions



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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).

Site and Surroundings

The application site comprises a chalet bungalow in a large corner plot at the junction of High Road and Blackhorse Lane.

The site is not in the Green Belt or a Conservation Area. The existing dwelling is not listed or locally listed.

Proposal

The proposal is for the part demolition, extension and conversion of existing three bedroom dwelling into 2 semi detached 4 bedroom dwellings and erection of 1 x 4 bedroom detached dwelling. Demolition of detached garage.

This is a resubmission of EPF/2764/22 Extension and conversion of existing three bedroom dwelling into 2 semi detached 4 bedroom dwellings and erection of 1 x 4 bedroom detached dwelling
Demolition of detached garage

Relevant Planning History

EPF/2764/22 Extension and conversion of existing three bedroom dwelling into 2 semi detached 4 bedroom dwellings and erection of 1 x 4 bedroom detached dwelling
Demolition of detached garage Refused 05.05.2023

EF\2022\ENQ\00207

Pre application for a proposed demolition of existing detached, 3 bedroom house and erection of 4 x 4 bed, two storey houses. Advice given 31.05.2022

EPF/1013/87 Adjoining, New Haven, 2 Blackhorse Lane, North Weald Outline application for single storey detached dwelling and garage. Refused 20.11.1987

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023)

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

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

- SP1: Presumption in Favour of Sustainable Development.
- DM1: Habitat protection and improving biodiversity
- DM2 Epping Forest SAC and the Lee Valley SPA

DM5 Green & Blue Infrastructure
DM9: High Quality Design
DM10: Housing Design and Quality
DM15: Managing Drainage Systems
DM16 Sustainable Drainage Systems
DM17 Protecting and Enhancing Water courses and flood defences
DM19 Sustainable water use
DM21 Local Environmental Impacts, pollution and Land Contamination
DM22 Air Quality
T1 Sustainable Transport Choices
H1 Housing Mix and Accommodation Types

National Planning Policy Framework 2023 (Framework)

Relevant paragraphs:

47, 55, 56, 60,70,96,108,109,110,111,114,115,116,123,124,128,131,135,136,162,180 and 186.

Summary of Representations

Trees & Landscape – No objection subject to conditions

Contaminated land – no objection, subject to conditions and informative.

Highways – no objection, subject to conditions and informative.

Ecology – Initial holding objection due to insufficient ecological information on European Protected Species (bats). Following further review of additional information, no objection subject to planning conditions.

Environmental Protection & Drainage Team: no objection subject to conditions and informative.

North Weald Bassett Parish Council: Objection.

Members do not feel that their original concerns have been addressed and reiterate their original OBJECTION

The Parish Council strongly objects to any changes to this site especially as this is seen as one of the character houses in North Weald Village. This represents Over Development of the Site, There is insufficient Car Parking Space and Spaces, this will lead to kerb side parking, the Parish Council fully supports both EFDC and ECC in their comments in relation to parking and Highway matters. There would be difficulty in egress and ingress to the site, the proposal would represent too many changes to the street scene, detrimental to neighbouring and adjoining residents. Concern at the removal of the hedgerow and the trees on the development. Garden grabbing, and any changes would be a travesty to the character of the area.

Number of neighbours consulted: 14. 1 objection received:

After reviewing the original application EPF/2764/22 there is no real improvement over the original plan apart from two (2) driveways now fronting Blackhorse Lane. No doubt visiting vehicles will now be parking on the road as there is not much room for other vehicles in the driveway of the house next to "Springfields" or on the grass area outside the boundary wall of the proposed three properties. Opposite the driveways of the houses on the other side of this narrow road which is also used by parents dropping off/collecting their children attending the local primary school reached by a footpath adjacent to Blackhorse lane

1). 3 properties are proposed, which is over development of the site.

2). The current property is an individual character Chalet house which befits the locality and

should be retained. The proposed development would be detrimental to the local area and architecturally does not fit the location

3). North Weald is to be submerged with new housing (1,000 plus) as per the local plan so there is no need for this characterful property to be destroyed.

4). The hedging surrounding the property MUST be kept, not only at the front of the property but also along the High Road – the previous owners maintained the hedging whereas the current owners have never maintained it properly suggesting they want to replace it.

Planning Considerations

The main issues for consideration under this application relate to;

- a) Loss of Bungalow
- b) Design, Character and Appearance
- c) Residential Amenity
- d) Quality of Accommodation
- e) Highways
- f) Trees and Landscape
- g) Ecology
- h) Contaminated Land
- i) Land Drainage
- j) *Epping Forest Special Area of Conservation (EFSAC)*

a) Loss of Bungalow:

The existing dwelling is a chalet bungalow with three first floor bedrooms. Policy H1 (F) of the new adopted Local Plan (March 2023) seeks to protect against the loss of bungalows. The proposed development involves the extension and conversion of the existing chalet bungalow into two, two storey semi-detached four bedroom dwellings. A new detached dwelling is also proposed. Each of the three proposed dwellings includes a ground floor bedroom.

On the basis that the existing dwelling is a chalet bungalow, with three first floor bedrooms (albeit there is potential for a ground floor bedroom to be created) and the proposed dwellings are comparative and will include a ground floor bedroom the proposal is not considered in conflict with Policy H1 (F) in terms of the proposed provision compared with the existing.

b) Design, Character and Appearance:

The pre-application scheme proposed a development of 4 houses which was considered to be over development and an intensification of the site with the development appearing cramped in the plot.

