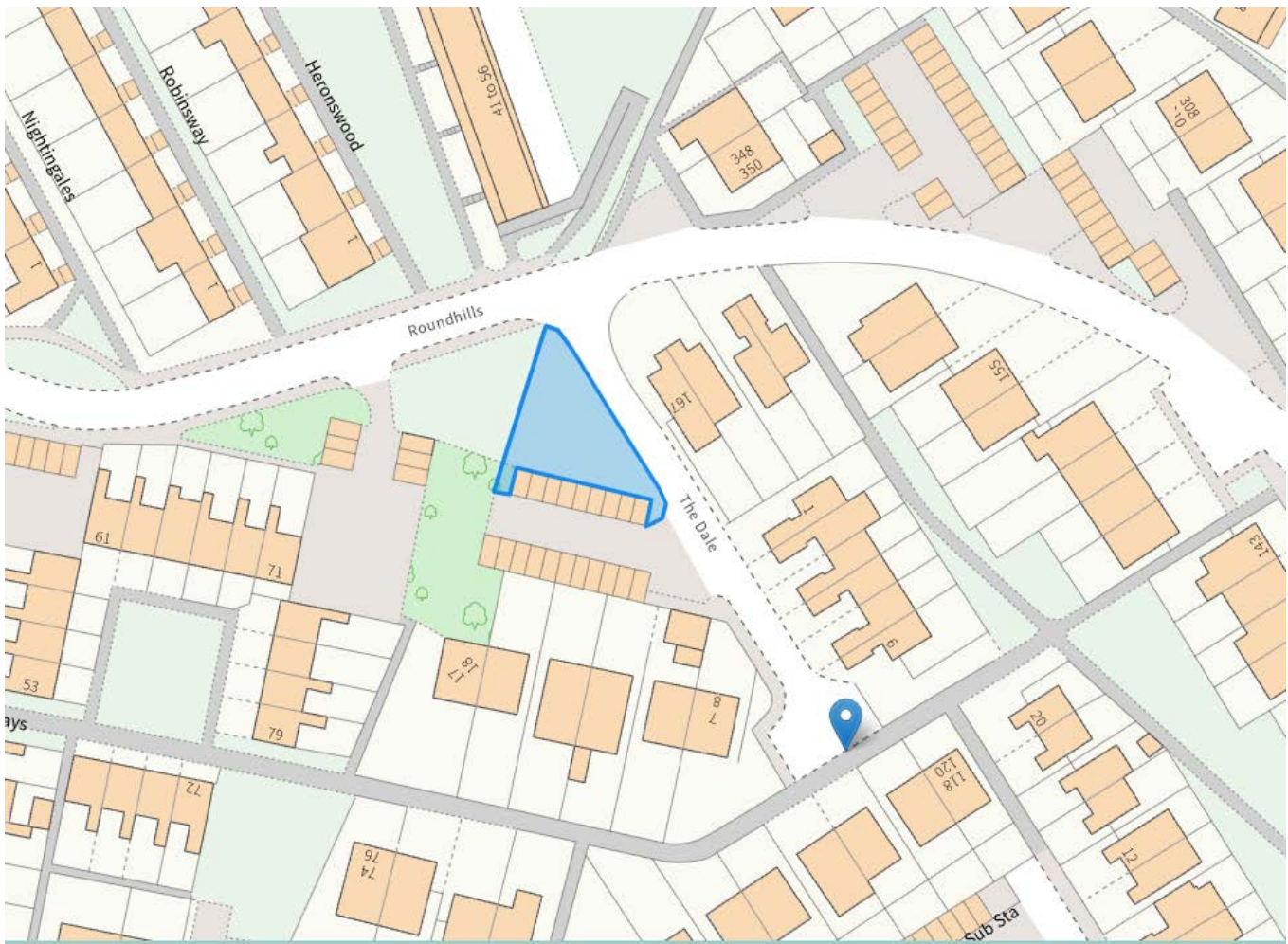


OFFICER REPORT

Application Ref: EPF/1303/24
Application Type: Full planning permission
Applicant: Mr Paul Rayden
Case Officer: Rhian Thorley
Site Address: Land adj 167, The Dale, Waltham Abbey, EN9 1UB
Proposal: Proposed construction of 2-storey detached house with associated parking and landscaping.
Ward: Waltham Abbey Honey Lane
Parish: Waltham Abbey
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv000000TCFV>
Recommendation: Approve with Conditions (Subject to s106 Legal Agreement)



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This application is before Committee as it is contrary to at least 5 representations received that are material to the planning merits of the proposal.

