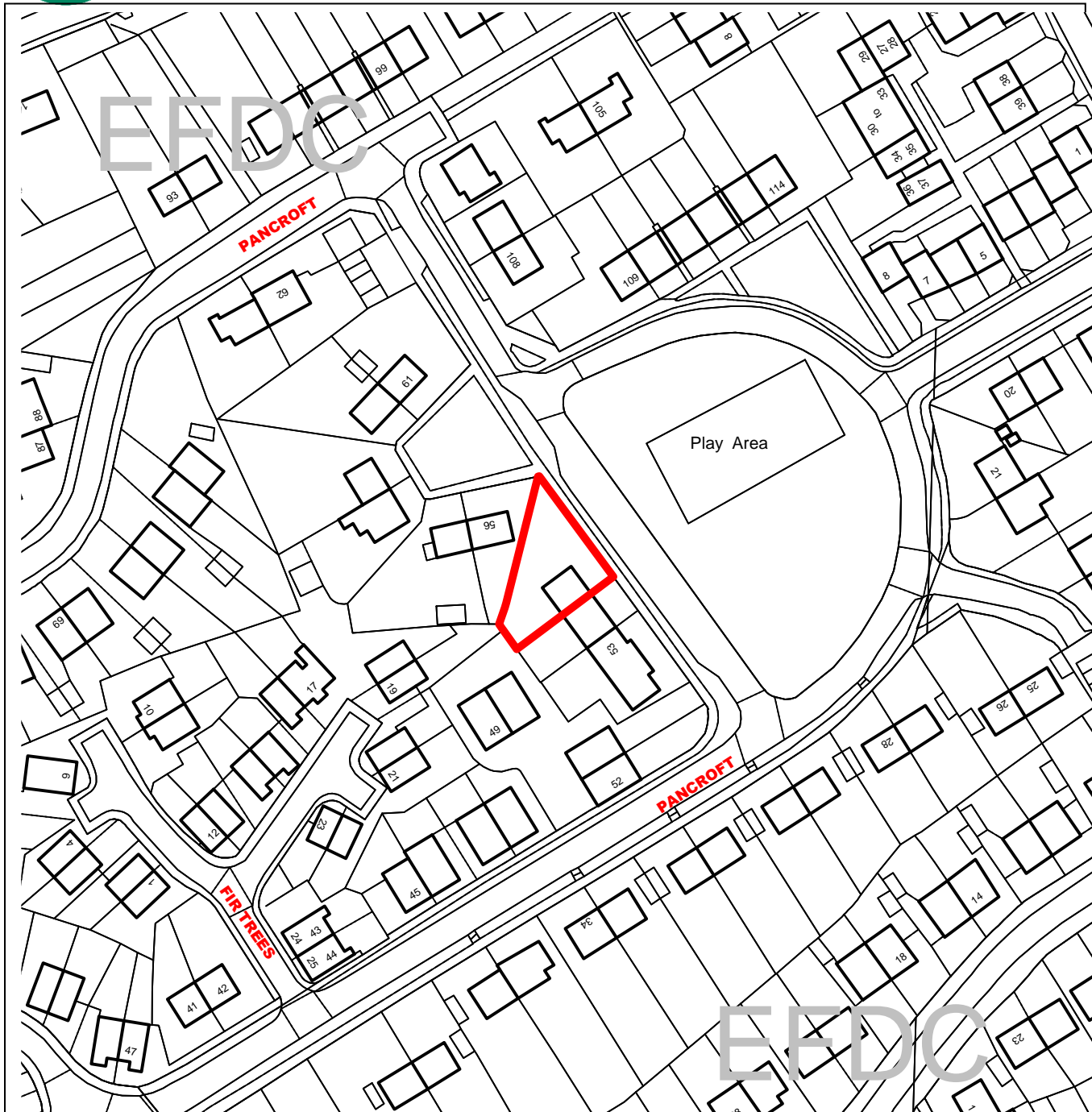




Epping Forest District Council



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Application Number:	EPF/1061/21
Site Name:	55 Pancroft Lambourne RM4 1BX
Scale of Plot:	1:1250

Report Item No: 12

APPLICATION No:	EPF/1061/21
SITE ADDRESS:	55 Pancroft Lambourne Romford RM4 1BX
PARISH:	Lambourne
WARD:	Lambourne
APPLICANT:	Mr A Spaicys
DESCRIPTION OF PROPOSAL:	Demolition of existing rear extension /conservatory, erection of rear extension and adjoining two storey 3 bedroom dwelling.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=651155

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

101; 102; 201; 202.
- 3 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Class A and Class E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.
- 5 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, unless the Local Planning Authority gives its written consent to any variation.

6 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.

7 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

8 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided

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

- 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.

