



Epping Forest District Council

DISTRICT DEVELOPMENT MANAGEMENT COMMITTEE Wednesday 10th April 2024

You are invited to attend the next meeting of **District Development Management Committee**, which will be held at:

Council Chamber - Civic Offices
on **Wednesday 10th April 2024 at 8.00 pm**

Georgina Blakemore
Chief Executive

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

Members: Councillors P Keska (Chairman), T Matthews (Vice-Chairman), C Amos, R Baldwin, H Brady, L Burrows, I Hadley, S Heap, S Heather, H Kane, H Kauffman, R Morgan, C C Pond, K Williamson and J M Whitehouse

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

1. WEBCASTING INTRODUCTION

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

"I would like to remind everyone present that this hybrid meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or other such use by third parties). Therefore by participating in this meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If any public speakers on Microsoft 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 FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES (Pages 4 - 5)

(Team Manager – Democratic & Electoral Services) General advice for those persons attending the meeting of the Committee is attached as an Appendix to this agenda.

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. SUBSTITUTE MEMBERS

(Team Manager – Democratic & Electoral Services) To report the appointment of any substitute members for the meeting.

5. DECLARATIONS OF INTEREST

(Team Manager – Democratic & Electoral Services) To declare interests in any item on the agenda.

6. MINUTES (Pages 6 - 8)

(Team Manager – Democratic & Electoral Services) To confirm the minutes of the meeting of the Committee held on 6 March 2024.

7. SITE VISITS

To identify and agree requirements for formal site visits to be held with regard to any planning application listed in this agenda, prior to consideration of the application.

8. EPF/0022/23 34 CROWS ROAD EPPING CM16 5DE (Pages 9 - 21)

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

9. ANY OTHER BUSINESS

(Team Manager – Democratic & Electoral Services) 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.

10. EXCLUSION OF PUBLIC AND PRESS

Exclusion

(Team Manager – Democratic & Electoral Services) 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):

<u>Agenda Item</u>	<u>Subject</u>	<u>Paragraph Number</u>
Nil	None	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

(Team Manager – Democratic & Electoral Services) Article 17 (Access to Information) of the Constitution defines 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 one copy of each of the documents on the list of background papers for four years after the date of the meeting. Inspection of background papers can be arranged by contacting either the Responsible Officer or the Democratic Services Officer for the particular item.

Agenda Item 2

Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans Sub-Committees

Are the meetings open to the public?

Yes, all our meetings are open for you to attend. Only in special circumstances are the public excluded. If you wish to observe meetings live you can view the webcast on the Council's website at: <https://www.eppingforestdc.gov.uk/your-council/watch-a-meeting/> Alternatively, you can attend in person and will be seated in the public gallery of the Council Chamber.

When and where is the meeting?

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

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day 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 Zoom 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 Zoom. Speakers must NOT forward the Zoom invite to anyone else under any circumstances. If attending virtually, your representation may be supplied in advance of the meeting, so this can be read out by an officer on your behalf should there be a technical problem. Please email your statement to: democraticservices@eppingforestdc.gov.uk

Can I give the Councillors more information about my application or my objection?

Yes, you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained from Democratic Services or our website <https://www.eppingforestdc.gov.uk/> Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

How are the applications considered?

The Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.

An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
 - (i) the Council's approved policy framework; or
 - (ii) the development or other approved plan for the area; or
 - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

Further Information

Further information can be obtained from Democratic Services.

Agenda Item 6

EPPING FOREST DISTRICT COUNCIL DISTRICT DEVELOPMENT MANAGEMENT COMMITTEE MEETING MINUTES

Wednesday 6 March 2024, 7.00 pm - 8.50 pm

Council Chamber - Civic Offices

Members Present: Councillors P Keska (Chairman), K Williamson (Vice-Chairman), C Amos, R Baldwin, H Brady, L Burrows, S Heap, S Heather, C C Pond, J M Whitehouse, J Lucas, J Philip and Caroline Pond

Other Members Present: Councillors C Whitbread, D Wixley

Members Present (Virtually): Councillors L Mead

Apologies: Councillor(s) T Matthews, I Hadley, H Kane, H Kauffman and R Morgan

Officers In Attendance: Graham Courtney (Service Manager (Planning Development)), Gary Woodhall (Team Manager - Democratic & Electoral Services) and Natalie Cole (Corporate Communications Officer)

Officers In Attendance (Virtually): Vivienne Messenger (Democratic Services Officer) and Muhammad Rahman (Planning Officer)

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

42 WEBCASTING INTRODUCTION

On behalf of the Chairman, the Team Manager for Democratic & Electoral Services reminded everyone present that the meeting would be broadcast live to the internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

43 ADVICE FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES

The Chairman welcomed members of the public to the meeting and the Committee noted the advice provided for the public and speakers in attendance at meetings of the Council's planning committees.

