



# Epping Forest District Council

## **PLANNING COMMITTEE A** **Wednesday 15th January 2025**

You are invited to attend the next meeting of **Planning Committee A**, which will be held at:

**Council Chamber - Civic Offices**  
on **Wednesday 15th January 2025** at **7.00 pm**

**Georgina Blakemore**  
Chief Executive

**Democratic Services Officer:** T Larsen, Democratic Services  
email - [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

**Members:** Councillors S Heather (Chairman), A Lion (Vice-Chairman),  
R Bassett, T Bromwich, B Cohen, W Kauffman, T Matthews,  
R Morgan and R Sharif

### **SUBSTITUTE NOMINATION DEADLINE: 6:00PM**

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

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#### **1. WEBCASTING INTRODUCTION**

"I would like to remind everyone that this meeting will be filmed live or recorded, and uploaded to the internet and will be capable of repeated viewing.

Therefore, by participating in this meeting, you are consenting to being filmed and to the possible use of those images and sound recordings.

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.

Members and public speakers are reminded to turn on their microphones before speaking and turn them off when they have finished."

#### **2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING COMMITTEE (Pages 3 - 4)**

General advice to people attending the meeting is attached.

Ward members on this Committee cannot determine applications in their own wards.

When this occurs appropriately nominated substitutes may be used for specific applications.

**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**

To report the appointment of any substitute members for the meeting.

**5. DECLARATIONS OF INTEREST**

To declare interests in any item on this agenda.

**6. MINUTES (Pages 5 - 8)**

To confirm the minutes of the last meeting of the Sub-Committee held on 13 November 2024.

**7. PLANNING APPLICATION EPF/0657/24 - 1 THE DRUMMONDS EPPING CM16 4PJ (Pages 9 - 22)**

To consider the attached report for the Conversion of the existing two storey dwelling house into a block of three flats. The scheme would provide three no. two-bed units.

**8. PLANNING APPLICATION EPF/0898/24 - LAND BETWEEN 25 AND 32 WESTBURY LANE, WESTBURY LANE, BUCKHURST HILL, IG9 5NF (Pages 23 - 38)**

To consider the attached report for the Demolition of existing vacant outbuildings and the erection of five houses with associated access, parking and amenity space.

**9. PLANNING APPLICATION EPF/1427/24 - LAND TO THE SOUTH OF STATION WAY, BUCKHURST HILL, IG9 6LN (Pages 39 - 44)**

To consider the attached report for the Installation of EV Charging Station.

**10. 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.

## Advice to Public and Speakers at the Council's Planning Committees – A and B

### 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. You can attend in person and will be seated in the public gallery of the Council Chamber located on the 2nd floor of the Civic Offices. Alternatively, you can watch meetings live and [view the webcast](#) on the Council's website. After the meeting has finished the webcast is available on the [EFDC You Tube channel](#)

### 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. Each [planning committee agenda](#) is published on the Council's website.

### 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 emailing [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk) Alternatively, please telephone 01992 564243 as shown on the front page of the agenda. **Only one objector may be registered to speak on each application.**

You can speak at the planning committee meetings 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.

Local Ward Members can also 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 Planning Committee A or B 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, you may email your statement to [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk) in advance of the meeting, so this can be read out by an officer on your behalf should there be a technical problem.

### 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 and a copy of that email sent to [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)

## **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. Local Ward Members will also have an opportunity to speak (if desired). 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 the officer recommendation, it is required to give its reasons for doing so.

## **Further Information**

Further information can be obtained from Democratic Services.

Email [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

|                                      |  |              |                            |
|--------------------------------------|--|--------------|----------------------------|
| <b>Committee:</b>                    | Planning Committee A   | <b>Date:</b> | Wednesday 13 November 2024 |
| <b>Place:</b>                        | Council Chamber - Civic Offices  | <b>Time:</b> | 19:00 – 21:46              |
| <b>Members Present:</b>              | Councillors S Heather (Chairman), A Lion (Vice-Chairman), R Bassett, T Bromwich, B Cohen, T Matthews and R Sharif  |              |                            |
| <b>Other Councillors (Virtual):</b>  | Councillors R Chahal Holden and D Sunger   |              |                            |
| <b>Apologies:</b>                    | W Kauffman   |              |                            |
| <b>Officers Present:</b>             | G Courtney (Service Manager (Planning Development)), T Larsen (Democratic Services Officer), M Picking (Democracy & Elections Apprentice), M Rahman (Planning Officer), K Sweeney (Senior Planning Officer) and N Cole (Corporate Communications Officer) and K Luxton-Walsh (Legal) |              |                            |
| <b>Officers Present (Virtually):</b> | S Dhadwar (Senior Planning Officer) and Baker (Principle Land Drainage Engineer), A Mrowiec (Viability Consultant) and S Bell (Legal)  |              |                            |

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### 1. A RECORDING OF THIS MEETING IS AVAILABLE FOR REPEATED VIEWING 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.

### 2. SUBSTITUTE MEMBERS

The following substitutions were noted:

- Councillor Bedford had been appointed for Councillor Lion on EPF/0942/24 – LAND WEST OF FROGHALL LANE, CHIGWELL

### 3. DECLARATIONS OF INTEREST

- a) Pursuant to the Council's Members' Code of Conduct, Councillor Bromwich declared a non-pecuniary interest in the following item of the agenda by virtue of previously visiting another development built by the same applicant.

- EPF/0007/24 – TUDOR HOUSE HIGH ROAD, THORNWOOD, CM16 6LT

**4. PLANNING APPLICATION - EPF/0007/24 - TUDOR HOUSE HIGH ROAD THORNWOOD CM16 6LT**

Due to public interest on another item of the agenda, this item was heard later in the meeting than published in the agenda.

The Principal Planning Officer presented an updated report for the residential development comprising residential dwellings (Use Class C3), together with car parking, garden spaces, a flexible café/commercial use (Use Class E) with vehicular access from High Road (B1393) external landscaping and associated development.

This agenda item sought clarification on the resolution made to grant this application by members of the East Area Planning Committee on 18 September 2024. This included.

- 1) Confirmation that the s106 agreement should include:
  - a. The requirement for the Applicant to pay the £340,000 Public Transport contribution; and
  - b. A late stage viability review mechanism to justify the Affordable Housing provided on the Development
- 2) Confirmation that Members approve planning consent, subject to the revised recommended conditions and the completion of the s106 agreement (as amended to reflect the Members decisions on 1a) and 1b) above).
- 3) The provision of delegated authority to officers to negotiate and agree any conditions and/or s106 agreement obligations required as a result of the Member's resolution.

Members were verbally advised that the requirement for the provision of a residential travel pack to be provided to each first household to occupy the new dwellings under condition 18 on page 17 of the agenda has now been included in the s106 agreement, therefore this condition is no longer necessary and so deleted.

The Officer recommended the inclusion of a late-stage viability review mechanism to justify the Affordable Housing provided on the Development to clawback any financial contribution towards the provision of policy compliant affordable housing once the actual costs of the development are realised. The Officer informed members that the Applicant has not agreed to this and instead wants a review mechanism to be triggered only if within 6 months of the decision date no development had commenced.

Members received representations from an objector, the Parish Council, the applicant, in addition to Councillor C Whitbread and Ward Councillors Bedford and Bromwich. Cllr Bassett raised the motion to approve the application subject to an amendment to the s106 agreement to ensure that the contribution towards libraries should be ringfenced for North Weald Library only.

The Committee Members agreed to this amendment and resolved to grant planning permission subject to appropriate conditions and the completion of a s106 legal agreement, with delegation to planning officers on any non-material changes to the s106 agreement and conditions as considered appropriate.

The Planning Service Manager then sought clarification from Members in regard to whether a clause for a late-stage review mechanism should be included in the s106 agreement in order to clawback any financial contribution towards the provision of policy compliant affordable housing, should the viability of the scheme in reality be found to be better than that estimated by the Applicant. The Committee voted to approve the application with all the proposed resolutions by officers to this application.

**RESOLVED:**

The Committee voted to [APPROVE](#) the application with Conditions (Subject to s106 Legal Agreement).

**5. PLANNING APPLICATION - EPF/2787/23 - LAND NORTH OF CHELMSFORD ROAD, ONGAR, CM5 9LX**

The Senior Planning Officer presented a report for the development of 129 dwellings with associated parking, landscaping, open space, drainage and infrastructure and the formation of pedestrian and vehicular access onto High Ongar Road (ONG.R4 - Allocated Site in Ongar) along with a few changes verbally reported to the Committee prior to the debate. These changes were as follows.

1. Minor changes to Conditions 10, 11, 12, 13 & 31;
2. Conditions 25 & 26 re Travel Plan and Travel Packs removed and to be secured via s106; and
3. Ambulance contribution redirected towards health infrastructure and the sum increased to £215,668. This increased the total s106 monies to £2,022,996 million.

