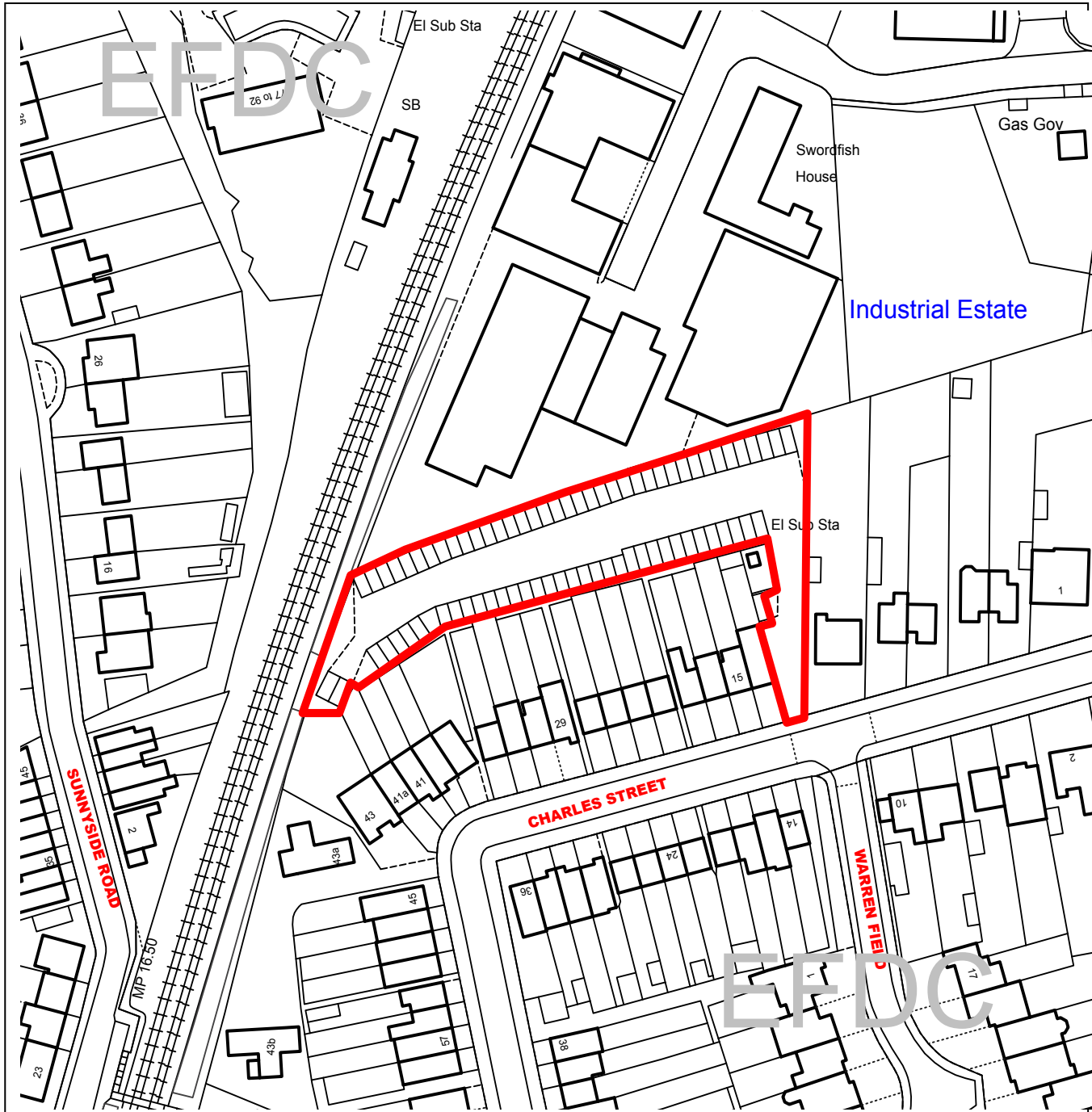




# Epping Forest District Council

## Agenda Item Number 10



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Application Number:	EPF/3426/18
Site Name:	Garages to the rear of nos 13-43 Charles Street Epping Essex CM16 7AU
Scale of Plot:	1:1250

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/3426/18
<b>SITE ADDRESS:</b>	Garages to the rear of nos 13-43 Charles Street Epping Essex CM16 7AU
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Russell Tomkins
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of the existing garage buildings and the erection of 9 x 2 bedroom mews houses, with associated landscaping, parking, bike and refuse stores.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions) Subject to Legal Agreement