The current application proposes 3 no. two storey 4 bedroom houses comprising one new build dwelling and extension and conversion of the existing dwelling to form two new two storey dwellings.

Details have been submitted to demonstrate the extent of demolition of the existing dwelling and its conversion and extensions. The description of development has been amended to that previously to reflect the fact that part of the existing dwelling will be retained as indicated on the application plans.

The proposed development is set back from both side boundaries (High Road and Blackhorse Lane) and does not come forward of the existing front building line. The rear building line is slightly deeper than the existing house but is considered to be acceptable in this regard, with sufficient space left for rear gardens.

The proposal does introduce of new built form is in an area which is relatively open, with longer views along High Road characterised by the existing mature trees. However, there is capacity for the proposal and there is development on the opposite side of the road which is also close to the footpath boundary. On balance the new dwelling being set back approximately 3.2m from High Road will not be so detrimental to warrant refusal on this basis. The proposal will make effective use of the land.

The design and appearance of the proposed dwellings forming the basis of this application is the same as that previously submitted (EPF/2764/22) which was considered to be acceptable. No accommodation is proposed in the roofspace meaning that the maximum (ridge) height of the proposed dwellings would not exceed that of the existing dwelling.

Overall and on balance the proposal is considered to be acceptable in terms of design, character and appearance, in accordance with Local Plan Policy DM9 and DM10.

c) Residential Amenity:

The extensions to the existing property and the construction of the new dwelling to not present any issues with being overbearing in relation to neighbouring properties.

In relation to overlooking. The only window facing towards the adjacent house 'Springfield' serves a staircase and thus any possible loss of privacy could be overcome by the first floor side windows being obscured glazed. The applicant would have no objection to such a condition.

The proposed development is considered to be acceptable in terms of impact on the residential amenity of neighbouring dwellings, in accordance with Local Plan Policy DM9.

d) Quality of Accommodation:

The size of the three dwellings comply with the National Technical Standards for 4 bedroom dwellings and all room sizes meet the minimum space standards. The development is therefore acceptable in terms of the quality of accommodation.

There is an adequate private amenity space for each of the dwellings.

Refuse and recycling provision is shown on the plans for each dwelling.

e) Highways and Parking:

A total of 6 no. car parking spaces are proposed to serve the 3 x 4 bedroom houses. Cycle storage is also provided for each property with a green roof.

There was a previous concern in relation to the previously proposed access and size of the proposed car parking spaces and the previous development was unacceptable in this respect.

The development failed to provide an access wide enough to enable a vehicle to enter the site safely and efficiently whilst another vehicle is waiting to egress the site. The application was not

providing sufficient parking for the development, which could lead to inappropriate kerb side parking, to the detriment of highway safety.

A HRA Trip Generation Assessment dated January 2023 accompanies the application.

A revised ground floor plan (drawing 355-60C) outlines that the parking and highway arrangements have been redesigned to overcome the Highway Authority's objections. Firstly the parking spaces have been increased in size to 5.5 x 2.9 metres with each space provided with its own electric charging point.

Secondly, in order to provide an access which will allow a vehicle entering or leaving the parking spaces to pass within the application site, an additional crossover has had to be provided. The existing crossover at the east end of the site has been extended to a width of 5.5 metres and provides access to 4 parking spaces. The additional crossover to the west has a width of 6 metres and serves the two remaining spaces.

Essex County Council Highways were consulted and their response dated 19.12.2023 advises that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following measures:

1. Prior to the first occupation of the development the access arrangements, and the parking and turning areas, as indicated on the approved plans, shall be provided and retained as such for the life of the development. Reason: To ensure that appropriate parking and turning is provided.
2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2023. Informative All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

Policy T1 (Sustainable Transport Choices) of the emerging Local Plan requires that any development which proposes vehicle parking spaces must ensure that those spaces have direct access to an electric vehicle charging point, this can be secured by a planning condition.

From a highway and transportation perspective the impact of the proposal is now acceptable to the Highway Authority.

f) Trees and Landscape:

Previous application (EPF/2764/22) was refused due to insufficient information having been submitted to show how trees and vegetation to be removed will be replaced within the proposed development to ensure there is no net loss of green infrastructure.

An updated arboricultural assessment has been submitted which shows the location of trees and hedges in relation to both the existing house and proposed development. The most significant change from the previous submission is that the assessment makes clear that all the

mature hedge around the existing front garden will be retained. The only exception is the section that has to be removed to provide an additional access to the site as required to overcome the Highway Authority's objections. As before, the necessary tree and hedge protection measures are included in the arboricultural assessment.

In order to replace lost green infrastructure in accordance with policy DM5, a Landscape Masterplan is included with the application. This proposes replacement tree and shrub planting to compensate for that which needs to be removed to facilitate the development.

Tree Officer comments dated 22nd November 2023:

We have NO OBJECTION to this application subject to the addition of the following condition:- Tree Protection, Retention of trees and shrubs and Hard and soft landscaping.

Justification - Whilst the applicant has provided a tree report and / or an Arb Method Statement, the above condition does need to be included in full, and updated reports will need to be submitted for approval prior to commencement. This is because at this stage, all the applicant is required to do is to show that the development is feasible without a detrimental impact on trees.

