



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE WEST **Wednesday 23rd August 2023**

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

Council Chamber, Civic Offices, High Street, Epping
on **Wednesday 23rd August 2023 at 7.00 pm**

Georgina Blakemore
Chief Executive

**Democratic Services
Officer:**

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

Members:

Councillors S Heather (Chairman), D Stocker (Vice-Chairman),
R Bassett, A Green, H Kane, S Kane, J Lea, J Lucas,
M Markham, T Matthews, J Parsons, R Pugsley, C Whitbread
and S Yerrell

[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 5 - 6)

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 7 - 8)

To confirm the minutes of the last meeting of the Sub-Committee held on 12 July 2023.

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/0625/22 - NETHERHOUSE FARM, SEWARDSTONE ROAD, WALTHAM ABBEY E4 7RJ (Pages 9 - 30)

To consider the attached report for the erection of a crematorium and ceremony hall building in connection with an existing woodland cemetery approved and implemented under planning permission EPF/1125/18, involving alterations to the design of the building approved (but not yet implemented) under that reference.

9. EPF/1253/23 - 15-35 OSPREY COURT, OSPREY ROAD, WALTHAM ABBEY EN9 3RZ (Pages 31 - 38)

To consider the attached report for application for Prior Approval for proposed new dwellinghouses on detached blocks of flats (Revised application).

10. EPF/1254/23 - 36-44 OSPREY COURT, OSPREY ROAD, WALTHAM ABBEY EN9 3RZ (Pages 39 - 46)

To consider the attached report for application for Prior Approval for proposed new dwellinghouses on detached blocks of flats. (Revised application).

11. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

| 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.

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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

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

Wednesday 12 July 2023, 7.00 pm - 7.50 pm

Council Chamber, Civic Offices, High Street, Epping

| | |
|--|---|
| Members Present: | Councillors S Heather (Chairman), A Green, H Kane, S Kane, J Lea, J Lucas, M Markham, T Matthews, J Parsons, R Pugsley, C Whitbread and S Yerrell |
| Apologies: | Councillor(s) D Stocker and R Bassett |
| Officers In Attendance: | G Courtney (Planning Applications and Appeals Manager (Development Management)), G Woodhall (Team Manager - Democratic & Electoral Services) and S Mitchell (PR Website Editor) |
| Officers In Attendance (Virtually): | J Rogers (Principal Planning Officer) and V Messenger (Democratic Services Officer) |

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

1 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.

2 WELCOME AND INTRODUCTION

The Chairman welcomed everyone to the meeting and outlined the procedures and arrangements agreed by the Council, to enable members of the public to address the Sub-Committee when determining applications for planning permission.

3 DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Members' Code of Conduct, Councillor S Heather declared a non-pecuniary interest in the following item of the agenda by virtue of being a member of the Lee Valley Regional Park Authority. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

(i) EPF/2072/22 – Leabank, Meadgate & Hillside Nurseries, Sedge Green, Roydon.

(b) Pursuant to the Council's Members' Code of Conduct, Councillor J Lea declared a non-pecuniary interest in the following item of the agenda. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:

(i) EPF/2072/22 – Leabank, Meadgate & Hillside Nurseries, Sedge Green, Roydon.

4 MINUTES

RESOLVED:

- (1) That the minutes of the meeting of the Sub-Committee held on 12 April 2023 be taken as read and signed by the Chairman as a correct record.

5 SITE VISITS

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

6 EPF/0817/22 - LAND OFF HONEY LANE, WALTHAM ABBEY, EN9 3AY

This application was [refused](#).

7 EPF/2072/22 - LEABANK, MEADGATE AND HILLSIDE NURSERIES, SEDGE GREEN, ROYDON, HARLOW, CM19 5JS

This application was [refused](#).

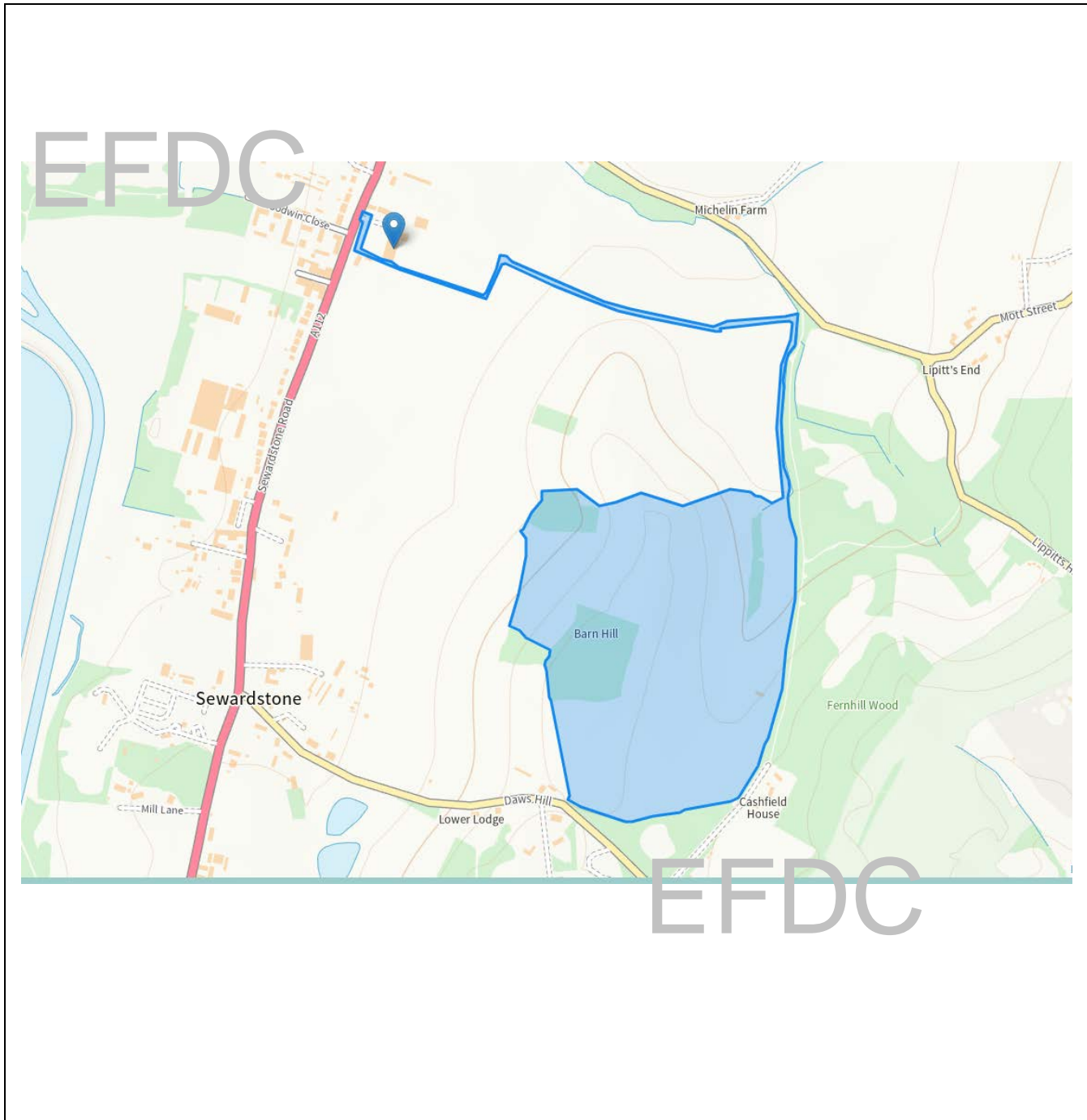
8 ANY OTHER BUSINESS

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

CHAIRMAN



Epping Forest District Council



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| | |
|---------------------|--|
| Application Number: | EPF/0625/22 |
| Site Name: | Netherhouse Farm Sewardstone Road E4 7RJ |
| | |

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OFFICER REPORT

Application Ref: EPF/0625/22
Application Type: Full planning permission
Applicant: Mr R Tomkins
Case Officer: Caroline Brown
Site Address: Netherhouse Farm
Sewardstone Road
Waltham Abbey
E4 7RJ

Proposal: Erection of a crematorium and ceremony hall building in connection with an existing woodland cemetery approved and implemented under planning permission EPF/1125/18, involving alterations to the design of the building approved (but not yet implemented) under that reference.