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=618853](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=618853)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:  
  
CHSs\_EX\_100\_A, CHSs\_EX\_200\_A, CHSs\_PL\_100\_C, CHSs\_PL\_200\_C, CHSs\_PL\_120\_C, CHSs\_PL\_220\_C, CHSs\_PL\_320\_C, CHSs\_PL\_321\_C, CHSs\_PL\_322\_C, RCT Construction Limited Transport Statement ref A110371-1 December 2018, Planning Statement, Noise and Vibration Impact Assessment Technical Report 31503 R2 by Sound Solution Consultants, Flood Risk Assessment by Tree Counties Flood Risk Assessment, Energy and Sustainability Statement by Integration dated 12 December 2018, Tim Moya Associated Ecological Report Extended Phase 1 Habitat Survey Bat Scoping Assessment, Great Crested Newt HSI Assessment Nov 2017, Report on a Phase 1 Desk Study by Ground Engineering ref C14638 Dec 2018, Tim Moya Associates Arboricultural Impact Assessment ref 180920-PD-10 Dec 2018.
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.

- 4 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.
- 5 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 6 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 7 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 8 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed

numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 9 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 10 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 11 The development permitted by this planning permission shall be carried out in accordance with the recommendations made in the submitted Noise and Vibration Impact Assessment Technical Report reference 31503 R2 by Sound Solution Consultants.
- 12 The development permitted by this planning permission shall be constructed in accordance with the details listed in the Energy and Sustainability Statement by Integration dated 12 December 2018.
- 13 The development permitted by this planning permission shall be carried out in accordance Recommendations made in Tim Moya Associated Ecological Report Extended Phase 1 Habitat Survey Bat Scoping Assessment, Great Crested Newt HSI Assessment Nov 2017,
- 14 Access to the flat roof 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.
- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class B of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.
- 16 Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation, per dwelling, of aa residential Travel Information Pack for sustainable transport, approved by Essex County Council.
- 17 Prior to the first occupation of the development the access arrangements, 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.
- 18 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has a garage or allocated parking space shall be installed and retained thereafter for use by the occupants of the site.

- 19 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 20 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.
- 21 No new windows shall be inserted into the southern elevation walls of the dwellings hereby approved without the prior written permission of the Local Planning Authority.

*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)).*

**And subject to the completion of:-**

**1) consultation with Natural England, and**

**2) a S106 legal agreement to be signed and completed to secure (a) an appropriate financial contribution for the management and monitoring of visitors to the Epping Forest Special Area of Conservation and management and monitoring of air quality,**

- **An Electric charging point for electric vehicles**
- **Resources relevant to the use of passenger transport and cycling/walking (e.g. Travel Plans, provision of travel packs and introductory tickets for use on public transport, cycle parking,)**
- **The new house to have the ability to connect to high speed broadband.**

#### **Description of Site:**

The proposal site is located to the north of residential properties numbered 13-43 Charles Street. Access to the site is between 11 and 13 Charles Street. It originally served the post war housing along this part of Charles Street. The site area is 2400 square metres. It contains garages. Trees line parts of the perimeter of the site. The levels on the site are undulating.

To the north of the site is the Bower Hill Industrial area, to the east and south is a mixture of 20th century semi-detached and terraced residential properties and to the west is the railway line.

The site is within the built-up area of Epping. It has no heritage designation attached to it.

#### **Description of Proposal:**

Permission is sought for the demolition of the existing 74 garage buildings and the erection of 9 x 2-bedroom mews houses, with associated landscaping, parking, bike and refuse stores.

The houses measure a maximum 9m high to the ridge of their front facing gable roofs, 9.4m wide and 6.9m deep. Materials include coloured zinc cladding for the upper floors and roof, grey brick work for the ground floor walls, Grey metal framed fenestration. Each unit has a terrace /planting

area which covers an area of 29.6 square metres along with an additional raised brick planter. Each unit has one car parking space. Access to the site is as existing.

Amendments to the original submission following officers' comments include: -

- Changed the proposed three-bedroom units to two-bedroom units
- Reconfigured the site to increase the quantum of landscaping
- Removed the terraces and Juliette balconies
- Removed the two visitor parking spaces, replacing it with additional landscaping.

