

**Description of Proposal:**

Permission is sought for the demolition of the existing school hall

**Relevant History:**

Reference	Description	Decision
EPF/0118/22	demolition of the existing school hall	Refused
EPF/2617/17	Demolition of unstable wall at boundary with Turpins Lane and replacement with low wall with railings.	Grant Permission
EPF/1768/15	Proposed single storey extensions to existing classroom block to provide two new classrooms, a common room, reception area and associated facilities.	Grant Permission
EPF/2185/10	Proposed external greenhouse.	Grant Permission
EPF/1241/03	Erection of single storey side extension to school building.	Grant Permission
EPF/1187/96	Extension to existing perimeter fence.	Grant Permission
EPF/1743/79	Erection of gymnasium building.	Grant Permission

**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. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

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

CP1	Achieving Sustainable Development Objectives
HC6	Character, Appearance and setting of Conservation Area
HC7	Development within Conservation Areas
HC12	Works within the setting of a listed building
DBE2	Effect on Neighbouring Properties
DBE4	Design in Green Belt
DBE8	Private Amenity Space
DBE9	Loss of Amenity
DBE10	Design of residential extensions

**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are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: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.

### **EPHING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION (2017) (LPSV)**

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

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
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The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

<b>Policy</b>	<b>Weight afforded</b>
DM7 - Heritage Assets	Significant
DM9 - High Quality Design	Significant
DM10 - Housing Design and Quality	Significant

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

Number of neighbours consulted: 11  
No response received from neighbours

PARISH COUNCIL: No objections

## **Main Issues and Considerations:**

Impact on the listed Building and wider conservation area.

The Local Planning Authority has a legal duty under S66(1) of the Planning and Listed Building and Conservation Areas Act 1990 to have special regard to the desirability of preserving the Listed Building and its setting or any features of special architectural or historic interest which it possesses.

According to paragraph 199 of the Framework, great weight should be given to a heritage asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance. Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 requires that, where a proposal would lead to 'less than substantial harm,' the harm should be weighed against the public benefits of the proposal.

The Heritage Statement by Willby and Burnett LLP dated April 2022 submitted with the application justifies the application on the grounds that:-

The existing building is structurally unsafe and contains a large amount of asbestos.

Although the age of the building is unknown, it has no architectural, historical or local significance.

Adjacent to the site that the hall is located within the Grade II listed Chigwell Convent, its curtilage however this is a separate site from the school.

The hall which is proposed to be demolished is not listed, does not lie within the curtilage of a listed building, and is not within a conservation area.

The Proposal was reviewed by the Conservation Officer who made the following comments.

### **Context & Significance**

The subject site is an early 20th century single-storey ancillary building to Saint Johns RC Special School. The site sits within the historic curtilage of Chigwell Convent, an 18th century Grade II Listed former Manor House and a later Edwardian Grade II Listed Chapel with an associated school. As such, the ancillary building is a curtilage Listed structure. It was previously in use as a hall with associated kitchen and stores for the school but was taken out of use in 2018.

The group value of these designated heritage assets builds on their significance of monastic history beginning in the late 19th century showing the expansion of Roman Catholic religious houses, as well as being a good example of an early 20th conventual chapel designed to serve both a significant Order and an innovative school. The historic curtilage of the former Manor House site has been significantly

eroded over time, especially over the 20th century when large portions of the grounds were densely redeveloped. It is considered that this redevelopment has eroded the appearance and setting of the subject site.

A Structural Report was produced in 2018 and put forward justifications to warrant the demolition of the ancillary hall.

#### Relevant Planning History

Pre-application advice was sought (ref. EF\2019\ENQ\00562) for the redevelopment of the associated site (Chigwell Convent) for various residential uses, 3.4 hectares, 136 -194 dwellings. As stated in our comments on that scheme:

“It is considered that there could be scope for a redevelopment of the site that takes the form of:

- a sensitive conversion of the designated and non-designated heritage assets;
- removal of buildings which do not contribute positively to the significance of the heritage assets and their setting;
- new buildings clearly subservient to the main heritage assets and positioned with reference to the historic layout of the site (courtyard arrangement).”