And subject to the applicant first entering into a legal agreement under Section 106 to provide appropriate contributions towards management and monitoring measures on any adverse impact on the Epping Forest Special Area of Conservation with regard to recreational use and air quality.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3:

Site and Surroundings

55 Pancroft is a two-storey end-of-terrace house with a rear extension / conservatory and a garden to the side and rear. It is situated in a built-up area in Abridge. There is on-street parking available at the front of the property and there is a public green space with a play area across the road. 55 Pancroft is not listed and it does not lie in a conservation area. The site is situated just outside the 3km zone of influence, but within the 6.2km zone of influence to the Epping Forest Special Area of Conservation.

Proposal

The applicants propose to demolish the existing rear extension / conservatory, to erect a new full-width rear extension of three metres in depth, and to add an adjoining two-storey three-bedroom dwelling to the terrace, to be situated in the existing garden to the side. The materials proposed for the additional dwelling are red brick and a tiled roof to match the existing dwelling at 55 Pancroft. No additional off-street parking is proposed, with future occupiers of the new dwelling to use on-street parking.

Relevant Planning History

None

Development Plan Context

Local Plan and Alterations 1998 & 2006 (LP)

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

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

- CP1 Achieving sustainable development objectives
- CP2 Protecting the quality of the rural and built environment

CP3	New development
CP4	Energy conservation
CP5	Sustainable building
CP6	Achieving sustainable urban development patterns
CP7	Urban form and quality
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE6	Car parking in new development
DBE8	Private amenity space
DBE9	Excessive loss of amenity to neighbouring properties
ST1	Location of development
ST2	Accessibility of development
ST4	Road safety
ST6	Vehicle parking
H2A	Previously developed land
H3A	Housing density
H4A	Dwelling mix
LL11	Landscaping schemes
RP4	Contaminated land
NC1	SPAs, SACs and SSSIs
NC4	Protection of established Habitat

National Planning Policy Framework 2021 (Framework)

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

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

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

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

Paragraphs 126, 130, 134.

Epping Forest District Local Plan Submission Version 2017 (LPSV)

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

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

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

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

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
SP2 Spatial Development Strategy 2011-2033	Some
SP3 Place Shaping	Significant
SP7 Landscape Character and Green and Blue Infrastructure	Significant
H1 Housing Mix and Accommodation Types	Some
T1 Sustainable Transport Choices	Significant
DM1 Habitat Protection and Improving Biodiversity	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM5 Green and Blue Infrastructure	Significant
DM6 Designated and Undesignated Open Spaces	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM11 Waste Recycling Facilities on New Development	Significant
DM15 Managing and Reducing Flood Risk	Significant
DM16 Sustainable Drainage Systems	Significant
DM17 Protecting and Enhancing Watercourses and Flood Defences	Significant
DM18 On Site Management of Waste Water and Water Supply	Significant
DM19 Sustainable Water Use	Significant
DM20 Low Carbon and Renewable Energy	Significant
DM21 Local Environmental Impacts, Pollution and Contamination	Significant
DM22 Air Quality	Significant

Consultation Carried Out and Summary of Representations Received:

Site visit: 08/10/21

LAMBOURNE PARISH COUNCIL – OBJECT The application is overdevelopment and considered to be garden grabbing'. They state, 'It is felt that the neighbour at 56 will lose light and we agree with their concerns. It should be noted that the neighbour has planning permission for a rear extension but now wonders whether to go ahead. Parking on the road is already extremely overcrowded and a danger for children crossing to the play area. This application will cause issues with construction traffic and then with the new householders' vehicles. The Council also feel that this should be two separate applications as it will be two properties.

Ten neighbours were consulted.

56 PANCROFT – OBJECT to the application citing concerns about privacy and loss of light. In their view, 'all first floor windows looking out to the rear would be looking straight over and into our garden leaving us with very little to no privacy any longer'. They express that they have had, 'plans agreed to build a rear extension that would involve the use of skylights to increase the amount of light flooding into the new extension area. However, with a new dwelling being erected to the east there would be an impact of reduced light coming in.' They state their view that the proposed development will negatively impact upon the symmetry of the close and be damaging to the street scene. They are also concerned that the development would create further pressure on parking. Non-material issues, such as concern about detrimental impact on property value, are also cited in the objection.

Essex County Council Highways comment, 'From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.'

Cadent Gas and National Grid have no objection to the proposed activities. They state that searches have identified that there is no record of apparatus in the immediate vicinity of the application site.

EFDC Land Drainage officers have no objection to the planning application in principle, subject to the submission of further details of the surface water drainage system.

EFDC Contaminated Land officers recommend that a land contamination condition be attached to any approval.