Ward: Waltham Abbey High Beach
Parish: Waltham Abbey
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nyn6>
Recommendation: Approve with Conditions

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

Site Description :

The application site comprises an area of some 28-hectare within a former farm complex located to the northwestern corner of the site with undulating open fields and areas of woodlands located to the northeast sloping down to the south and southeast corner. The site is situated on the eastern side of Sewardstone Road some 1.6 miles south of the town of Waltham Abbey.

The site is served by existing vehicle access points directly off Sewardstone Road and an access onto Daws Hill to the south. The site lies within the boundaries of the Metropolitan Green Belt and contains a number of preserved trees and woodlands. The wider farm area is dissected by several public rights of way and lies adjacent to land owned by the City of London (Conservators of Epping Forest).

Background

The site has planning permission for a wooded cemetery in June 2017, ref: EPF/0526/17 (and 2018 Ref: EPF/1125/18 for a minor amendment) involving the construction of two main buildings located in the far southeast of the site to provide a meeting hall, a family gathering/meeting room, reception/office and storage area surrounded by outdoor areas (such as gathering space) a car park (with 2 powered two-wheeler spaces).

The meeting hall has been designed as the focus of the site and connected back to the landscape by a series of walkways and landscaped gardens and courtyards.

The cemetery is accessed by way of an existing vehicle access through the former farmyard from Sewardstone Road and along the northern and eastern boundaries of the site, upgraded to accommodate the new use. The existing access on to Daws Hill would be retained but would be for emergency access

only and the existing car park within the former farm complex would be utilised for overflow parking purposes.

The cemetery is approved to accommodate some 7-10 burials per week on average and a number of ash scattering ceremonies. The proposed burial plots are to be arranged in an informal pattern with small, less conspicuous grave markers rather than the traditional layout and form of a cemetery.

It was proposed to partially convert the large building within the former farmyard in order to accommodate a buggy store and toilet/storage area for use ancillary to the cemetery use.

Pre-commencement conditions for the cemetery have been discharged and works to implement the consent were carried out prior to 22 June 2020. These included the formation of permitted access roads and car parking areas, the erection of the substation and gardeners store, the burial of overhead cables and landscaping works. Works to complete the implementation of the approval are still ongoing but the current and lawful use of the site is as a cemetery.

Description of Proposal:

This application seeks consent to make some minor alterations to the approved woodland cemetery buildings (although not yet built) to include a crematorium and ancillary equipment accommodated within the approved buildings involving no operational development beyond that already permitted which includes the infrastructure pathways and internal private roadways, enhanced landscape features and woodland. The proposed car park and the immediate access arrangements are not to be altered from the original approval. The remainder of the site is landscaped as per the approved scheme.

The main differences are as follows:

- The proposed crematorium, and associated plant, would operate between the hours of 1000 hrs to 1530 hrs. to serve a maximum of 5 cremations per day.
- Installation of an electric powered cremator.
- the external appearance of the approved reception/ offices building has been slightly adapted as a result of the internal reconfiguration working closer with the existing site levels, involving a lowered floor level to the east of the building which is to house a cremator and ancillary equipment.
- The floorspace of the proposed building is increased slightly from 470 sqm to 488 sqm (18sqm) to the front of the ceremonial hall building and cremator hall.
- The proposed offices and buggy store are to be relocated from the front former farmhouse building and include them in the main cemetery/cremator building complex including 6 disabled bays and 3 electric buggy charging spaces provided in the car park.

The majority of the design principles and features of the cemetery buildings are retained with some minor alterations to the windows. The main change is the internal reconfiguration of the space; the relocation the main reception entrance/ family gathering and office area to the front of the ceremony hall involving a small canopy extension and using the approved reception area for the cremator and plant equipment.

The proposed crematorium, similar to the cemetery is to be accessed from the southeast corner of the site from a private road by vehicles. Once in the site, footpaths will connect all areas of the crematorium.

The gardeners store permitted in the earlier applications has been completed and will remain as built. Parking and waste and recycling provisions remain unchanged from the approved scheme.

The application is accompanied by a number of supporting documents, including an Identified Need Assessment, Air Quality and Noise Impact Assessment, Arboricultural and Ecological Reports, Contaminated Land and a Habitat Regulation Assessment.

Relevant History:

EPF/2590/20 - Application for approval of details Reserved by Condition 19" Verification Report " for EPF/1125/18. (Minor material amendment on planning approval EPF/0526/17 (Use as a woodland cemetery with the erection of a meeting hall and associated buildings) to enable relocation of proposed meeting hall).- approved 12/12/2020.

EPF/2185/20 - Application for approval of details Reserved by Condition 18"remediation scheme" for EPF/1125/18. (Minor material amendment on planning approval EPF/0526/17 (Use as a woodland cemetery with the erection of a meeting hall and associated buildings) to enable relocation of proposed meeting hall).- Details approved - 7/11/20.

EPF/0485/19 - Application for approval of details reserved by condition 26 `ecology' of EPF/1125/18 - (Minor material amendment on planning approval EPF/0526/17 (Use as a woodland cemetery with the erection of a meeting hall and associated buildings) to enable relocation of proposed meeting hall).- Approved-26/04/2019.

EPF/2653/18 - Application for approval of details Reserved by Condition 29 for EPF/1125/18. 29)-` Construction Method Statement' (Minor amendment on planning approval EPF/0526/17- use as a woodland cemetery with the erection of a meeting hall and associated buildings) to enable relocation of proposed meeting hall.- approved 14/12/18

EPF/2474/18 - Application for approval of details reserved by conditions 3 'above ground construction', condition 5 'foul water disposal', condition 6 'Landscape Management Plan, condition 7 'Landscape Maintenance Plan', condition 8 'Tree protection', condition 9 'Surface Water', condition 21 'Archaeology', condition 22 'Flood Risk', condition 23 'Habitat Survey', condition 24 'Bat Survey', condition 28 'Five Year Management Plan' and condition 30 'Hard and Soft Landscaping' of EPF/1125/18 (Use as a woodland cemetery with the erection of a meeting hall and associated buildings). - approved 07/11/18

EPF/1125/18 - Minor material amendment on planning approval EPF/0526/17 (Use as a woodland cemetery with the erection of a meeting hall and associated buildings) to enable relocation of proposed meeting hall' - approved 22 August 2018.

EPF/0526/17- Use as a woodland cemetery with the erection of a meeting hall and associated buildings - approved 21 June 2017 -

CM/EPF/0707/09 - County Matters application for the importation of 297,219 cubic metres of inert waste to facilitate the construction of an 18-hole public, pay and play golf course with associated hard and soft landscaping to include practice facilities, clubhouse, maintenance building and associated car parking - ECC decision.

EPF/0559/11 - Development of solar park together with inverter building and security fencing – refused 08/08/11.

EPF/2416/11 - Development of solar park together with inverter building and security fencing. (Resubmitted application) – refused 21/02/12 (dismissed on appeal 07/11/12)

DEVELOPMENT PLAN

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Epping Forest District Local Plan (2011-2033) (March 2023)

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 and therefore has full weight when considering planning applications.

The following policies are relevant:

SP5 - Green Belt and district open land
SP6 - The natural environment, landscape character and green infrastructure
T1 - Sustainable transport choices
D2- Essential Facilities and Services
DM1 - Habitat protection and improving biodiversity.
DM2 Landscape character and ancient landscapes
DM3 –Landscape Character, Ancient Landscapes and Geodiversity
DM5 –Green and Blue Infrastructure
DM4 - Green Belt
DM9 High quality design
DM15 Managing and reducing flood risk.
DM21 Local environment impacts, pollution and land contamination
DM20 Low Carbon and Renewable Energy
DM21 Local Environmental Impacts, Pollution and Land Contamination
DM22 Air Quality

NPPF, 2021

The revised NPPF is a material consideration in determining planning applications. The following paragraphs of the NPPF are considered to be of relevance to this application:
126 - 130 - 137- 150, 174-188,

Consultation Carried Out and Summary of Representations Received:

A Site Notice was displayed.

Waltham Abbey Town Council – No objection.

