

TOWN AND COUNTRY PLANNING ACT, 1990

GARAGES TO THE REAR OF NOS 13-43  
CHARLES STREET, EPPING, CM16 7AU

APPEAL BY MR R TOMKINS AGAINST THE  
DECISION OF THE EPPING FOREST DISTRICT  
COUNCIL TO REFUSE PLANNING PERMISSION  
FOR 'APPLICATION FOR VARIATION OF  
CONDITIONS 2 'PLAN NUMBERS' AND 21 'NO  
NEW WINDOWS IN SOUTHERN WALLS' FOR  
EPF/3426/18. (DEMOLITION OF THE EXISTING  
GARAGE BUILDINGS AND THE ERECTION OF 9  
X 2 BEDROOM MEWS HOUSES, WITH  
ASSOCIATED LANDSCAPING, PARKING, BIKE  
AND REFUSE STORES)'.

LPA REF: EPF/0281/21

STATEMENT OF CASE FOR THE APPELLANT

***gfplanning Limited***  
***1 Woodlands Avenue Wanstead***  
***LONDON E11 3RA***  
***Tel: 020 8530 1306. Mobile: 07890 478970***  
***Email: gfplanning@hotmail.com***

## 1 SITE AND SURROUNDINGS

- 1.1 The site is located in an urban area, within 1km of Epping town centre, which provides an excellent range of services and amenities. It is some 500m walk from Epping Underground Station, that provides fast and frequent Central Line services to central London and the wider TFL network.
- 1.2 The site has an area of 0.24 hectares. Trees line parts of its perimeter and ground levels at the site fall slightly in a southerly direction. It is currently occupied by 74 garages and covered in concrete hardstanding. These garages are rented and used as storage units for tenants from a wide area. They do not meet a local residential parking need.
- 1.3 The site lies in an area of mixed character. It is bordered by residential gardens on its southern and eastern sides, an industrial site to the north and the London Underground Central Line to the west. The surrounding townscape comprises the bulky industrial buildings and the neighbouring dwellinghouses, which are 2 to 2.5 floors high, and built in a wide variety of styles, with deep gardens extending back to the site. Therefore, it is of moderate architectural merit,
- 1.4 Therefore, the site comprises previously developed (brownfield) land in a sustainable and accessible location.
- 1.5 Access to the site is via Charles Street, with a dropped kerb and 3.6m wide opening. This access is currently used by vehicles accessing the site,
- 1.6 The site is not subject to any national or local heritage designations.

## 2 PLANNING HISTORY

- 2.1 Planning application EPF/3426/18 for *'Demolition of the existing garage buildings and the erection of 9 x 2 bedroom mews houses, with associated landscaping, parking, bike and refuse stores'* was granted on 15 December 2020. A copy of the decision notice is at Appendix 1 and the approved drawings are at Appendix 2.
- 2.2 This permission was subject to a planning obligation to secure payments required to mitigate the effects of the development on the Epping Forest Special Area of Conservation (SAC). (Appendix 3).
- 2.3 Planning application EPF/3426/18 contains a number of pre-commencement conditions, specifically nos 3, 4, 5, 8 and 9.

- 2.4 Application EPF/0236/21 sought permission for '*...approval of details reserved by condition 3 'External materials', condition 4 'Flood Risk Assessment', condition 8'Hard and Soft Landscaping' and condition 9 'Surface Water details' on planning approval EPF/3426/18 (Demolition of the existing garage buildings and the erection of 9 x 2 bedroom mews houses, with associated landscaping, parking, bike and refuse stores)*'. The submitted details were 'Partially Approved' in respect of conditions 3 and 8 only. (Appendix 4)
- 2.5 Application EPF/0409/21 seeks permission for '*...approval of details reserved by condition 5 "an assessment of the risks posed by any contamination" for EPF/3426/18. (Demolition of the existing garage buildings and the erection of 9 x 2 bedroom mews houses, with associated landscaping, parking, bike and refuse stores)*'. A decision is awaited from the LPA.
- 2.6 Application EPF/2036/21 seeks permission for '*...approval of Details reserved by conditions 4"flood risk assessment and management and maintenance plan" & 9" details of surface water disposal" for EPF/3426/18. (Demolition of the existing garage buildings and the erection of 9 x 2 bedroom mews houses, with associated landscaping, parking, bike and refuse stores)*'. A decision is awaited from the LPA.