### **Relevant History:**

No relevant history

### **Policies Applied**

#### *Epping Forest Local Plan (1998) and Alterations (2006):*

Epping Forest Local Plan (1998) and Alterations (2006):

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP4 - Energy Conservation  
CP5 - Sustainable building  
CP6 – Achieving sustainable urban development patterns  
CP7 – Urban Form and Quality  
CP9 – Sustainable transport  
RP4 – Contaminated land  
H3A – Housing density  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in urban areas  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
LL10 – Adequacy of provision for landscape retention  
LL11 – Landscaping schemes  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking  
NC1 - SPAs, SACs and SSSIs  
NC3 - Replacement of Lost Habitat  
NC4 - Protection of established Habitat  
I1A – Planning Obligations  
The National Planning Policy Framework

The National Planning Policy Framework (NPPF) has been adopted as national policy since February 2019. Paragraph 213 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Epping Forest District Local Plan (Submission Version) 2017:

The Epping Forest Local Plan Submission Version 2017 was submitted for independent examination in September 2018. Accordingly, it can be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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

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

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

SP1 - Presumption in Favour of Sustainable Development  
SP2 - Spatial Development Strategy 2011-2033  
SP3 - Place Shaping  
SP7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure  
H1 - Housing Mix and Accommodation Types  
H2 - Affordable Housing  
E1 - Employment Sites  
T1 - Sustainable Transport Choices  
T2 - Safeguarding of Routes and Facilities  
DM1 - Habitat Protection and Improving Biodiversity  
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  
DM11 - Waste Recycling Facilities on New Development  
DM12 - Subterranean, Basement Development and Lightwells  
DM15 - Managing and Reducing Flood Risk  
DM16 - Sustainable Drainage Systems  
DM17 - Protecting and Enhancing Watercourses and Flood Defences  
DM18 - On Site Management of Waste Water and Water Supply  
DM19 - Sustainable Water Use  
DM20 - Low Carbon and Renewable Energy  
DM21 - Local Environmental Impacts, Pollution and Land Contamination  
DM22 - Air Quality

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

Number of neighbours consulted: 45  
Site notice posted: Yes

Responses received: **13 Charles Street, 15 Charles Street, 29 Charles Street, 33 Charles Street, 35 Charles Street, 43 Charles Street, 43A Charles Street, 18 Beulah Road: OBJECT**

- Not in keeping with style of local area  
National policy states that character of individual areas must be taken into consideration
- The proposed zinc cladding & grey brick / aluminium windows are in stark contrast to the style of any houses in Epping – This negative / adverse visual impact, driven by the developer's choice of cheaper building materials should not be allowed.
- Overdevelopment: Not enough parking for 9 properties, some properties will have multiple cars and visitors' cars which will over-spill into Charles Street, which is already overcrowded. We already pay for a parking permit and are repeatedly unable to park near our home.
- Residents of this new development should not be allowed parking permits if 'sustainable Transport' is truly being pursued by developer & council.
- Concerns of noise & disturbance from 9 houses right behind our home
- Concerns of 8.5 ft brick wall at our boundary being replaced by 6-foot fence – allowing easier access into our back garden
- Would want proposed landscaping to extend to behind our home to block out noise, offer privacy & make access to the rear of our garden more difficult.
- The bins are placed at the side of my garage causing an environment issue for me plus the fact of stopping me maintain the side of my garage, also the entrance to the site is barely a car width and also a blind spot for pulling out so will certainly be a safety issue.
- Proposed second floor balconies will look directly into our garden and house; effecting quality of life.
- The proposed surface water drainage is unlikely to work in the clay ground and larger green areas would help this
- There is currently no light or power on the site, thus there is very little or no usage outside daylight hours. In any case, the present volume of traffic is very light - when I visit, it is unusual to find anyone else there. With 9 dwellings, usage will be constant, and there will be significant quotas of deliveries and vehicle movements in and out, for much longer periods of the day. The bland statement that the site offers "a reasonable turning area for delivery vehicles" cannot be taken at face value, since this depends on the size of the vehicles, and whether they are able to gain access to the site in the first place.
- The conclusion by the Highways Authority that "the proposal will not adversely affect highway safety or efficiency" is plain irresponsible, and fundamentally incorrect.
- Loss of a private view
- For a much more credible assessment, look at the letter of objection from Epping Town Council.

**Epping Society: OBJECT:**

We feel this site would be better suited to employment use as part of the adjacent SVLP site EPP.E.4 Bower Hill Industrial Estate.