Following permission being granted the information that will be required to be submitted will include; o Tree protection plan to include the alignment of utility apparatus (including drainage and ground source heat pumps), and the site set up ie locations for site huts, temporary toilets, contractor parking, storage of materials, cement mixing etc. This information is not yet known. The tree protection should also include protection of the front hedge which is shown to be retained. o A detailed Arboricultural Method statement including a list of contact details for all relevant parties. This information is not yet known. o Schedule of works to retained trees eg works required to facilitate demolition / construction activities. This information is not yet known. o Arboricultural site monitoring schedule, A detailed schedule of visits is required.

Appropriate planning conditions can relate to Tree Protection, Retention of trees and shrubs and Hard and soft landscaping. This previous reason for refusal has been overcome.

g) Ecology:

Previous application (EPF/2764/22) was refused as no Preliminary Roost Assessment or Bat emergence surveys had been submitted. A bat emergence and re-entry survey has been conducted and the report dated 31.08.23 accompanies the application.

The results indicate that although pipistrelle bats were recorded on both evenings flying around the garden, no roosting activity was recorded on either evening at the existing house or garage. Surveys were also carried out in the loft of the house but no bat droppings were observed. The report includes a number of recommendations for future actions, including the provision of bat boxes. These can be secured by planning condition.

The Bat Emergence and Re-entry Surveys (Arbtech, August 2023) has undertaken suitable emergence surveys for bats on the two buildings present on site, which did not record any bats emerging and or entering the buildings. However, the Arboricultural Impact Assessment (Hallwood Associates, June 2023) shows the removal of several category C trees. These trees had not been subject to a Ground Level Tree Assessment (GLTA) by a suitably licenced ecologist,

to assess whether or the trees have any bat roosting features. This information is required prior to determination to ensure that no bats and or their roosts are impacted by the proposals.

The consultation with Place Services Ecology states: *We are now satisfied that there is sufficient ecological information available for determination of this application*

The Preliminary Roost Assessment (Arbtech, January 2024) which has now been submitted includes the required detail relating to a Ground Level Tree Assessment (GLTA). The assessment states the trees had negligible bat roost potential. As stated previously Bat Emergence and Re-entry Surveys (Arbtech, August 2023) has undertaken suitable emergence surveys for bats on the two buildings present on site, which did not record any bats emerging and or entering the buildings.

An increase in artificial light would negatively impact foraging bats. We recommend lighting details are outlined within a wildlife sensitive lighting scheme, in line with best practice guidance GN:08/23 from the Institute of Lighting Professionals¹ and secured by a condition of any consent. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Bat Emergence and Re-entry Surveys (Arbtech, August 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly bats and breeding birds.

We also support the proposed biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 180d of the National Planning Policy Framework (December 2023). The biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. It is recommended that this could also include provision of integrated bat and bird boxes.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS
2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY
3. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

h) Contaminated Land:

EFDC Contaminated Land comments dated 6th December 2023:

I have screened readily available records held by the Council for this site including our GIS database and aerial photographs. From the records I can see, the site has no acknowledged potentially contaminated land, though adjacent land does. However, as this proposal is for residential land use - a sensitive land use, it is advised that it would be necessary to investigate all potential land contaminative issues.

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.

Due to the sensitive nature of the proposed residential use, I recommend that the land contamination condition be attached to any approval. Once a contaminated land assessment document has been received and reviewed the attached condition would be considered for discharge. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies RP4 of the adopted Local Plan and Alterations 1998 & 2006.

An Asbestos informative is also necessary.

Asbestos Informative. It is noted that existing buildings may contain Asbestos Containing Materials (ACM's). The applicant is required to ensure that all contractors involved in the demolition and site clearance works are aware of the requirements of the Control of Asbestos at Work Regulations 2012. It is essential that an asbestos survey is undertaken and where ACMs are discovered, risks are Epping Forest District Council appropriately managed, ensuring safe removal and disposal offsite by specialist contractors in accordance with good practice and current HSE guidance. Further, it is the responsibility of the developer to ensure measures are put in place to prevent contamination of the soils during such works. Evidence may therefore be required by The LPA as part of the contaminated land condition to show that any ACMs, identified following a required asbestos survey, have been appropriately disposed from the site.

i) Land Drainage:

EFDC Land Drainage comments dated 20th December 2023 stated:

Having reviewed the above application in line with the Council's adopted Local Plan policies, namely DM15, DM16 and DM17, and noting the previous application, I have no objection to this new application in principle, subject to the approval/implementation of the requirements set out below.

There is a Thames Water foul water public sewer within the red line boundary of the site. Any works within three metres of a public sewer requires build over consent from Thames Water Developer Services. For further information please refer to:<https://www.thameswater.co.uk/help/home-improvements/building-near-pipes>

Surface Water Drainage informative - The opportunity of new development should be taken to reduce surface water runoff from the site by incorporating sustainable drainage systems into the drainage design, and apply the principles as set out in the DM16 and in turn the CIRIA SuDS Manual (C753) and the Essex County Councils SuDS Design Guide (2020).

The applicant must consider the use of sustainable drainage features in the first instance, and at the very least techniques such as rainwater harvesting, green roofs and permeable paving should

be utilised. Therefore, planning condition requiring approval of surface water details by the Local Planning Authority prior to any preliminary groundworks commencing required.

j) *Epping Forest Special Area of Conservation (EFSAC)*

Policy DM22 relates to Air Quality which seeks to ensure that both the residents and ecological assets of the District, including the Epping Forest SAC, are protected from the impacts of atmospheric pollution.

Previous application (EPF/2764/22) was refused 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 air pollution. Failure to secure such mitigation is contrary to policies DM2 and DM22 of the new adopted Epping Forest Local Plan (March 2023) and the requirements of the Habitats Regulations 2017.