Members received representations from an objector, the Parish Council, the applicant, in addition to Councillor Bedford and Ward Councillors Dadd and Keska. The Committee discussed the planning merits of the application. The Committee voted for the officer recommendation to approve the application subject to appropriate conditions and the completion of a s106 legal agreement, with delegation to planning officers for any non-material changes to the s106 agreement and conditions as considered appropriate.

Following the debate, Members resolved to amend condition 3 relating to highway works to include provisions for part time signals at the high Ongar Road junction and the 40mph limit reduced to 30mph.

**RESOLVED:**

The Committee voted to [APPROVE](#) the application with conditions (Subject to s106 Legal Agreement).

**6. PLANNING APPLICATION - EPF/0942/24 - LAND WEST OF FROGHALL LANE, CHIGWELL**

Due to public interest, the Committee agreed to hear this item earlier on the agenda as published.

The Chairman announced that Ward Councillor Lion could not determine this application but substitutes Councillor Bedford had been nominated. Councillor Bassett was proposed, seconded and agreed as Vice Chairman for the item.

Members of the Committee received a presentation from the Planning Officer and representations from an objector, the Parish Council, the applicant, in addition to Councillor Sunger and Ward Councillors Lion, L Morgan and Holden. The Committee discussed the planning merits of the application. The Committee voted for the officer recommendation with delegation to planning officers for any non-material changes to the s106 agreement and conditions as considered appropriate.

**RESOLVED:**

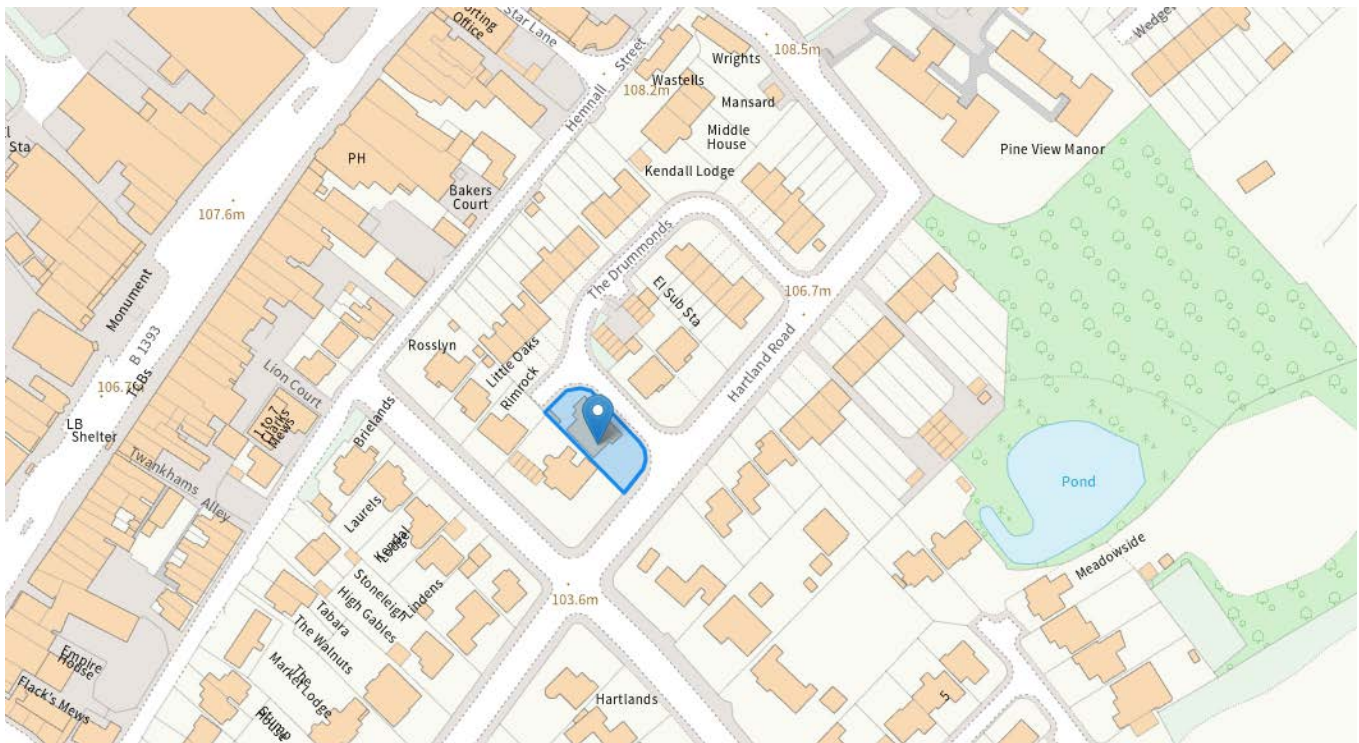
The Committee voted to APPROVE the application with conditions (Subject to s106 Legal Agreement).

**CHAIRMAN**



## OFFICER REPORT

**Application Ref:** EPF/0657/24  
**Application Type:** Full planning permission  
**Applicant:** Mrs N Spence  
**Case Officer:** Kelly Sweeney  
**Site Address:** 1, The Drummonds, Epping, CM16 4PJ  
**Proposal:** Conversion of the existing two storey dwelling house into a block of three flats. The scheme would provide three no. two-bed units.  
**Ward:** Epping East  
**Parish:** Epping  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv0000004a3J>  
**Recommendation:** Approve (Subject to Variation to s106 Legal Agreement)



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**This application is before this Committee since the recommendation is contrary to at least five representations received on grounds material to the planning merits of the proposal (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council).**

### Summary

The proposed development would result in only minor external alterations to the existing building including the extension of one of the existing balconies to the south-west elevation and changes to the fenestration therefore the development would not result in harm to the character and appearance of the existing building, the streetscene or the wider locality. The proposed flats

would provide a good standard of accommodation for future occupants and there would be no highway safety implications as a result of the development. It is also considered that the extended balcony and additional windows would not result in significant loss of privacy or overlooking.

It should be noted that the parking arrangements, location of balconies and removal of existing landscape features were similar to the previously refused application ref: EPF/0351/23 which was not refused on these grounds. Moreover, there was no in principle objection or reason for refusal relating to the creation of flats in this location. This is a significant material consideration to the recommendation and outcome of this application.

## **Site and Surroundings**

The site is located on a corner site at the junction of The Drummonds and Hartland Road. The site is occupied by a detached dwelling mostly two storey in height with single storey elements to the northern end. An integral garage and parking area lie at the north-west part of the site. The existing main garden area to the front (south-west) part of the site is screened by mature trees. The existing building has existing balconies to the front (south-west) elevation and to the rear (north-west elevation).

The surrounding area is wholly residential including a mix of two and three storey buildings, the latter mainly town houses.

The site is not listed or located within a conservation area, nor are there any protected trees within or within close proximity to the site.

## **Proposal**

Planning consent is sought for the conversion of the existing two storey dwelling house into a block of three flats. The scheme would provide 3 x 2 bedroom units. The first floor flat would also have an additional room which would be used as a study. Following the receipt of amended plans two parking spaces would be located to the north-west part of the site accessed from The Drummonds.

Two of the flats would be located to the ground floor of the building. Each of the ground floor flats would have direct access to their own garden area. The first floor flat would have access to the existing balcony to the rear (north-west) elevation and to the proposed extended balcony to the front (south-west) elevation.

No other significant changes to the exterior of the building are proposed other than small changes to the fenestration including the insertion of several new windows.

## **Relevant Planning History**

EPF/0351/23-Demolition of existing dwelling and replacement with four residential units. Refused for the following reasons: -

1. The proposed building would be a bulky and intrusive addition to the site and street scene, increasing the scale of built development adjacent to the road frontage to the detriment of local character and general visual amenity, thereby contrary to policies DM9 and DM10 of the adopted Epping Forest Local Plan 2011-2033 (2023) and the NPPF 2023.
2. The proposed development, due to its scale, mass and bulk adjacent to the neighbouring property would have a significant adverse effect on the amenities of the immediate neighbours in terms of visual dominance and overshadowing, contrary to policy DM9 of the adopted Epping Forest Local Plan 2011-2033 (2023), and the NPPF 2023.

3. In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies DM 2 and DM 22 of the Epping Forest Local Plan 2011-2033 (2023), paragraph 180 of the NPPF 2023, and the requirements of the Habitats Regulations 2017.

This application is a re-submission of the previously refused application and it is considered that it overcomes the above reasons for refusal given that it is now proposed to convert the existing building, and no significant changes are proposed to the bulk and massing of the building that would have a negative impact upon the character of the area or to residential amenity. The number of units is also reduced from 4 to 3.

The previously refused application included parking bays in a similar position to this proposal. It is noted that the previous application was not refused on highway safety grounds.