The proposed houses would detract from the streetscene. The mews design has no affinity with Epping. The zinc cladding for the walls is not in keeping with the surrounding properties.

The front windows will look directly over back gardens on Charles Street.

Two and three bedroom properties might reasonably be expected to have families with children. The proposed properties have no amenity space. It is not acceptable for children to play in the road even if it is a cul-de-sac.



How are disabled and elderly residents expected to manage these rubbish collection arrangements? Dragging the rubbish bins back and forth is unacceptable for the less able. Access to narrow roadway within the site will be difficult for delivery, service and emergency vehicles.

There is not enough parking provided for 9 family homes and their visitors on this cramped site. We note the artists' views don't show the 11 cars parked in the spaces!

**PARISH COUNCIL: OBJECT:**

While the Committee note some design amendments, the revisions do not adequately address their previous concerns.

The design of this proposal would have a detrimental defect on the street scene and the character of the current urban environment. The materials are out of keeping with the surroundings, as the neighbouring properties are traditional brickwork styled family homes. National policy states that the character of individual areas must be taken into consideration and these materials would be in stark contrast to the existing look and feel of the area.

This proposal would make access difficult for the extra residential traffic as well as emergency vehicles and refuse vehicles due to the narrow road entrance. The scale of the development will result in the generation of far more traffic than is existing, which will have a detrimental effect on Highway Safety, through a narrow access road onto the site, from a busy and steep hill. The additional traffic will be detrimental to the area through which it will move. The site is not large enough to accommodate larger scale movement of traffic. There would be a loss of amenity for those using garages which have been used for storage including vehicle parking.

Committee are disappointed that despite commenting on insufficient car parking spaces, the applicant has reduced the number in this revised proposal and also raise concerns about the lack of car parking compared to the large number bike racks being proposed, even though there are no cycle or pedestrian routes planned and a location where steep uphill movement would be required into the town. Even though the property is located near the tube station, the car parking provision is inadequate. There is insufficient parking for nine dwellings with no allowance for visitors parking and any shortfall would be met in the neighbouring roads which already suffer from commuter and weekend parking. There are severe parking issues in Epping and insufficient parking from this scheme will put additional pressure on the surrounding roads.

Relevant policies CP2, CP3(i), CP6 (i), CP7, DBE1, DBE2, H&A, ST2, T4, ST6  
NPPF: para 17, 32, 55, 56, 59, 64  
Emerging Local Plan H1A (ii) (iii), DM2, DM9A, DM10.

**Main Issues and Considerations:**

The key considerations for the determination of this application area:

The principle of the development;  
Impact on the character and appearance of the site and surrounding area.  
Impact on the living conditions of surrounding residents;  
Quality of resulting residential accommodation; and  
Impact on parking provision and highway safety.

Principle

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

### Five-year housing supply

The site is situated within a sustainable urban location close to local services, facilities and public transport and would make more efficient use of this site. Given that 92% of the District is designated Green Belt the principle of further development within existing sustainable settlements outside of the Green Belt is generally considered to be appropriate, provided all other policies are complied with. In addition, chapter 5 of the NPPF seeks to boost the supply of homes.

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 4.2-year supply of land for housing purposes.

In this circumstance paragraph 11 of the NPPF requires the application be approved unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The proposal has a density of 37 units per hectare. This figure is compatible with the character and appearance of the surrounding area. It therefore meets the requirements of policies CP1, CP3 and H3A of the Local Plan. The provision of 9 houses is therefore considered to be a significant benefit.

### Sustainable Location

The proposal is located 400m away from Epping Underground Station. It is also close to other public transport links and amenities. The proposal will also provide private and secure cycle storage. Plans also indicate that each car parking space will have the provision for electric charging. It is therefore concluded the application site is highly suitable for this type of development as the site's location will minimise the need to travel, promote opportunities for sustainable transport modes and will support the transition to low carbon future. and may contribute towards encouraging healthier lifestyles. On that basis the proposal complies with the requirements of the NPPF together with CP1 and CP3 of the Adopted Local Plan and policy T1 of the Submission Local Plan. The sustainable location and features of the scheme provide a significant benefit.

### Design and appearance / Standard of accommodation proposed

The internal space, circulation, ventilation and outlook are enough to meet the requirements of the Technical housing standards' document published by the Communities and Local Government Dept. in March 2015.