City of London - Objection

- Increase in vehicle trips.
- The site is not serviced by Public Transport.
- It can be inferred that any vehicle trips from Epping, Loughton/Debden or Buckhurst Hill all within the EFDC district would result in trips through the EFSAC as the Forest is situated between the site and the listed settlements.
- The overall context of the 28-hectare site which is contained which is designated as Metropolitan Green Belt, should not be considered justification for more buildings above those already granted in EPF/1125/18.
- The Conservators do not believe that the very special circumstances are justified for the loss of Green Belt.
- an 'emergency accesses has been indicated on the plans by Benchmark Architects, the Conservators can confirm that no such right of access exists.

Waltham Abbey Residents Association

- Residents do not consider that a crematorium should be a valid reason to consider this site as a Very Special Circumstance in order to justify its removal from the Green Belt. its openness should be maintained.
- Residents consider that the Cemetery has not fulfilled its obligations regarding the maintenance of the public footpaths, a condition required in the previous approved application.
- Sewardstone Road is extremely busy during the rush hour period and is constantly inundated with roadworks, due to drainage issues being at the bottom of the Lea Valley.
- Pollution to the adjacent trees in Epping Forest.

200 neighbouring residents were consulted, and 10 objections have been received that raise the following concerns:

5 Hamlet Gate, Sewardstone Road; Zuidhorn, Sewardstone Rd, 67, 56, 52, 18 Godwin Close; Maydena, Sewardstone Road; 44 & 42 Godwin Close; Deb Basham

- Overlooking/ lack of privacy to Hamlet Gate residents from the entrance of the cemetery and proposed crematorium site.
- No access for disabled visitors
- There is no pavement outside the proposed site entrance, making it very dangerous and impossible for disabled visitors to visit safely via public transport or on foot.
- Not a sustainable location for the Development.
- inappropriate development in the green belt and will have adverse effects not only in terms of losing open space but from loss of wildlife and a massive increase in pollution. adding to the increase in proposed development in Sewardstone.
- The need for a crematorium in this location and area is the only sound very special circumstance that the developer has put forward for this unsustainable location.
- lead to further noise, traffic noise and activity within an area and is of a different nature to the initial proposed woodland cemetery use.
- It will also harm the setting and character of the listed buildings of Netherhouse Farm and no Heritage Assessment has been submitted to assess the harm.
- Emissions and pollution from a single electric cremator - have a devastating impact on local human health, on wildlife and habitats and on the Epping Forest Special Area of Control. Combined effects with other developments have not been assessed.
- Not a Sustainable Location for the Development.
- There is no public transport along Sewardstone road which was recognised by the Inspector in a recent appeal decision for housing. This is not the right location for the intensification of a funeral use, especially one that requires vehicular attendance for nearly 100,000 trips per annum.
- There is insufficient on-site parking for all the uses in the former farmyard to Netherhouse Farm and there has been no accurate assessment of parking needs nor any information provided for how larger funeral attendances will be dealt with.
- Public transport provision for this scale and intensity of use is insufficient and this is not a sustainable location for this intensification.

Assessment of the Proposal:

The key considerations in this application are considered against the requirements of the Development Plan and the adopted Local Plan.

- Appropriateness in the Green Belt

- Impact on openness in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.
- Impact on neighbouring amenity,
- Highway safety/ parking,
- Environmental Considerations
- Impact on Epping Special Area of Conservation

Impact of the development in terms of the Green Belt:

Appropriateness

The Framework identifies that the Government attaches great importance to the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl, by keeping land permanently open (Parag 137); the essential characteristics of Green Belts are their openness and their permanence.

Inappropriate development is, by definition harmful to the Green Belt, with certain exceptions. Due to the nature of the development, a crematorium does not fall within one of these stated exceptions and may therefore be regarded as inappropriate development. In such circumstances, very special circumstances are required to outweigh the harm caused by inappropriate development (Parag 147).

The site lies within the Green Belt, located to the far southeast, surrounded by open fields and woodlands. The site is currently in use as a cemetery which has planning approval for a small cluster of interconnecting buildings to provide a hall, gathering room and family main reception/plant/offices building and car parking.

The proposed crematorium is to form an integral part of the existing cemetery site using the same approved buildings and infrastructure involving no significant changes to the footprint of the buildings or to the site levels already approved.

The space needed to accommodate the cremation equipment has been found by reorganising the internal layout, replacing the approved main reception building/office which is to be relocated to the front of the main hall building involving a small canopy extension some 18m² in size to allow sufficient storage for maintenance equipment with minimal changes to the size of the external envelope of that building. Externally, the proposal involves the construction of two chimney stacks on the roof of the crematory plant building.

The proposed buggy store is to be relocated from the main built onto Sewardstone Road as previously approved and included in the main cemetery/cremator building complex.

Openness and Very Special Circumstances

In terms of openness, para.137 of NPPF states that the essential characteristics of Green Belts are their openness and their permanence. There is no definition of openness in the NPPF but, in the context of the Green Belt, it is generally held to refer to the absence of development. Whilst the physical presence of any above ground development would, to some extent, diminish the openness of the Green Belt regardless of whether or not it can be seen, openness also goes beyond physical presence and has a visual aspect which includes the siting of buildings, height, bulk and land topography.

The proposed buildings and car park of the approved cemetery are to be located to the southeast of the site in a secluded area. The overall footprint of the buildings and car park equated to 2074m², which is approximately 0.75% of the entire 28-hectare site. The main building footprint amounted to some 500 m², which is 0.19% of the site area.

Furthermore, the design and siting of the approved buildings were carefully considered to minimise impact, sited in a well contained area, nestled discreetly into the existing landform where the topography

is also such that the buildings are on a lower ground level, when compared to the surrounding landscape of the site.

No earthworks were proposed as part of the development and the proposed buildings, modest in scale, sited with a woodland to the southeast had minimal impact on the wider setting not readily visible from long views from outside and within the site.

Therefore, it was considered that the approved new buildings would comply with the above exception to inappropriate development. The proposal ensured the retention of the important enhanced landscape features as well as maintaining the verdant and rural character of the site and surrounding area.

Furthermore, the buildings involved the part conversion of a barn and therefore complied with paragraph 150 d) of the NPPF that states that there are certain other forms of development are not inappropriate in the Green, *'...the re-use of buildings provided that the buildings are of permanent and substantial construction.'* is a form of development that is also not inappropriate in the Green Belt provided that they preserve its openness and does not conflict with the purposes of including land within it'.

It is considered that the function and design of the approved buildings would continue to be appropriate to the landscape setting and would not give rise to any prominent or visual intrusive appearance and provide sufficient opportunities for landscaping and landscape features to enable the proposed development to integrate into the landscape character of the area.

The proposed crematorium can reasonably be regarded as an ancillary facility involving no additional buildings above the approved cemetery buildings with minimal aesthetic alterations or significantly greater harm on the visual appearance or openness of the Green Belt or to the purposes of including land within it than what has currently been approved.

Policy D2 of the Local Plan sets out that, 'proposals for new facilities will be supported where they meet an identified local need. A Sewardstone Park Crematorium Needs Assessment, January 2021, by Peter Mitchell Associates in support of the application makes a case for a clear quantitative and qualitative need for the development based on demographics, population projections, drive time analysis and existing cremation provision which will meet the current and future needs of a significant and growing catchment population.

Paragraph 148 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In this case, it is accepted that the proposal would simulate well with the existing cemetery site offering up-to-date facilities, involving only an internal reconfiguration of space and no additional buildings and therefore in spatial and visual terms the proposed use is not inappropriate and would not result in any significant greater harm and which maintains the openness of the green belt. The Needs Assessment report has identified the potential need for a new crematorium and, with no compelling evidence to counter attracts considerable weight in favour of the proposal.

As set out above, any new crematorium in this area is likely to require a Green Belt location. Together, these considerations carry substantial weight in favour of the proposal, and it is considered that the benefits of the proposal clearly outweigh the harm. Accordingly, it is considered that very special circumstances exist which justify the development.

Amenity Considerations:

The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that Local Authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Relevant planning considerations include outlook, privacy and levels of daylight and sunlight. The site is located to the southeast corner of Netherhouse Farm, in a discreet remote location and where the approved development, on the edge of open fields is largely set apart from its nearest neighbouring property and therefore will not have any harmful impact on their living conditions in terms of loss of light or outlook.

In addition to the separation distance, there is a substantial landscape buffer to the north, south and east of the site. These factors combined are sufficient to ensure that the amenity and living conditions of all neighbouring occupiers would be protected.