A HRA Trip Generation Assessment dated January 2023 accompanies the application.

The proposed development would result in a net increase of one dwelling.

All new development that may impact on the Epping Forest Special Area of Conservation (SAC) in terms of recreational pressure and air quality are required to provide suitable mitigation.

In the case of the proposed development mitigation is only required in respect of air quality due to the site's location falling outside of the 6.2km zone where recreational mitigation is required. A S.106 can secure this contribution. A signed consent form to cover Council costs dated March 2023, is submitted with this application.

Other matters

In response to representations received, the proposal provides sufficient parking and there are no objections from Essex County Council Highways. It is recognised that soft landscaping is an important component and a planning condition concerning this is proposed. The proposal will intensify the use of the site but will make effective use of the land, there is sufficient amenity space for all properties. Each application is determined on its own merits and there is not a compelling reason to refuse the proposal on the basis of the changes proposed to the existing building.

Planning Balance & Conclusion

In summary, this application has overcome the previous reasons for refusal.

The proposal makes an efficient use of land. For the reasons set out above, having regard to all the matters raised, it is recommended that conditional planning permission be granted subject to a s106 Legal agreement to secure contributions towards the EFSAC.

This recommendation for approval is contrary to views of North Weald Bassett Parish Council and one neighbour. This application is therefore before the Planning 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*)).

If you wish to discuss the contents of this report item, please contact the case officer by 2pm on the day of the meeting at the latest. If no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions:

1	<p>The development hereby permitted shall begin not later than three years from the date of this decision.</p> <p>Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).</p>
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1:1250) dated Sept 2022, Drawing 355-50 – Existing Ground Floor Plan Drawing 355-51 – Existing First Floor & Roof Plans Drawing 355-52 – Existing Elevations Drawing 355-53 –Existing Elevations (Side)&Section Drawing 355-60C – Proposed Ground Floor Plan Drawing 355-61 – Proposed First Floor Plan Drawing 355-62 – Proposed Roof Plan Drawing 355-63– Proposed Elevations Front&Rear Drawing 355-64– Proposed Elevations (Sides) & Section/Proposed Block Plan Drawing 355-65– Existing & Proposed Streetscene Arboricultural Impact Assessment, Hallwood Associates, 23/06/2023 HRA Trip Generation Assessment, EAS, Rev A 25/01/2023. HWA10860-LMP – Landscape Masterplan</p> <p>Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.</p>
3	<p>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.</p> <p>Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.</p>
4	<p>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.</p>

	<p>The Tree protection plan should include the alignment of utility apparatus (including drainage and ground source heat pumps), and the site set up ie locations for site huts, temporary toilets, contractor parking, storage of materials, cement mixing etc. This information is not yet known. The tree protection should also include protection of the front hedge which is shown to be retained. o A detailed Arboricultural Method statement including a list of contact details for all relevant parties. This information is not yet known. o Schedule of works to retained trees eg works required to facilitate demolition / construction activities. The development shall be carried out only in accordance with the approved documents.</p> <p>Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.</p>
5	<p>Prior to the removal of any existing landscape features on the site, details of the retained landscaping (trees/hedges) and their methods of protection (in accordance with BS5837:2012 -Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.</p> <p>Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.</p> <p>Pre-commencement Pre-commencement Help Info Code Code Help Info</p>
6	<p>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.</p>

	<p>Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.</p>
7	<p>A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.</p> <p>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.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.</p>
8	<p>Electric vehicle charging points shall be provided for one car parking space of each dwelling shown on the approved plans. The spaces shall be constructed and</p>

	<p>marked out and the charging points installed prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.</p> <p>Reason: To ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the EFSAC, in accordance with Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.</p>
9	<p>The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.</p> <p>Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.</p>
10	<p>The proposed dwellings hereby permitted shall be built in accordance with Part M4 (2) of the Building Regulations.</p> <p>Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households, in accordance with Policy H1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.</p>
11	<p>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 08:00 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.</p> <p>Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.</p>
12	<p>No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.</p> <p>Reason: To avoid displacement of loose material onto the highway in the interests of highway safety. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.</p>
13	<p>Prior to first occupation, the applicant/developer shall ensure that each dwelling has been provided with the necessary infrastructure to enable its connection to a superfast broadband network or alternative equivalent service.</p>

	Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with Policies D5, DM2, DM9 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.
14	<p>Prior to first occupation of the building hereby permitted the window in the flank elevation at first floor level and above, shall have been fitted with obscure glass with a minimum Pilkington privacy level 3 obscurity (or equivalent), 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 at these specifications thereafter.</p> <p>Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.</p>
15	<p>Prior to first occupation of the building hereby permitted the window in the flank elevation at first floor level and above, shall have been fitted with obscure glass with a minimum Pilkington privacy level 3 obscurity (or equivalent), 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 at these specifications thereafter.</p> <p>Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.</p>
16	<p>Prior to first occupation of the building hereby permitted the window in the flank elevation at first floor level and above, shall have been fitted with obscure glass with a minimum Pilkington privacy level 3 obscurity (or equivalent), 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 at these specifications thereafter.</p> <p>Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.</p>
17	<p>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.</p> <p>Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability, in accordance with Policy DM19 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.</p>