### 3 THE APPEAL APPLICATION

- 3.1 Application EPF/0281/21 was dated 1 February 2021 and was made under section 73 of the above Act. It was validated by the LPA on 2 February 2021 and was assigned the following description: '*Application for Variation of conditions 2 'plan numbers' and 21 'No new windows in southern walls' for EPF/3426/18. (Demolition of the existing garage buildings and the erection of 9 x 2 bedroom mews houses, with associated landscaping, parking, bike and refuse stores)*'. The appellant is in agreement with this description.
- 3.2 As set out in the architects' covering letter (Appeal Document 04), the proposals envisaged a number of minor amendments to the development approved under reference EPF/3426/18, as follows:
- A study room was added to the loft space of each house, creating a second floor, with associated stairs and ground floor lobby added.
  - A rooflight and small front window was added to serve the new study room.
  - House Type B was removed, and the other House Types rearranged in the terrace.
  - The roof forms of House Types A and C were slightly adjusted.
- As a result, the houses in the revised development would have slightly higher ridge lines than those previously approved, and as shown on Appeal Document 03.

- 3.3 The expiry date for the application was 30 March 2021. However, the application was not referred to the Council's Area Planning Sub-Committee East until 23 June 2021. (See Appeal Document 05).
- 3.4 Although the application was recommended for approval, the Sub-Committee resolved to refuse planning permission for the following reasons:

*The proposed increase in the height of the dwellings to allow the use of the roof space as an additional room would result in an increase in the bulk and massing of the development and result in a significant intensification of the usage of this small site which provides a poor level of amenity space for the 9 houses already approved. It will therefore result in a cramped and over dense form of development on this site and as such is contrary to policies CP1, CP2, CP3, CP 7, DBE1 and DBE3 of the Adopted Local Plan and Alterations 2006 and SP3, H1, DM9 and DM 10 of the Local Plan Submission Version and the NPPF.*

- 3.5 The LPA's decision was dated 23 June 2021, some 12 weeks after the expiry date.

## 4 PLANNING POLICY

### The Development Plan

- 4.1 The development plan includes the Epping Forest District Local Plan (adopted 1998) and Alterations (adopted 2006) (LP).
- 4.2 The adopted LP policies quoted in the LPA's reason for refusal are:
- CP1: Achieving Sustainable Development Objectives
  - CP2: Protecting the Quality of the Rural and Built Environment
  - CP3: New Development
  - CP7: Urban Form and Quality
  - DBE1: Design of new buildings
  - DBE3: Design in Urban areas
- These policies are attached at Appendix 5.

### Local Planning Guidance

- 4.3 The site is close to the historic Epping Forest, which is protected by Site of Special Scientific Interest status and is designated as a Special Area of Conservation (SAC). This limits what can be done in the Forest and impacts upon all proposed development across the whole district.
- 4.4 The Interim Air Pollution Mitigation Strategy was approved by the Council Monday on 8 February, 2021. This sets out the actions the Council will take to facilitate housing, employment and other development to meet the

identified needs of the district without causing an adverse impact on the Forest.

- 4.5 To assist in the above, the LPA has produced an Interim Mitigation Strategy for Epping Forest Special Area of Conservation and a site-specific assessment processes in relation to the effects of development on atmospheric pollution.

### **National Planning Policy**

- 4.6 This is found in the following documents:
- The National Planning Policy Framework, 2021 (NPPF).
  - The Technical Housing Standards – Nationally Described Space Standard, 2015 (NDSS)

### **Emerging Local Policy**

- 4.7 The Epping Forest District Council Local Plan, 2017 has been the subject of an examination in public. The Local Plan Main Modifications public consultation has started and runs for a period of 10 weeks, ending on 23 September 2021. Therefore, its provisions have some weight.
- 4.8 The relevant emerging policies quoted in the LPA's reason for refusal are:
- SP3: Place Shaping
  - H1: Housing mix and accommodation types
  - DM9: High quality design
  - DM10: Housing design and quality
- These policies are at Appendix 6.

