



# Epping Forest District Council



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Application Number:	EPF/1451/20
Site Name:	Redbridge Oak Hill Road, Stapleford Abbots RM4 1EH
Scale of Plot:	1:1250

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/1451/20
<b>SITE ADDRESS:</b>	Redbridge Oak Hill Road Stapleford Abbots Romford RM4 1EH
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Ms Mwase
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing house and rear outbuilding and erection of two new detached dwelling houses with associated parking and landscaping.  **SAC CASE NOW PROGRESSING**
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=639035](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=639035)

**CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: L9583/E, L 9583/T, GDE-001, and GDE-002.
- 3 A) Before any preparatory demolition or construction works commence on site, a Non-Licence Method Statement for Great Crested Newt shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newts during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.  
  
B) Any works which will impact the breeding / resting place of bats, shall not in in any circumstances commence unless the local planning authority has been provided with either:
  - a. a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
  - b. a method statement relating to a registered site supplied by an individual registered to use a Bat Mitigation Class Licence for Bats; 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.

- 4 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents.
- 5 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 6 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.
- 7 Prior to any above ground works, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Preliminary Ecological Appraisal 200209-ED-01 (Tim Moya Associates, February 2020). The content of the Biodiversity Enhancement Strategy shall include the following:
  - a. Purpose and conservation objectives for the proposed enhancement measures;
  - b. detailed designs to achieve stated objectives;
  - c. locations of proposed enhancement measures by appropriate maps and plans;
  - d. persons responsible for implementing the enhancement measures;
  - e. details of initial aftercare and long-term maintenance.

The works shall be implemented in accordance with the approved details, prior to first occupation of the development, and shall be retained in that manner thereafter.
- 8 Prior to any above ground works, 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, prior to first occupation of the development, 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.
- 9 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to

dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

- 10 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details must include details as follows:
  - Location of active charging infrastructure; and
  - Specification of charging equipment to be used.
- 11 Prior to first occupation of the building/extension hereby permitted the window(s) in the flank elevation(s) at first floor level, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.
- 12 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.
- 13 Prior to the first occupation of the development the existing vehicular access shall be fully reinstated as highway verge with full height kerbing.
- 14 Prior to the first occupation of the development the access arrangements, visibility splay, vehicle parking and turning areas as shown on drawing no.GDE-001 Rev A, shall be provided and retained as such in perpetuity.
- 15 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal 200209-ED-01 (Tim Moya Associates, February 2020) and the Bat Survey (Tim Moya Associates, July 2020) prior to first occupation of the development, and so retained.
- 16 Hard and soft landscaping shall be implemented as shown on Tim Moya Associates 'Landscape Plan' drawing number 200229-LP-01 dated 26th June 2020 and the accompanying planting schedule unless the Local Planning Authority gives its prior written approval to any alterations. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 17 No services shall be installed within the root protection area of the retained trees unless the Local Planning Authority gives its prior written approval.

- 18 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 19 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 20 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on the approved plans.
- 21 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 22 Access to the flat roof over the single storey rear extensions 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.
- 23 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
- 24 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.
- 25 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.
- 26 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, AA and B of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.

**...and subject to the completion of a s106 Legal Agreement.**

*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 site comprises a detached dwelling, located within a built-up area of Stapleford Abbots. It is not listed nor in a conservation area, although part of the rear garden lies within the Green Belt. The site is not within a flood zone, nor are there any protected trees on site.

### **Proposal**

The proposal is for the demolition of existing house and rear outbuilding and erection of two new detached dwelling houses with associated parking and landscaping.

### **Relevant Planning History**

Pre-app - EF\2020\ENQ\00168 - Demolition of existing dwelling house and outbuildings and erection of two new 4 bed detached dwelling houses with associated landscaping and parking – Closed

EPF/1886/20 - Demolition of existing house and rear outbuilding and erection of one new detached dwelling house with associated parking and landscaping – Approved

Pre-app - EF\2021\ENQ\00928 - 1 new dwelling - Closed

EPF/3076/21 - Application for Variation of Condition 3 'Biodiversity mitigation' for EPF/1886/20. (Demolition of existing house and rear outbuilding and erection of one new detached dwelling house with associated parking and landscaping) - Approved

### **Development Plan Context**

*Local Plan and Alterations 1998 & 2006 (LP)*

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

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

CP2	Protecting the Quality of the Rural and Built Environment
CP7	Urban Form and Quality
DBE1	Design of New Buildings
DBE8	Private Amenity Space
DBE9	Loss of Amenity
ST4	Road Safety
ST6	Vehicle Parking
LL10	Adequacy of provision for landscape retention
LL11	Landscaping schemes

### *National Planning Policy Framework 2021 (Framework)*

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

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

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

Paragraphs 126 & 130  
Paragraph 180

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

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

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2<sup>nd</sup> August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

Following the Examination Hearing Sessions for the emerging Local Plan, the Council has prepared a number of changes, known as Main Modifications, to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance

identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional Main Modifications, the **highest weight** should be afforded to LPSV policies in accordance with paragraph 48 of Framework. The following policies below are relevant to the determination of this application;

SP2	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
DM9	High Quality Design
DM10	Housing Design and Quality
DM15	Managing and Reducing Flood Risk
DM16	Sustainable Drainage Systems
DM19	Sustainable Water Use
DM21	Local Environmental Impacts, Pollution and Land Contamination
DM22	Air Quality

### **Summary of Representations**

Number of neighbours Consulted: 7. 3 response(s) received  
Site Notice posted: Yes.