### **Development Plan Context**

Epping Forest Local Plan 2011-2033 (2023);

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

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

- T1 Sustainable Transport Choices
- DM1 Habitat Protection and Improving Biodiversity
- DM2 Epping Forest SAC and the Lee Valley SPA
- DM3 Landscape Character, Ancient Landscapes and Geodiversity
- DM5 Green and Blue Infrastructure
- DM9 High Quality Design
- DM10 Housing Design and Quality
- 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

National Planning Policy Framework December 2024 (Framework)

### **Summary of Representations**

A site notice was displayed, and 20 residents were consulted directly on the plans initially submitted with the application. A total of 19 objections were received from residents on The Drummonds, Hartland Road, Kendall Avenue and Green Trees, commenting as follows:

- Insufficient parking.
- Road safety issues.
- The balcony on the first floor would overlook other properties and result in general noise and disturbance.
- The change of use of the building to flats would harm the family environment of the area.
- The location of the bin store would be in an unacceptable location.
- A new window is proposed to the first-floor flat result in loss of privacy to neighbouring gardens.
- The increase in the number of occupants within the building would result in general noise and disturbance.
- The development will involve the loss of trees and other landscape features.
- This would constitute overdevelopment of the site.
- Negative impact upon the character of the area.
- Loss of biodiversity.
- There is a lack of access to public services.
- The garden spaces provided do not meet standards.
- The proposed building would result in overshadowing and loss of light.
- The development would devalue nearby houses.
- It would be difficult for a fire engine to access the site.

Officer Comment: The development potentially de-valuing existing, surrounding properties is not a material planning consideration. All other matters are discussed further within the main body of the report.

Following the receipt of an amended red line plan to include the location of the dropped kerb for the proposed parking spaces an additional second consultation was carried out. Following the receipt of the amended parking plan re-locating the parking bays to the north-west part of the site and reducing the number of bays from 3 to 2 which also altered the red line plan and location of the bin store, a third consultation was carried out. An additional 9 comments were received commenting as follows: -

- A reduction in the parking to two spaces is unacceptable and insufficient.
- Conversion of the property into three units is not possible.
- The development is for the existing occupants to purchase and their friends leaving only one dwelling available for purchase and therefore the development will not benefit in terms of housing supply.
- The balconies already overlook the neighbouring gardens.
- Existing residents have been refused parking permits already.
- How will emergency services and visitors be accommodated?
- The existing parking on site is currently inaccessible.
- The development is not in keeping with the character of the area.
- Concerns that the proposed crossover would result in taking over pavement.
- The development will involve the loss of trees and landscaping.
- The existing parking arrangements are impractical.
- The parking next to a residential garden boundary would be harmful to amenity.
- Issues with the waste and recycling storage.

Officer Comment

In terms of the reduction in parking bays since the submission of the application and its re-location from Harland Road to The Drummonds, this amendment follows discussions with Essex County Council (ECC) whom in their original comments stated a preference for the parking to be from the

Drummonds rather than Hartland Road. Furthermore, given the introduction of parking restrictions along Hartland Road which have recently come into force it would not have been possible to have the parking from Hartland Road in any event.

ECC Highways also considered an option for this development to be 'car free' which they stated they would have no in principle objection given the highly sustainable location of the site within walking distance to a town centre and tube station. Nevertheless, by way of a compromise the applicant has agreed to provide spaces as per the amended plan.

It is noted that the parking would be located where it is currently positioned and can currently be used.

The access arrangements for emergency vehicles would remain unchanged.

The balconies to be used by the first floor flat are as existing apart from a minor increase to the width of the front (south-west) balcony. The materiality of this increase would not result in additional overlooking over and above that currently created. It is also noted that the applicant has agreed to submit details of the replacement balustrades for the balconies' which would provide an opportunity for the Council to improve screening and privacy. In refusing application ref:EPF/0351/23 the impact of the proposed balconies was not a reason for refusal.

Comments relating to the potential property ownership of the flats is not a material planning consideration.

The creation of a crossover (a dropped kerb) to allow access for parking spaces is commonplace and does not prevent pedestrians from using the pavement.

#### **Internal and External Consultees: -**

EPPING TOWN COUNCIL-STRONGLY OBJECT-This is not a suitable location for flats. A mix of dwelling types is required. The application is an overdevelopment of the site. The development would be harmful to the amenity of nearby residents in terms of overshadowing, overlooking and visual impact. The loss of the landscaping would be harmful to the streetscene and remove privacy for residents. Insufficient parking and highway safety implications.

EPPING SOCIETY-Raise concerns in relation to increased overlooking and loss of privacy. The screening of the balconies must be secured by condition. The location of the parking from Harland Road will be unacceptable in terms of highway safety.

Officer Comment: The location of the parking has since been amended.

ECC Highways-No objection to two parking spaces from The Drummonds and no 'in principle' objection to a 'parking free' development'.

TREE AND LANDSCAPE OFFICER-No objection subject to conditions relating to the removal of excavation materials and details of hard and soft landscaping.

CONTAMINATION OFFICER-No objection subject to safeguarding conditions.

ENVIRONMENTAL PROTECTION AND DRAINAGE-No objection and no conditions required.

#### **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 housing. The development would create three flats 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 family house to smaller flatted development and the impact this would have upon the character of the area. However, there are no policies contained within the Council's adopted Local Plan that resist the conversion of larger family houses into flats and it is considered that the introduction of flats to this area would result in providing a mix of housing types in a highly sustainable location.

### 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. However, the development would involve only small-scale changes to the existing building. Replacement and insertion of windows would not significantly alter the appearance of the building. Furthermore, the extended balcony would be a minor change to the south-west elevation of the building given that there is already a balcony in existence. Details of the replacement balustrades for the balconies is to be secured by way of condition.

The development would involve some external changes to the landscaping including the removal of hedgerow and trees. However, none of these landscape features are significant specimens. They are not afforded any protection as such they could be removed by the owner of the property at any time without the need for planning permission. A condition seeking details of hard and soft landscaping is being sought which would ensure that the external areas of the site are appropriately designed to enhance the visual appearance of the site.

Overall, it is considered that the development 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. As discussed above the development would not involve significant extensions to the existing building.

Objections have been received raising concerns that the balconies would result in loss of privacy. However, it is important to note that the balconies already exist. They are both accessible and useable by way of side doors as such the proposed development would not materially alter the current situation.

Where the existing balcony to the front (south-west) elevation would be extended it would not increase the level of overlooking beyond that which currently exists. The extended part of the balcony would be directly opposite a gap between the residential houses opposite where there a number of mature trees. The distance between the balcony and closest residential property opposite is over 21 metres.

The extended balcony would be located closer to the dwelling to the west; however, the balcony would be sufficiently screened (secured by condition) to prevent any loss of privacy to this property. It is also noted that the balcony would not be directly adjacent to the main useable garden area of this property and would not overlook any windows at this property.

Additional windows are proposed at ground floor level, however given the presence of boundary treatment to the west and distance between those windows and other neighbouring dwellings there would not be any material overlooking or loss of privacy as a result of these windows.

Two additional windows are proposed to the rear (north) side of the building at first floor level, one would serve a bathroom (a non-habitable room) and the other would serve a study. The study window would be over 21 metres away from the dwellings directly opposite as such it is considered that this window would not result in increased overlooking and loss of privacy.

An additional window is proposed to the west elevation of the property which would serve a bedroom but given that this bedroom would be dual aspect it is considered that this window could be obscure glazed and fixed shut 1.7m above finished floor level secured by condition.

Concerns have been raised in relation to the location of the proposed bin store next to neighbouring residential gardens. However, the owner of the property could currently add multiple sheds/stores within the garden space and against the neighbouring gardens without the need for planning permission. Furthermore, as a result of the amended parking layout the bin store has been moved away from the site boundary.

Objections have also been received in relation to the increase in noise that would be generated from the site as a result of the development. It is considered that that the development is unlikely to generate noise that would be harmful to nearby residents, and it is noted that currently the Council have no control over how many people reside within the current property.

Overall, it is considered that the development would not result in harm to the amenity of nearby residents and is in accordance with Policy DM9 of the Council's adopted Local Plan.

### Highways Impact

Epping County Council Highways have commented on the application and raise no objection to the creation of the parking spaces in this location particularly given that there is already parking for the existing property at this location. Amended plans have been submitted re-locating the parking so that it would be via Drummond Road (the preferred option highlighted by ECC in their original comments) from Hartland Road.

The Essex Parking Guidance adopted September 2024 states that parking standards will be associated with connectivity of the site in terms of its proximity to sustainable transport links. This site is in an area of high connectivity where 1 space plus 0.25 spaces for visitors is recommended. Two spaces would be provided in this case which is below this standard.

However, the document states that parking below minimum standards will be considered where a developer can demonstrate that trips to and from the site will be by modes other than car and in highly connected areas such as town centres, developments should aim to be car free/car-lite.

In this case Essex CC have stated that they would have no objection to this development being car-free given its sustainable location within walking distance to Epping High Street where there is access to various shops and amenities as well as an underground station.