18	<p>Prior to first occupation of the development, the mitigation measures identified in the Bat Emergence and Re-entry Surveys (Arbtech, August 2023) should be secured and implemented in full.</p> <p>Reason: This is necessary to conserve and enhance protected and Priority species particularly bats and breeding birds. In accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.</p>
19	<p>A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall 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 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.</p> <p>Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).</p>
20	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed on the elevations, without the prior written agreement of the Local Planning Authority.</p> <p>Reason: To ensure further consideration is given with regards to the effect on the living conditions on adjoining properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.</p>
21	<p>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 Class A, B, C, D or E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.</p> <p>Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.</p>
22	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed on the elevations, without the prior written agreement of the Local Planning Authority.</p>

Reason: The ensure further consideration is given with regards to the effect on the living conditions on adjoining properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.
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Informatives: (8)

- 1) It is noted that the existing buildings may contain Asbestos Containing Materials (ACM's). The applicant is required to ensure that all contractors involved in the demolition and site clearance works are aware of the requirements of the Control of Asbestos at Work Regulations 2012. It is essential that an asbestos survey is undertaken and where ACMs are discovered, risks are appropriately managed, ensuring safe removal and disposal offsite by specialist contractors in accordance with good practise and current HSE guidance. Further, it is the responsibility of the developer to ensure measures are put in place to prevent contamination of the soils during such works. Evidence may therefore be required by The LPA as part of the contaminated land condition to show that any ACMs, identified following a required asbestos survey, have been appropriately disposed from site.
- 2) Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/ near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk.

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

- 3) There is a Thames Water foul water public sewer within the red line boundary of the site. Any works within three metres of a public sewer requires build over consent from Thames Water Developer Services. For further information please refer to: <https://www.thameswater.co.uk/help/home-improvements/building-near-pipes>
- 4) There is a Thames Water foul water public sewer within the red line boundary of the site. Any works within three metres of a public sewer requires build over consent from Thames Water

Developer Services. For further information please refer to: <https://www.thameswater.co.uk/help/home-improvements/building-near-pipes>

- 5) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.

- 6) This decision is made with reference to the following plan numbers:

Location Plan (1:1250) dated Sept 2022,
Drawing 355-50 – Existing Ground Floor Plan
Drawing 355-51 – Existing First Floor&Roof Plans
Drawing 355-52 – Existing Elevations
Drawing 355-53 – Existing Elevations (Side)&Section
Drawing 355-60C – Proposed Ground Floor Plan
Drawing 355-61 – Proposed First Floor Plan
Drawing 355-62 – Proposed Roof Plan
Drawing 355-63– Proposed Elevations (Front&Rear)
Drawing 355-64– Proposed Elevations (Sides) and Section/Proposed Block Plan
Drawing 355-65– Existing and Proposed Streetscene
Arboricultural Impact Assessment, Hallwood Associates, 23/06/2023
HRA Trip Generation Assessment, EAS, Rev A 25/01/2023.
HWA10860-LMP – Landscape Masterplan

- 7) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 8) This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.

Agenda Item 11

OFFICER REPORT

Application Ref: EPF/2578/22
Application Type: Full planning permission
Applicant: c/o Carter Jonas
Case Officer: Nicola Bickerstaff
Site Address: Homes Farm, Mount Road, Theydon Garnon, Epping, CM16 7PH
Proposal: Change of use of five existing agricultural buildings to commercial uses E(g)(iii) and B8 with access, landscaping, and other associated works.
Ward: Passingford
Parish: Theydon Garnon
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001Ue2j>
Recommendation: Approve with Conditions



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The application was deferred from a previous Committee for a site visit. A site visit was held on 12th December 2023.

This report has been updated in relation to issues which have delayed the determination of the application further concerning the EFSAC. The provision for EV charging points has been incorporated into the amended proposed site plan and the relevant EFSAC section has been updated.

This application is before this committee since the recommendation is for approval contrary to an objection from a Local Council which is material to the planning merits of the proposal, supported by 1 local resident (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)

Description of Site:

The application site consists of five agricultural buildings of varying appearance and scales with associated hardstanding located on the northern side of Mount Road in the rural location of Theydon Mount. There are no Listed Building attributed to the site, nor is the site located within a Conservation Area. The site is wholly within the Metropolitan Green Belt.

Description of Proposal:

Change of use of five existing agricultural buildings to commercial uses E(g)(iii) and B8 with access, landscaping, and other associated works.

Relevant Site History:

EPF/2801/20 – application to determine if Prior Approval is required for a proposed agricultural storage barn – Prior Approval not required.
EPF/2670/18 – Erection of a steel portal framed agricultural building to house farm machinery and produce from the farm – Approved
EPF/2056/17 – Concrete hardstanding to form farm yard between two existing agricultural buildings – approved
EPF/1873/12 – Erection of agricultural lean-to off an existing grain store – Approved.
EPF/1691/05 – Erection of general purpose agricultural building for hay and storage - Approved
EPF/1032/91 – General purpose agricultural building – Approved
EPO/0316A/71 – Details of Covered yard and grain store – Approved
EPO/0316/71 – Outline Application for 2 general purpose Agricultural buildings – Approved
EPF/0471/59 – Dutch Barn and Lean-to – Approved

Policies Applied:

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.

On 9 February 2023, the Council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council. The relevant policies are outlined below:

SP1 – Spatial Development Strategy
SP6 – Green Belt and District Open Land
T1 – Sustainable Transport Choices
DM1 – Habitat Protection and Improving Biodiversity
DM4 – Green Belt
DM9 – High Quality Design
DM15 – Managing and Reducing Flood Risk
DM16 – Sustainable Drainage Systems
DM21 – Local Environmental Impacts, Pollution and Land Contamination
DM22 – Air Quality

Summary of Representation:

No. of neighbours consulted: 4, 5 objections received

SAWKINS FARM – OBJECTION: Development detrimental to highway safety, inappropriate development within the green belt.