## **5 SUBMISSIONS**

### **The LPA's Reason for Refusal**

- 5.1 The LPA alleges that *'the proposed increase in the height of the dwellings to allow the use of the roof space as an additional room would result in an increase in the bulk and massing of the development and result in a significant intensification of the usage of this small site'*. In fact, as shown on drawing no SK 200 (Appeal Document 03) the maximum height increase would be limited to 600mm. Moreover, the only houses where the roof profile would be noticeably altered would be dwellings 1, 2 and 6. Therefore, the bulk and massing of the development would only increase by a marginal and insignificant amount, particularly when viewed against the backdrop of the large industrial buildings to the north. Indeed, the officers report confirms, on page 11 (Para 5) that *'The variation to the design of the scheme already approved under reference EPF3426/18 will not materially alter the appearance of the approved houses'*

- 5.2 The additional room provided on the top floor of each dwelling would be a study, with a floor area of some 7.4m, which is below the minimum area required for a single bedroom in the NDDS. The room is not designed for habitation but to provide a home office, a facility that will be in increasing demand in the post-Covid world, and which will reduce the need for journeys to work, with associated carbon saving benefits. Additional storage room will also be provided on the upper floors. Indeed, as with the approved scheme, the proposals provide for 27 habitable rooms, and as such will not result in an intensification of the residential use of the site.
- 5.3 This is confirmed in the officer's report, which on page 10 (Para 5) states '*The proposed study cannot be considered a bedroom because whilst it meets the minimum width requirements it has less than 7.5m in floor area (It has a total internal area of 7.4m) and has a sloped ceiling with a height range from 2.67m at its peak and 1.84m at the lowest part of the sloped ceiling. The minimum floor to ceiling height for a bedroom is 2.15m for the entire room. Given that the proposed room would not meet the National Space Standards definition of a bedroom, it is unlikely to increase the occupancy of the houses*'.
- 5.4 The LPA also allege that the scheme '*provides a poor level of amenity space for the 9 houses already approved*'. This is a surprising comment as the level of amenity space provided is not altered in these revised proposals. Indeed, the officers report for the earlier application EPF/3426/18 (Appendix 7) confirms on page 11 (Para 6) that '*The amenity space at 29 sqm per unit provision falls short of the 80 sqm required by policy DBE8. However, it is on balance not considered to be a sufficient ground for refusal as policy DM10B of the Submission Version Plan does not prescribe numerical standards for the provision of amenity space*'.
- 5.5 Therefore, the proposal will not result in a cramped and over dense form of development on this site. The amendments proposed are minor and the development will continue to fit its context and setting.
- 5.6 In accordance with adopted Policy CP1, the development would have no negative impacts on the environment. Indeed, it would secure the provision of housing accommodation and would avoid further car borne commuting. As required by Policy CP2, the proposals would safeguard and enhance the setting, character and townscape of the urban environment. In accordance with Policy CP3, this would be an appropriate type of development, at a suitable location, its scale and nature is consistent with the principles of sustainability, and it respects the character and environment of the locality. As required by Policy CP7, the environmental quality of the existing urban area will be maintained and improved, by the recycling of vacant, degraded and under-used land and the re-use of an urban site, which is no longer appropriate to its existing use, to accommodate new, high-quality housing. Indeed, the development will not result in overdevelopment, unsympathetic change or loss of amenity.

- 5.7 As required by Policy DBE1, the new buildings respect their setting in terms of scale, proportion, siting, massing, height, orientation, roof-line and detailing; and are of a size and position such that they adopt a significance in the street scene which is appropriate to their use and function. (None of the criteria set out in Policy DBE3 apply to the matters set out in the LPA's reason for refusal).
- 5.8 As required by emerging Policy SP 3, the development will provide high quality and imaginatively designed homes with access to usable and accessible amenity space. As required by Policy DM 9, the development will achieve a high specification of design and contribute to the distinctive character and amenity of the local area. The proposals are design-led, relate positively to their context and make a positive contribution to the locality, having regard to building heights and the form, scale and massing prevailing around the site. In accordance with Policy DM 10 the proposed dwellings would have access to private gardens/amenity space. (Policy H 1 deals with Housing Mix and Accommodation Types, and is not relevant to the LPA's reason for refusal).
- 5.9 As required by paragraph 130 of the NPPF, the proposals
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
  - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping
  - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change
  - Establish or maintain a strong sense of place, using the arrangement of spaces, building types and materials to create an attractive, welcoming and distinctive place to live and visit
  - Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users
- 5.10 Moreover, paragraph 134 of the NPPF advises that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

## **Planning Obligation**

- 5.11 The appeal submissions include a deed of variation to the planning obligation attached to application EPF/3426/18 that will ensure that the implementation of any permission granted under this appeal will trigger the payments required for the relevant mitigation measures.