There are also parking controls fronting the site that would prevent any visitors of the flats from being able to park within the locality. Should any future occupants of the flats wish to park on street they will have to apply for a parking permit from the Council which is not guaranteed. As such any potential purchasers of the flats would need to take into consideration the fact that they would not be to parking within close proximity of the property.

Overall, it is considered that the development would not lead to circumstances that would be prejudicial to pedestrian and highway safety.

### 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.

As highlighted above the existing landscaping could be removed by the applicant without the need for planning permission.

### 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.

It is evident 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 should 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 the development would have an impact upon wildlife and the ecological value of the site. However, no buildings are to be built or demolished on the site. The existing building is currently occupied and therefore there are no concerns in relation to the impact upon protected wildlife or species such as bats.

Since 2<sup>nd</sup> April 2024, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) for smaller development sites. It is a requirement that, for certain planning applications, applicants quantify the biodiversity net gain through survey, site planning and detailed proposals. The legislation stipulates that the net gain must be at least 10% and provided either on-site or off-site, or, as a last resort, by buying statutory biodiversity credits.

However, given that this application was received and validated prior to the 2<sup>nd</sup> April 2024 it is considered that this development would be exempt from BNG. Furthermore, it is considered that the development falls within additional exceptions given that it involves the change of use of an existing building and is a self-build development.

#### Other matters

The Contamination Land Officer raised no objection in principle to the development subject to safeguarding conditions. Furthermore, the Environmental Protection and Drainage Officer raises no objection to the development.

#### **Conclusion**

The development would be for the conversion of an existing building providing good quality living accommodation for future occupants and residents. The development would involve minor changes to the exterior of the building which would have little visual impact upon the character and appearance of the existing building and the surrounding streetscene. Most of the fenestration would be located as existing. Where additional windows are proposed they either serve non habitable rooms or can be obscure glazed and fixed shut secured by way of condition. The balconies to the existing property are currently on the building are accessible as such they would not result in an increase in overlooking and loss of privacy. Where one of the existing the balconies is to be extended it is evident that this will not overlook any neighbouring usable garden areas or windows.

The development would provide an off-street parking space for two of the proposed flats which is considered to be acceptable given that the site is located within a highly sustainable location.

It is also noted that the previous application ref: EPF/0351/23 was only refused due the scale, bulk and massing of the building and not highway safety or amenity grounds in terms of loss of privacy. Furthermore, there were no reasons for refusal relating to the creation of flats in this location.

The development is therefore in compliance with the policies contained within the adopted Local Plan (2023). Approval of the application is therefore recommended.

**Conditions: (11)**

- 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: 22038\_201 Rev A and 22038-204 Rev D received 29th November 24, 22038-205, 203 and 202.

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

- 3 All material excavated from the below ground works hereby approved shall be removed from the site prior to any works above the foundations.

Reason: In order to ensure that levels are not altered across the site as a result of deposited materials, in the interests of amenity, in accordance with Policies DM9, DM12 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 Prior to first occupation of the first floor flat hereby permitted the window in the flank south-west elevation serving the bedroom and the window in the flank south-west elevation serving the bathroom shall have been fitted with obscure glass with a minimum Pilkington privacy level 3 obscurity (or equivalent), and no part of those windows 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.

- 5 The materials to be used in the construction of the external surfaces of the development (other than the balcony balustrades) hereby permitted shall match those of the existing building.

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

- 6 Prior to the first occupation of the development the accessway, parking, bin stores and amenity spaces as indicated on the approved plans, shall be provided and retained as such for the life of the development.

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.

- 7 No deliveries, external running of plant and equipment, demolition or construction works, other than internal works not audible outside the site boundary, shall take place during the demolition/construction of the development 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 Prior to any works above the foundations, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details and completed prior to first occupation/use of the development hereby approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 9 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped and an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced) shall be undertaken. If any contamination is found then the site shall be remediated. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

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

- 10 Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials, and type of balustrades/privacy screening to be erected for the balconies (existing and proposed), shall have been submitted to an approved by the Local Planning Authority, in writing. The approved balustrades shall be implemented prior to first occupation of the development and so retained.

Reason: To ensure the safe movement of vehicles between the highway and off-street parking areas and to ensure a satisfactory appearance of the development, in accordance with Policies T1 & DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 11 Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials, and type of boundary treatment to be erected, shall have been submitted to an approved by the Local Planning Authority, in writing. The approved boundary treatment shall be implemented prior to first occupation of the development and so retained.

Reason: To ensure the safe movement of vehicles between the highway and off-street parking areas and to ensure a satisfactory appearance of the development, in accordance with Policies T1 & DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

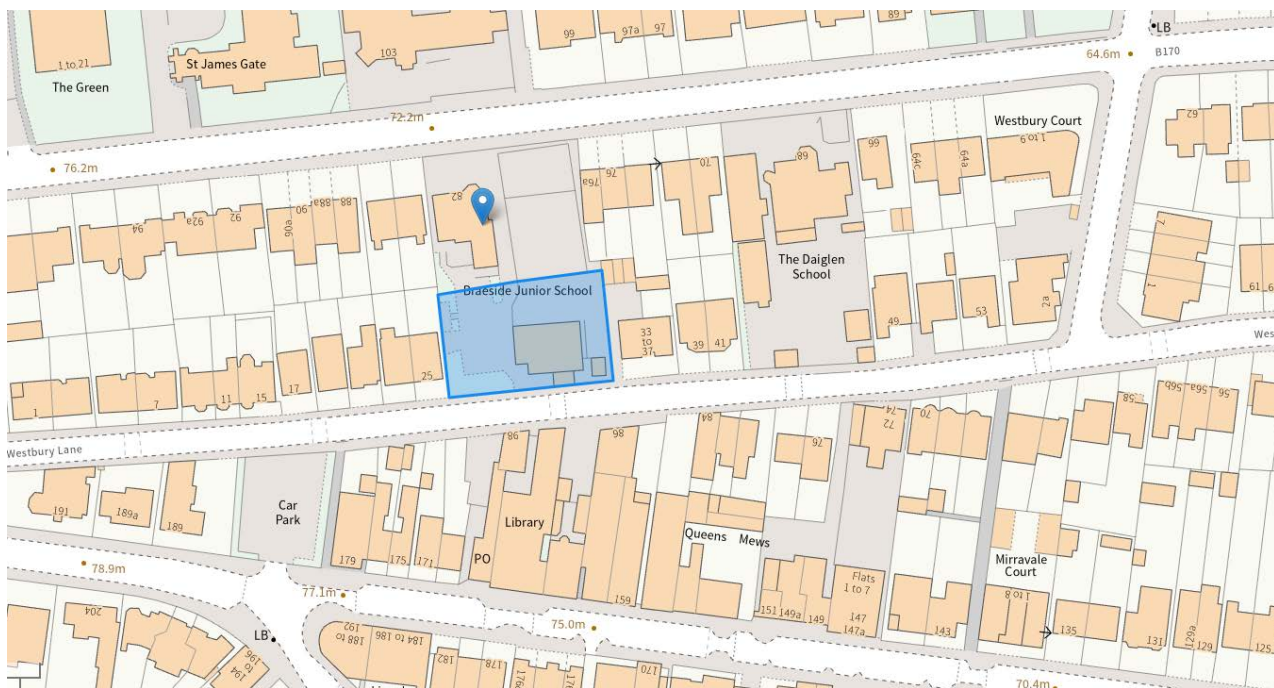
**Informatives: (2)**

- 12 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.
- 13 It is noted that the existing buildings may contain Asbestos Containing Materials (ACM's). The applicant is required to ensure that all contractors involved in the demolition and site clearance works are aware of the requirements of the Control of Asbestos at Work Regulations 2012. It is essential that an asbestos survey is undertaken and where ACMs are discovered, risks are appropriately managed, ensuring safe removal and disposal offsite by specialist contractors in accordance with good practise and current HSE guidance. Further, it is the responsibility of the developer to ensure measures are put in place to prevent contamination of the soils during such works. Evidence may therefore be required by The LPA as part of the contaminated land condition to show that any ACMs, identified following a required asbestos survey, have been appropriately disposed from site.



## OFFICER REPORT

**Application Ref:** EPF/0898/24  
**Application Type:** Full planning permission  
**Applicant:** c/o agent  
**Case Officer:** Yee Cheung  
**Site Address:** Land between 25 and 32 Westbury Lane, Westbury Lane, Buckhurst Hill, IG9 5NF  
**Proposal:** Demolition of existing vacant outbuildings and the erection of five houses with associated access, parking and amenity space.  
**Ward:** Buckhurst Hill West  
**Parish:** Buckhurst Hill  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv0000099NR>  
**Recommendation:** Approve with Conditions (Subject to s106 Legal Agreement)



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***This application is before this Committee since the recommendation is contrary to at least five contrary representations received on grounds material to the planning merits of the proposal (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council).***

### **Description of Site:**

The application site is situated on the north side of Westbury Lane and contains modular type buildings and sheds which were part of the now relocated Braeside School (which fronts onto Palmerston Road).