The prevailing character of the development is that of groups of 4 terraced post war dwellings built as part of an estate around the same time. The proposed dwellings would only have limited visibility from the street due to their back-land position adjoining the rear gardens of 13-45 Charles Street and in any case the proposal will help screen the existing industrial use to the north of the site. The proposed terrace has a contemporary appearance and the houses all have an acceptable scale, density massing and height and distance from neighbour properties. The proposal therefore complies with the requirements of DBE 1 of the Local Plan.

The Sustainability Statement by 'Integration' submitted with this proposal predicts that following the introduction of energy efficiency measures, passive and active design features will reduce carbon emission by 6.2% compared with similar houses built in accordance with Building

Regulations part L (2013) compliant building. This is a benefit of the scheme in accordance with policies CP4 and CP5 of the Local Plan.

Private and public space would be clearly perceptible and safe. The front elevations face outwards onto public spaces and contain the main entrances. The proposal therefore complies with the requirements of policy DBE3 and DBE5 of the Local Plan.

A Noise Impact Assessment, which considered both internal and external space (p.23 and 24 of report). On the recommendations of this report, screening is proposed to the railway boundary, and flank walls are proposed to the amenity spaces to ensure noise levels are comfortable and to create privacy. As a result, the noise levels in the proposed amenity spaces are within the ProPG guidance limits (BS8233:2014).

However, the development remains car dominated, the access into the site will be shared by motorists and pedestrians. It is therefore not supported by paragraph 110 of the NPPF. However, this document will only permit refusal on highway safety grounds if the residual cumulative impacts of the development would be severe. The Highways Authority do not believe that the proposal will cause this level of harm and therefore refusal on these grounds would not be supported at appeal.

There is insufficient soft landscaping to soften the appearance of the development in accordance with policies SP 7(c) and DM5 of the Submission Version Local Plan. This deficiency is of concern and therefore is given weight in the consideration of this application.

The amenity space at 29 sqm per unit provision falls short of the 80 sqm required by policy DBE8. However, it is on balance not considered to be a sufficient ground for refusal as policy DM10B of the Submission Version Plan does not prescribe numerical standard's for the provision of amenity space.

### Trees and landscaping

The Tree Officer had initially objected to the scheme on the grounds that:-

“There are no trees that are of significance in the re-development of this site. This therefore, provides a ‘blank canvas’ on which to provide a comprehensive and suitable soft landscaping scheme to not only soften the appearance of the proposed development but also to provide an acceptable volume of accessible, and usable outside green space. We do not consider that the proposal provides this.

The provision of greenspace within new development is a critical part of maintaining healthy places to live and providing the contrast between built areas and outdoor space to meet social and psychological needs.

We have concerns that for all the properties the outside amenity space is to the front of the property, and of such a small size that it makes for very inadequate space for any meaningful soft landscaping. Whilst the applicant indicates that there will be other areas of greening around the development, this will make little impact to the appearance of the development as there will be limited opportunities for any taller elements of landscaping.”

The Tree Officer's comments are weighed against the fact that there are currently no trees currently on the site. The proposal will increase the amount of the soft landscaping on the site and the proposed brick and railing raised planters will enable privet hedges to be planted within each plot and will ensure that these areas are not used for more parking.

### Parking and Highways

Policy T1 of the Submission Version Local Plan requires that within 400m of a railway station, the Council will seek reduced car parking. The justification for this is that the Council is seeking to promote other more sustainable modes of transport, manage congestions, promote and to improve safety, security and healthy lifestyles, as well as reduce air pollution to protect human health and the health /integrity of the Epping Forest Special Area of Conservation.

Since the proposal site is within 400m of Epping Station, the provision of 9 car parking spaces is in accordance with this policy. (No parking provision would also meet the requirements of this policy).

The Highways Authority have advised that since “the previous use did serve 74 garages on the site it is not considered that 9 dwellings will generate any more traffic than the original use. Consequently, given the location, the access is not considered to be detrimental to highway safety. It is also noted that the proposed layout does offer a reasonable turning area for delivery vehicles. Consequently, the proposal will not adversely affect highway safety or efficiency. It is for these reasons that no objections to the proposal have been raised on highway or parking grounds.

#### Impact on the living conditions of neighbouring residential properties.

The application site is on land which is 3.1m higher than that which the nearest existing properties on Charles Street.

However, the first-floor balconies have been removed from the application, the upper floor habitable room to habitable room distance between the proposal and the rear elevation windows of properties within 13-35 Charles Street is between 28m and 32m. This distance is sufficient to ensure that the internal rooms of these neighbours will not be overlooked. It also reflects window to window distances of existing properties within Epping.