## Conditions

- 5.12 Application EPF/0236/21 discharged conditions 3 (External materials) and 8 (Hard and Soft Landscaping) of planning application EPF/3426/18. Therefore, if the appeal is allowed and permission is granted there is no need to repeat those conditions on any such permission.
- 5.13 To assist the Inspector, further, updates on the discharge of other conditions will be provided throughout the appeal process.

## 6 CONCLUSIONS

- 6.1 The proposals are a well-designed development that fits its context, does not result in any intensification of residential use beyond that already permitted, and provides a good standard of accommodation for its future users.
- 6.2 The development is in accordance with the development plan, and is supported by national planning policy and emerging local policy. Therefore, it is respectfully suggested that the appeal be allowed and planning permission be granted.

## APPENDICES

- 1. Decision Notice for application EPF/3426/18
- 2. Approved Drawings for application EPF/3426/18
- 3. Planning Obligation for application EPF/3426/18
- 4. Decision Notice for Application EPF/0236/21
- 5. Relevant Development Plan Policies
- 6. Relevant Emerging Policies
- 7. Officers Report for Application EPF/3426/18

# Appendix 1

Our Ref: EPF/3426/18

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**Planning Services Directorate**  
Civic Offices,  
323 High Street,  
Epping,  
Essex CM16 4BZ

An electronic version of this  
decision notice is available  
on our website:  
[www.eppingforestdc.gov.uk/iplan](http://www.eppingforestdc.gov.uk/iplan)

Case Officer was:  
Direct Line:  
Email:

To: Douglas and King Architects  
Back Building  
148-150 Curtain Road  
London  
EC2A 3AR

**Proposal:** Demolition of the existing garage buildings and the erection of 9 x 2 bedroom mews houses, with associated landscaping, parking, bike and refuse stores.

**Location:** Garages to the rear of nos 13-43 Charles Street, Epping, Essex, CM16 7AU

In pursuance of the powers exercised by the Local Planning Authority this Council do hereby give notice of their decision to **GRANT PERMISSION** for the development described above, subject to compliance with the conditions listed below.

**NB: THIS PERMISSION IS SUBJECT TO A LEGAL AGREEMENT SIGNED 15 December 2020**

**Signed**

A handwritten signature in black ink, appearing to read 'N. Richardson'.

N. Richardson  
Planning Services Director.

**Date:** 15 December 2020

**Conditions:**

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:

CHSs\_EX\_100\_A, CHSs\_EX\_200\_A, CHSs\_PL\_100\_C, CHSs\_PL\_200\_C, CHSs\_PL\_120\_C, CHSs\_PL\_220\_C, CHSs\_PL\_320\_C, CHSs\_PL\_321\_C, CHSs\_PL\_322\_C, RCT Construction Limited Transport Statement ref A110371-1 December 2018, Planning Statement, Noise and Vibration Impact Assessment Technical Report 31503 R2 by Sound Solution Consultants, Flood Risk Assessment by Tree Counties Flood Risk Assessment, Energy and Sustainability Statement by Integration dated 12 December 2018, Tim Moya Associated Ecological Report Extended Phase 1 Habitat Survey Bat Scoping Assessment, Great Crested Newt HSI Assessment Nov 2017, Report on a Phase 1 Desk Study by Ground Engineering ref C14638 Dec 2018, Tim Moya Associates Arboricultural Impact Assessment ref 180920-PD-10 Dec 2018.

Reason: To ensure the proposal is built in accordance with the approved drawings.

- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity, in accordance with the guidance contained within the National Planning Policy Framework, policy DBE1 [+ DBE4 when located in the Green Belt] of the adopted Local Plan and Alterations, and Policy DM 9 of the Epping Forest District Council Local Plan Submission Version 2017.