The site is enclosed by close boarded fencing to the streetscene and is located adjacent to two-storey residential properties on both sides. The site level gently rises from east to west. The site is not within the Metropolitan Green Belt or a Conservation Area.

The main building of the former school fronting Palmerston Road is locally listed (The local list was last updated in October 2024) and has been converted into a children's nursery. The former playground fronting Palmerston Road to the east was granted planning permission under EPF/0623/23 for two dwellings and construction of these is almost complete.

**Description of Proposal:**

The proposal seeks consent for the demolition of the existing vacant outbuildings and to construct five houses with associated access, parking and private amenity space.

The dwellings will be link detached and contemporary in style with gable ends and side dormers. The dwellings have three bedrooms (two at first floor and one at second floor). One parking space is provided for each unit with refuse and cycle stores located to the front boundary. Private amenity space is provided at the rear for each unit.

This planning application was presented to Members at the Area Planning Sub-Committee South on 7 August 2024, and it was voted to defer the planning application. It is understood that the application was deferred to allow amendment to the scheme and further information regarding the submission of a daylight report / plans to be submitted.

The amendment of the scheme involves the following:

- House 1 has been reduced in depth by 2.5 metres (first and second floor)
- House 2, 3, 4 and 5 have been reduced in depth by 1.5 metres (first and second floor)
- A comprehensive daylight / sunlight report prepared by Right to Light Consultancy, a reputable company, has been submitted to support the development proposal

**Relevant History:**

- [EPF/2603/23](#) - Demolition of existing vacant outbuildings and the erection of five houses with associated access, parking and amenity space - Withdrawn
- [EPF/0623/23](#) - The erection of two houses with associated access, parking, amenity space and landscaping - Approved
- [EPF/2964/21](#) - Change of use of vacant school building (Class F1) to a day nursery and pre-school within Class E along with provision of detached bin store, buggy store and cycle parking facilities – Approved

**Policies Applied:**

*Adopted Local Plan:*

- 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
- DM9 – High Quality Design
- DM10 – Housing Design and Quality
- DM11 – Waste Recycling Facilities on New Development
- DM18 – On Site Management of and Reuse of Wastewater and Water Supply
- DM21 – Local Environmental Impacts, Pollution and Land Contamination
- DM22 – Air Quality

**National Planning Policy Framework (NPPF, December 2024)**

- Chapter 1 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land



- Chapter 12 – Achieving well-designed places
- Chapter 13 – Conserving and enhancing the natural environment

### **Consultation Responses**

**Trees and Landscape Officer** – No objection subject to conditions

**ECC Highways** – No objection subject to conditions regarding to parking and the use of surfacing materials

**EDFC Contaminated Land Officer** – No objection subject to conditions

**Conservation Officer** – Recommend the height of the scheme (most notably its ridge/eaves) is reduced to ensure the development appears suitably subservient within the setting of the affected heritage assets and its wider historic environment

**EDFC land Drainage** – No objection subject to condition that the development to be carried out in accordance with submitted report

### **Letters of Representations**

Number of neighbours consulted: 48

Responses received from 4 neighbours who have objected on the following grounds:

19, 25, 35, 41 Westbury Lane

Insufficient parking, loss of light, overcrowded area, cramped, overbearing loss of outlook, too small gardens, highway safety implications,

Following the additional information received, all the neighbours were reconsulted.

No. 19, 23, 25, 35 and 41 objects:

- Gross overdevelopment of the site / Overcrowding
- Appearance of three floor flats
- Loss of light
- Little gardens
- Impact on residential amenity and little light to garden of No. 23 Westbury Lane
- Overbearing in size and nature
- Overshadowing
- Parking issues

**Buckhurst Hill Parish Council** – Objection

- Overdevelopment of site
- Out of keeping with the neighbours next door and the whole of the area
- Very cramped development
- Living amenity space is insufficient
- Insufficient parking
- Proposed development area could cause issues with parking in an already congested road with already insufficient parking
- The outside amenity space garden is very small

### **Main Issues and Considerations:**

#### **Principle of Development**

The application site is located within the built-up area of Buckhurst Hill in a sustainable, urban area where development is encouraged as any development is making best use of available non-Green Belt land within the District. The site is approximately 850m from Buckhurst Hill Underground Station and 200m from the shops and services provided on Queens Road. The development of the application site is considered acceptable in principle subject to other material considerations which will be discussed in the report below.

## **Design and Appearance**

The proposal results in the demolition and removal of modular type buildings and domestic scale wooden outbuildings which add little to the appearance of the streetscene. These and the current close boarded fence definitely have the appearance of the rear of a site.

The proposal will be a contemporary development, that takes cues from the prominent gables within the area. The main material choice will be a brown brick, with brick stretcher detailing and perforated brick detailing which adds depth to the design with large window frames and zinc clad dormer.

The design, although contemporary to the neighbouring residential properties is considered to relate positively to the surrounding context, and it is considered that this has been achieved, along with the design and material choices with the differing roof heights, respecting the slope of the road and taking cues on eaves and ridge heights from neighbouring properties. It is considered that the proposal makes a positive contribution to the streetscene and complements, if not enhances this varied streetscene.

Although the Conservation Officer has raised concerns with regards to the overall height in relation to the Westbury Lane streetscene (which as above Officer's consider acceptable and in line with the slope of the road). Other than this concern, the Conservation Officer has not highlighted further issues with regards to any impact to the locally listed building (the heritage asset) or it's setting. The design and appearance is therefore considered acceptable in accordance with Policy DM9 of the adopted Local Plan.

## **Neighbouring Amenity**

The development proposal is positioned 1 metre away from the shared boundaries with No. 33 Westbury Lane (part of a block of 3 maisonettes) and No. 25 Westbury Lane. There is gap between the shared boundary with No. 33 Westbury Lane which serves a row of garages to the rear. As the gap is some 2.6 metres from the shared boundary with No. 33, it is considered that the distance would not result in sense of enclosure or overbearing impact to the existing occupiers at No. 33-37.

The plans have been amended to show that Houses 2 and 5 has been stepped back by 1.5 metre at first floor and second floor level. It is considered that by setting these properties back would reduce the perceived sense of overbearing to neighbouring properties.

With regards to impact on No. 25 Westbury Lane, House 1 will only be about 0.5 metres deeper than No. 25. The submitted plans show that the first and second floor of House 1 will be stepped back by 2.5 metres. By doing so, this has addressed the issues such as the loss of light, overshadowing and overbearing impact on the existing occupiers at No, 25.

It is noted that there are existing window openings on the flank wall of No. 25, these openings serve a kitchen / living space and a w.c (at ground floor) a landing at first and second floor. The ground floor openings are partially screened by an existing boundary fence, which to some degree, shadows the property. As these windows do not serve habitable rooms, it is not considered that the existing occupiers of No.25 Westbury Lane would be adversely affected by the development proposal.

Concerns have been raised with regard to overlooking. In terms of overlooking, there are no windows proposed on the flank wall of House 1, as such, it is unlikely that the future occupiers of this site would be able to directly overlook into the kitchen / living space of No, 25 Westbury Lane.

The rear and garden area of No. 25 is currently overlooked at by No. 23 Westbury Lane and existing developments fronting onto Palmerston Road. It is considered that any overlooking and

loss of privacy to the occupiers at No. 25 from this development proposal will not be significantly worse than existing situation.

The proposal is therefore considered acceptable in this respect and would therefore accord with Policy DM9 of the adopted Local Plan.

### **Amenity of Future Occupiers**

The submitted plans shows that the dwellings meet the Nationally Described Space Standards providing the required internal space for the number of occupants.

In term of rear private amenity spaces, it is noted that they are smaller than the directly neighbouring properties at around 50m<sup>2</sup> – 60m<sup>2</sup>. However, they are in keeping with the prevailing pattern of development and not too dissimilar to the varied size of gardens found in the wider area. In addition, in this built-up area with direct access to Forest land within easy walking distance the sizes are considered appropriate. The adopted Local Plan does not specify minimum amenity sizes and therefore it is considered on the basis of the above, that the amenity space is acceptable.

### **Daylight / Sunlight**

A comprehensive daylight / sunlight report prepared by Right to Light Consultancy, has been submitted to support the development proposal.

