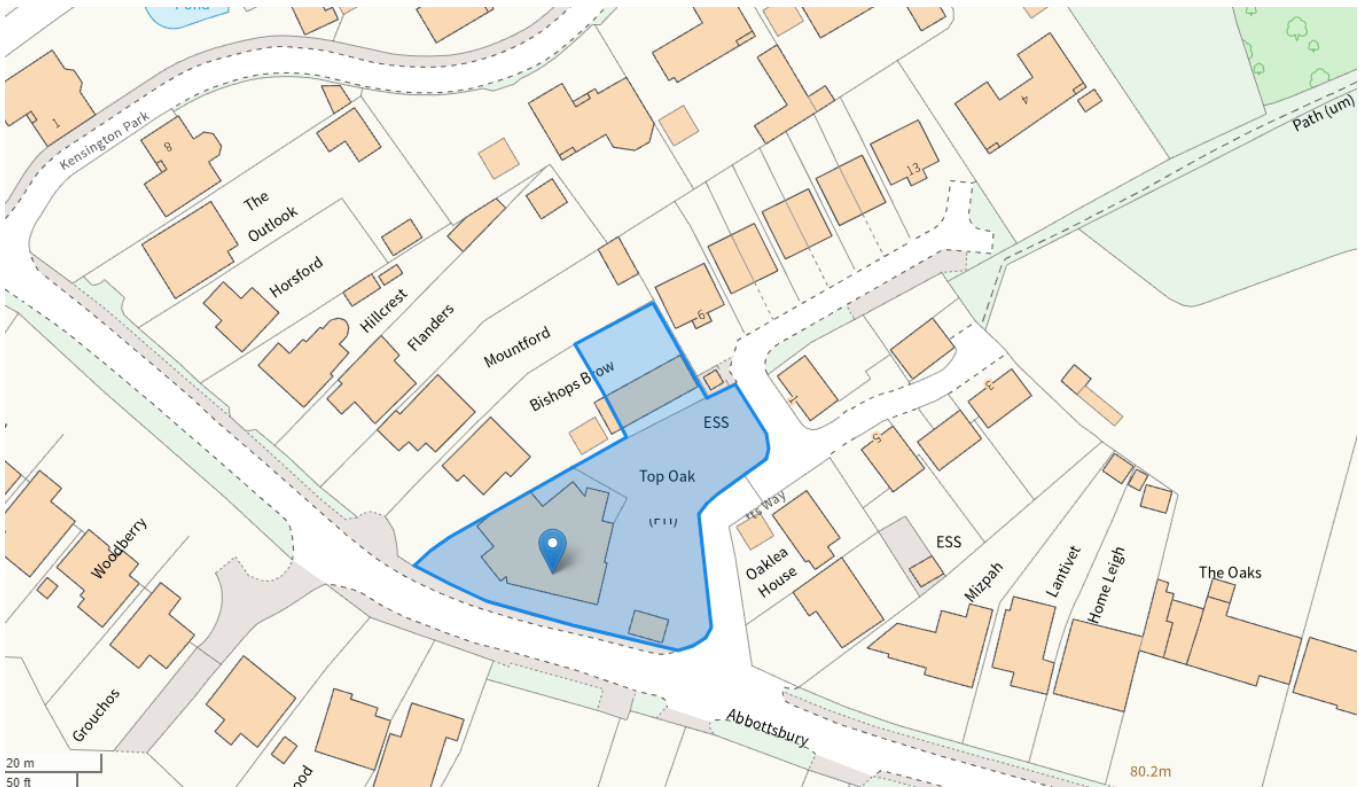


# OFFICER REPORT

**Application Ref:** EPF/0641/24  
**Application Type:** Full planning permission  
**Applicant:** Mr Peter Lewis  
**Case Officer:** Sukhvinder Dhadwar  
**Site Address:** The Top Oak Public House, Oak Hill Road, Stapleford Abbots, Romford, RM4 1JL  
**Proposal:** The proposed design is for the addition of 5 flats; all of which are housed within new-build structures, with the existing flat retained at first floor within the existing pub.  
**Ward:** Passingford  
**Parish:** Stapleford Abbots  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv0000004V6r>  
**Recommendation:** Approved 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 5 representations received (including from a local council or local amenity group) that are material to the planning merits of the proposal.***

### **Description of Site:**

The application site covers an area of 0.22 hectares. It is located on the northern side of Oak Hill and is west of Abbots Way. It is currently in use as a public house.