- 4 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

Reason:- The development is located in an area identified as being in an Epping Forest District Council flood risk assessment zone and would be likely to result in increased surface water run-off, in accordance with the guidance contained within the National Planning Policy Framework, policy U2B of the adopted Local Plan and Alterations, and policy T 1 of the Epping Forest District Council Local Plan Submission Version 2017.

- 5 No development shall commence until 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 have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and

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approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

Reason:- 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 can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework, policy RP4 of the adopted Local Plan and Alterations, and policy DM 21 of the Epping Forest District Council Local Plan

- 6 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason:- 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 can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework, policy RP4 of the adopted Local Plan and Alterations, and policy DM 21 of the Epping Forest District Council Local Plan Submission Version 2017.

- 7 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

Reason:- 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 can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework, policy RP4 of the adopted Local Plan and Alterations, and policy DM 21 of the Epping Forest District Council Local Plan Submission Version 2017.

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- 8 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. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with the guidance contained within the National Planning Policy Framework, policies CP2 and LL11 of the adopted Local Plan and Alterations, and policies DM 3 and DM 5 of the Epping Forest District Council Local Plan Submission Version 2017.

- 9 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 such agreed details.

Reason:- To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with the guidance contained within the National Planning Policy Framework, policy RP3 of the adopted Local Plan and Alterations, and Policies DM 16 and DM 18 of the Epping Forest District Council Local Plan Submission Version 2017.

- 10 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 and in accordance with policy CP2 of the Adopted Local Plan and Alterations and Policy DM 19 of the Epping Forest District Council Local Plan Submission Version 2017.

- 11 The development permitted by this planning permission shall be carried out in accordance with the recommendations made in the submitted Noise and Vibration Impact Assessment Technical Report reference 31503 R2 by Sound Solution Consultants.

Reason: To ensure that the occupiers of the new dwellings hereby approved have a good standard of amenity in accordance with policy DM9 of the Submission Version

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- 12 Local Plan.  
The development permitted by this planning permission shall be constructed in accordance with the details listed in the Energy and Sustainability Statement by Integration dated 12 December 2018.
- Reason: To minimise carbon emissions generated by the use of the site as 9 dwellings in accordance with CP4 and CP5 of the Adopted Local Plan and the National Planning Policy Framework.
- 13 The development permitted by this planning permission shall be carried out in accordance Recommendations made in Tim Moya Associated Ecological Report Extended Phase 1 Habitat Survey Bat Scoping Assessment, Great Crested Newt HSI Assessment Nov 2017,
- Reason: In order to conserve protected species or their breeding sites, or resting places and to promote biodiversity in accordance with chapter 15 of the NPPF and policies NC4 and NC5 of the Epping Forest District Local Plan and Alterations.
- 14 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.
- Reason:- To safeguard the privacy of adjacent properties, in accordance with the guidance contained within the National Planning Policy Framework, policy DBE9 of the adopted Local Plan and Alterations, and Policy DM 9 of the Epping Forest District Council Local Plan Submission Version 2017.
- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class B of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.
- Reason:- The specific circumstances of this site warrant the Local Planning Authority having control over any further development, in accordance with the guidance contained within the National Planning Policy Framework, policy DBE9 of the adopted Local Plan and Alterations, and Policy DM9 of the Epping Forest District Council Local Plan Submission Version 2017.
- 16 Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation, per dwelling, of aa residential Travel Information Pack 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 the guidance contained within the National Planning Policy Framework and policy ST1 of the adopted Local Plan and Alterations and T1 of the Submission Version Local Plan.
- 17 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard

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surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

Reason: To ensure that appropriate access, parking and turning is provided in accordance with policy ST4 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

- 18 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has a garage or allocated parking space 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 the NPPF and Policy T1 and DM22 of the Epping Forest District Local Plan Submission Version 2017.

- 19 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In the interests of the amenities of noise sensitive properties, in accordance with the guidance contained within the National Planning Policy Framework and policies RP5A and DBE9 of the adopted Local Plan and Alterations.

- 20 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 the guidance contained within the National Planning Policy Framework, policy ST4 of the adopted Local Plan and Alterations, and Policy T 1 of the Epping Forest District Council Local Plan Submission Version 2017.