The report has considered the impact of the development on the light receivable by the neighbouring properties at: No. 25, 33 to 37, 86, 94 and 98 Westbury Lane and 76a, 78 to 80 (Future Building), 84 and nursery along Palmerston Road. It is concluded that all neighbouring windows (that have a requirement for daylight or sunlight) pass the relevant BRE diffuse daylight and direct sunlight tests. All neighbouring amenity areas also pass the BRE overshadowing to gardens and open spaces test (Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: A guide to good practice, 3rd Edition' by P J Littlefair 2022)

The submitted drawing and calculations in the report has demonstrated that the proposed development will have a low impact on the light receivable by its neighbouring properties and sufficiently safeguards the daylight and sunlight amenity of the neighbouring properties in accordance with Policy DM9 of the adopted Local Plan.

### **Trees and Landscaping**

The Trees and Landscaping Officer has reviewed the planning application and raises no objection to the proposal subject to conditions imposed regarding to the retention of tree and shrubs, tree protection, and the submission of hard and soft landscaping details for the Council to approve should planning permission be granted.

### **Highways and Parking**

This proposal is for five dwellings with each dwelling having a single parking space. This is considered acceptable in this highly sustainable location and is within walking distances to the train station, local shops and services.

To the front of the site are off road parking spaces, outlined on the road, but not individually marked as spaces. There is slight room for discussion as to the number of cars that could be parked in this area, as the length is large enough for five design standard parking spaces but could potentially accommodate six vehicles.

The Applicant has had discussions with Essex County Council Highways as to how best to retain on road parking spaces (if any). The current scheme allows for three, on-street parking spaces to retained directly to the front of the site. In addition, at the top end of Westbury Lane (close to the junction with Queens Road, the Applicant has proposed the extension of an existing bay, to allow

two more cars to park and the creation of a new bay for a further car. This would mean that there would be no decrease in the number of car parking spaces currently available on Westbury Lane.

The changes to the parking spaces must be achieved by way of a Traffic Regulation Order (TRO), which is outside the scope of Planning Legislation. However, a condition can be added to ensure that the proposed changes are implemented as shown so that the Applicant arranges the TRO.

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

**RESIDENTIAL APPLICATIONS: The application site lies in 3km of the EFSAC as defined by the Zone of Influence and would result in a net increase in Average Annual Daily Traffic on roads through the 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 concluded that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology underpinning the appropriate assessment of the LPSV, 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 this application pertinent 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.

### **Stage 1: Screening Assessment**

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

- 1) The site lies within the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently, the development 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 both the 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 both the recreational pressures and atmospheric pollution Pathways of Impact.

## **Stage 2: 'Appropriate Assessment'**

### Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, 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. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC, as is the case with this planning application. The Applicant has agreed to make a financial contribution in accordance with the Interim Approach. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

### Atmospheric Pollution

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

The Applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition, the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

### Conclusion of EFSAC:

The Council is satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions as set out above, the application proposal would not have an adverse effect on the integrity of the EFSAC.

Contributions for managing/monitoring recreation/visitor pressures:

$$5 \times \text{£}1852.63 = \text{£}9,263.15$$

Contributions for managing/monitoring air pollution mitigation

$$5 \times \text{£}335 = \text{£}1,675$$

Contributions for the implementation of the Roding Valley Recreation Ground/Public Rights of Way infrastructure enhancement projects

$$5 \times \text{£}716 = \text{£}3,580$$

### **Biodiversity Net Gain (BNG)**

Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan, as well as the finalised full Statutory Biodiversity Metric - Calculation Tool, should be submitted prior to commencement as part of the Biodiversity Gain Condition.

The application has been accompanied by a Biodiversity Net Gain (BNG) Assessment which has concluded that the net change will be -81.07%. Given that there is a deficit, the Applicant has suggested that to meet BNG obligations there is the possibility to buy off-site biodiversity credits.

The Applicant has made clear, that although landscaping is proposed within the site, it will be located on private land (i.e. owned by the prospective buyers) and therefore biodiversity cannot be secured for a minimum of 30 years as per the requirements. Therefore, off-site credits are an acceptable way forward and can be conditioned to ensure that this is actioned.

**Conclusion:**

The proposed new dwellings are located in sustainable location within an urban part of the District. The development is in keeping with the prevailing pattern of development in the locality. Additional information (daylight assessments) have been submitted to show that the development would not result in excessive harm to surrounding neighbours by reasons of loss of light, overshadowing or overbearing impact. Therefore, given the above assessment and subject to a S106 legal agreement the planning application is recommended for an approval.

**Conditions: (20)**

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

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

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

- GHA-XX-XX-DR-A-0021 Rev P01
- GHA-XX-XX-DR-A-2016 Rev P03
- GHA-XX-XX-DR-A-0211 Rev P01
- GHA-XX-XX-DR-A-0214 Rev P01
- GHA-XX-XX-DR-A-0311 Rev P01
- GHA-XX-XX-DR-A-0312 Rev P01
- GHA-XX-XX-DR-A-0010 Rev P01
- GHA-XX-XX-DR-A-0310 Rev P01
- GHA-XX-XX-DR-A-0213 Rev P01
- GHA-XX-XX-DR-A-0031 Rev P01
- GHA-XX-XX-DR-A-0030 Rev P01
- GHA-XX-XX-DR-A-2002 Rev P04
- GHA-XX-XX-DR-A-2003 Rev P04
- GHA-XX-XX-DR-A-0212 Rev P01
- GHA-XX-XX-DR-A-2017 Rev P03
- GHA-XX-XX-DR-A-2050 Rev P01
- GHA-XX-XX-DR-A-2011 Rev P03
- GHA-XX-XX-DR-A-2001 Rev P04
- GHA-XX-XX-DR-A-2012 Rev P03
- GHA-XX-XX-DR-A-2015 Rev P03
- GHA-XX-XX-DR-A-0033 Rev P01
- GHA-XX-XX-DR-A-2004 Rev P04
- GHA-XX-XX-DR-A-0032 Rev P01

- GHA-XX-XX-DR-A-2020 Rev P03
- GHA-XX-XX-DR-A-2021 Rev P03
- GHA-XX-XX-DR-A-0011 Rev P03
- GHA-XX-XX-DR-A-2010 Rev P03
- GHA-XX-XX-DR-A-2014 Rev P03
- GHA-XX-XX-DR-A-2013 Rev P03
- GHA-XX-XX-DR-A-0313 rev P01
- GHA-XX-XX-DR-A-0215 Rev P01
- GHA-XX-XX-DR-A-0201 Rev P01
- GHA-XX-XX-DR-A-0030 Rev P01
- GHA-XX-XX-DR-A-2006 Rev P01
- GHA-XX-XX-DR-A-2005 Rev P03
- GHA-XX-XX-DR-A-0020 Rev P01
- GHA-XX-XX-DR-A-0210 Rev P01
- GHA-XX-XX-DR-A-0202 Rev P01
- Daylight and Sunlight Report (October 2024)
- Design and Access Statement (October 2024)
- 2201350-D002 Rev B
- 2201350-D001 Rev B

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

- 4 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 flank elevations, without the prior written agreement of the Local Planning Authority.

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

- 5 Prior to any above ground works, details of levels shall have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

Reason: To ensure the impact of the intended development upon adjacent properties and the street scene is acceptable, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 Prior to first occupation of the building/extension hereby permitted the window(s) in the flank elevation(s) at first floor level and above, shall have been fitted with obscure glass with a



minimum Pilkington privacy level 3 obscurity (or equivalent), and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained at these specifications thereafter.

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.

- 7 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 8 Prior to first occupation, the applicant/developer shall ensure that each dwelling has been provided with the necessary infrastructure to enable its connection to a superfast broadband network or alternative equivalent service.

Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with Policies D5, DM2, DM9 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 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.

- 10 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.

- 11 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.

- 12 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.

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

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 15 Prior to the commencement of development, a biodiversity net gain scheme (BNGS) demonstrating how the creation or enhancement of habitat for the provision of a minimum 10% biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The BNGS shall include the following:
- a) Description and evaluation of habitat/features proposed (to include full Metric (using most current version) and details of condition assessments).
  - b) Identification of adequate baseline conditions (for management and monitoring purposes) prior to the start of works (to include full Metric (using most current version) and details of condition assessments).
  - c) Aims and objectives for the proposed works.
  - d) Site specific and wider ecological trends and constraints that might influence works.
  - e) Details of the body/organisation/person/s responsible for undertaking the works and lines of communication.
  - f) Details of the legal and funding mechanism(s) by which the implementation of the BNGS will be secured by the developer with those responsible for its delivery.
  - g) Detailed design(s) and/or working method(s) to achieve stated objectives including type/source of materials, disposal of any wastes arising from works and appropriate scale plans showing location/area of proposed works.

- h) Works Schedule, aligned with any proposed phasing and including an annual work plan capable of being rolled forward over a five-year period.
- i) Prescriptions for initial aftercare and long-term management that will ensure the aims/objectives are met
- j) Details for on-going monitoring in years 2, 5, 10, 15, 20, 25 and 30, including:
  - Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the work can be measured
  - Methods for data gathering and analysis.
  - Location, timing and duration of monitoring
  - Review, and where appropriate, publication of results and outcomes, including when monitoring reports will be submitted to the local planning authority
  - How contingencies and/or remedial action will be identified, agreed with the local planning authority and implemented so that the original aims/objectives of the approved scheme are met.