The upper floor windows of the new dwellings will have views into the private gardens of these neighbours, however it is not more than that already perceived by existing neighbouring properties.

It is also recommended that permitted development rights for dormer extensions and insertion of additional windows within the loft area are removed to ensure that overlooking is not increased in the future.

It is for these reasons considered that neighbouring amenity will not be excessively affected in terms of loss light, outlook, privacy or dominance.

The proposed use is compatible with residential use of the surrounding area. Furthermore, the change of use from a lock up garage site to a housing area will not excessively increase the noise and disturbance emitted from site over and above what can already occur when the site is fully occupied.

The proposal therefore complies with the requirements of policy DBE9 of the adopted Local Plan and DM9 of the Submission Version Plan.

#### Land Drainage

The development is of a size where it is necessary to avoid generating additional runoff and therefore the Council's Land Drainage engineer has requested a Flood Risk Assessment condition to improve existing surface water runoff and a condition requesting details of surface water drainage in accordance with policy U2B of the Local Plan.

#### Contaminated Land

The Contaminated Land team have raised concerns that there may be the potential for contaminants to be present on the site due to the use of the site as garages and is covered in made ground as well as a former gas works being in close proximity to the site. They therefore recommend that conditions be attached to any permission to ensure that appropriate assessments are made and if necessary mitigation measures undertaken in accordance with paragraph 109 of the NPPF and RP4 of the Local Plan.

### Ecology

The Ecological Report carried out by Tim Moya Associates found that the existing buildings had negligible potential for roosting bats. No evidence was also found of other protected species living on the site. Conditions are suggested to ensure that the existing habitats for birds and hedgehogs are not adversely affected and that the recommendations for biodiversity enhancement in chapter 8 of this report are carried out.

It is on this basis that the proposal complies with the requirements of policies NC3 and NC4 of the Local Plan and Alterations.

### S106 (Recreational pressure and Air Quality)

The nature of the application is such that it would trigger a S106 planning obligation requirement in respect of impacts on the Epping Forest Special Area of Conservation (SAC). Since the proposal is within a settlement close to the Epping Forest Special Area of Conservation (SAC) and is likely to generate a significant amount of traffic, it is clear there will be an additional adverse impact on the special interest of the Forest and air quality in general. The Council's policies in this respect are set out below and its position with regard to protecting the SAC and the interim measures currently in place are further thereon.

Policy DM 2 requires:

*All outline or detailed planning applications for new homes within the settlements of Loughton, Epping, Waltham Abbey, North Weald Bassett, Theydon Bois, Coopersale, Thornwood, Buckhurst Hill, Chigwell Row will be required to make a financial contribution to access management and monitoring of visitors to the Epping Forest SAC, in accordance with Visitor Survey Information which demonstrates this is needed.*

Policy DM 22 requires:

*Larger proposals, or those that have potential to produce air pollution, to undertake an air quality assessment that identifies the potential impact of the development, together with, where appropriate, contributions towards air quality monitoring. Assessments shall identify mitigation that will address any deterioration in air quality as a result of the development, having taken into account other permitted developments, and these measures shall be incorporated into the development proposals. This will include an assessment of emissions (including from traffic generation) and calculation of the cost of the development to the environment. All assessments for air quality shall be undertaken by competent persons.*

Unlike policy DM2 this policy applies to development of all types and all locations as they all have the potential to result in increased traffic generation which would put pressure on the roads through the Epping Forest.

The Epping Forest covers a large area of land within the District and much of the Forest is designated as a Special Area of Conservation (SAC). Biodiversity features within, or associated with, these designations enjoy the highest level of protection under UK and EU Law and UK planning policy. Epping Forest SAC is designated a 'European Site' and as the Conservation of Habitats and Species Regulations 2017 as amended ("the Habitats Regulations") requires that the Council, as the competent authority, must before deciding to grant planning permission make an appropriate assessment of the implications of the development for the SAC in view of the SAC's nature conservation objectives where it is likely that the development is likely to have a significant effect on the SAC (either alone or in combination with other development) and where the development is not directly connected with or necessary to the management of the SAC. This appropriate assessment is known as a Habitats Regulation Assessment (HRA).