- 21 No new windows shall be inserted into the southern elevation walls of the dwellings hereby approved without the prior written permission of the Local Planning Authority.

Reason:- To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with the guidance contained within the National Planning Policy Framework, policy DBE9 of the adopted Local Plan and Alterations, and Policy DM 9 of the Epping Forest District Council Local Plan Submission Version 2017.

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**Informatives:**

Under Building Regulations B5, access for tenders is required to a point not further than 45 metres from the entrance to the dwelling. Any road or private drive forming part of such a fire access must be no less than 3.7m wide between kerbs (this may be reduced to 3.1m for a gateway or similar short narrowing) and should have a minimum centre line bend radius of 6.55 metres. the access way should be capable of carrying a 12.5 tonne vehicle. A cul-de-sac which is more than 20 metres long must have a turning head of at least Size 3.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:  
SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.

The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; construction methods; tall plant and scaffolding. email [locationenquiries@tube.tfl.gov.uk](mailto:locationenquiries@tube.tfl.gov.uk) direct line 020 3054 1365.

**Notes:-**

- a. **This permission is for planning purposes only and for no other purpose including Building Regulations. Separate approval may be required for these works.** Any departure from the approved plans, including any required to comply with Building Regulations, must be notified to the Planning Officer.
- b. Applicants must satisfy themselves that **all further consents** have been obtained including, where appropriate, those regarding listed buildings, advertisements, site licences for caravans, vehicular accesses to the highway, Environmental Health legislation, and Public Rights-of-Way.
- c. Applications relating to **Council-owned or former Council-owned dwellings** must meet the requirements of covenants of their lease or deeds by obtaining consent for any works from the Housing Directorate.
- d. If this application is for a new domestic or commercial premises then it is a legal requirement that the property address is registered by our street numbering and naming section. Please see the Council's Website for further details.
- e. The Council's recommended **hours of construction work** are:  
  
7.30am – 6.30pm Monday to Friday  
8.00am – 1.00pm Saturday  
No noisy work on Sundays and Bank/Public Holidays
- f. The Council encourages all developers to follow the principles of **Sustainable Drainage Systems (SuDS)** in designing facilities for the handling of rainwater run-off. Furthermore, if storm drainage discharges to an existing ditch or watercourse and/or if any works are to take place to, or within 8

**TOWN AND COUNTRY PLANNING ACT 1990**  
**Town and Country Planning (Development Management**  
**Procedure) Order 2010**  
**PLANNING DECISION NOTICE**



metres of, any open or piped watercourse, then Land Drainage Consent is required from the Council under its byelaws.

- g. Applicants are advised **not to store building materials** on the highway and not to damage highway verges, so please avoid parking construction vehicles and machinery on verges. If any damage occurs, the Council will require verges to be restored at the applicant's expense. Please be aware that highway damage is easily reported through the Council's website and will be investigated by County Council officers.

**NOTES RELATING TO PLANNING APPLICATIONS TOWN AND COUNTRY PLANNING ACT 1990**

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, he may appeal to the Secretary of State for Communities and Local Government, in accordance with Section 78 of the Town and Country Planning Act 1990. If an Enforcement Notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the Local Planning Authority's decision on your application, then you must do so within 28 days of the date of the Enforcement Notice or within 6 months of the date of this notice, whichever period expires earlier. In all other cases, if you want to appeal then you must do so within 6 months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel: 0303 444 5000, or online at the following website: [www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes)) The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of any development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him. There is no time limit for appealing against a decision relating to a Certificate of Lawful Use or Development.
2. If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for Communities and Local Government and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

## Appendix 2



- Notes
1. All dimensions to be checked on site.
  2. All dimensions are to masonry unless otherwise stated (ie not plaster finishes).
  3. All information is to be checked and verified by the contractors and sub-contractors for accuracy and fit.
  4. Discrepancies or omissions to be brought to the attention of Douglas & King prior to construction.
  5. Do not scale from this drawing.