A public right of way runs along Abbots Way. The site falls outside of the Green Belt.

### **Description of Proposal:**

Permission is sought for the addition of 5 flats; all of which are housed within new-build structures, with the existing flat retained at first floor within the existing pub.

Flat no.	Number of bedrooms	Floor area sqm	Amenity space sqm
Flat 1 (GF)	1 bed 2 person	51.8	22.5
Flat 2 (GF)	2 bed 4 person	73.7	35.9
Flat 3 (GF)	2 bed 4 person	74.4	20
Flat 4 (FF)	2 bed 3 person	68.2	6
Flat 5 (FF)	2 bed 3 person	63.2	8.9

74 sqm of communal amenity space will also be provided.

11 standard and 1 mobility car parking spaces are proposed for the residents and 20 will be retained for the pub /restaurant use.

### **Relevant History:**

Reference	Description	Decision
EPF/0717/11	New metal external staircase.	Refused
EPF/2190/13	Outline application for five detached dwellings with garages.	Withdrawn
EPF/1023/14	Rationalisation of public house grounds and revised access	Approved
EPF/1024/14	Outline application for five dwellings including determination of access, layout and scale.	Approved
EPF/0090/15	Erection of five dwellings (Revised application to outline consent EPF/1024/14)	Withdrawn
EPF/1601/15	Five detached four-bedroom houses.	Approved
EPF/0267/16	Revised application to existing approval for five houses. Internal layout changes and insertion of dormers and rooflights.	Refused
EPF/1429/16	Existing approval for five houses ref: EPF/1601/15. Internal layout changes and insertion of dormers and rooflights.	Approved
EPF/2852/19	Provision of a gate which will allow vehicular access to the site with open pedestrian access.	Approved
EPF/0624/23	the addition of 6 flats; all of which are housed within new-build structures, with the existing	Refused

flat retained at first floor within the existing pub.

The development would result in the loss of floorspace serving a community, leisure and cultural purpose. The existing public house is further compromised by the lack of detail provided to satisfy the Council that remaining facilities will be equivalent or better in terms of quality, quantity and accessibility and it has not been demonstrated that there will be no overall reduction in the level of facilities in the area in which the existing development is located. In addition the residential use in close proximity to the pub will further undermine its usability and as a result, its viability. The loss of the facility would reduce employment in the area; undermine the village as a sustainable place and would be harmful to local community cohesion. The proposed development is therefore contrary to policy D4 of the Adopted Local Plan (2023) and chapter 8 of the NPPF.

The proposed dwellings due to their number, bulk, mass and position represents an overdevelopment of the site resulting in a cramped appearance. This is demonstrated by the distances between the dwellings and the existing pub and neighbouring properties resulting in poor usability of the amenity space, overlooking and noise and other disturbances for the future occupiers. The proposal would therefore be a poor-quality form of development which is contrary to the requirements of chapter 12 of the NPPF, DM5, DM9, DM10 and DM21 of the Adopted Local Plan (2023).

As far as can be determined from the submitted plans the applicant does not appear to control sufficient land to provide the required vehicular visibility splays for the speed of the road, for the proposed access. The lack of such visibility onto Oak Hill Road, a classified 'Class B' road, would result in an unacceptable degree of hazard to all road users to the detriment of highway safety and as such is contrary to the requirements of Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023).

The application does not provide sufficient information to satisfy the Council, as competent authority, that the development has not adversely affected 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 development should be permitted. As such, the development is contrary to policies DM2 of the Adopted Local Plan (2023), and the requirements of the Habitats Regulations 2017.

## **DEVELOPMENT PLAN**

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

Epping Forest Local Plan 2011-2033 (2023):

On the 06 March 2023 at an Extraordinary Council meeting the Submission Version Local Plan was adopted by Epping Forest District Council. The now adopted Local Plan will be referred to as the Epping Forest District Local Plan 2011-2033.