The BNGS shall be implemented in accordance with the approved details and all habitats/features shall be retained in that manner thereafter.

Reason: In the interests of ensuring measurable net gains to biodiversity, in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 16 The development shall be carried out in accordance with the drainage strategy (RSA Drainage Assessment, Revision P3) and Drainage Layout (2230309, 10000, P3) submitted with the application unless otherwise agreed in writing with the Local Planning Authority.

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.

- 17 Tree protection shall be installed as shown on Tim Moya Associates Tree Protection Plan, Drawing No: 220443-P-42 Rev b dated 23/04/2024, 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 Epping Forest District Local Plan 2011-2033, and the NPPF 2021.

- 18 Prior to the commencement of development, a biodiversity net gain scheme (BNGS) demonstrating how the creation or enhancement of habitat for the provision of a minimum 10% biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The BNGS shall include the following:

- a) Description and evaluation of habitat/features proposed (to include full Metric (using most current version) and details of condition assessments).

- b) Identification of adequate baseline conditions (for management and monitoring purposes) prior to the start of works (to include full Metric (using most current version) and details of condition assessments).
- c) Aims and objectives for the proposed works.
- d) Site specific and wider ecological trends and constraints that might influence works.
- e) Details of the body/organisation/person/s responsible for undertaking the works and lines of communication.
- f) Details of the legal and funding mechanism(s) by which the implementation of the BNGS will be secured by the developer with those responsible for its delivery.
- g) Detailed design(s) and/or working method(s) to achieve stated objectives including type/source of materials, disposal of any wastes arising from works and appropriate scale plans showing location/area of proposed works.
- h) Works Schedule, aligned with any proposed phasing and including an annual work plan capable of being rolled forward over a five-year period.
- i) Prescriptions for initial aftercare and long-term management that will ensure the aims/objectives are met
- j) Details for on-going monitoring in years 2, 5, 10, 15, 20, 25 and 30, including:
  - Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the work can be measured
  - Methods for data gathering and analysis.
  - Location, timing and duration of monitoring
  - Review, and where appropriate, publication of results and outcomes, including when monitoring reports will be submitted to the local planning authority
  - How contingencies and/or remedial action will be identified, agreed with the local planning authority and implemented so that the original aims/objectives of the approved scheme are met.

The BNGS shall be implemented in accordance with the approved details and all habitats/features shall be retained in that manner thereafter.

Reason: In the interests of ensuring measurable net gains to biodiversity, in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 19 Prior to the first occupation of the development, the proposed on street parking as shown in submitted drawing 2201350-D001 Rev B shall be provided.

Reason: To ensure the residents parking displaced by the proposal is re-provided, in the interest of highway safety.

- 20 No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.

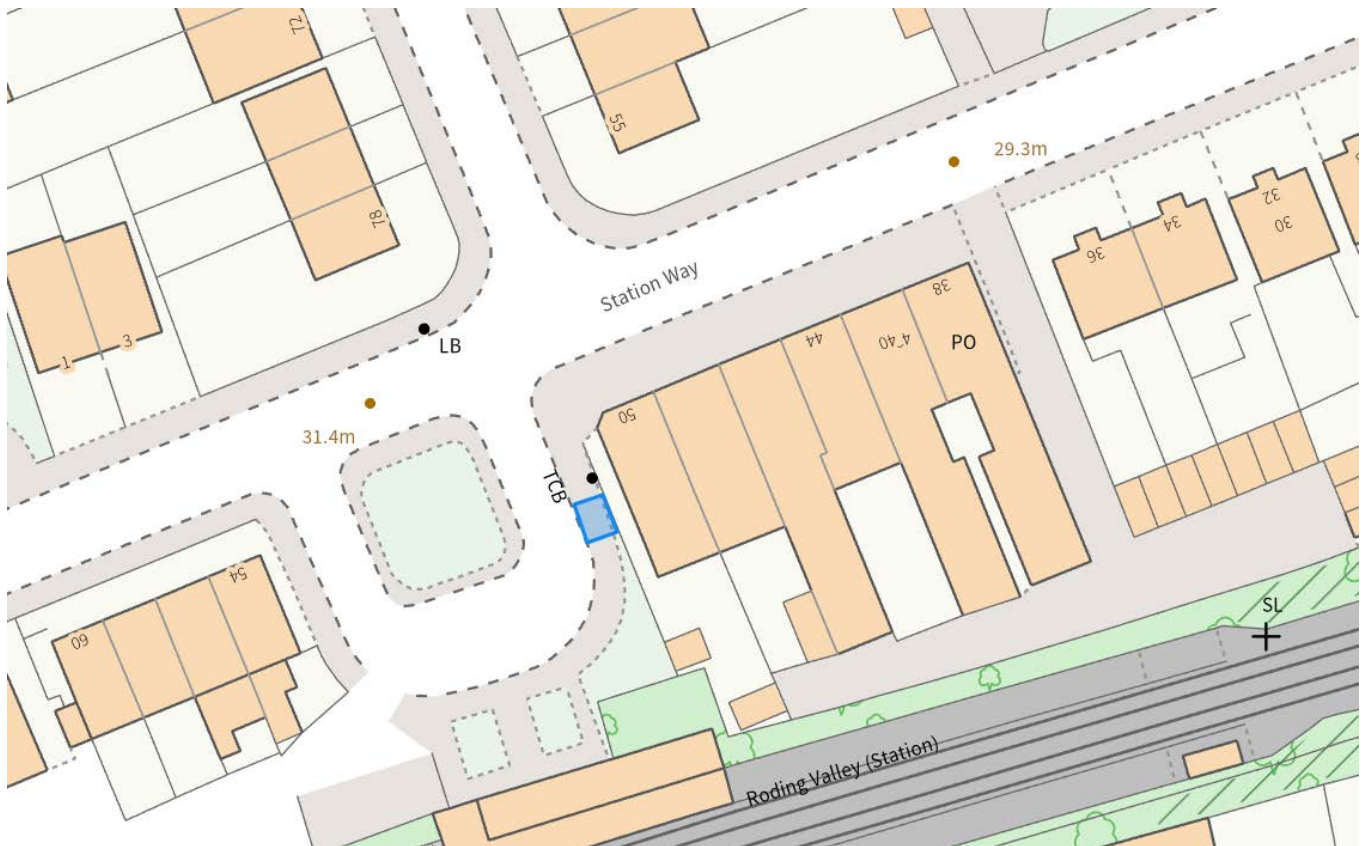
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

**Informatives: (4)**

- 21 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.
- 22 The Highway Authority recognises that the Traffic Regulation Order process to remove and re-provide the on-street parking displaced by the proposal sits outside of the planning process. Therefore, the Applicant is advised to proceed with the TRO process as soon as possible. The Applicant should be aware that the outcome of the TRO process is not guaranteed, and that the outcome will affect whether any planning permission that may be granted can be implemented.
- 23 There shall be no drainage of surface water onto the Highway.
- 24 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](mailto:development.management@essexhighways.org)

## OFFICER REPORT

**Application Ref:** EPF/1427/24  
**Application Type:** Full planning permission  
**Applicant:** Mr Fred Cheroomi  
**Case Officer:** Yee Cheung  
**Site Address:** Land to the South of Station Way, Buckhurst Hill, IG9 6LN  
**Proposal:** Installation of EV Charging Station  
**Ward:** Buckhurst Hill East and Whitebridge  
**Parish:** Buckhurst Hill  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv000000poh7>  
**Recommendation:** Approve with Conditions



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***This application is before this Committee since the recommendation is contrary to at least five contrary representations received on grounds material to the planning merits of the proposal (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council).***

### **Site and Surroundings**

The application site relates to a small area of footpath located to the land to the south side of Station Way, in close proximity to the entrance of Roding Valley Station.

The south side of Station Way comprises a parade of commercial, business and services with residential flats above. The north side of Station Way is predominately residential with Roding Village Hall and a public house to the northwest.

The application site on the land edged in red and blue are under the Applicant's ownership and is private land (The land ownership has also been confirmed by the Applicant in an email correspondence with the Council dated 25 November 2024).

### **Description of Proposal**

The application is a retrospective planning application to install an Electrical Vehicle Charging Point (EV), to construct an Automatic Number Plate Recognition (ANPR) mast and camera on land to the south side of Station Way, and to demarcate car parking spaces, in close proximity to the entrance of Roding Valey Station.

The EV Charging Point proposed will be approximately 1 metre in width x 2 metres in height x 0.7 metre in depth and will have dual outlets.

At the time of officer site visit on 2 December 2024, it is noted that the ANPR has been erected as shown on Drawing No. 2727: 01/01. The car parking spaces have also been marked out on site but are not shown on the submitted drawings. Only the EV Charging Point has not been installed.