Douglas and King Architects

148-150 Curtain Road London EC2A 5AR  
t +44 (0)20 7613 1395  
info@douglasandking.com  
www.douglasandking.com

revision	date	notes
A	18.12.2018	Planning issue

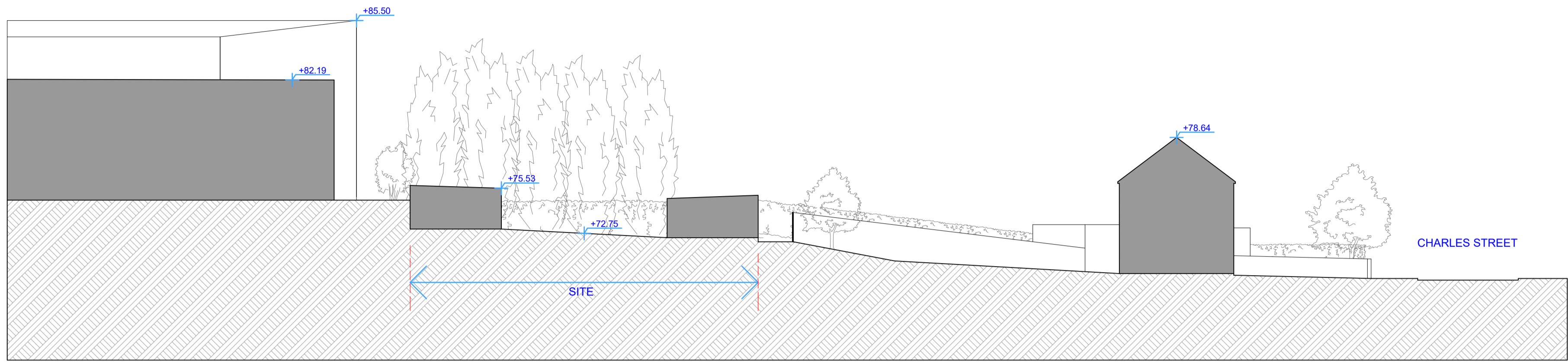
project:	Charles Street Garages
client:	RCT Construction

drawing title:	Existing Site Roof Plan
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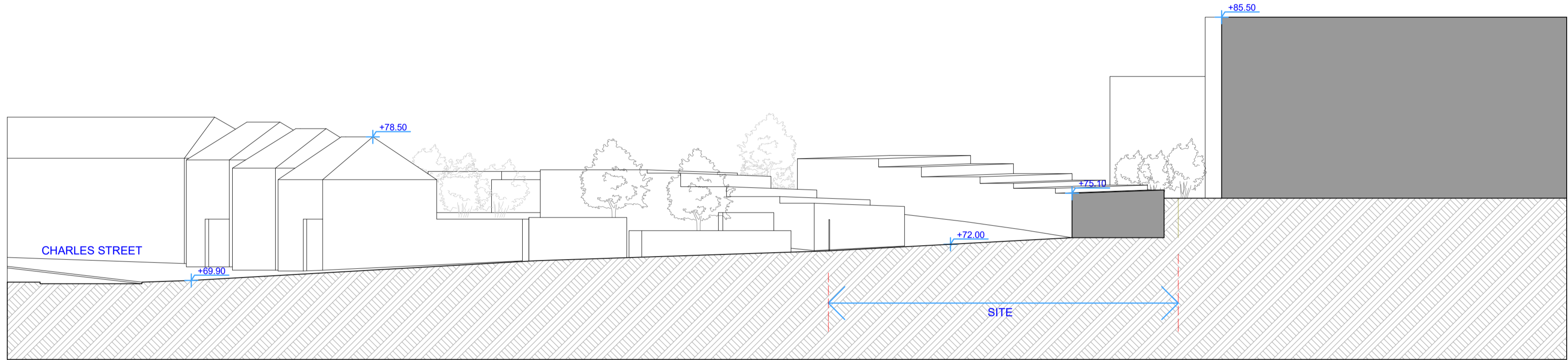
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drawing no:	CHSs_EX_100_A		