The applicants have submitted a Vehicle Trip Generation Assessment as part of the proposal. Following appraisal of this report EFDC Transport Planning consultants are, '*content that the proposal for one additional residential unit in this location is unlikely to present a material impact within the EFSAC based on the data presented in the attached assessment.*' They state, '*While the assessment does not specifically assign the 5 additional AADT onto the highway network, it is reasonable to accept that the additional 3 predicted AADT movements within the EFSAC or the associated 200m buffer do not need to be modelled further and that the developer contribution would be acceptable to mitigate the predicted impact.*'

Main Issues and Considerations:

The main issues for consideration in this case are:

- a) The design of the proposal and its impact on the character and appearance of the locality;
- b) The impact on the amenity and living conditions of neighbours;
- c) The potential impacts on the integrity of the Epping Forest Special Area of Conservation;
and
- d) Highway safety and parking.

Design, character and appearance

The external appearance of the additional house proposed is in proportion with and in keeping with the houses in the terrace and it would relate positively to its context and the street scene. The proposed rear garden space is of a triangular shape, which is somewhat unconventional, and measures circa 50 cubic metres. Although the rear garden appears somewhat cramped, there is substantial amount of additional garden and amenity space available to the side and front of the property, plus a park and play area across the road. The proposal also reduces the size of the garden at the existing property 55 Pancroft. However, it is considered that the remaining garden amenity space will be adequate for existing and future occupiers. Constrained private gardens such as this can be seen within the immediate locality and are balanced out by the presence of public open space.

The proposed new property will have two double bedrooms and a small third single bedroom. Overall, the new property will have a gross internal area of circa 88 square meters. Officers consider that the proposed new dwelling is appropriately located and that the existing plot is large enough to facilitate the development of a new house in the row. Rather than perceiving the proposal as 'garden grabbing' officers are of the view that the proposal takes a rational approach to infilling, in order to deliver a new home. Officers are satisfied that the rear extension to the back of 55 Pancroft is sufficiently in keeping with the character and appearance of the existing house. Basic landscaping details have been provided by the applicant, and further hard and soft landscaping details may also be requested by condition. It is recommended that Class A and Class E permitted development rights should be removed from the proposed new dwelling, in order to safeguard the amenity space at the property and in order that the Local Planning Authority can exercise some control over potential future extensions on the site.

Amenity and living conditions of neighbours

At the narrowest point, the proposed new dwelling maintains a minimum gap of circa 1.2 metres to the boundary with number 56. The neighbour at 56 Pancroft has recently received Prior Approval for a larger home rear extension of six metres in depth (EPF/0046/21). This extension is not represented on the plans submitted with this application, however the extension was under construction when the case officer visited the site. According to the block plan submitted with EPF/0046/21, the single storey rear extension at number 56 would build right up to their boundary, leaving no space at the side, also creating a relatively small near-triangular rear garden at the back of this property. Having visited the site, officers are satisfied that the proposed new dwelling will not result in a harmful loss of daylight / sunlight for the neighbour at number 56 and also that the remaining light will be adequate. While there may be a degree of overlooking to the rear garden at number 56 from the first floor rear windows of the new dwelling, officers do not consider that this would be detrimental to the amenity and living conditions of these neighbours to such an extent that the planning application should be refused on these grounds. Due to the orientation of the proposed development and due to its spacing from the boundary at the side, officers are satisfied that the development is not over-bearing or overly enclosed in form.

Impacts on the integrity of 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 Impact Pathways 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 3km - 6.2 km Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently the development 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 the application proposal lies more than 3km from the boundary of the EFSAC there is

no requirement to make a financial contribution. Within this strategic context the Council is satisfied that the application proposal would not, as a result, have an adverse impact on the integrity of the EFSAC.

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.

Conclusions

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.

Highway safety and parking

No on-site parking is proposed as part of this scheme and the site lies in a location with relatively poor access to public transport. It is therefore expected that the future occupants of the new dwelling will require the use of at least one, and possibly two cars.

Nonetheless, on-street parking is available, and at the time of the site visit there were enough parking spaces available in the vicinity to accommodate another two vehicles. Essex County Council Highways Division have no objection to this application as it is not contrary to relevant policy.

Conclusion

The proposal is a logical addition to the site. The scheme is of an acceptable standard of design and it acceptably safeguards the amenity and living conditions of neighbours. It is recommended that planning permission is granted, subject to conditions and subject to completion of a Section 106 agreement to secure the appropriate financial contribution in accordance with the EFSAC Interim Air Quality Mitigation Strategy.

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

***Planning Application Case Officer: David Maguire
Direct Line Telephone Number: 01992 564 166 (ext. 2375)
or if no direct contact can be made please email:
contactplanning@eppingforestdc.gov.uk***