Consent was refused (ref. EPF/0118/22) in early 2022 for a scheme similar to the current proposal for the demolition of the existing single storey hall. This was due to insufficient information about its potential heritage significance.

#### Current Proposal

This application seeks consent for demolition of an existing building and construction of new UK Power Networks standard brick termination cabinet.

#### Comments

We acknowledge that a Heritage Statement has been submitted to accompany this application. However, we do not agree with its assessment that the subject site proposed for demolition “*has no historical significance and is unable to be dated.*”

The subject site sits within the historic curtilage of the former Manor House and Chapel, originally erected as an ancillary building to the religious school established for the Convent of the Sacred Heart at the turn of the 19<sup>th</sup> century. The school, formerly an ‘ophthalmic school’ (c.1910), became St John's Open-air School (1928) and is still in use as St John's RC Special School today. This history is informed by Heritage Assessments made on the site and its setting at pre-application stage (ref. EF\2019\ENQ\00562). As such, the existing building on the subject site is included within the Grade II designation(s) as a curtilage Listed structure. **Listed Building Consent** (LBC) is required for work that would affect the special architectural or historic interest of any of the Listed buildings or changes to their setting that would have an impact on their significance. The Heritage Statement submitted as part of this application does not adequately define the date of the building or assess its historic position within this curtilage and should be revised as part of any future application.

While LBC is required due to the site's location, this does not exclude the principle of demolition. However, clear and convincing justifications would be expected as per paragraph 200 of the National Planning Policy Framework (NPPF). These justifications for the designated heritage asset's total loss should be informed by an accurate understanding of the building's history, heritage value and significance, and/or the erosion of this significance through unsympathetic past alterations—i.e., the replacement of windows, the roof, the addition of modern render, etc.

Additionally, the subject site may hold archaeological interest pertaining to historic land use, the extent of which may be limited due to later redevelopment(s). The current scheme does not propose a replacement structure to be built on the site but does state that “*the footprint where the building stands will be levelled out and infilled*”

*with a Type 1 MOT permeable granular material.*” As such, any part of a proposed demolition plan that includes below ground works would require archaeological monitoring. Further to this, when installing new services like electricity, careful consideration must also be given to known or suspected buried archaeology. If the proposed new electrical incoming mains will require below ground works, an archaeologist will need to be in attendance during any excavation works and a Written Scheme of Investigation (WSI) would be expected.

The proposed construction of new brick housing for electrical services CANNOT BE SUPPORTED due to insufficient information. In order to assess this part of the proposal, the application should provide a plan of existing services on site as well as details of any new services proposed. The Heritage Statement notes that the *“external boxing around the mains electric cable and the building have come away from each other,”* but does not provide further information about its size or location. Reuse of the existing services’ routes and sharing common routes with other services should be employed in order to both mitigate and minimise any potential harm to associated heritage assets. Additionally, the proposed brick housing for the new services is significant in size. The design could appear visually dominant and, unlike the current services box, may not benefit from the existing structure shielding it from view. The application should take these aspects into consideration and put forth justifications for its position, scale and design.

### **Recommendations**

We CANNOT GIVE OUR SUPPORT to the proposed scheme, as it stands, and recommend that the applicant revise the proposal as advised above as part of a Listed Building Consent application.

This is supported by policies HC10, HC11 and HC12 of our Adopted Local Plan and Alterations (1998 and 2006); policy DM7 of our Submission Version Local Plan (2017); and paragraphs 189, 194, 195, 196, 197, 200, 202, 204 and 205 of the NPPF (2021).

