



# Epping Forest District Council



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

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# OFFICER REPORT

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

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

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

## **Description of Site:**

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

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

## **Description of Proposal:**

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

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

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

## **Relevant History:**

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

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

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

### **Policies Applied:**

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

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

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

- SP1 Spatial Development Strategy
- SP6 The Natural Environment, Landscape Character and Green and Blue Infrastructure
- T1 Sustainable transport choices
- T2 Safeguarding of routes and facilities
- DM1 Habitat Protection and Improving Biodiversity
- DM2 Epping Forest SAC and the Lee Valley SPA
- DM9 High Quality Design
- DM10 Housing Design and Quality
- DM15 Managing and reducing Flood Risk

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

*NPPF (July 2021):*

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

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

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

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

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

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

Date of site visit: 16 January 2023

Number of neighbours consulted: 82

Site notice posted: No, not required

Responses received: Response received as below:

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

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

Farthingale Court – 32, 37

Farthingale Lane – 24

Harrier Way – 3

Merlin Close – 12, 15, 19, 25

Peregrine Road – 5, 7

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Conclusion:**

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

Assessing the issues relevant to the prior approval process, officers consider on balance that the potential impact of the proposals is sufficiently mitigated to allow approval subject to conditions.

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

**Planning Application Case Officer: Ian Ansel- Telephone Number: 01992 564000 or if no direct contact can be made, please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**

**Conditions: (9)**

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

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

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

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

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

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

- 4 Prior to the commencement of construction works, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

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

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

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

- 6 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the submitted application.

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

- 7 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 8 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

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

**Informatives: (1)**

- 10 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.