In addition to planning policy, the 1902 Cremation Act sets out parameters for the location of a crematorium in relation to existing dwellings and the public highway.

Of particular relevance is Section 5 of the Cremation Act 1902 Act which requires that, "*no crematorium shall be constructed nearer to any dwelling-house than two hundred yards*" (182m). In this regard, it is confirmed that residential properties are in excess of the proposed location of the chimney of the building to be used as the crematorium.

Policy DM9 h (ix) of the Local Plan states that: 'all developments proposals must address issues of vibration, noise, fumes, air quality.

In terms of the noise generated from vehicle movements to and from the site, in addition to the separation distance, a woodland separates the application site from the nearest residential properties and the increase above the approved cemetery would not be so significant as to result in harm to local residents.

The proposed crematorium, and associated plant, would operate during the hours of 1000 hrs. to 1530 hrs. to serve a maximum of 5 cremations per day. A noise impact assessment was carried by Syntegra Consulting Ltd in February and March 2019, and February 2022 from the proposed crematorium plant equipment and the results of the assessment identified that the noise level from the chimney and external dump cooler are not likely to exceed 30dB within the Gathering Space concluding that the development will not give any significant adverse impacts as nearby sensitive receptors and will protect the tranquility of mourners in the grounds of the site.

Having regard to the nature of the proposed use and its surroundings it is not considered that the additional crematorium facility would give rise to any significant demonstrable harm to neighbour's amenity in the form of noise and disturbance and conditions such as the hours of use, can be used to further protect their amenity. The proposal thereby complies with the requirements of policy DM9 of the adopted Local Plan, (2011-2033), 2023.

Comments on Representations Received

The submitted neighbour objections are noted and many of the concerns have been addressed in the report.

The proposed crematorium use is to form an integral part of the approved cemetery buildings involving no new buildings and therefore results in no additional physical harm to the openness of the Green Belt above the cemetery use which was approved as it was viewed as improving the openness and landscape quality of the site through the development and associated works, ecological enhancements and remediation; the provision of a community facility; and the provision of local employment.

It is agreed that the cumulative benefits that would result from a proposed crematorium facility when joined with the cemetery use would outweigh the in principle 'harm from this inappropriate development and therefore very special circumstances exist in this instance.

Concerns regarding the sustainability of Sewardstone have been raised. The ceremony/memorial trips would largely be limited to restricted hours and days Monday-Saturday. It is generally understood that the majority of visitors associated with a cremation/burial/ceremony arrive by car irrespective of the location for various reasons (a funeral procession or a subsequent wake following the ceremony).

Visitors and attendees would be likely to occur more sporadically and some of these would be during evenings/weekends. The final type of 'visitor' to the site are those utilising the site for recreational purposes (i.e., walking, cycling, dog walking). The majority of these would arrive on foot or by bicycle, although a small number would inevitably arrive by car. Many of these trips would likely be linked to wider recreational use of the surrounding forest or Lee Valley Regional Park.

The application proposes a number of mitigation measures to assist in the sustainability of the site. Amongst others these include:

- The provision of additional/improved pedestrian and cycle links to the surrounding area.
- The provision of Travel Information Packs to staff and visitors in order to encourage sustainable transport use.
- The provision of covered cycle parking at the proposed meeting hall; and Electric Vehicle Charging Points

With regards to the other aspects of sustainability (aside from location), it has already been recognised that the proposal would provide a needed community facility to the area and would provide additional employment opportunities, although it is recognised that these would be limited. Nonetheless, these would provide both social and economic benefits to the area; the opening up of the site for greater recreational use would also improve the social sustainability of the site as it would provide a recreational facility to serve the locality.

In general, whilst the site is not particularly sustainable in terms of its location it is considered that this type of development would not generate significant enough levels of vehicle movements to cause undue harm in terms of sustainability.

Furthermore, the mitigation measures proposed would go some way to improving the use of sustainable transport modes and the development would improve the social, economic and environmental sustainability of the site.

Essex County Council Highways

The NPPF in para 109 states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on road safety, or the residual cumulative impacts on the road network would be severe'.

The Essex County Council as Highway Authority have considered the planning application, have visited the site and thoroughly assessed the submitted transport information and concluded that the proposal is not contrary to National/Local policy and current safety criteria.

The application was accompanied by a highway Technical Note (TN) that demonstrates, to the satisfaction of the Highway Authority, in terms of safety and capacity that the impact of the proposed development will be minimal on the highway in the vicinity of the site and on the wider highway network. Further to this, it is highly likely that planning conditions limiting the number of burials/cremations that can occur, so the figures shown within the TN are likely to be the very worst case, and not the general day to day vehicle movements.

Given that the facilities and parking are situated approx. 2km from Sewardstone Rd, along the access track, there should be no overspill parking causing highway safety issues. Any on-site parking issues should be managed by the applicant.

Consequently, subject to the imposition of conditions, the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity or efficiency.

Environmental Considerations

Air Quality

The nature of the development proposed would involve emission of the products of combustion. The application was accompanied by an Air Quality Impact Assessment which considered the likely air quality impact of a cremator operating in this location.

The main sources of emissions to the air are associated with the cremation process and vehicle movements to and from the site which have the potential to impact on existing relevant receptors in the area. The assessment considered these emissions and resultant pollutant concentrations at nearby receptor points. When operating within statutory emission limits, a 6-month air quality (Nitrogen Dioxide Concentration Levels) monitoring survey revealed that the cumulative long-term and short-term pollutant concentrations at the selected receptor locations were all found to be below the relevant Air Quality Objectives (AQOs) for the protection of human health.

In addition, the proposed cremator is a fully heated electrically and powered by the electricity network and solar panels placed on or around the crematorium and therefore considered an environment energy-efficient “green” cremator where the CO₂ and NO_x emissions are significantly lower when compared to the emissions of gas or oil fueled cremators resulting in insignificant impacts on the relevant ecological receptors.

The Environment Health and Protection Team are satisfied with the report and its findings confirming that emissions would be low and have negligible impact on air quality and on the health of the occupiers of nearby properties and suggest emission mitigation measures such as the provision of electric vehicles charging facilities as conditions.

Further to the above, paragraph.188 of the NPPF states that local planning authorities should,

‘...focus on whether proposed development is an acceptable use of land, rather than the control of processes or emissions where these are subject to approval under pollution control regimes’.

The NPPF goes on to state that: *“Planning decisions should assume that these regimes will operate effectively”.*

In this regard, the operation of a crematorium, if approved would be subject to the Environmental Permitting (England and Wales) Regulations 2016 (as Amended) which require an environmental operating permit from the Local Authority (Part B activity under the Environmental Permitting Regulations). This will require the process to meet strict emission standards and be subjected to regular emission monitoring to take place ensuring that air quality standards are maintained.

With this safeguard in place, air quality concerns relating to emissions from the crematorium can be dealt with outside of the planning system.

It is concluded that with appropriate mitigation measures in place, the risk of adverse effects due to emissions from the proposal will not be significant and is in accordance with Policy DM21 and DM22 of the adopted Local Plan.

Contaminated Land

The applicant provided a detailed assessment of potential contamination on site. The outcome of the assessment showed no contamination on site. and the contamination officers have not raised any objection.

Land Drainage

Land drainage have not raised any objection to the submitted Flood Risk Assessment and Surface Water Drainage Strategy subject to the imposition of appropriate conditions which are considered reasonable and necessary.

Trees and Landscape

This application is to make amendments to the previous approved scheme ref: EPF/1125/18 and the Trees and Landscape officer raises no objection to these amendments and the tree/landscape related conditions attached to the cemetery approval application ref: EPF/1125/18 (some of which have already been approved) being retained including additional conditions in accordance with policy DM3 and DM5 of the Local Plan that seeks to preserve and enhances the landscape and contribution that trees and areas of woodland cover make to the character of the district.

Archaeology

No objection to the proposal that will have no impact on any known archaeology.

Ecological impacts:

The NPPF at paragraph 174 where it states that 'planning policies and decisions should contribute to and enhance the natural local environment' by minimising impacts on and providing net gains for biodiversity.