44 APOLOGIES FOR ABSENCE

In the absence of the Vice-Chairman, who had given his apologies for the meeting, the Chairman invited nominations for Vice-Chairman.

Resolved:

- (1) That Cllr K Williamson be appointed Vice-Chairman for the duration of the meeting.

45 SUBSTITUTE MEMBERS

The Committee was advised that the following substitute members had been appointed for the

meeting:

- (a) Cllr J Lucas for Cllr T Matthews;
- (b) Cllr JPhilip for Cllr I Hadley; and
- (c) Councillor C P Pond for Councillor H Kauffman.

46 DECLARATIONS OF INTEREST

- a) Pursuant to the Council's Members' Code of Conduct, Cllr S Heather declared a personal 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 the interest was non-pecuniary and he would remain in the meeting for the consideration of the application and voting thereon:
 - EPF/2601/22 – Land to the South and East of the Former Chimes Garden Centre, Nazeing.
- b) Pursuant to the Council's Members' Code of Conduct, Cllr J Philip declared a personal interest in the following item of the agenda by virtue of his Portfolio as a Cabinet member included responsibility for the client side of Qualis. The Councillor had determined that his interest was non-pecuniary and he would remain in the meeting for the consideration of the application and voting thereon:
 - EPF/2913/22 – Former Pyrles Lane Nursery, Pyrles Lane, Loughton.

47 MINUTES

RESOLVED:

That the minutes of the meeting of the Committee held on 13 February 2024 be taken as read and signed by the Chairman as a correct record.

48 SITE VISITS

There were no requests for a site visit at any of the application sites being considered at the meeting.

49 EPF/2601/22 LAND TO THE SOUTH & EAST OF THE FORMER CHIMES GARDEN CENTRE, NAZEING, WALTHAM ABBEY, EN10 6RJ

The Planning Officer reported that this application had been referred to the Committee for a decision by the Area Planning Sub-Committee West, at its meeting held on 21 February 2024.

The Committee agreed with the Planning Officer's assessment in the report that the very special circumstances advanced by the applicant did not outweigh the identified harms to the Metropolitan Green Belt from this development. In addition, it was felt that there was sufficient land available elsewhere within the District, as identified by the adopted Local Plan, for such a development. It was also noted that the proposed affordable housing provision was significantly below the level that should be provided for this site.

Decision:

The application was [refused](#) for the reasons set out in the Officer report.

The meeting was adjourned at 7.45pm to allow Members to take a comfort break.

The meeting was reconvened at 7.50pm.

50 EPF/2913/22 - FORMER PYRLES LANE NURSERY, PYRLES LANE, LOUGHTON IG10 2NL

The Committee noted the concerns expressed by the local Ward Members in relation to this application; in particular, the effects that the development would have on neighbouring residents and the adjacent Community garden, possible highways safety issues at the entrance to the site, and a requested increase in the proposed Section 106 Legal Agreement monies.

The Committee felt that condition 25 should be revised, such that the materials to be used in the construction of the external surfaces of the development should be submitted to the Local Planning Authority for approval prior to development. In addition, given the highways concerns raised by the local Ward Members, the Committee also believed that the Construction Method Statement (CMS) should be amended such that vehicles accessing the site should not turn right across the oncoming traffic during the construction phase.

Decision:

The application was [granted](#) planning permission, subject to the following revisions:

- (1) Condition 25 to include the submission to, and approval by, the Local Planning Authority of the materials to be used for the external surfaces prior to development; and
- (2) the Construction Method Statement to also prohibit construction vehicles from turning right into the site across the oncoming traffic.