The relevant policies are listed below:

### **Policy**

SP1 - Spatial Development Strategy 2011-2033

SP2 - Place Shaping  
H1 - Housing Mix and Accommodation Types  
T1 - Sustainable Transport Choices  
DM1 - Habitat Protection and Improving Biodiversity  
DM2 - Epping Forest SAC and the Lee Valley SPA  
DM5 - Green and Blue Infrastructure  
DM7 - Heritage Assets  
DM8 - Heritage at Risk  
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  
DM18 - On Site Management of Wastewater and Water Supply  
DM19 - Sustainable Water Use  
DM20 - Low Carbon and Renewable Energy  
DM21 - Local Environmental Impacts, Pollution and Land Contamination  
DM22 - Air Quality  
D4 Community, Leisure and Cultural Facilities

#### NATIONAL PLANNING POLICY FRAMEWORK (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.

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

Responses received:

**13 ABBOTTS WAY, BROOKEND OAK HILL ROAD, HARWOOD OAK HILL ROAD, CLOVERLY OAK HILL ROAD, MON ABRI OAK HILL ROAD, FLANDERS OAK HILL ROAD, , THE GAYTONS OAK HILL ROAD, 3 emails** no address given OBJECT on the following grounds:-

- Overdevelopment of the site and village

- Out of character with area
- Will cause traffic congestion
- Inadequate parking
- Loss of highway safety
- Over saturation of homes in this location already, infrastructure cannot cope with more.
- This site has already avoided any obligation to build social housing due to filing now three separate planning applications. Initially one for 5 houses, this followed by an application for 8 and now another 5 making 18 in total for the same developer and site. Whilst this is a technicality it is still overdevelopment of a site which used to comprise of a pub and restaurant, a garden and a large car park. The proposals will mean a site with 18 properties and a small bar.
- The restaurant will under the current plans be lost, causing partial loss of a community facility contra to statements on page 38. The documents provided state that ‘ the proposed side extension should not appear as a bulky addition and as an unsympathetic addition as this will have an impact to the street scene and wider area’
- Despite changes to the original plans in pre application the structure will still affect surrounding neighbours and create an unsightly view.
- In relation to Bishops Born, the residents parking is planned for Bishops Born garden where the structure referred to in the documents has already been removed. Should parts of this application therefore be for Bishops Bron rather than the Pub site?
- The plans suggest over 50% of the existing property to change to residential accommodation from what is currently a service provider.
- The plans refer to removing an illegally built building which has already been removed.
- The planning committee have failed to listen to residents over recent years and have continued to permit over development not in keeping with a village. Some even on green belt land. This needs to stop as the village just can’t cope and is beginning to resemble a concrete town not a village.
- We have a skeleton bus service with none on a Sunday, so cars are essential. One small village shop, overhead power which often fails, and inadequate drainage causing flooding on a regular basis.

**PARISH COUNCIL:** We as Stapleford Abbots Parish Council object to the proposal to build further residential properties in Stapleford Abbots; this is unacceptable as the local plan identifies 47 new properties and we currently have 153 agreed for planning which is an excess of 106 in a village of approximately 1000 properties.

· Overdevelopment on site and overcrowding in the village: This site has been developed very heavily over the last few years, and this proposal would create an overdevelopment of site and the confined, built-up area as a whole. Ironically, many new build houses in the vicinity have not yet sold and are rented or empty, which suggests that the village does not need any extra buildings.

As seen below, the new applications vastly exceed the recommended number of new dwellings laid down in the Local Plan for the village:

ADDRESS	EPF NO	DWELLINGS ON RECORD
Esperanza Nursery	3242/21	8
Woodside Farm	3180/21	9
Woodlands Farm	3073/21	9
The Drive	2875/21	6
The Haven	2449/21	2
Redbridge	1451/20	2
High House Farm	0524/20	20