### **Conclusion:**

The Council considers that the application building is Grade II curtilage listed therefore, any demolition would require Listed Building Consent. The Heritage Statement submitted as part of this application does not adequately define the date of the building or assess its historic position within this curtilage, it is for this reason that clear and convincing justifications have not been provided to give an accurate understanding of the building’s history, heritage value and significance, a fully and proper assessment of the application therefore cannot be made and as such refusal is recommended.

**Delegated Report**  
*59 Lechmere Avenue, Chigwell, IG7 5HA*  
*EPF/2280/24*

## **Site and Surroundings**

The site comprises a two-storey detached dwellinghouse located within a built-up area of Chigwell. It is sited on a prominent corner position on the east side of the road. Area topography is hilly with ground levels differing across all directions. It is not listed nor in a conservation area or a flood zone. There are no protected trees on site. The site lies within the inner zone of influence of the Epping Forest Special Area of Conservation (EFSAC).

## **Proposal**

Proposed erection of 2 no. 4-bedroom houses. Demolition of existing house.

## **Relevant Planning History**

## **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:

SP1	Spatial Development Strategy 2011-2033
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
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM10	Housing Design and Quality
DM11	Waste Recycling Facilities on New Development
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
DM21	Local Environmental Impacts, Pollution and Land Contamination
DM22	Air Quality

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

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

Paragraphs 131 & 135

### **Summary of Representations**

Number of neighbours 19 Consulted: 3 response(s) received.

Site notice posted: N/a

NEIGHBOUR OBJECTIONS from 60 and 62 Fontayne Avenue and 55 Lechmere Avenue summarised as:

- Opposes the intensification of the site leading to noise and nuisance from additional dwellers.
- Loss of light, privacy and outlook from the built form.
- Overdevelopment, over 50% of land occupied by built form.
- Overbearing due to their mass, scale and height.
- Loss of light to neighbours at no.57.
- Noise and air pollution due to car parking placement close to neighbouring gardens.
- Adverse impact on recreational pressure and air pollution to the EFSAC.

CHIGWELL PARISH COUNCIL – No comment received.

EFDC CONTAMINATED LAND: No objection subject to conditions.

ESSEX COUNTY COUNCIL – ECOLOGY - No objection subject to securing biodiversity mitigation and enhancement measures, including mandatory biodiversity net gains.

ESSEX COUNTY COUNCIL – HIGHWAYS: No objection subject to informative.

EFDC LAND DRAINAGE - No objection subject to foul drainage and surface water drainage conditions. The site is within three metres of a public sewer and will require build over consent from the Water Authority.

EFDC TREES AND LANDSCAPING – No observations to make on this application.

### **Planning Considerations**

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality
- b) Highway safety and parking provision
- c) Standard of accommodation
- d) The impact to the living conditions of neighbours
- e) HRA and the impact on the Epping Forest Special Area of Conservation (EFSAC).
- f) Ecological impact
- g) Biodiversity Net Gain (BNG)

#### *Character and appearance*

This resubmission follows the refusal of a similar scheme ref EPF/1728/24. Grounds for refusal concerned the height and massing and inconsistency with the existing roof hierarchy within the streetscene; parking placement affecting neighbouring amenities as well as a lack of HRA supporting information and by virtue of the refusal decision the lack of a section 106 agreement for EFSAC mitigation measures.

Design revisions represent a clean, considered approach, sympathetic to the varied inter/post war architectural style in the street. However, whilst one of the rear dormers is removed to reduce the massing towards Broadhurst Gardens, the overall height of the roof is increased to a size greater than that of previous applications. The applicant cites development at

62-64 Lechmere Avenue 'Due to their setting on upper grounds, double height flat frontage, lack of variation in roof lines, large visible flank walls and light cream finish against muted and darker colours of its neighbours. These form a relevant precedent in terms of visual impact on the street scene' The visual impact from a 2013 approved mid-street development, on the elevated side of the street with consistent roof height is not comparable to the positioning of the subject dwelling where it lies within a prominent corner plot visible from several vantage points. Its prominence is also notable from Broadhurst Gardens due to the slope in the road. The proposal is a significant contrast in terms of its overall size from the lower lying existing dwelling it replaces. Further, the visual impact from the example provided does not justify further visually harmful development.