51 ANY OTHER BUSINESS

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

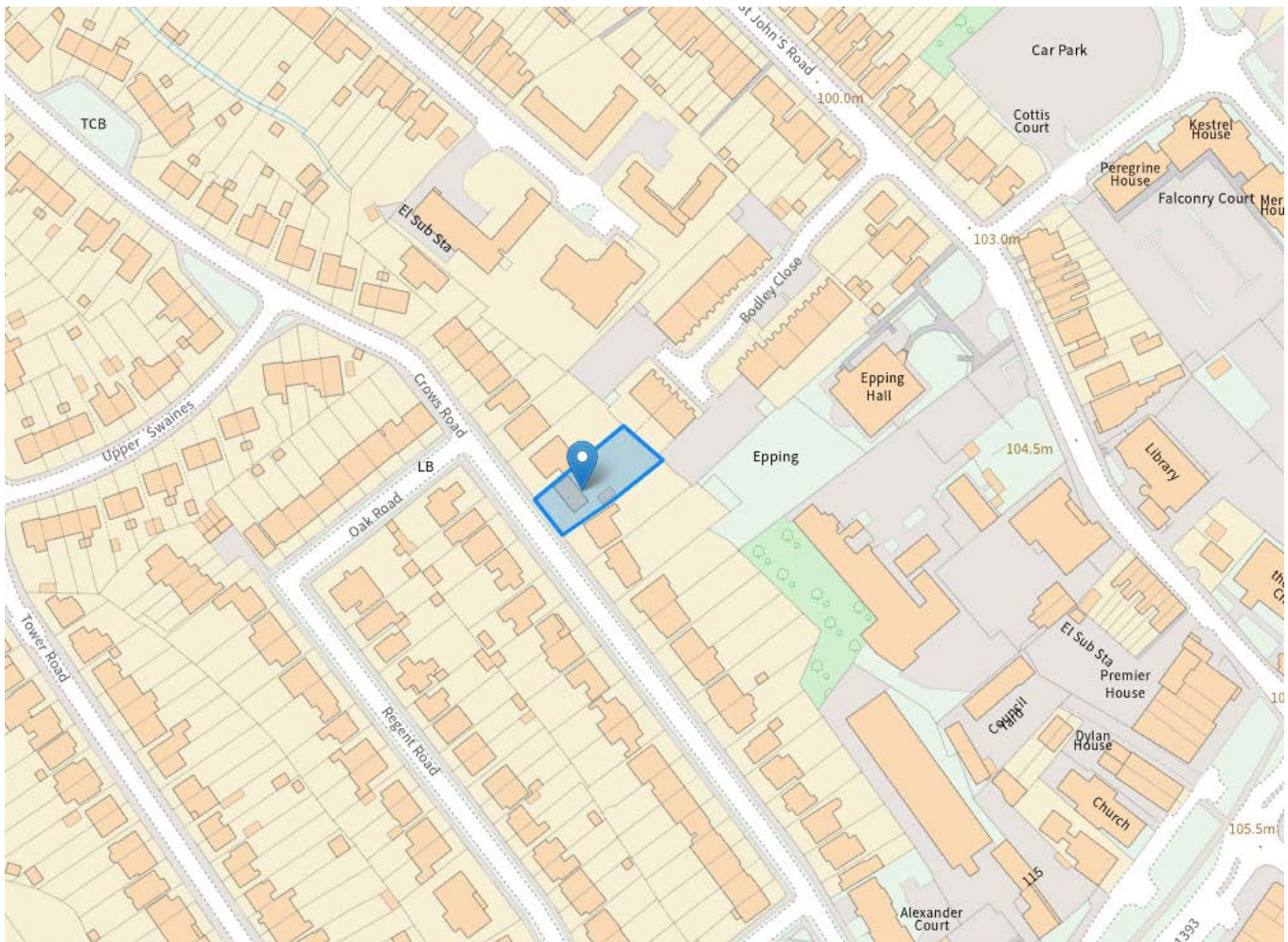
52 EXCLUSION OF PUBLIC AND PRESS

The Committee noted that there was no business which necessitated the exclusion of the public and press from the meeting.

CHAIRMAN

OFFICER REPORT

Application Ref: EPF/0022/23
Application Type: Full planning permission
Applicant: Mr Geoffrey Shaw
Case Officer: Kelly Sweeney
Site Address: 34, Crows Road, Epping, CM16 5DE
Proposal: The demolition of an existing 4 bedroom detached house and erection of two semi-detached 4 bedroom houses.
Ward: Epping Lindsey and Thornwood Common
Parish: Epping
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001V3VS>
Recommendation: Approved with Conditions (Subject to s106 Legal Agreement)



*Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
Crown Copyright and Database Rights 2022 Ordnance Survey 0100018534*

The application was referred up to DDMC from Area Planning Sub-Committee East with no recommendation from Members. Therefore, this application continues to carry the officers recommendation to approve planning consent, subject to conditions and a legal agreement.