Site and Surroundings

The site comprises of a green open space bound by The Dale to the southeast and Roundhills to the northeast and is also located on a corner plot. It is not listed nor in a conservation area. No protected trees lie within the site.

Proposal

The proposal is a two-storey detached house with associated parking and landscaping.

Relevant Planning History

PRE/0013/24 - Post application - Proposed new single house (option A) or 2 flats (Option B) - Advice Given

EPF/1516/22 - Two storey residential building containing 2 flats. (2 Bed 4 Person for the ground floor and a 2 Bed 3 Person for the first floor) – Refused - Appeal dismissed.

EPF/0442/19 - Proposed erection of a 2 storey residential dwelling containing 2 flats – Withdrawn.

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023);

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

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

SP2	Spatial Development Strategy 2011-2033
H1	Housing Mix and Accommodation Types
T1	Sustainable Transport Choices
DM2	Epping Forest SAC and the Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM10	Housing Design and Quality
DM15	Managing and Reducing Flood Risk
DM16	Sustainable Drainage Systems
DM19	Sustainable Water Use
DM21	Local Environmental Impacts, Pollution and Land Contamination
DM22	Air Quality

National Planning Policy Framework 2023 (Framework)

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

Paragraphs 126 & 130

Paragraph 180

Summary of Representations

Number of neighbours Consulted: 75. 14 objections received from:

Nos. 73, 75, 110, 112, 114 Fairways;

Nos. 5, 6, 9, 11, 12, 13, 14, 15 The Dale; and

No.163 Roundhills.

Site notice posted: Yes

MULTIPLE OBJECTIONS RECEIVED – Summarised as:

- Loss of Trees;
- Loss of Green Open Space
- Parking concerns/Highway Safety;
- Overbearing/Out of character;
- Overlooking/Loss of privacy;
- Loss of daylight/sunlight; and
- Additional particulate pollution.

WALTHAM ABBEY TOWN COUNCIL – No objection.

EFDC TREES AND LANDSCAPE - No objection subject to conditions.

EFDC LAND DRAINAGE - No objection subject to conditions.

EFDC CONTAMINATED LAND - No objection subject to conditions.

ESSEX COUNTY COUNCIL HIGHWAYS - No objection subject to conditions.

Planning Considerations

It is noted that a previous proposal for a two-storey residential building containing two flats was previously refused based on three grounds (Design, Highways & EFSAC) of which two were upheld by the Planning Inspector, namely design and the impact on the EFSAC.

The main issues for consideration in this case are:

- a. The impact on the character and appearance of the locality;
- b. The impact to the living conditions of neighbours;
- c. Highway safety and parking provision
- d. Standard of Accommodation for future occupiers;
- e. Trees and landscaping; and
- e. The impact on the Epping Forest Special Area of Conservation.

Character and Appearance

Officers note that the Appeals Inspector was satisfied with the partial loss of the green open space but that the design of the building was not supported. Post-application advice was therefore sought by the applicant, whereby the Council deemed a building of reduced height (5.5/6m) would likely be acceptable.

The current proposal would have an unequal dual-pitched roof pitch, which is in keeping with adjacent No.167 The dale, and a reduced ridge height of 6m with eaves height of 3.0m - 4.6m.

Further, the current proposal has a reduced building footprint (52.33m²) to that previously proposed (95m²). This allows the proposed dwelling to sit further back, aligning with the building line of No.167

The Dale; providing an increased private amenity space whilst retaining areas of open green space; and appearing less cramped than the previous schemes.

It is therefore considered that the proposal overcomes previous concerns and complies with policy DM9 of the Local Plan by achieving a high quality of design and contributing to the character and amenity of the local area.

Living Conditions of Neighbouring Properties

Given the siting of the proposed building and the separation distance to neighbouring dwellings, there would be no harmful impact with regards overlooking, loss of light, overbearing and visual impact. Notwithstanding this, objections have been received from Nos. 12 and 15 The Dale relating to neighbour amenity which are addressed below:

- No.12 The Dale

“...the proposed height, size and scale of the building(s) will have a negative effect on the amount of light and space near my own property, especially the garage and area in front. The height of the building, combined with the planned balcony, will severely affect the line of sight, clear view and available light from the perspective of my two bedrooms and for my neighbours.”