Whilst the DAS refers to a reduction in the height lower than that of no.57, the overall building height measures greater than that previously proposed in applications EPF/1129/20, EPF/0458/20 and EPF/1728/24. Further exploration of how this might have occurred shows, the neighbouring dwelling at no.57 is presented with a higher eaves height than previous. Essentially the drawing is bringing no.57 in line with the extended height. As such, the drawings cannot be relied upon to understand the existing spatial relationship with no.57. In these circumstances, there is doubt as to whether the harm due to the height of the building has been addressed. With the ground sloping both to the rear and side (adjacent to the public highway) the proposed semi-detached pair of dwellings demonstrate disregard to the topography however revisions to design with the side set in at first floor levels and layers in the roof contribute to a reduction in massing.

The proposal continues to result in excessive height which has a negative impact to the street scene and is detrimental to the character and appearance of the wider area.

#### *Highway Safety and Parking*

With regards to the parking arrangements for the proposed dwelling, 2 car parking spaces are required for a 2 bed+ dwelling in line with the Councils adopted parking standards (Essex Parking Guidance 2024), however, the EPG also state where proposals are within sustainable travel locations, less parking provision could be acceptable. New development is expected to demonstrate EV charging facilities and safe and secure cycle storage. Additional space for cycle storage is not required where there is already a garage within the curtilage of the site. It is noted that no objection has been received from the highways officer, so it is considered that there would be no detrimental impact to the safety operation of the highway network.

This proposal responds to a previous reason for refusal with revised positioning of car parking provision. Proposal comprises two EV charging points to the rear of the site with an existing dropped kerb extended and accessible from Broadhurst Gardens both components are acceptable. The existing garage is extended to form one secure car parking space with one space immediately in front of the garage. Two further adjacent parallel parking bays are provided allowing cars to face Broadhurst Gardens. The configuration is acceptable however, parking bay dimensions fall short of the updated minimum standards as defined in Essex Parking Guidance 2024. However, single parking bays per dwelling are acceptable given the sustainable travel location.

#### *Standard of Accommodation*

The proposal would exceed the National Described Space Standards for two 4 bed-6-person dwellings (112m<sup>2</sup>) with a GIA at some 138m<sup>2</sup> and 145m<sup>2</sup> respectively. The dwellings would have functional external amenity space of approximately 92.5m<sup>2</sup> and 143.5m<sup>2</sup> respectively with a reasonable outlook for future users of the dwellings, and light levels given its orientation towards the northeast.

#### *Living Conditions*

With regards to the impact on No's 57, there is sufficient separation between dwellings to avoid the terracing effect. As such, it is not considered that there would be any material harm to their living conditions, in terms of loss of light, overshadowing, loss of privacy or loss of outlook.

Both dwellings would be sited some 24m away from the rear garden to No. 60 and No.62 Fontayne Gardens. Officers note the concerns raised regarding potential noise nuisance from the intensification of the site. An additional dwelling for a single-family household located to the rear of neighbours at Fontayne Avenue is not likely to result in excessive noise nuisance in this urban residential setting and is considered to result in low to moderate harm. Siting of the car parking spaces to the rear gardens at of residents at Fontayne Avenue is also not likely to result in excessive vehicle pollution considering the separation by way of fencing with boundary hedging and two of the spaces would be for electric cars using renewable energy. For these reasons the proposal is not considered to result in excessive harm to the living conditions of neighbouring occupants.

#### *Habitats Regulations Assessment and Epping Forest Special Area of Conservation (EFSAC)*

In accordance with Policy DM2 of the Local Plan, the Council will expect all relevant development proposals to assist in the conservation and enhancement of the biodiversity, character, appearance and landscape setting of Epping Forest and the Lee Valley. The Council will expect all relevant development proposals to ensure that there is no adverse effect on the site integrity of the Epping Forest Special Area of Conservation and the Lee Valley Special Protection Area.