Spencers Farm	2579/19	6
Rear Royal Oak	We already have	5
Maes Mawr	We already have	3
Argyl	EPF/0291/19	1
Oak Hill Green	<a href="#">EPF/0216/20</a>	42
Kensington Park Tower	<a href="#">EPF/2622/22</a>	1
Land adj. Esperanza	<a href="#">EPF/0557/23</a>	2
The Cot	<a href="#">EPF/0637/23</a>	1 (barn conversion)
Rowlands	<a href="#">EPF/1647/22</a>	2 from 1 demolition of 1
Olives Farm	<a href="#">EPF/1428/23</a>	2
Chatsworth Mews	<a href="#">EPF/3242/21</a>	8
Kensington Park	EPF/0129/23	3
Stapleford Farm	EPF/0238/19	6
The Stables	EPF/0933/23	1
The Pillars	EPF/0311/23	8 (3 conversions 5 new build)
Top Oak Flats	EDF/0624/23	6
		153 as of 8/8/23

**SUBMISSION VERSION OF THE LOCAL PLAN STATES:**

**Stapleford Abbots 5.153**

· There are site allocations in Stapleford Abbots - these settlements are inset from the Green Belt.

**Residential Sites 5.154**

Policy SP 2 sets out the number of homes the Council will plan for in Stapleford Abbots over the Plan period which is as follows:

· **Stapleford Abbots approximately 47 homes.** *(Officer comment: Adopted Local Plan has reduced this to approximately 33 para 5.150 and policy P12 (B)).*

5.155 The Council considered the possible spatial options to accommodate new homes.

· Stapleford Abbots Intensification - This option provides opportunities to maximise existing brownfield land and promote infill by focusing development on lower performing Green Belt land immediately adjacent to the settlement.

**Further objections from the Parish Council**

· Out of keeping with the rest of the village: The proposed development is denser than any other in Stapleford Abbots, and its design is very bland and is not the same aesthetic as the pub building, let alone the settlement's detached & semi-detached housing. It states that flat sizes meet London minimum sizes -

do we follow the London sizing, which is news to us. It sounds like an extremely small scale.

· Social impact: The Top Oak is central to Stapleford Abbots literally and figuratively. It is a popular social meeting point and social hub for residents and more. The village has very few amenities – a limited bus service and currently, no shop, so this development both burdens and robs the infrastructure.

· Impact on the pub as a viable business: The plans say half of the existing property would become residential from what was a service provider. The proposal reduces the size of the Top Oak as a pub and restaurant, which we fear would affect its commercial viability and cause it to be closed as a business and social amenity (and encourage the site to be put up for residential usage) There are very few commercial businesses in this parish, so the loss of local employment would be detrimental too.

· Traffic safety re. parking: The reduction in car parking to the pub (there are mooted to be 13 parking spaces for the Top Oak's customers) will result in inadequate provision and encourage parking on Oak Hill Road, which is notorious enough in the neighbourhood already. The 13 spaces for the pub are not enough –

the car park has been whittled down over the years by two other developments in back.

- Anomalies: The plans mention removing an illegally built building, but this has already been removed. The neighbouring garden is being included for parking, but this is not clear on the plans: residents parking is planned for Bishops Bron garden where the structure in the documents has been removed. Should parts of this application therefore be for Bishops Bron rather than the pub site? The application also affirms that no trees are affected but the proposal says that some will be removed.
- Road safety: Oak Hill Road is a busy road, potentially busier once High House Farm and Oak Hill Green are built, and this development will create traffic congestion and an increased risk of road traffic accidents. The small size of the access point and smaller yard space will also force delivery lorries to park in the road, adding to the hazard.
- Serious safety hazards: There are two entrance/exits to this site and both are on a bend which is notorious for near misses. The vehicular access point itself is on a bend with poor sight lines, also creating the risk of road traffic accidents for both drivers and pedestrians. We require clarity over our concerns of the accessible parking entrance being on a blind bend. This will also create problems for emergency services, and refuse collections; being on a bend, it won't be an ideal collection point.
- We request an updated highways report due to the locality.
- Noise nuisance: A pub and restaurant next to or on the site of this proposed residential development would pose an obvious risk of noise disturbance to its new immediate neighbours.
- Utilities: More development in Stapleford Abbots, here and nearby, risks extra strain on underground drainage, which is already overstretched and struggles especially in severe weather conditions. The area suffers from regular power cuts and this development would further strain the electricity system.
- Social housing: This site has already circumvented the obligation to build social housing, as it has put in three separate planning applications - one for 5 houses, one for 8 and now another 6, which adds up to 19 in total; the developers are different, but the site is the same.
- Local knowledge: The map that marks places of historical interest does not reflect the locality – it lists Havering Atte Bower and not nearer places like Stapleford Hall. We are concerned that the planning officer does not know the area. We also note that the 2001 and 2011 census results are quoted – there has been a more recent census in 2021 and the village has expanded greatly in number between 2001 and now. It also says the village is about a mile long, but we believe it is longer than that – perhaps cancelling our traditional designation as a small village. The application fails to mention that the map produced in areas of local special interest is not of our village (Page 12).