The approved cemetery application ref: EPF/1125/18 was assessed by the Council's Ecologist officer who confirmed that subject to a number of conditions the proposed development would not be unduly detrimental to the existing ecology of the site and surrounding area. Pre-commencement conditions requesting a habitat suitability survey for Great Crested Newts, bats, reptiles, scrub, hedgerows, nestlings' birds and a badger report in the interest of protecting the existing ecology of the site have been approved and discharged.

The current proposal involves no new buildings, nor any re-grading of the landscape. A further update preliminary Ecological Appraisal by Temple Consultancy in January 2022 was carried out to identify any potential ecological constraints associated with the proposed development and/or to identify the need for additional survey work to further evaluate any impact that may risk contravention of legislation or policy relating to protected species and nature conservation. The surveys found that the proposals will have no impact on biodiversity.

In terms of biodiversity enhancements, the proposed cemetery and cremation facility which includes the planting of some 14000 native hedging trees of which 9000 have already been planted which will enhance landscape, biodiversity and increase the ecological value of the site, as well as providing net gains to biodiversity. Together, these considerations carry substantial weight in favour of the proposal which is in accordance with policy DM1 of the adopted Local Plan.

Epping Forest Special Area of Conservation

Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)

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

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 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 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.

As this application is for non-residential development it has been screened in relation to the atmospheric pollution Pathway of Impact only and concludes as follows:

1. The development has the potential to result in a net increase in traffic using roads through the EFSAC and therefore could have a likely significant effect on the EFSAC in relation to the atmospheric pollution impact pathway.

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'

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 atmospheric pollution 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.

In terms of Traffic generation, distribution and net increase in Annual Average Daily Traffic (AADT) movements within the EFSAC and the 200m buffer the Transport Assessment submitted in support of the application by Tetra Tech (TN04) confirms the proposed development will operate Monday to Saturday, equating to 6 days a week or 312 days a year.

The operational daily trip generation is accepted at 378 vehicle movements based on up to 5 cremations and 2 burials per operational day. The 6-day operation based on the operational daily generation equates to 324 AADT movements. For the purposes of the HRA review, 324 AADT movements is accepted by the

Councils Transport Consultant on the basis that a condition restricting the operation of the facility to 6 days per week.

The TN04 provides information regarding the traffic distribution methodology and resulting traffic distribution onto the road network, particularly that within the EFSAC and the 200m buffer. On reviewing this and the consideration of similar facilities within the catchment as presented in Response 4 (Sections 1.11 and 1.12), it is accepted that the proposed development would result in 21 AADT additional movements within the EFSAC based on a 6-day operation and 25 AADT additional movements based on a 7-day operation.

This relates to the predicted additional AADT movements summarised in Table 1 below.

| Table 1 Summary of Net AADT Increase in EFSAC Route in EFSAC | AADT Increase 6-day/week Operation | AADT Increase 7-day/week Operation* |
|---|---|--|
| Honey Lane (E) | 6 | 7 |
| Avey Lane | 4 | 5 |
| Mott Street | 4 | 5 |
| Daws Hill | 7 | 8 |
| Total | 21 | 25 |

The Councils Transport consultant considers the data provided is sufficient and that the predicted increase in AADT movements within the EFSAC and 200m buffer is accepted. The proposal would not therefore result in a material change to the AADT HGV movements or have a significant impact on the EFSAC or 200m buffer,

Notwithstanding the above, conditions would be applied on any approval of the scheme to restrict the operation per day to 5 cremations and 2 burials as stated in the submission (Section 1.3 of TN04) for 6 days per week (Monday to Saturday)

Given the majority of all trips attributed to the proposed development will be car-based visitor trips there is little scope for mode shift towards active or sustainable forms of travel. The mitigation of the predicted impact on the EFSAC will be restricted to the following measures,

- A minimum 30% of car parking spaces to include EV charging provision with the remainder being capable of future EV charging provision.
- A staff travel plan be submitted for approval and thereafter applied/monitored; and
- Secure and covered cycle and motorcycle parking provision in accordance with the current design guidance.

Subject to the imposition of conditions it is not considered that the proposal will significantly impact on the air quality in the locality and satisfies the requirements of policy DM21 and DM22 of the adopted Local Plan.

Conclusion

The site lies within an area designated as Green Belt and the proposed development has been assessed against the policies of the adopted Local Plan and the NPPF and found to be inappropriate development harmful to the Green Belt and it is therefore necessary to consider as to whether there are very special circumstances that outweigh the harm to the Green Belt and any other harm resulting from the proposal.

With respect to 'any other harm', no material harm has been identified. The proposal is very similar to what planning permission has already been approved with no operational development beyond that already permitted. The proposed crematorium and ceremony hall building, and its associated car parking

areas can reasonably be regarded as an appropriate facility in connection with the existing use of the site as a cemetery. The main change is a partial internal change to the layout to accommodate the crematorium facility resulting in no new buildings, regrading of the landscape or change to the pathways or to existing landscape features and no additional harm to the openness or purposes of including land within the Green Belt .

It is not considered that the use would have any harmful impact on the residential amenity or living conditions of neighbouring occupiers or air quality, which would be subject to other controls outside of planning. The proposed parking and the resulting traffic generation are not objectionable in terms of either highway safety or capacity. The strategy for site drainage has been found acceptable by the statutory authorities and the ecological value of the site would not be harmed by the proposal. Biodiversity net gain will be achieved through the planting of new native. All these factors are to be taken as neutral balance.

The approved buildings and layout are visually appropriately designed and there are no changes to the remaining part of the cemetery's setting, landscape enhancement improvements in relation to trees and air pollution have been addressed as set out above. The crematorium would also meet an identified need, which the applicant evidenced in both qualitative and quantitative terms which attracts considerable weight in favour of the proposal.

The proposal would have an economic benefit from the construction and landscaping phase by creating employment opportunities on site and indirectly supporting business through the supply chain. There would also be longer term employment opportunities associated with the management and maintenance of the site. Future spending on goods and services linked to funerals, memorials and wakes would support business activity in the area, such as restaurants, caterers, hotels, and function facilities which would weigh moderately in favour of the proposal.

Notwithstanding the identified harm to the Green Belt, when all the balance of issues are considered 'very special circumstances' have been fully demonstrated that justify the sites' location within the Green Belt that clearly outweigh the limited harm.

Accordingly, the test in para. 148 of the NPPF is met and the very special circumstances exist to justify the grant of planning permission. The proposed development complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and the application is therefore recommended for conditional approval.

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

Planning Application Case Officer: Caroline Brown- Direct Line Telephone Number: 01992 564182 or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (23)

- 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: 03.02.002 Rev D; 03.03.000 Rev E; 03.03.001 Rev D; 03.04.001 Rev C; 03.04.010 Rev C; 03.05.001 Rev C; 03.05.002 Rev C; 03.91.001 Rev D; JDA Statement 1; JDA Statement 2; Flood Risk Assessment; Location Plan; Plant Noise Assessment; Revised Ecological Evaluation; Nitrogen Dioxide Baseline Diffusion Tube Monitoring Report; HRA Technical Note 04

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

- 3 Electric vehicle charging points shall be provided for 30% of the car parking spaces shown on the approved plans with the remainder being capable of future EV charging provision.

The spaces shall be constructed and 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.

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.

- 4 The use hereby permitted shall be restricted to 5 cremations and 2 burials per day for 6 days per week and only be open to customers between the hours of 10.00 to 16.00 on Monday to Saturday for the Cemetery and 10.00 to 15.00 Mon- Saturday for the Crematorium and no times on Sundays and Bank Holidays.

Reason: In order to minimise disturbance to local residents, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 The development is to be carried out in accordance with the flood risk assessment (Ambiental Flood risk Assessment, 6644, final v1.0) and drainage strategy (6644-DR01, Revision 1 and 6644-DR02) submitted with the application unless otherwise agreed in writing with the Local Planning Authority.

- 6 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Staff Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers, and/or Oyster Cards, for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each employee.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport. 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.

- 7 No excavations for burials shall be undertaken within the mature established woodlands protected by Tree Preservation Order TPO/EPF/16/09.

Reason: To safeguard the health and appearance of the legally protected woodland, in accordance with the guidance contained within the NPPF and policies SP5 and DM2 of the adopted Local Plan (2011-2033), 2023

- 8 Tree protection shall be installed as shown on Hallwood Associates 'Tree Protection Plan' drawing number HWA10007.03_TPP (dated 15th February 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 policies DM3 and DM5 of the adopted Local Plan, (2022-2033), 2033 and the NPPF, 2021

- 9 No marker, headstone or other monument shall be erected, unless made entirely out of biodegradable materials.