NORTH LODGE – OBJECTION: Development detrimental to highway safety, inappropriate development within the green belt.

42 BRICKFIELD COTTAGE – COMMENT: Development detrimental to highway safety.

20 HILL HALL – OBJECTION: Development detrimental to highway safety.

HIGH WARREN – OBJECTION: Development detrimental to highway safety.

BLEACHETS – OBJECTION: Development detrimental to highway safety.

THEYDON MOUNT PARISH COUNCIL - OBJECTION:

The application site is situated approximately a quarter of a mile from the TMPC boundaries in Mount Road and adjacent to Banks Lane.

The most important issue currently facing TMPC is the problem of the volume and speed of traffic driving through the parish together with the size of vehicles using Mount Road, Epping Lane and Banks Lane. During the course of last year TMPC has been involved with lobbying the County Council representatives and Highways Essex in attempts to introduce traffic calming measures within the parish.

Numerous residents in the parish have raised serious concerns about the prospect of increased traffic movements which will arise if consent to the development is granted.

TMPC objects on the following grounds :-

1. The council takes the view that in the absence of satisfactory public transport to the site, the development will have an unacceptable impact on surrounding roads and in particular the roads referred to above which in several places do not provide sufficient width for two vehicles to pass one another and also contain sharp bends and dangerous junctions which, in stark contrast with the submissions contained in the applicant's Transport Statement, have seen a significant number of road traffic accidents over the years and in particular in recent months.

The Transport Statement appears to have been compiled during a period when covid pandemic restrictions were in place and therefore does not take full account of normal levels of traffic movement. Local residents report large volumes of traffic, particularly at the beginning and end of the working day. In this respect it is noted that the applicant proposes 35 parking spaces, presumably for employees and visitors to the site. In addition deliveries will presumably be made to the site, together creating significantly more site related journeys than are provided for in the application. It is also noted by local residents that a significant proportion of commercial vehicles currently emanate from Romford and the London Borough of Havering generally. There is no reference in the traffic studies to such destinations when anticipating future traffic movements.

2. It is not accepted that the applicant's Travel Plan provides realistic sustainable travel to the site. The existing road network through Theydon Mount is entirely inadequate for access for pedestrians or cyclists as indicated above. Similarly, the road network between the site and Epping provides no safe or viable means of access other than for vehicles. There are no pathways or wide verges enabling pedestrian use and it is unrealistic to anticipate access by cyclists where the roads are narrow, the traffic is fast moving and there is no provision for a cycle lane or similar infrastructure.

On the basis of the above two representations, TMPC does not accept that the application complies with the relevant requirements of the NPPF.

In addition to the above points TMPC note that additional outdoor storage is proposed in the development. TMPC is concerned that these will further impact on the rural nature of the site. Furthermore reference is made in the application to the screening of the site but it is noted that a significant amount of screening vegetation has been removed from the property.

TMPC therefore urges the refusal of the application but if the planning authority is minded to grant permission TMPC would urge that various conditions be imposed including the following :-

1. Traffic restrictions to be imposed in order to prevent or restrict commercial traffic using Mount Road (in an easterly direction) and Banks Lane.
2. The entrance to the site to be retained in it's present location to avoid the risk of further accidents at the junction of Mount Road and Banks Lane as a result of making the entrance closer to Banks Lane.
3. The applicants be required to take steps to make access to and from Epping sustainable. (eg cycle lanes, accessible footpaths etc). Our suggestion would be for a safe cyclepath/walkway to be laid the other side of the hedge. The unique position is that the applicant owns all the farmland between Hornes farm and Epping along Mount/Epping road, so this would be a Section 106 agreement that would be easily carried out. The developer says that there will be 21 cycle bays/racks so this would enable workers to travel from and into Epping in complete safety. It would also provide a safe connection for local people wishing to walk and cycle who would otherwise be further cut off from Epping due to the increased volume of traffic if this application is passed. The travel plan then would become more sustainable.
4. Full, appropriate screening of the site to be reinstated and improved. to hide the proposed refurbished buildings and proposed 35 vehicles.
5. Outdoor storage should not be permitted as this would have a detrimental effect on the openness of the Green Belt.

Main Issues and Considerations:

The main issues to consider for the assessment of the application are as follows:

Development within the Green Belt
Highway Safety
Trees and Landscaping
Ecology and Biodiversity
Contaminated Land
Land Drainage
Impact on the Epping Forest SAC

Green Belt

Neighbours and the Parish Council have objected to the proposal stating that the development would be detrimental to the character and openness of the Metropolitan Green Belt.

The site lies within the Metropolitan Green Belt. The National Planning Policy Framework (2021) indicates that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweigh this harm. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. These include:

- (i) mineral extraction;
- (ii) engineering operations;
- (iii) local transport infrastructure that can demonstrate a requirement for a Green Belt location;
- (iv) the re-use of buildings provided that the buildings are of a permanent and substantial construction; and
- (v) development brought forward under a Community Right to Build Order.

The NPPF also emphasises that when considering an application, a Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

The proposed change of use would involve the recladding of the buildings to replace asbestos cladding. A structural survey accompanies the application, stating the buildings are of a permanent and substantial construction and appear to be able to support the proposed change of use. As such the use of the buildings for commercial purposes would not introduce any undue urbanisation or residential paraphernalia that would significantly harm the Green Belt. Furthermore, farm diversification and the re-use of buildings is to be encouraged to introduce alternative uses and income to the local economy where appropriate and ensuring that no additional built form is provided within the Green Belt. As such the proposal would not constitute inappropriate development harmful to the openness of purposes of the Green Belt.