Please note that should this come to Committee our Chair will register to speak.

Letters of **SUPPORT** from **1 ABBOTS WAY and BISHOPS BROW (Applicant's ownership)**

Positive addition to the area.

The proposal will not negatively impact Bishops Brow, our windows face the boundary fence and will remain unaffected by the new construction. Additionally our rear garden will not be affected. The new carpark will benefit pub and apartments.

Pub will suffer if not approved.

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

#### **Local Plan**

As part of the process of producing the emerging Local Plan, work was undertaken to establish what economic and housing growth was required for the plan period 2011-2033. This application site has not been through the site selection process carried out by Arup.

Policy SP 1 of the LP indicates that Coopersale, Fyfeild, High Ongar, Lower Sheering, Sheering and Stapleford Abbots has a combined growth requirement of 161 homes over the plan period. This target will be achieved through sites allocated under policy P 12, of which the application site is not one.

Policy P12 has one allocation for residential development. Its reference is STAP. R1, this site was allocated to provide 33 homes within the LP, however, the planning approval under reference EPF/0216/20 permitted for 42 homes.

Additional 'windfall' sites will be permissible under Part B of Policy SP 1, within defined settlement boundaries, where it is demonstrated that there will be no harm to integrity of the EFSAC and where they comply with all other relevant policies of the Local Plan.

The number of units proposed are less than 6 and therefore the development falls within the 'windfall' category. The site is also within a settlement outside of the Green Belt and in flood zone 1. The proposal therefore meets the requirements of a windfall site.

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

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

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concludes that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are 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 parts of the methodology underpinning the appropriate assessment HRA 2019, no issues were identified in relating to the screening of the LPSV or the Pathways of impact identified. Consequently the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

Recreation activities arising from new residents (recreational pressures); and

Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

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

The site lies outside of the 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 will not result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.



The development has the potential to result in a net increase in traffic using roads through the EFSAC. Therefore the proposal has the potential to result in a likely significant effect on the integrity of the EFSAC as a result of atmospheric pollution.

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

## Stage 2: Appropriate Assessment

### 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.

### **Viability Pubs Community facilities**

Paragraph 92 of the NPPF requires local authorities should:

c) guard against the unnecessary loss of valued facilities and services, particularly Where this would reduce the community's ability to meet its day-to-day needs;

The proposal will result in the loss of around 193 square metres of ancillary pub space, this area currently houses restaurant space, toilets and back of house facilities.

Policy D4 (G) of the Local Plan requires:

G. Proposals that would result in the loss of valued facilities currently or last used for the provision of community, leisure and cultural activities will only be permitted if it is demonstrated that:

(i) the facility is no longer needed for any of the functions that it can perform; or

(ii) it is demonstrated that it is no longer practical, desirable or viable to retain them

and the applicant can demonstrate through evidence, including marketing of the site, that there is no longer a reasonable prospect of the site being used for the existing community use; or

(iii) any proposed replacement or improved facilities will be equivalent or better in terms of quality, quantity and accessibility and there will be no overall reduction in the level of facilities in the area in which the existing development is located; or

(iv) the proposal will clearly provide sufficient community benefit to outweigh the loss of the existing facility, meeting evidence of a local need.