Reason: In the interests of the visual amenity of the site, in accordance with the guidance contained within the National Planning Policy Framework and policies SP5 and DM3 of the adopted Local Plan, (2011-2033), 2023

- 10 There shall be no importation of material for any earth mounding or landscaping from outside the red lined area of the site for the construction of the development hereby approved,

Reason: To safeguard excessive vehicle movement during the construction of the development hereby approved and in the interests of visual amenity, in accordance with the guidance contained within the National Planning Policy Framework and policies SP5 and DM3 of the adopted Local Plan. (2011-2033), 2023

- 11 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, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 12 There shall be no vehicular access to the proposed development from the existing access off Daws Hill, except for Emergency Service Vehicles.

Reason: In the interests of highway safety, in accordance with the guidance contained within the NPPF and policy T1 of the adopted Local Plan, (2011-2033), 2023

- 13 No development shall take place, until signs have been erected on both sides of the access track at the points where footpaths 67 & 74 Waltham Abbey cross the track, to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the development hereby permitted.

Reason: In the interest of the safety of all users of both the Right of Way and the access track, in accordance with the guidance contained within the National Planning Policy Framework and policy DM33 of the adopted Local Plan, (2011-2033), 2023 .

- 14 Prior to the first beneficial use of the development the vehicle parking and turning areas, as indicated on the approved plans, shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained for their intended purpose for the duration of the development.

Reason: To ensure that appropriate parking and turning is provided

- 15 Details shall be submitted to the Local Planning Authority, to be approved in writing, for appropriate cycle parking for the proposal. The approved facility shall be secure, convenient, covered, and provided prior to the first occupation and shall be retained as such at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and accessibility. 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.

- 16 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.

1. Provision for EVCP (+5 Dwellings and Employment Use)

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

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

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 policy CP1 of the adopted Local Plan 1998 & 2006, Policies T1 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 18 All Hard and soft Landscaping works shall be carried out in accordance with the approved details and of the approved details of condition 6, Landscape Management Plan; Condition 7, Landscape Maintenance Plan; Condition 8, Tree Protection; Condition 28, Five Year Management Plan and Condition 30, Hard and soft Landscaping of application ref: EPF/1125/18.

If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

Reason:- To comply with the duties indicated in 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 the guidance contained within the National Planning Policy Framework and policies DM3 and DM5 of the adopted Local Plan.

- 19 No means of external lighting shall be installed on the land or buildings without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenity of this Green Belt area and nocturnal wildlife, in accordance with the National Planning Policy Framework Chapter 11: Conserving and enhancing the natural environment and policy DM1 of the Epping Forest District Council Local Plan, (2022-2033), 2023.

- 20 A precautionary approach to clearance shall be taken to avoid harming dormice or reptiles. The approach laid out in sections 4.13 and 4.26 of the preliminary ecological appraisal shall be followed.

Reason: In the interests of protecting existing ecology, in accordance with the National Planning Policy Framework Chapter 11: Conserving and enhancing the natural environment policy DM1 of the Epping Forest District Council Local Plan, (2011-2033), 2023.

- 21 All works on scrub and hedgerows shall be undertaken outside of bird breeding season. If this is not possible any scrub/hedgerows shall be checked for nesting birds prior to works. Should the presence of nesting birds be found that area must be left until all young have fledged.

Reason: In the interests of protecting existing ecology, in accordance with the National Planning Policy Framework Chapter 11: Conserving and enhancing the natural environment and Epping Forest District Council Local Plan : Nature Conservation.

- 22 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.

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.

- 23 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.

Informatives: (3)

- 24 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.
- 25 i. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath nos.67 & 74 Waltham Abbey shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

ii. 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

- 26 Note: Under the Land Drainage Byelaws of this Council, Land Drainage Consent is also required before any work commences. Please contact the Land Drainage team on 01992 564000 for application forms. The grant of planning permission does not imply the automatic grant of Land Drainage Consent.

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Epping Forest District Council



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|---------------------|--|
| Application Number: | EPF/1253/23 |
| Site Name: | 15-35 Osprey Court, Osprey Road Waltham Abbey EN9 3RZ |
| | |

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OFFICER REPORT

Application Ref: EPF/1253/23
Application Type: Prior approval Part 20 Class A: New dwellinghouses on detached block of flats
Applicant: Mr Martin Nash
Case Officer: Ian Ansell
Site Address: 15-35 Osprey Court, Osprey Road, Waltham Abbey, EN9 3RZ
Proposal: Application for Prior Approval for proposed new dwellinghouses on detached blocks of flats (Revised application)
Ward: Waltham Abbey Honey Lane
Parish: Waltham Abbey
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001WS1L>
Recommendation: Approve with Conditions

This application is before this Committee since it is an application that is considered by the Service Director (Planning Services) as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Members are advised that an application for prior approval for the adjacent block 36 – 44 Osprey Court is also reported on this agenda. While they should be determined on their individual merits, some cross referencing may be necessary in this report.

Description of Site:

The site comprises a three storey flatted block on the north side of Osprey Court. The existing block comprises 21 flats, seven on each floor with three stair cores. A parking area to the frontage serves the whole of Osprey Court, but there is no visual evidence of any allocated spaces. Landscaped areas to the rear provide a setting with no direct access from any flat.

The area is now wholly residential, flatted development extends east and west, approached from roads to the south comprising almost exclusively two storey houses.

Description of Proposal:

The application seeks prior approval under GPDO Schedule 2 Part 20 Class A, and is a revised application following a previous refusal. The scheme proposes an additional floor over the whole building replicating the layout on the existing floors to form 7 additional flats.

The additions include raising the central part of the building, and on the side elements accommodation is located within dormers set in the existing roof. The three front stair core elements are each increased in height by around 1.5m, the central section also featuring dormer windows in the flanks.

The application drawing also indicates an area of grasscrete to the north east of the adjacent block 36 - 44 Osprey Court as being available for additional parking to serve both applications.

Relevant History:

The site lies on the former Honey Lane hospital, redeveloped under a series of permissions granted in the 1990's –permitted development rights were not withdrawn for the wider site..

EPF/2786/22 - prior approval application for new dwellings on block of flats refused for the following reasons:

1. The proposed development would represent a bulky and intrusive addition to the existing building, dominant and intrusive within the immediate surroundings, out of character with the pattern and form of built development in the locality and having a overbearing impact on the immediate neighbours, contrary to policies CP7, DBE2, DBE3 and DBE9 of the adopted local Plan and Alterations, policies DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF 2021.
2. The application fails to demonstrate that the development will not give rise to additional demand for on street parking in an area where kerbside parking is limited, thereby resulting in disruption to traffic flow on the local network. The application thereby fails to satisfy the condition set out in paragraph A2.1.(a) of Schedule 2, Part 20, Class A of the Town & Country Planning (General Permitted Development) (England) order 2015 as amended, policies DBE6, ST4 and ST6 of the adopted Local Plan and Alterations, policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.
3. The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such evidence, and of a completed Section 106 planning obligation to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution, the proposed development is contrary to policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

Policies Applied:

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 Spatial Development Strategy
SP6 The Natural Environment, Landscape Character and Green and Blue Infrastructure
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
DM9 High Quality Design
DM10 Housing Design and Quality
DM15 Managing and reducing Flood Risk

DM16 Sustainable Drainage Systems
DM17 Protecting and enhancing Watercourses and Flood Defences
DM19 Sustainable water use
DM20 Low Carbon and Renewable Energy
DM21 Local Environmental Impacts, Pollution and Land Contamination
DM22 Air Quality

NPPF (July 2021):

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either; (a) approving development proposals that accord with an up-to-date development plan without delay; or (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

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

- 2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 5 Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169
- 15 Conserving and enhancing the natural environment – paragraphs 174, 175, 179 - 182, 183, 185, 186
- 16 Conserving and enhancing the historic environment – paragraphs 194, 195, 197, 199 – 205, 208

Consultation Carried Out and Summary of Representations Received

Date of site visit: 16 January 2023

Number of neighbours consulted: 82

Site notice posted: No, not required

Responses received: Response received as below:

Osprey Court – 5, 7, 12, 17, 19, 20, 24, 25, 26, 27, 28, 32, 34, 37, 38, 40, 41, 42, 43, 44, 45, 46, 47, 55, 56 (25 addresses)

Osprey Road – 4, 5, 11, 13, 15, 17, 18, 19, 21, 23, 24, 25, 27, 28, 34, 54, 64, 82, 88, 104, 112, 114, 116, 118, 120, 122, 124, 126, 128 (29 addresses)

Farthingale Court – 32, 37

Farthingale Lane – 24

Harrier Way – 3

Merlin Close – 12, 15, 19, 25

Peregrine Road – 5, 7

56 other responses were received from addresses outside the local area identifying themselves as owners of flats or regular visitors.