Habitats Regulations Assessment (particularly relating to impacts on the Epping Forest Special Area as a result of recreational pressure and atmospheric pollution) are required for all new residential and non-residential development proposals to assess their impact on designated/protected habitats and/or sensitive areas, e.g. Special Protection Areas (SPAs), Special Area of Conservation (SACs), and Sites of Special Scientific Interest (SSSIs)

A project-level HRA note and/or detailed assessment should be supplied by competent person(s). Assessment of impacts on the Epping Forest Special Area of Conservation (EFSAC) shall include consideration of the following matters:

- recreational visitor effects for sites within the 0-6 km Zone of Influence;
- atmospheric pollution effects from any additional traffic generation on roads within the EFSAC or within 200m proximity; and
- how any urbanisation effects for sites within 400m of the Forest (including from fly tipping, the introduction of non-native plant species and incidental arson) will be mitigated against.

The proposal provides a TRICS analysis to ascertain AADT levels associated with the proposed development however the rationale of the report concerns highway safety rather than impact of air pollution on the EFSAC and does not identify the potential cumulative omission levels from the additional trips. It does however confirm an increase of vehicle trips overall. The application contains inadequate identification of the impact from recreational pressure from the proposed development on the likely impact on the integrity of the EFSAC

With the site increasing from a 3-bedroom 5-person capacity to two x 4-bedroom 6-person capacity, results in a net increase of 7 people located within 3 kilometres of the EFSAC. This net increase in people is considered highly likely to result in additional recreational pressure on the EFSAC.

The application contains insufficient first stage screening information to assess whether the proposal meets the requirements of the Habitat Regulations 2017.

#### *Ecological impact*

The site is not a roosting site for bats but further surveys may be required. The proposed ecological measures are proportionate to the size, scale and location of the proposed development.

### *Biodiversity Net Gain*

Unless exempt, the UK Environment Act 2021 introduced mandatory Biodiversity Net Gain (BNG) for developments, requiring a 10% increase in biodiversity after development compared to the pre-development baseline. BNG became a legal requirement in England under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

The proposal suggests a net gain in habitat biodiversity of 26.36% and a net change in hedgerow biodiversity of 1334.56%. The Ecology Officer was satisfied that baseline habitat data was calculated appropriately and that there is sufficient ecological information available for determination of this application subject to conditions/legal agreement.

### **Conclusion**

For the reasons set out above, having regard to the matters raised, it is recommended that planning permission be refused.

**Delegated Report**  
*59 Lechmere Avenue, Chigwell, IG7 5HA*  
*EPF/1728/24*

## **Site and Surroundings**

The site comprises a two-storey detached dwellinghouse located within a built-up area of Chigwell. It is sited on a prominent corner position on the east side of the road. It is not listed nor in a conservation area or a flood zone. There are no protected trees on site. The site lies within the inner zone of influence of the Epping Forest Special Area of Conservation (EFSAC).

## **Proposal**

Proposed erection of 2 no. 4-bedroom houses. Demolition of existing house.

## **Relevant Planning History**

## **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:

SP1	Spatial Development Strategy 2011-2033
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
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM10	Housing Design and Quality
DM11	Waste Recycling Facilities on New Development
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
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 131 & 135

### Summary of Representations

Number of neighbours Consulted: 12. 2 response(s) received.

Site notice posted: N/a

NEIGHBOUR OBJECTIONS from 60 and 62 Fontayne Avenue, summarised as:

- Opposes to the intensification of the site leading to noise and nuisance from additional dwellers.
- Vehicle, noise and light pollution from additional carparking spaces backing onto rear gardens with potential nuisance throughout the day and night.
- Concerned about the location of parking on the slope backing onto the rear gardens of residents in Fontayne Avenue.
- Clarity needed on where the cycle storage will be located.
- Loss of light and outlook from the built form.