The Parish Council have asserted that open storage would be proposed as part of the development. Whilst there would be storage proposed between buildings 1 and 2 as shown on the proposed site plan, this would clearly be defined and contained within this space which can be adequately managed by condition so as to restrict harm to the openness of the Green Belt. It is considered that the scheme is in accordance with Local Plan policy in respect of Green Belt Development.

Highway Safety

Neighbours and the Parish Council have objected to the proposal stating that the development would be detrimental to highway safety.

Essex Highways were consulted on the application and have provided the following comments:

The applicant has submitted a Transport Statement (TS) that contains traffic data collected in May 2021, that was during a period when traffic flows were much reduced compared to normal levels due to travel restrictions and the effects of Coronavirus. ECC were not accepting any traffic volume data at that time as the flows are not representative of a typical working day.

Whilst ECC would not agree to the flows as recorded, it is not critical to the assessment of the application, as the actual traffic generated by the proposal is minimal in the peak hours, and the percentage impact of the development would decrease if the day-to-day flows increased. Therefore, the Highway Authority considers that the development will not be detrimental to highway capacity or efficiency at this location.

It should be noted that ECC did accept speed data collection through this time period, as it was likely to be slightly higher than normal, and therefore robust. Further to this, the relocated access has appropriate visibility for the speed of the road and the proposed use. The parking levels on the site are also considered to be acceptable. If any overspill of parking did occur, it would be contained on-site and not cause any highway safety issues.

Consequently, the Highway Authority is satisfied that the impact of the proposal will not be detrimental to highway safety, capacity, or efficiency at this location or on the surrounding highway network.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

Officers are in agreement with the comments provided by Essex Highways and consider the development is acceptable in respect to highway safety and Local Plan Policy.

Trees and Landscaping

The Council's trees and landscaping team have been consulted on the application and have suggested within their comments that replacement planting should be expected following the removal of deceased trees. Details of landscaping has also been requested, particularly specifying that native planting of trees and hedges should be provided. This is information that can be adequately provided via condition.

Ecology and Biodiversity

The application has been accompanied by a preliminary ecological assessment to identify if there is any potential presence of any protected/notable species or habitats on or adjacent to the site. The site does not fall within the proximity that would result in harm to statutory and non-statutory designated wildlife sites.

The proposal includes mitigation measures to retain and enhance current levels of biodiversity on the site. This includes protection and retention of woodland during development works and providing a buffer of 2 metres, which would be enhanced to include wildlife corridors and sheltering/foraging areas for local wildlife. This would also be reflected in landscaping measures to comprise of native species, which would provide benefits for local wildlife.

In addition, the assessment recommends that further protected species surveys are undertaken prior to development in relation to bats, as well as a badger survey prior to the removal of any vegetation. This would be required prior to the commencement of development. Mitigation in the form of bird and bat boxes on the site would further add to the ecological diversity of the site which, again, can be adequately resolved via condition.

The development would be acceptable in ecological terms subject to the above conditions being implemented.

Contaminated Land

The Council's contaminated land team have been consulted on the application and have requested that a condition be added that manages unexpected contamination on site. It is considered that such a condition would be reasonable.

Land Drainage

The Council's Land Drainage team have been consulted on the proposal and have no objections to the proposal subject to conditions.

EFSAC

The Councils transport consultants were consulted on the application and have provided the following comments:

Existing Site and Development Proposals

The existing site is a series of five barn buildings that are now redundant after having been replaced by new barns to the rear of the site.

The development proposals include the change of use and conversion of the five redundant barns to a mix of Class B8 'storage and distribution' and Class E(g)(iii) 'light industrial'. The total sqm of the proposed commercial floorspace is slightly inconsistent with the proposed commercial floorspace stated as 2,507m² in the TIA, while 2,688m² in the RGPTS.

It is assumed that the proposal is for 2,507m² as identified in the Carter Jonas Planning Statement and in extrapolating the floor area from the trip generation calculations contained in the aforementioned documents.

Existing Traffic Generation

As set out in the TIA, the trip generation of the existing site is zero due the barns currently being redundant. The associated planning documents are clear, the existing site is not currently used, hence the existing generation of zero is accepted.

Proposed Traffic Generation

As set out in the TIA, the proposed trip generation has been identified using the TRICS database for the proposed commercial development.

The daily 24-hour trip rates are produced using TRICS. While the TIA references Appendix A to include the TRICS output, this does not exist in that report and the Council's consultants have instead referenced Appendix E of the RGPTS for the TRICS output. The TRICS output shown in Appendix E of RGPTS shows weekday demand data between 5am and 10pm. While this is not a 24-hour period, it is accepted that as a typical employment site, there will be little to no traffic generation outside of these

hours. It is accepted that the trip generation presented represents the annual average weekly traffic (AAWT).

There is a slight discrepancy between daily AAWT with the RGPTS stating there would be 112 and the TIA stating 113. It is accepted that 112 may be a rounding error. The 113 AAWT generation reported in Figure 3 of the TIA is accepted.

The TIA methodology assumes the site is non-operational at weekends. This applies a factored AAWT to create the annual average daily traffic (AADT) generation, resulting in 81 AADT movements, 7 of which are HGV movements as reported in Figure 3 of the TIA. This is accepted.