The proposed dwelling would sit some 30m away from No.12. Whilst the new building may be visible from No.12, it would neither have a detrimental impact upon daylight/sunlight reaching any dwelling windows serving habitable rooms or appear overbearing to the occupants. There are no balconies proposed as part of this scheme.

- No.15 The Dale

“...I fear being over-looked in the bedrooms due to the height of the building.”

The proposed dwelling would sit some 30m away from No.12. Given the distance and the orientation of the proposed building, the proposal would not result in harmful overlooking or a loss of privacy.

Highway safety and Parking Provision

The proposal is not contrary to the Highway Authority's Development Management Policies February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), NPPF 2023 and would not be detrimental to highway safety, capacity or efficiency. Therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

Standard of Accommodation

The proposed dwellings would have sufficient internal amenity space for future occupiers of the dwellings in accordance with the National Described Space Standards, including private external amenity space with a reasonable outlook and light levels.

Trees and Landscaping

No objections have been raised by the Councils Tree Officer subject to the imposition of conditions as part of the consent.

EFSAC

A significant proportion of 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 LPSV.

The Council published a Habitats Regulations Assessment in January 2019 (the HRA) to support the examination of the LPSV. The screening stage of the HRA concluded that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology underpinning the appropriate assessment of the LPSV, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently, the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in combination with other plans and projects are:

- 1) Recreation activities arising from new residents (recreational pressures); and
- 2) Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

Stage 1: Screening Assessment

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

- 1) The site lies within the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently, the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
- 2) The development has the potential to result in a net increase in traffic using roads through the EFSAC.

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

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

Stage 2: 'Appropriate Assessment'

Recreational Pressures

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

Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. The applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition, the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

Conclusion

For the reasons set out above having regard to all the matters raised, it is recommended that planning permission be approved with conditions subject to a Section 106 planning obligation.

Conditions: (18)

- 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:
RH-XX-ZZ-DR-A-00102 Rev. PL03;
RH-XX-ZZ-DR-A-00100 Rev.PL1;
RH-RTA-ZZ-XX-DR-A-00501 Rev.PL01;
RH-XX-ZZ-DR-A-00800 Rev.PL01;
RH-XX-ZZ-DR-A-00101 Rev.PL01;
Design & Access Statement.

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

- 3 No development to commence until an application to the Secretary of State under Section 247 of the Town and Country Planning Act 1990 or other appropriate Legal procedure, for the removal of highway rights has been granted for the site area. Until such time, the area is to remain unobstructed and the Highway Authority will continue to protect the public's right and ease of passage over the Highway.

Reason: To ensure the continued safe passage of the public within the public highway in line with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

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

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

- 6 Tree protection shall be installed as shown on Ginger Landscape 'Tree Protection Plan' drawing number '0188 L005 Rev-' (dated April 2024) prior to the commencement of development activities (including any demolition).
The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policies DM3 and DM5 of the Epping Forest District Local Plan 2011-2033, and the NPPF 2023.

- 7 Hard and soft landscaping shall be implemented as shown on Ginger Landscape 'Planting plan' drawing number '0188 L003 Rev A' (dated June 2022); and the accompanying planting schedule. The works shall be carried out prior to the occupation of the building or completion of the development. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policies DM3 and DM5 of the Epping Forest District Local Plan 2011-2033, and the NPPF 2023.

8 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

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

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

9 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on the approved plans and in the submitted application form.

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

10 Vehicle parking to be provided as shown in principle on the submitted drawing no. RH-XX-ZZ-DR-A-00102 REV PL03 and in accordance with the current parking standards.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in line with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 11 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.

- 12 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.

- 13 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved, and so retained.

Reason: To maintain and improve the biodiversity of the site and to mitigate any impact from the development hereby approved, in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 14 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.

- 15 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.

- 16 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.

Reason: To help support improvements to air quality in accordance with Policies T1, DM2 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 17 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 Classes A, AA, B and 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.

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

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

Informatives: (1)

- 19 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.