The application was called-in by Councillor Whitbread the grounds of the scale and nature of the development. The application was considered by the East Area Planning Sub-Committee held on the 13th March 2024 with a recommendation to approve the application subject to conditions. Under the minority member rule, the Committee deferred this item to DDMC for determination.

Summery

The proposed family houses would be compatible with the prevailing character and pattern of residential development in the area. They would be of a traditional design and would be appropriate in terms of their width, height, bulk and massing leaving suitable visual gaps between neighbouring dwellings as well as an appropriate level of private amenity space at the rear. There would be no harm to residential amenity and each house would have off-street parking. Approval of the application is therefore recommended.

Site and Surroundings

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

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

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

Proposal

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

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

Relevant Planning History

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

Development Plan Context

Epping Forest Local Plan adopted 2023.

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

SP1	Spatial Development Strategy 2011-2033
H1	Housing Mix and Accommodation Types
T1	Sustainable Transport Choices
DM2	Epping Forest SAC and the Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM5	Green and Blue Infrastructure
DM7	Historic Environment
DM9	High Quality Design
DM10	Housing Design and Quality
DM11	Waste Recycling Facilities on New Development
DM15	Managing and Reducing Flood Risk
DM16	Sustainable Drainage Systems
DM19	Sustainable Water Use
DM21	Local Environmental Impacts, Pollution and Land Contamination
DM22	Air Quality

National Planning Policy Framework 2023 (Framework)

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

Paragraphs 131, 135 and 137
 Paragraph 180
 Paragraph 189

Summary of Representations

Site notice posted: Yes.

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

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

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

Prior to the application being considered at the East Area Planning Sub-Committee additional objections were raised by an existing objector on the ground that the proposed plans were not accurate. Officers have checked the plans and are satisfied that the plans are indeed accurate.

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

EPPING TOWN COUNCIL – No objection.

Internal and External Consultees: -

Essex County Council Highways-No objection.

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

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

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

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

Planning Considerations

The planning considerations in this case are as follows: -

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

Principle

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

Character & Appearance

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

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

that the construction of a pair of semi-detached houses in this location would be in keeping with the character and appearance of the street.

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

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

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

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

Residential Amenity

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

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

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

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

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

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

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

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

Highways Impact

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

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

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

Trees and Landscaping

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

Epping Forest Special Area of Conservation (EFSAC)

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

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

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

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

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

Stage 1: Screening Assessment

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

- 1) The site lies within the 3-6.2 km Zone of Influence as identified in the Epping Forest Strategic Access Management and Monitoring (SAMM) Strategy. Consequently, the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
- 2) The development has the potential to result in a net increase in traffic using roads through the EFSAC.

Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to recreational pressures and atmospheric pollution Pathways of Impact.

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

Stage 2: 'Appropriate Assessment'

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the SAMM strategy and the Epping Forest District Green Infrastructure Strategy has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals.

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

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

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

Sustainability and Ecology

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

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

Essex County Council Ecology have assessed the findings of the report. They have advised that they are satisfied with the key findings of the report and the proposed mitigation measures but have recommended a number of pre-commencement conditions which the applicant must adhere to prior to any demolition work taking place including the requirement to provide evidence to the LPA that they have successfully sought a licence from Natural England or evidence that Natural England deem it unnecessary to provide such a licence. Additional biodiversity enhancement measures are also sought.

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

Other matters

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

Conclusion

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

Conditions: (15)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 8 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence

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

B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

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

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

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

- 10 “Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall: a) identify those areas/features on site that are particularly sensitive for and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through provision of appropriate lighting plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

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

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

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

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

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

- 13 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Emergence Re-entry Survey Report (Greenwood, August 2023) as already submitted with the planning application and agreed in principle with the local planning

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

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

- 14 The development hereby approved shall be carried out in accordance with the flood risk assessment (Crows Road SuDs, Rev B, 09-12-2022) and drainage strategy (SuDs Drainage Strategy, 4223, SK01) submitted with the application unless otherwise agreed in writing with the Local Planning Authority.

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

- 15 Prior to first occupation of the building/extension hereby permitted the window(s) in the flank elevation(s) at ground floor level and above, shall have been fitted with obscure glass with a minimum Pilkington privacy level 3 obscurity (or equivalent), and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained at these specifications thereafter.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (4)

- 16 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.
- 17 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

- 18 The developer should be aware that bats have been identified within the existing building(s). Bats are protected under UK and European Law as such it is a criminal offence to deliberately move, kill or injure a bat. Any works which will impact the breeding / resting place of bats, shall not in any circumstances commence unless a licence has been issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.”
- 19 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.