The applicant has provided a statement which indicates that due to the cost of living crisis and the cost of food increasing to such an extent that the restaurant is now no longer viable. This statement has not been independently verified, however the case officer when dealing with other applications, where independent assessments have been given and reviewed, it was found that the circumstances outlined by the applicant are indeed correct for the whole sector (EPF/3081/21 Cock and Magpie Public House Epping Road), it is on balance therefore accepted.

### **Dwelling mix**

The dwelling mix is considered suitable for smaller households; the proposal would therefore meet an existing housing need within the District in line with the requirements of policy H1 of the Local Plan.

### **Design**

Policies SP3, DM5, DM9, DM10 and DM20 of the Local Plan require that Plan requires that new development is satisfactorily located and is of a high standard of design and layout. The appearance of new developments should be compatible with the character of the surrounding area. These policies also seek to ensure that design is considered more holistically in order to contribute to public health, quality of life, sustainability as well as contributing positively to visual amenity.

The pub was built in the early 20<sup>th</sup> century and is a good example of its type and period as it retains most of its original features and detailing. This includes windows, doors, chimneys, exposed rafters and eaves details. It is therefore considered that the building has sufficient social, architectural and historical merit to be designated as a Non-Designated Heritage Asset (NDHS).

The proposal will result in the removal of 216 square metres of modern extensions.

The front proposed extension is in a similar position to that of the existing restaurant extension but then extends a further 15.3m northwest into the site at ground floor level.

The first floor is set 8.6m back from the ground floor front elevation and then extends a further 24m. The visuals exclude the boundary treatment between the units, which will add to the built form in this location. Whilst the north elevation will be obscured by the development, the removal of the modern extensions, the splayed position of the extension and the first floor set back of the proposal will ensure that the presence of the building is still read. It is for these reasons considered that the proposal will preserve the character and appearance of the NDHS.

The exterior finishes of the extension containing the residential accommodation will include Dentil handmade brick courses, exposed timber trusses, sprung window and door, shiplapped timber / slates / clay pantiles etc. are proposed are proposed. These high-quality materials and detail will have a positive impact on the character and appearance of the area.

The proposal will facilitate the renovation of the exterior of the existing pub building. All modern-day additions (soil pipes / alarm boxes etc.) will be stripped away (drainage will become internal), and the facades and roof will be carefully restored or upgraded. The proposed extension to the pub will be in a style in keeping with the main pub building.

The number of units has reduced from seven to six (net five) has resulted in an approximately 20% decrease in proposed mass and footprint.

## **Quality of resulting residential accommodation**

The proposed self-contained units have an acceptable internal size outlook, layout and ventilation in accordance with principles laid out in the National Technical Housing Standards (2015) and the Essex Design Guide.

Whilst it is noted that the private gardens are very small, they remain useable, and the proposal also includes a high quality landscaped communal garden. The amenity space provision is on balance therefore considered acceptable.

The beer garden has been relocated further away from neighbouring dwellings, now standing at 18.5m as opposed to the previous 2m, with the addition of a buffer zone of soft landscaping.

While Flat 2 is situated in close proximity to the pub, the internal layout of the pub has been strategically arranged to create a noise buffer zone, incorporating circulation areas and WCs. Additionally, high-specification acoustic separating walls with sound insulation will be installed to enhance noise insulation further.

Addressing overlooking concerns, a 1.8m high native species-rich hedge planting will be implemented along the boundary dividing Flat 1 from the pub.

Details in regard to the secure covered cycle storage are considered acceptable.

One of the units will have its own separate access to allow close parking and will therefore be suitable for occupiers with mobility issues.

The residential units will be in close proximity to an existing pub.

The homes are located in close proximity to an existing pub. Paragraph 193 of the NPPF requires:

“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

Given that the proposal is for market housing and the new occupiers will be aware of the existing pub prior to their agreement to move in, it is considered reasonable in light of paragraph 182 of the NPPF that a reasonable amount noise will still occur, however, subject to sound insulation conditions this in itself is not a sufficient reason for refusal.

The design changes are therefore considered sufficient by officers to overcome reason 2 of EPF/0624/23 and now meet the requirements of policies DM9, DM10 and DM21 of the Local Plan.

## **Impact on the living conditions of neighbouring residential occupiers**

The occupiers of Bishops Brow and 1 Abbots Way support the application. The section of land within the rear garden of Bishops Brow has already been fenced off.