CHIGWELL PARISH COUNCIL – The Council **OBJECTS** to the proposal on the following grounds:

*'It is considered to be overdevelopment of the site and by nature of the design, not in keeping with the character of the area.'*

*'The Council is pleased to see the proposed contributions to net zero and asks that if planners are minded to approve this application that compliance with the commitments set out by the applicant in the new build sustainability checklist are conditioned as part of any permission'*

EFDC CONTAMINATED LAND: No objection subject to conditions.

ESSEX COUNTY COUNCIL – HIGHWAYS: No objection subject to informative.

EFDC LAND DRAINAGE - No objection subject to foul drainage and surface water drainage conditions. The site is within three metres of a public sewer and will require build over consent from the Water Authority.

### Planning Considerations

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality
- b) Highway safety and parking provision
- c) Standard of accommodation
- d) The impact to the living conditions of neighbours
- e) HRA and the impact on the Epping Forest Special Area of Conservation (EFSAC).
- f) Ecological impact
- g) Biodiversity Net Gain (BNG)

#### *Character and appearance*

The proposed development represents a clean, simple design and acceptable appearance and integrates well with the dominant post war architectural style of the street. However, due to its overall height, the built form does not successfully synchronize with the existing roof hierarchy and together with the ground level difference, results in a dominating form of development in a prominent corner position. This is also notable from Broadhurst Gardens due to the slope in the road. The proposal is a significant contrast in terms of its overall size and relationship with no.57 from the lower lying existing dwelling it replaces.

Whilst the DAS refers to having reduced the eaves height and overall height to match that of no.57, the height is greater than that previously proposed in applications EPF/1129/20, and EPF/0458/20. With the ground sloping both to the rear and side (adjacent to the public highway) the proposed semi-detached pair of dwellings demonstrate disregard of the topography and appear as a block of equal height.

As such the proposal is considered overly massed, of excessive height resulting in a negative impact to the street scene and detrimental to the character and appearance of the wider area.

### *Highway Safety and Parking*

With regards to the parking arrangements for the proposed dwelling, 2 car parking spaces are required for a 2 bed+ dwelling in line with the Councils adopted parking standards (Essex Parking Standards 2009), however, the adopted Parking Standards also state where proposals are within sustainable travel locations, less parking provision could be acceptable. New development is expected to demonstrate EV charging facilities and safe and secure cycle storage. Additional space for cycle storage is not required where there is already a garage within the curtilage of the site. It is noted that no objection has been received from the highways officer, so it is considered that there would be no detrimental impact to the safety operation of the highway network.

The proposal comprises communal facilities for 4 car parking spaces along with two EV charging points to the rear of the site with an existing dropped kerb extended and accessible from Broadhurst Gardens. One of the car parking spaces does not meet the minimum requirements at 2.5m wide. An accompanying swept path analysis has not been supplied to demonstrate turning areas. Further, more than 50% of the existing rear amenity space is dedicated to car parking resulting in the loss of garden amenity. The proposed dwelling closest to no.57 would not benefit from self-contained parking access requiring occupants to crossover neighbouring land and share cycle storage facilities requiring a management strategy (not supplied) to avoid further loss of neighbour amenity. The proposal has not adequately demonstrated effective use of land for car/cycle parking and is therefore not supported.

### *Standard of Accommodation*

The proposal would exceed the National Described Space Standards for two 4 bed-6-person dwellings (112m<sup>2</sup>) with a GIA at some 138m<sup>2</sup> and 145m<sup>2</sup> respectively. The dwellings would have functional external amenity space of approximately 98m<sup>2</sup> and 65.5m<sup>2</sup> respectively with a reasonable outlook for future users of the dwellings, and light levels given its orientation towards the northeast.