BRACEBRIDGE, EL CAMINO & GLYNMORNE – Objections – Summarised as;

- Out of character;
- Impact on the Green Belt;
- Overdevelopment;
- Impact on trees and habitats/ecology;
- Environmental Impact;
- Noise disturbance;
- Highway/pedestrian safety;
- Loss of outlook and Privacy/overlooking;
- Flooding concerns; and
- Overbearing impact.

STAPLEFORD ABBOTTS PARISH COUNCIL – Stapleford Abbots Parish Council object to this application on the following grounds;

This is a very narrow plot for 2 detached houses - it is dubious that houses in keeping with the village in such a cramped space can be successfully designed.

- Question ability to produce a design empathetic with the village when putting two detached houses on such a small plot.
- Another infill is more drain on an already overstretched infrastructure.
- This is an exceptionally busy stretch of road. Difficult to cross at this point due to the site line. Egress and exit will therefore be dangerous for yet more cars.
- With more cars come more hazards for pedestrians, as the pavement at this point on the opposite side of the road is inaccessible.
- Drainage appears bad at this point on the road. It is feasible that additional buildings will affect neighbours.



## **Planning Considerations**

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality;
- b) The impact to the living conditions of neighbouring properties;
- c) Standard of Accommodation for future occupiers;
- d) Highway safety and parking provision;
- e) Ecology;
- f) Trees and landscaping; and
- g) The impact on the Epping Forest Special Area of Conservation (SAC).

### **Character and Appearance**

A pre-application discussion was carried out, and the recommendations set out in the Councils response are reflected within the current scheme.

Policy SP2 of the LPSV set outs a sequential approach to identifying sites suitable for development. As the site is previously developed land within the settlement of Stapleford Abbots, it is suitable for development.

With regards to the specifics of the site, the dwellings proposed are considered to be a chalet style bungalow, and of a contemporary design, appropriate size and scale that will have a positive impact to the wider area, including the street scene. There currently is no uniform architectural design, building size, type or building line on this street, so it would not be out of character and will relate positively to its immediate settings.

To add, the proposal follows a similar pattern to Rayside & Fallowfields, just 2 doors down to the northwest of the site.

Accordingly, the proposed development, is in accordance with policies CP2, CP7 and DBE1 of the adopted Local Plan 1998 & 2006, and policy DM9 (D) of the Local Plan Submission Version 2017, and paragraphs 126 & 130 of the Framework.

### **Living Conditions of Neighbouring Properties**

The existing building is currently sited in front of both adjoining neighbours (Tradewinds and Glynmorne). Due to the proposed siting of the new dwellings, there would be no significant impact to Glynmorne, in terms of loss of light, loss of privacy, overbearing and visual impact.

With regards to the impact on Tradewinds, whilst the proposed dwelling is sited closer than the existing building it is still situated in front of their building, and together with the proposed height, depth and set in from the common boundary by approx. 1.75 metres, it is considered that there would not be any significant impacts to their living conditions in terms of overbearing impact, outlook, loss of light, or loss of privacy.

### **Standard of Accommodation of future occupiers**

The proposed development would have sufficient external amenity space for occupiers of the proposed dwellings and would have a GIA of 250.9 sqm, so it meets the required internal space standard for a 4 bed – 8-person dwelling (124 sqm) as set out in policy DM10 of the LPSV.

### Highway Safety and Parking Provision

There is sufficient space to park multiple cars on the site and no objections were raised by the Highways Officer, subject to the imposition of conditions on this scheme. So, it is considered that there would be no detrimental impact to the safety operation of the highway network.

### Ecology

Bat roosts have been identified on the site, and the demolition of the existing building has the potential to destroy the bat roosts without any appropriate mitigation measures in place. In light of this, the Bat Survey report sets mitigation measures to avoid any harmful impact to the Bats. Furthermore, the proposal includes the loss of two ponds, and Great Crested Newts have been identified as being present within the site. As above, the survey sets out mitigation measures, one of which is for a replacement pond located to the rear end of the site (as shown on the Landscape Plan). This will be completed and made suitable to support existing and new Newts on site prior to the removal of the two ponds.

Notwithstanding the above, a mitigation license is legally required from Natural England before the existing building can be demolished and the two ponds removed. Thus, in this regard the Council is satisfied as a further review will be carried out by Natural England, in terms of if the development can proceed without having a detrimental impact to the existing Habitats and wildlife.

To add, the Ecology Officer has raised no objections subject to the imposition of conditions as part of the consent.

### Trees and Landscaping

The Councils Tree Officer has raised no objections to the proposal, subject to the imposition of conditions as part of the consent.

### Epping Forest SAC (EFSAC)

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

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

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

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

- 1) The site lies outside of the 6.2 km Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently, the development will not 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. Therefore, the proposal has the potential to result in a likely significant effect on the integrity of the EFSAC as a result of atmospheric pollution.

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

## **Stage 2: Appropriate Assessment**

### Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. The applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition, the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

### Conclusion

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 including monitoring fees.

***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: Muhammad Rahman on 01992 564415 or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***