The proposal will result in the change of use of the rear garden at Bishops Brow being turned into a car park. However 11 spaces within this area will be reserved for residents only and conditions are recommended to ensure that the patrons from this existing pub do not disturb neighbours. It is therefore on balance considered that the impact on 6 Abbots Way and Mountford will not be excessive in accordance with the requirements of policies DM9(I) and DM22 of the Local Plan.

All other properties are sufficiently distant to ensure that they will not be materially affected.

## Highways

Plans have been amended to address the concerns raised by the Highways Authority in the previous application. The Highway Authority are now satisfied that adequate visibility can be provided and therefore subject to conditions raise no objections. The proposal therefore accords with the requirements of policy T1 of the Local Plan.

## Flood Risk and Drainage

The Land Drainage Team have no objection to this proposal subject to a condition requiring surface water drainage details. It is on this basis that the proposal complies with the requirements of policy DM16 of the Local Plan.

## Conclusion:

The proposal is located on previously developed land which is outside of the Green Belt. The proposal will provide homes to meet local housing needs. The impact on neighbours, highway safety and parking will not be excessive.

Approval is therefore recommended subject to conditions and the completion of an unilateral undertaking to secure contributions to mitigate against any harm caused by the proposal either alone or in combination to the integrity of the EFSAC.

***Should you wish to discuss the contents of this report item please use the following contact details above by 2pm on the day of the meeting at the latest, or if no direct contact can be made, please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)  
Planning Application Case Officer: Sukhi Dhadwar  
Direct Line Telephone Number: 01992 564597***

## Conditions: (17)

- 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:  
Design and access statement including plans 0500, 0501, 1000, 1001, 1002, 1003, 2000, 2001, 2002, 2003, 2004, 3000, 1500, 1100, 1101, 1103, 1105, 1501, 2100, 2101, 2102, 2103, 3100, 3101, 3102, TOP-PPC-00-XX-DR-C-0001 P3. Sustainability checklist, Habitats Regulations Assessment (HRA) Screening Report by Arbtech, Sustainability Statement,

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

- 3 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.

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

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

- 5 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. The parking of vehicles of site operatives and visitors
2. Loading and unloading of plant and materials
3. Storage of plant and materials used in constructing the development
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
5. Measures to control the emission of dust and dirt during construction, including wheel washing. With regards to dust control measures and wheel washing, reference shall be made to the Institute of Air Quality Management (IAQM) best practice Guidance on air quality monitoring in the vicinity of demolition and construction sites and Guidance on the assessment of dust from demolition and construction.
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
7. Tree protection measures.

Reason: To limit the impact of the construction work on the living conditions of residents living in close proximity to the site, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 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.

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

- Location of active charging infrastructure; 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 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 9 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council.  
Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2023.
- 10 Prior to the occupation of the new residential units hereby permitted; a noise assessment following the guidelines of BS8233 and a scheme for sound insulation and noise control measures for the new residential units hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.  
Reason: To protect neighbouring residential amenity in accordance with policy DM9 and DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.
- 11 Prior to the first occupation of the residential units hereby approved, an Operational External Noise and anti social behaviour Management Plan for external areas shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail the management systems that will be implemented to control and reduce noise from the uses of external areas of the public house /restaurant within the red line of the site.  
The management plan shall be reviewed by the operators of the public house:
- o Prior to launching / introducing any new entertainment
  - o When alterations to the building are proposed
  - o Following a complaint
  - o When monitoring procedures identify that controls are inadequate
- The approved management plan (and/or any subsequent revisions) shall be fully implemented and maintained thereafter.
- Reason: To protect the amenity of adjoining / nearby properties from noise in accordance with the National Planning Policy Framework and Policies DM9 and DM21 of the Adopted Local Plan (2023).
- 12 Prior to occupation of the development, the new access adjacent to Bishops Brow, shall at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.  
Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2023.

- 13 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.

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

Reason: To avoid displacement of loose material onto the 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 2023.

- 15 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, AA, B, D, E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

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

- 16 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.

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

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

**Informatives: (2)**

- 18 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.

- 19 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.