- Parking and traffic issues
- Scale, mass and appearance of building
- Refuse capacity
- Loss of green area for additional parking
- Structural integrity of building
- Increased noise and disturbance
- Direct amenity impact on neighbours
- Precedent for other adjacent flatted blocks
- Lack of EVCP provision or biodiversity enhancements
- Construction issues
- Non-planning matters around leases.

Parish Council: Waltham Abbey Town Council objected to the application, commenting that the development would be out of character in design and appearance.

Main Issues and Considerations:

The application seeks to establish that the development meets the criteria laid out in the GPDO as amended under Schedule 20, Class A. Class A covers construction of up to two floors over existing purpose built flats to provide additional units. The prior approval process is different to considering a normal planning application, in that the GPDO lays down a two stage process and is specific in the matters that can be used to determine the application. Officers have therefore set out the analysis through the two stage process.

The first stage is to establish whether the development meets the tests in part A1 of the legislation, which sets out circumstances where development would not be permitted. These are assessed as under:

- a. This is a purpose built block, not approved under Sch 2 Part 3 of GPDO.
- b. The existing building is at least 3 storey above ground.
- c. The building constructed between 1948 and 2018.
- d. Works are above principle part of building.
- e. Floor to ceiling heights proposed are consistent with existing.
- f. All units are flats.
- g. The overall height is not increased by more than 7m.
- h. The overall height is not over 30m.
- i. No visible support structures are proposed.
- j. No works under this section are proposed.
- k. No existing plant is located on the roof.
- l. No plant is being added to the roof (for the purposes of this provision, solar panels are not considered to be plant).
- m. Works do not extend beyond existing built curtilage.
- n. The works do not extend beyond original curtilage, nor forward of principal elevation.
- o. None of the exemptions herein apply.

As such, the development meets the restrictions under section A1.

A2 sets out the conditions under which the works fall to be considered: The application can be considered only on these issues, and it may be that some of the comments raised in the representations cannot be considered.

1. Transport and highways – The application includes a parking analysis which argues that a 10 flat scheme (i.e. covering both applications) would generate a need for 7 parking spaces based on a parking survey and that the existing grasscrete area could provide 6 spaces. Residents

comments dispute the parking claims, and from my visit the parking area in front of the building was well used. However, the application must be determined on its own merits and should not be unduly affected by the existing parking arrangement. If members accept that the grasscrete area can provide parking, then conditions to require charging points can be included. Overall a shortfall of one parking space makes refusal difficult to justify.

2. Air traffic and defence asset impact – none arises
3. Contamination – no ground works are proposed which may raise contamination issues
4. Flood risk – the site lies partly in Flood Zone 2. A FRA accompanying the application notes that as an upward extension, the new development is not at risk of flooding. The report advises the need for a SuDs strategy in relation to the wider flood risk, which could be conditioned
5. External appearance – No specific guidance is given on the consideration of this issue. The site lies in an area of two and three storey buildings. The revised application has significantly reduced the scale of the building. Other than the increase in height of the central part of the building, the increase to the front projecting elements is around 1.5m, while the end blocks are not raised at all with additional accommodation in the existing roof. The external built form is consistent with the existing elevational treatment. As a result, the external appearance is considered satisfactory.
6. Natural light to habitable rooms – all such rooms have adequate natural light.
7. Impact on neighbours – The location of the building on the northern part of the built up area ensures no overshadowing results. There is a general issue around the visual impact from the additional scale and mass, but as set out above, this is limited and in view of the position of the building in relation to others in the vicinity, this does not cause significant loss of amenity.
8. Protected Vistas – no impact
9. Fire safety of exterior – not applicable, building less than 18m high
10. Fire safety impacts – not applicable, as above

Provisions also include requirement to determine applications in accordance with the NPPF, which refers to the need to consider the impact of development on 'habitat sites'. The site lies within 3km of the Epping Forest SAC and should have been considered in terms of the adopted approach to managing recreational impact and having regard to air quality impact. It has been accepted at appeal that the applicant could deal with their obligations to comply with Regulation 75 of the Habitat Regulations through a condition.

Conclusion:

The application has responded to the previous refusal by reducing the scale and mass of the building and the additions are now limited, such that they are not considered to have a direct impact on surrounding residents. An area has been identified to accommodate additional parking and subject to conditions, this results in a shortfall of one space across the two applications.

Assessing the issues relevant to the prior approval process, officers consider on balance that the potential impact of the proposals is sufficiently mitigated to allow approval 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: Ian Ansel- Telephone Number: 01992 564000 or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (9)

- 1 The development to which this permission relates must be completed within a period of three years starting with the date prior approval is granted.

Reason: To comply with the requirements of Part 1, Class AA of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: OV/Osprey/01/A, 02, 03, 04, 05, 08?a, 09/A and 10/A

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

- 3 The development shall not be begun until the developer has received written notification of the approval of the Local Planning Authority under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Reason - In order to mitigate impact of the development on the Epping Forest Special Area of Conservation in accordance with policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

- 4 Prior to the commencement of construction works, 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.

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.

- 5 Prior to commencement of construction works, details of the layout of the parking area indicated on the approved plans incorporating provision for electric vehicle charging points to at least 3 parking spaces shall be submitted to and approved by the Local Planning Authority. The works as agreed shall be fully implemented and available for use before first occupation of the development.

Reason: To ensure adequate parking is provided to serve additional dwellings and to meet Council sustainability objectives, in accordance with policies T1 and DM22 of the adopted Local Plan 2011-2033 (2023) and the NPPF 2021.

- 6 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.

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.

- 7 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.

- 8 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.

- 9 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability, in accordance with Policy DM19 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (1)

- 10 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.



Epping Forest District Council



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| Application Number: | EPF/1254/23 |
| Site Name: | 36-44 Osprey Court, Osprey Road Waltham Abbey EN9 3RZ |
| | |

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OFFICER REPORT

Application Ref: EPF/1254/23
Application Type: Prior approval Part 20 Class A: New dwellinghouses on detached block of flats
Applicant: Mr Martin Nash
Case Officer: Ian Ansell
Site Address: 36 -44 Osprey Court, Osprey Road, Waltham Abbey, EN9 3RZ
Proposal: Application for Prior Approval for proposed new dwellinghouses on detached blocks of flats. (Revised application)
Ward: Waltham Abbey Honey Lane
Parish: Waltham Abbey
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001WS1p>
Recommendation: Approve with Conditions

This application is before this Committee since it is an application that is considered by the Service Director (Planning Services) as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Members are advised that an application for prior approval for the adjacent block 15 - 35 Osprey Court is also reported on this agenda. While they should be determined on their individual merits, some cross referencing may be necessary in this report.

Description of Site:

The site comprises a three storey flatted block on the north eastern corner of Osprey Court, effectively on the corner abutting Osprey Road.. The existing block comprises 9 flats, three on each floor served off a central stair core accessed on the east side. Parking areas abut the building, and landscaped areas to the north provide a setting.

The area is now wholly residential, flatted development extends east and west, approached from roads to the south comprising almost exclusively two storey houses.

Description of Proposal:

The application seeks prior approval under GPDO Sch 2 Part 20 Class A. The scheme proposes an additional floor over the whole building replicating the layout on the existing floors to form 3 additional one bedroom flats.

The whole building is extended with an additional floor and a hipped roof over (replacing the existing gable. Juliette balconies are proposed in the north facing elevation, otherwise elevational treatments are consistent with the existing. The roof over the remainder of the building steps down and finishes at the southern end with a half hip roof. Dormers are included in both flanks of the southern most section.