### *Living Conditions*

With regards to the impact on No's 57, there is sufficient separation between dwellings to avoid the terracing effect. As such, it is not considered that there would be any material harm to their living conditions, in terms of loss of light, overshadowing, loss of privacy, overbearing and visual impact.

Both dwellings would be sited some 24m away from the rear garden to No. 60 and No.62 Fontayne Gardens. Officers note the concerns raised regarding potential noise nuisance from the intensification of the site. An additional dwelling for a single-family household located to the rear of neighbours at Fontayne Avenue is not likely to result in excessive noise nuisance in this urban residential setting and is considered to result in low to moderate harm. Siting of the car parking spaces to the rear gardens at of residents at Fontayne Avenue is also not likely to result in excessive vehicle pollution considering the separation by way of fencing with boundary hedging and two out of the three spaces facing Fontayne

Avenue could be for electric cars using renewable energy. However, impact from car lights shining towards neighbours at Fontayne Road could cause disturbance at various times of the day and night resulting in loss of neighbour amenity. In this case, the proposal does not accord with Policy DM9 which seeks to safeguard against loss of neighbour amenity.

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

In accordance with Policy DM2 of the Local Plan, the Council will expect all relevant development proposals to assist in the conservation and enhancement of the biodiversity, character, appearance and landscape setting of Epping Forest and the Lee Valley. The Council will expect all relevant development proposals to ensure that there is no adverse effect on the site integrity of the Epping Forest Special Area of Conservation and the Lee Valley Special Protection Area.

The proposal provides a TRICS analysis to ascertain AADT levels associated with the proposed development however the rationale of the report concerns highway safety rather than impact of air pollution on the EFSAC and does not identify the potential cumulative omission levels from the additional trips. It does however confirm an increase of vehicle trips overall. The application contains inadequate reference or identification of the impact from recreational pressure from the proposed development on the likely impact on the integrity of the EFSAC and instead refers to low impact from dog walking and ownership of cats.

With the site increasing from a 3-bedroom 5-person capacity to two x 4-bedroom 6-person capacity, results in a net increase of 7 people located within 3 kilometres of the EFSAC. This net increase in people is considered highly likely to result in additional recreational pressure on the EFSAC.

#### **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 2011-2033 (2023).

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

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

## **Stage 1: Screening Assessment**

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

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

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

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

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

### Recreational Pressures

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

### Atmospheric Pollution

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

## **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.

### *Ecological impact*

The site is not a roosting site for bats but further surveys may be required. The proposed ecological measures are proportionate to the size, scale and location of the proposed development.

### **Biodiversity Net Gain**

Unless exempt, the UK Environment Act 2021 introduced mandatory Biodiversity Net Gain (BNG) for developments, requiring a 10% increase in biodiversity after development compared to the pre-development baseline. BNG became a legal requirement in England under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

The proposal suggests a net gain in habitat biodiversity of 26.36% and a net change in hedgerow biodiversity of 1334.56%. The proposal does not contain interrogatable formats to verify this information therefore it is not possible to confirm there is a biodiversity net gain from the proposal.

### **Housing Supply**

The proposal provides a net increase in 1 market housing unit which could contribute to the overall housing supply in the Epping Forest District.

The Epping Forest District Local Plan 2011–2033 was adopted on the 06 March 2023. As agreed by the Local Plan Inspector, when considered against the stepped trajectory the latest 5-year housing land supply, including a 20% buffer, stands at 5.4 years. Therefore, the plan makes sufficient provision for housing over the plan period and takes a practical and sound approach towards housing delivery and the housing trajectory. There is adequate evidence to indicate that a 5-year supply of housing will be maintained. The plan delivers an appropriate provision for affordable housing, older people, specialist housing, Gypsy and Traveller accommodation and accessible homes to meet the identified needs of different groups.

As such, the Council can demonstrate a five-year supply of land for housing and therefore the 'tilted balance' as set out in paragraph 11 of the NPPF is not engaged.

For the reasons set out above, having regard to the matters raised, it is recommended that planning permission be refused.