Proposed Traffic Distribution

The traffic distribution has been amended according to feedback and the TIAA states it is based upon Census 2011 data for 'Location of usual residence and place of work by method of travel to work' for the 'Epping Forest 003' MSOA and google map routing. This is accepted.

The TIAA states that the proposed site would generate up to 8 trips through the EFSAC, including 7 LDV's and 1 HDV (AADT). This is accepted.

Recommendation

Based on the submitted data, the Council's consultants are satisfied that the proposed development will have a net change of 81 AADT movements on the site and that 8 AADT movements will route within the EFSAC and the 200m buffer of which 1 is expected to be a HDV.

The Council has a legal duty under the Habitat Regulations 2017 (as amended) as the competent authority to ensure that new plans and projects do not have an adverse effect on the special interest features of the EFASC. One of the pathways of impact on Epping Forest is caused by polluting vehicles using roads within 200m of its boundaries. Therefore, any development within the District which has the potential to increase the levels of traffic using these routes must be appropriately mitigated and the efficacy of such measures must be effective within reasonable scientific certainty.

The potential traffic movements from this individual proposal have not been modelled for in the strategic solution. It therefore needs to be demonstrated to avoid an adverse effect on the EFSAC and in this instance through bespoke mitigation measures.

Fundamentally, the proposal will potentially increase AADT movements through the EFSAC by 8, of which 1 will be an HGV and this has the potential to cause harm to the EFSAC. In this instance the bespoke mitigation measures proposed are the provision of EV only spaces.

The proposal plans have been revised since the original submission to demonstrate where these EV only spaces would be provided, seven in total and spread across the site to serve the buildings. The EV charging spaces will account for 20% of the total spaces and are accessible for each of the units to be occupied.

Given the above measures, the applicant has satisfied the HRA requirements. This is secured through a planning condition requiring further details on the specification of charging equipment; and the 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 and which shall only be used for EV vehicles and no other type
- 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.

This is to ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the EFSAC, in accordance with Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Conclusion:

For the reasons above, it is recommended that planning permission is granted 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: Nicola Bickerstaff Direct email: nbickerstaff@eppingforestdc.gov.uk

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

Conditions: (17)

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

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

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 1235; P.00/C, P.10/G, P.11/G, SU.10/F, SU.11/E

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

- 3 Prior to preliminary ground works taking place, details of 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.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 No development shall take place, including any ground works or demolition, until a construction management plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for the following all clear of the highway:

- Safe access into the site
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel and underbody washing facilities

Reason: To ensure that on-street parking does not occur, turning is provided on-site, and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- 5 The development shall not be commenced until a scheme specifying the provisions to be made to control noise and dust emanating from the site during construction works has been submitted to, and approved in writing by, the Local Planning Authority. This scheme should include details of the construction methods to be employed and the equipment to be used. With regards to dust control measures, reference shall be made to the Institute of Air Quality Management (IAQM) best practice Guidance on air quality monitoring in the vicinity of demolition and construction sites and Guidance on the assessment of dust from demolition and construction.

Reason: To ensure that the proposed construction work does not cause nuisance and disturbance to neighbouring occupiers and in accordance with policies DM9, DM21 and DM22 of the Epping Forest District Adopted Local Plan 2011-2033 (2023), and the NPPF.

- 6 Prior to commencement of the development hereby approved, a full ecology survey and implications assessment of the site by a qualified ecologist has been submitted to and approved in writing by the Local Planning Authority. The submitted document shall assess the biodiversity impact of the development and propose any necessary mitigation measures. Development shall be undertaken only in accordance with the approved details and so retained.

Reason: To minimise damage to biodiversity, in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 7 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a

satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 8 Prior to any above groundworks, further details in relation to the 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). 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 and which shall only be used for EV vehicles and no other type
 - 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.

Reason: To ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the EFSAC, in accordance with Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 9 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, and so retained.

Reason: To maintain and improve the biodiversity of the site and to mitigate any impact from the development hereby approved, in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 10 Prior to the first occupation of the development the access arrangements, as shown in principle on RGP drawing no. 2021/5914/005 Rev P3, shall be fully implemented, and shall include, but not be limited to, the following:

- A new bellmouth access with minimum 10m radii
- Visibility splays of 2.4m 130m to the west, and 2.4m 112m to the east, clear to ground level
- The closure of the existing access and full reinstatement of the highway verge
- Carriageway surfacing works as necessary for the highway works.

With all details being agreed with the Highway Authority.

Reason: To ensure that appropriate and safe access is provided in the interests of highway safety.

- 11 Prior to the first occupation of the development the parking and turning areas as indicated on the approved plans shall be provided and retained as such for the life of the development.

Reason: To ensure that appropriate parking and turning is provided.

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

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 13 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the submitted application form.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 14 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 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 15 The development shall be carried out in accordance with the submitted flood risk assessment (2980-FRA-Oct 2022) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 16 Any gates provided at the vehicular access shall be inward opening only and shall not be set within the highway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.

17 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped and 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 be undertaken. If any contamination is found then the site shall be remediated. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

Reason: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development is carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (5)

18 The site is located within a rural location with limited pedestrian/cycle connections and access to public transport. Consequently, it is likely that the majority of trips to and from the site will be by motor vehicle.

19 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

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

21 There shall be no discharge of surface water onto the Highway.

22 The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks, safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway

Authority against such compensation claims a cash deposit or bond may be required.