### **Relevant Planning History**

No relevant planning history relating to this site.

### **Development Plan Context**

*Epping Forest Local Plan 2011-2033 (2023)*

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

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

- DM5 Green and Blue infrastructure
- DM9 High Quality Design
- DM20 Low Carbon and Renewable Energy
- DM21 Local Environmental Impacts, Pollution and Land Contamination
- DM22 Air Quality

### **National Planning Policy Framework (NPPF, 2024)**

The NPPF material consideration in determining planning applications. The following chapters and paragraphs are considered to be of relevance to this application:

- Chapter 2 Achieving sustainable development
- Chapter 12 Achieving well designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change



### **Consultation Responses:**

**EFDC – Noise** – A suitably worded planning condition relating to decibel levels to be imposed – email correspondence dated 19 December 2024

**EFDC – Air Quality** – No objection to the proposal – A planning condition that ensures that the charging station and its mechanical components are updated / upgraded accordingly as charging technology evolves.

**Essex County Council Highways** – No objection as the proposed EV charging bay is within an area on Station Way which does not form part of the publicly maintainable highway.

**Tree Officer** – Given the charging station installation is onto hard standing and at a sufficient distance from nearby trees, we have no observations to make on this application

**Fire and Rescue Service** - Access for Fire Service purposes have been considered in accordance with the Essex Act 1987 - Section 13 and the Building Regulations 2010.

The proposal itself does not affect fire service access to existing premises in the vicinity.

**Transport for London / London Underground** – No objection subject to condition.

### **Letters of Representation**

**Site Notice: Yes**

**23 letters of objection received. The reasons for objection are listed below:**

- EV charging point will remove two parking spaces closest to shops
- Impact on local businesses
- Owners of vehicles will be stationed there for a long period of time
- The unit has been installed too close to businesses and houses
- Wheelchairs and pushchairs are unable to use the pavement
- Dangerous for children and elderly people as they are forced to walk on the road
- Impact on protected trees
- Obstructing all highway users (cars and pedestrians)
- Incorrect information submitted with the planning application
- The cooling fan from the charging point is noisy
- Nowhere to park cars
- Fire risks – The charging point is close to commercial and residential buildings

**Buckhurst Hill Parish Council** – Objects to the planning application for the following reason:

- Negative impact to owners of businesses on Station Way
- Inappropriate sighting for this development
- The EV station will block pedestrian access on footpath
- The noise of the EV station will have detrimental impact to the residents
- There should have been a consultation with the residents and businesses

### **Main Considerations**

The main issues for consideration in this case are:

- Principle of Development
- Design of development
- Residential Amenity
- Protected Trees
- Highways
- Other considerations

### **Principle of Development**

Policy DM20 of the adopted Local Plan relates to low carbon and renewable energy. The policy states that the incorporation of low carbon and renewable energy will be encouraged with regard to both

standalone structures and micro renewables integrated into developments and will be supported subject to impacts such as noise, air quality, traffic, visual of the development etc. being avoided or mitigated through careful planning.

The development is a retrospective planning application for a EV charging point. The development is considered acceptable in principle subject to other material considerations which will be discussed below.

### **Design of Development**

The EV charging point (dual charger) measures 1 metre (width) x 2 metres (height) x 0.7 metre (depth). The unit is white in appearance with manufacturing logo and screen to the front. On balance, the design of development is considered acceptable as it has a neutral appearance in the street scene. For this reason, the proposal would accord with Policy DM9 of the adopted Local Plan in this respect.

### **Residential Amenity**

Policy DM21 of the adopted Local Plan relates to low environmental impacts, pollutions and land contamination. The Council requires that residual local environmental impacts of all development proposals after mitigation do not lead to unacceptable impacts on the health, safety, wellbeing and amenity of the development site, or the surrounding land. These impacts include noise, vibrations, light pollution, contamination, air quality, dust etc.

Concerns have been raised by the local residents that the EV charging point emit noise when cooling down. As part of the planning application submission, a design specification of the EV charging point was included which confirms that the units will be 'air-cooled'. It has been confirmed by the Applicant's in their submission that the EV charging point *"does not require any mechanical or electric cooling. The unit is fully enclosed, and the comprehensive documentation indicates no noise is generated."*

(Email confirmation: 25 November 2024).

The Environmental Health Team (noise) has been consulted and suggests a suitably worded planning condition can be imposed to ensure that any potential noise emitted from the charging point is acceptable to the area and not impact on the amenity of nearby residents and sensitive premises in accordance with Policy DM21 of the adopted Local Plan.

With regards to fire risks, the design specification of the EV charging point confirms that the model installed features an over-temperature and surge protection and therefore would not at risk. The Fire and Rescue Service has been consulted and raises no objection to the development as it does not affect fire service access to existing premises in the vicinity in accordance with the Essex Act 1987 - Section 13 and the Building Regulations 2010.

### **Protected Trees**

There is a green island opposite the entrance of Roding Valley Station which comprises of two trees which are subjected to Tree Preservation Orders (TPOs). Whilst no Tree Protection Plan or report have been submitted to support the EV charging point, it is important to note that the EV charging point has been installed away from the protected trees. For this reason, the protected trees are not harmed by the development in accordance with Policy DM5 of the adopted Local Plan.

The Tree Officer has been consulted and confirms that given the charging station installation is on hard standing and at a sufficient distance from nearby trees, the Council has no observations to make on this application.

### **Highways**

Letters of objection from residents have been received concerning the area of land and its use in conjunction with the EV charging point. The application site, where the EV charging point is positioned, is owned by the Applicant. The land is therefore under private ownership.

Issues with regards to reduced parking for local business and residential purposes, reducing the width of the pavement and impacting wheelchair, pram access etc. on private land are a civil matter and outside the Council's control.

ECC Highways have been consulted on this planning application and confirms that where the EV charging point is located, it is not adopted and therefore does not form part of the publicly maintainable highway. For this reason, the Highway Authority raises no objection to the position of the EV charging point as it accords with Policy T1 of the adopted Local Plan.

ECC Highways confirms that the private road however does have a Traffic Regulation Order (TRO) for waiting restrictions outside the station. As such, any alterations to the TRO (including lining) would need a separate application to ECC Highways and to be agreed with the Highway Authority. ECC Highways have been notified that there are markings on the private road and will be dealing with this accordingly.

### **Other Considerations**

Concerns have been raised by the local residents regarding to additional EV charging points being installed in the future. The installation of additional EV charging points will require further planning permission.

The Applicant confirms that the charging of electric vehicles will take approximately 40-45 minutes depending on the model and charging capacities of the cars. The Council's Environmental Health Team (air quality) has raised no objection to the proposal providing a planning condition is imposed to ensure that the EV charging station and its mechanical components are updated / upgraded accordingly as charging technology evolves which can be submitted in the form of a long-term operational / management plan.

The Council has also consulted Transport for London regarding the development proposal. No objection is raised subject to the imposition of a planning condition regarding the submission of a construction programme for the delivery of materials to ensure the driveway remains free from obstructions.

### **Conclusion**

The Highway Authority has raised no objection to the position of the EV charging point as the development is on private land. The EV charging point is considered acceptable and the development will contribute to supporting the Council towards a low carbon future and improving air quality for all. The proposal is therefore in accordance with Policies DM9, DM20, DM21 and DM22 of the adopted Local Plan and should be recommended for an approval subject to planning conditions.

### **Conditions: (5)**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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: Site Location Plan, 2727 01/02 and 2727: 01/01, Data Sheet RolecEV Ultra Charge 160 (rapid charging).

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

- 3 The use hereby permitted must cease during any period that the rating level of noise (as defined by BS 4142:2014+A1:2019 “Methods for rating and assessing industrial and commercial sound”) emitted from the charging unit exceeds the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:2014 + A1:2019

Reason: To protect the amenity of noise sensitive premises from noise from mechanical plant and to avoid any noise nuisance in accordance with Policies DM9 and DM21 of the Epping Forest District Local Plan (2011-2033) and the National Planning Policy Framework (2024).

- 4 The development hereby permitted shall not be commenced until the following documents, in consultation with London Underground, have been submitted to and approved in writing by the local planning authority which:

- provide a construction programme for the material delivery to ensure free passage of the driveway.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with Policy T1 of the Epping Forest District Local Plan (2011-2033) and the National Planning Policy Framework (2024).

- 5 Prior to any above groundworks taking place, details and location of the parking spaces equipped with the active Electric Vehicle Charging Point (EVCP) shall have been submitted to and approved in writing with the Local Planning Authority. The installation of EVCP shall be completed in accordance with the approved details. The details must include details as follows:

- Location of active charging infrastructure;
- Operation / management plan; and
- Specification of charging equipment to be used.

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, DM2 and DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the National Planning Policy Framework (2024).

**Informatives: (1)**

- 6 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.