Under the Habitats Regulations, the Council may, if it considers that any adverse effects of the development on the integrity of the SAC would be avoided if the planning permission were subject to conditions or limitations, grant planning permission, subject to those conditions or limitations. The approach may vary depending on the scale and nature of the proposal.

Two specific issues in particular have been identified that could result in development have a likely significant effect on Epping Forest SAC. These are:

1. Increased visitors to the Forest arising from new development within 6.2km of the SAC.
2. Damage to the health of the flora, including trees and potentially the heathland habitats, from air pollution primarily generated by vehicles.

This application would result in a net increase in vehicle movements and therefore a likely significant effect on air quality as it relates to the Epping Forest SAC cannot be screened out at this point in time. It is also likely to lead to increased visitor pressure on the SAC given its location within the 6.2km Zone of Influence.

The Council is currently awaiting the views of Natural England on the findings of an updated HRA (January 2019), which has been provided to support the Examination of the Council's submitted Local Plan. This updated HRA has assessed the likely significant effect of development over the period of the Local Plan (including windfalls) in combination with other plans and projects. Until such time as Natural England confirms that it is satisfied with the findings of the updated HRA the Council **cannot grant planning permission on any planning applications** which would result in a net additional increase in vehicle movements within the District.

Natural England has, however, advised that it is satisfied with the approach set out in the Council's 'Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications) with respect to mitigating the likely significant effects of residential development within the current Zone of Influence of 6.2km.

The applicants have indicated that they are willing to enter into a legal agreement and/or accept to agree contributions that may emerge to address this issue. As such, and for the purposes of agreeing the principle and merits of the proposal as set out in this report, members are advised that any S106 legal agreement or planning condition is likely to require the provision of, or contribution to, measures including, for example:

- Financial contribution of £352 towards access management and monitoring in order to mitigate recreational pressure in the SAC
- Electric charging points for electric vehicles
- Resources relevant to the use of passenger transport and cycling/walking (e.g. Travel Plans, provision of travel packs and introductory tickets for use on public transport, cycle parking,)
- All new development to have the ability to connect to high speed broadband.

Loss of garages

The Design and Access Statement indicates that 13 of the 74 garages were let to residents within a 250m radius of the site. Of these 13 garages, there are 8 different tenants and their own properties have ample off-street parking. In addition the size of the garages are smaller than modern garage size standards and therefore not suitable for the storage of all cars. The Highways Authority has raised no objection to their loss. This lack of objection indicates that the residual cumulative impact of approving this application and the resultant loss of garage spaces would not be severe. In this circumstance the NPPF requires that planning permission should not be refused.

Furthermore, both national and local policies contain no requirement for the Council to protect storage or garage uses. However, the Local Authority is required to boost significantly the supply of housing which meets a local need.

#### Other matters

Access for emergency vehicles is not a material planning consideration as it is controlled by Building Control Regulations.

Noise and disturbance during the construction phase of the development would fall outside the scope of planning legislation as it is already covered by Environmental Health legislation.

Reduction in the value of neighbouring residential dwellings is not a material planning consideration.

There is no right in planning law to have access onto third party land to maintain the side wall of a garage.

Any nuisance created by the waste collection area would be a matter for the Environmental Health team.

Level of artificial light generated from the new dwellings would be compatible with the urban location within which the site is situated.

Transport for London have raised no objection to the proposal, however they have requested conditions be attached to any permission. Since the requested conditions relate to matters outside the remit of planning legislation it would be unreasonable to require that they be carried out.

#### **Planning Balance**

The proposal will provide much needed housing which is of a type which meets an existing local housing need within an urban area of Epping Forest District Council. Given the requirements of national policy to significantly boost the supply of housing. This benefit on balance outweighs the harm as a result of the proposal providing insufficient amenity space or soft landscaping and all other harms identified above.

The design of the contemporary terraced houses is acceptable and is considered to preserve the character and appearance of this area. The Highways Authority is satisfied that the proposal will not cause serious harm to highway safety or parking provision and will not have an excessive impact on neighbouring amenity. It is therefore considered that the proposal meets the requirements of sustainable development. The proposal complies with relevant planning policy and it is recommended that planning permission be granted subject to conditions and subject to completion of a S106 Legal Agreement to secure appropriate financial contributions for the management and monitoring of visitors to the Epping Forest Special Area of Conservation and a contribution towards measures to mitigate air quality as set out in this report.

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

**Planning Application Case Officer: Sukhi Dhadwar  
Direct Line Telephone Number: 01992 564597**

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