Relevant History:

The site lies on the former Honey Lane hospital, redeveloped under a series of permissions granted in the 1990's – no evidence that permitted development rights were withdrawn.

EPF/2789/22 Previous prior approval application for new dwellings refused for the following reasons:

1. The proposed development would represent a bulky and intrusive addition to a prominent site, dominant and intrusive within the street scene, out of character with the pattern and form of built development in the locality, and having a overbearing impact on the immediate surroundings, contrary to policies CP7, DBE2, DBE3 and DBE9 of the adopted local Plan and Alterations, policies DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF.
2. The application fails to demonstrate that the development will not give rise to additional demand for on street parking in an area where kerbside parking is limited, thereby resulting in disruption to traffic flow on the local network. The application thereby fails to satisfy the condition set out in paragraph A2.1.(a) of Schedule 2, Part 20, Class A of the Town & Country Planning (General Permitted Development) (England) order 2015 as amended, policies DBE6, ST4 and ST6 of the adopted Local Plan and Alterations, policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.
3. The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such evidence, and of a completed Section 106 planning obligation to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution, the proposed development is contrary to policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

Policies Applied:

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 Spatial Development Strategy
- SP6 The Natural Environment, Landscape Character and Green and Blue Infrastructure
- 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
- DM9 High Quality Design
- DM10 Housing Design and Quality
- DM15 Managing and reducing Flood Risk
- DM16 Sustainable Drainage Systems
- DM17 Protecting and enhancing Watercourses and Flood Defences
- DM19 Sustainable water use
- DM20 Low Carbon and Renewable Energy

NPPF (July 2021):

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either; (a) approving development proposals that accord with an up-to-date development plan without delay; or (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

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

- 2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 5 Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169
- 15 Conserving and enhancing the natural environment – paragraphs 174, 175, 179 - 182, 183, 185, 186
- 16 Conserving and enhancing the historic environment – paragraphs 194, 195, 197, 199 – 205, 208

Consultation Carried Out and Summary of Representations Received

Date of site visit: 16 January 2023

Number of neighbours consulted: 82

Site notice posted: No, not required

Responses received: Responses have been received from local addresses as below:

Osprey Court – 5, 11, 12, 17, 20, 25, 26, 27, 28, 32, 34, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 55, 56
(24 addresses)

Osprey Road – 4, 5, 14, 15, 17, 18, 19, 21, 23, 24, 27, 32, 64, 82, 88, 104, 112, 114, 116, 118, 124, 126, 128, 132 (24 addresses)

Peregrine Road – 5, 7, 21

Merlin Close – 9, 12, 15

Morris Court – 6, 32

Farthingale Court – 32

Farthingale Lane – 24

Harrier Way - 3

59 other responses from outside the local area identify themselves as owners of flats or regular visitors.

Issues raised:

- Parking and traffic issues
- Scale, mass and appearance of building
- Refuse capacity
- Loss of green area for additional parking
- Structural integrity of building
- Increased noise and disturbance
- Direct amenity impact on neighbours
- Precedent for other adjacent flat blocks
- Lack of EVCP provision or biodiversity enhancements
- Construction issues
- Non-planning matters around leases.

Parish Council: Waltham Abbey Town Council objected 'due to inappropriate development.

Main Issues and Considerations:

The application seeks to establish that the development meets the criteria laid out in the GPDO as amended under Schedule 20, Class A. Class A covers construction of up to two floors over existing purpose built flats to provide additional units. The prior approval process is different to considering a normal planning application, in that the GPDO lays down a two stage process and is specific in the matters that can be used to determine the application. Officers have therefore set out the analysis through the two stage process.

The first stage is to establish whether the development meets the tests in A1 which set out circumstances where development would not be permitted, as under:

- a. The building is a purpose built block, not approved under Sch 2 Part 3 of GPDO.
- b. The building is at least 3 storeys above ground.
- c. The building constructed between 1948 and 2018.
- d. Works are proposed above the principle part of building.
- e. Floor to ceiling heights are consistent with the existing building.
- f. All existing units are flats.
- g. The overall height is not increased by more than 7m.
- h. The overall height is not over 30m.
- i. No visible support structures are proposed.
- j. No works under this section are proposed.
- k. There is no existing plant on the roof.
- l. No plant is being added to the roof (for the purposes of this provision, solar panels are not considered to be plant).
- m. Works do not extend beyond existing built curtilage.
- n. The works do not extend beyond original curtilage, nor forward of principal elevation.
- o. None of the exemptions herein apply.

As such, the development meets the restrictions under section A1.

A2 sets out the conditions under which the works fall to be considered:

1. Transport and highways – The application includes a parking analysis which argues that a 10 flat scheme (i.e. covering both applications) would generate a need for 7 parking spaces based on a parking survey and that the existing grasscrete area could provide 6 spaces. Residents comments dispute the parking claims, and from my visit the parking area in front of the building was well used. However, the application must be determined on it's own merits and should not

be unduly affected by the existing parking arrangement. If members accept that the grasscrete area can provide parking, then conditions to require charging points can be included. Overall a shortfall of one parking space makes refusal difficult to justify

2. Air traffic and defence asset impact – none arises
3. Contamination – no ground works are proposed which may raise contamination issues.
4. Flood risk – the site lies partly in Flood Zone 2. A FRA accompanying the application notes that as an upward extension, the new development is not at risk of flooding. The report advises the need for a SuDs strategy in relation to the wider flood risk, which could be conditioned.
5. External appearance – No specific guidance is given on the consideration of this issue. The site lies in an area of predominantly two and three storey buildings with the southern end at the head of the approach road. The full additional floor is proposed at the northern end of the building, furthest away from neighbouring properties. The visual impact is therefore limited. The scale of the more prominent element has been reduced from the earlier application and the increase in height at eaves level and ridge is only around 0.75m and the introduction of the half hip roof results in a reduction of height at the southern. The works are therefore considered appropriate in scale and form.
6. Natural light to habitable rooms – all such rooms have adequate natural light.
7. Impact on neighbours – The location of the building on the northern edge of the built up area means there is no direct impact on neighbours. There is potentially a general visual impact from the additional overall height, but the extent of the works are not so substantive as to be considered unduly detrimental to amenity.
8. Protected Vistas – no impact
9. Fire safety of exterior – not applicable, building less than 18m high
10. Fire safety impacts – not applicable, as above

Provisions also include requirement to determine applications in accordance with the NPPF, which refers to the need to consider the impact of development on 'habitat sites'. The site lies within 3km of the Epping Forest SAC and should have been considered in terms of the adopted approach to managing recreational impact and having regard to air quality impact. It has been accepted at appeal that the applicant could deal with their obligations to comply with Regulation 75 of the Habitat Regulations through a condition.

Conclusion:

The application has responded to the previous refusal by reducing the scale and mass of the building and the additions are now limited, such that they are not considered to have a direct impact on surrounding residents. An area has been identified to accommodate additional parking and subject to conditions, this results in a shortfall of one space across the two applications.

Assessing the issues relevant to the prior approval process, officers consider on balance that the potential impact of the proposals is sufficiently mitigated to allow approval 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: Ian Ansel- Telephone Number: 01992 564000 or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (9)

- 1 The development hereby permitted must be completed within a period of three years beginning with the date of this notice.

Reason: To comply with the requirements of Part 3, Class [] of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: OV/Osprey/PD/ 01/A, 02, 03, 04, 05,11/A and 12/A

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

- 3 The development shall not be begun until the developer has received written notification of the approval of the Local Planning Authority under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Reason - In order to mitigate impact of the development on the Epping Forest Special Area of Conservation in accordance with policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

- 4 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.

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.

- 5 Prior to commencement of construction works, details of the layout of the parking area indicated on the approved plans incorporating provision for electric vehicle charging points to at least 3 parking spaces shall be submitted to and approved by the Local Planning Authority. The works as agreed shall be fully implemented and available for use before first occupation of the development.

Reason: To ensure adequate parking is provided to serve additional dwellings and to meet Council sustainability objectives, in accordance with policies T1 and DM22 of the adopted Local Plan 2011-2033 (2023) and the NPPF 2021.

- 6 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 .

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

- 7 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.

- 8 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.

- 9 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability, in accordance with Policy DM19 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (1)

- 10 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.