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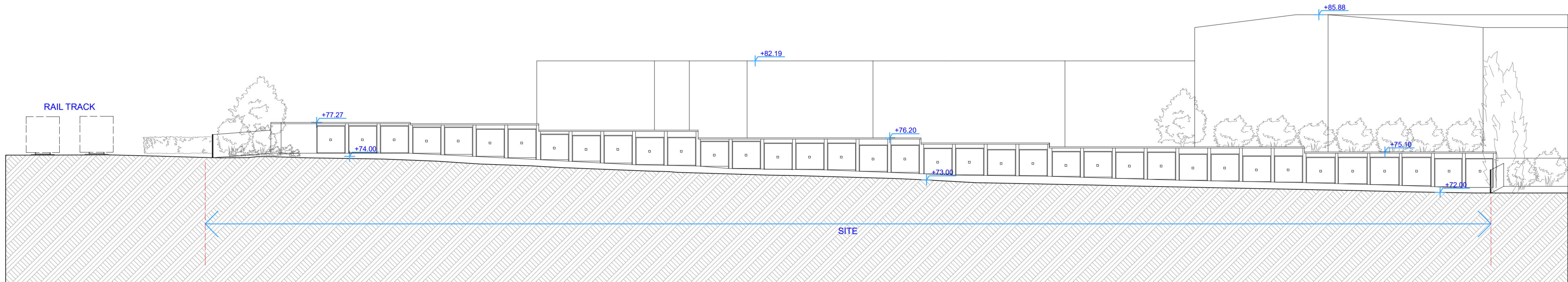
PLANNING



Section A



Section B



Section C

Notes  
1. All dimensions to be checked on site.  
2. All dimensions are to masonry unless otherwise stated (ie not plaster finishes).  
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www.douglasandking.com

revision	date	notes
A	18.12.2018	Planning Issue

project:	Charles Street Garages
client:	RCT Construction

drawing title:	Existing Site Sections
----------------	------------------------

scale:	1:200@A1	date:	Dec 2018
drawing no:	CHSs_EX_200_A		

PLANNING

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www.douglasandking.com

revision	date	notes
A	18.12.2018	Planning Issue
B	19.03.2018	Draft Planning Revision
C	19.03.2018	Planning Revision Issue

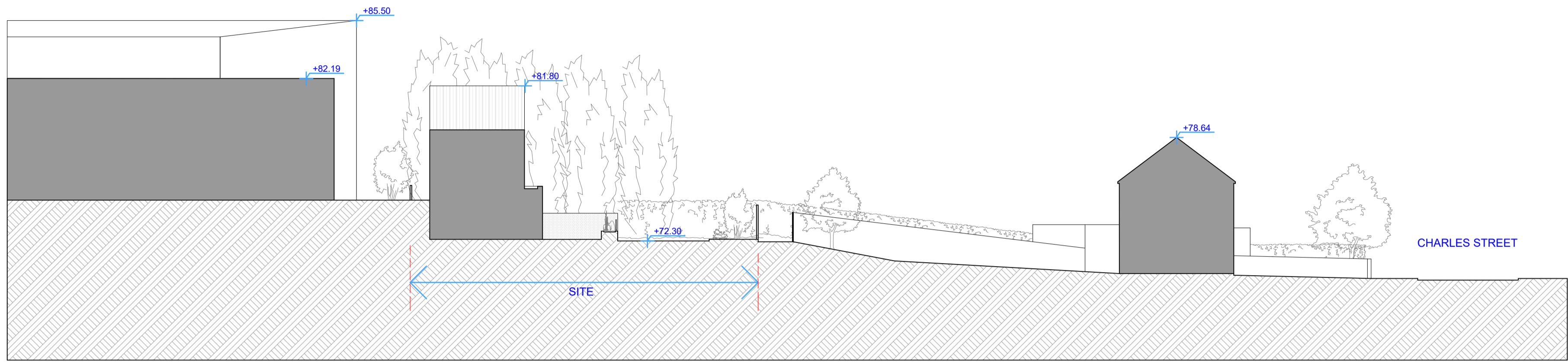
project:	Charles Street Garages
client:	RCT Construction

drawing title:	Proposed Site Roof Plan
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scale:	1:200@A1	date:	Dec 2018
drawing no:	CHSs_PL_100_C		

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PLANNING



Section A



Section B



Section C

- HOUSES KEY:
- 1. 2-bed type C, red cladding
  - 2. 2-bed type C, red cladding
  - 3. 2-bed type C, grey cladding
  - 4. 2-bed type A, green cladding
  - 5. 2-bed type A, red cladding
  - 6. 2-bed type A, grey cladding
  - 7. 2-bed type A, green cladding
  - 8. 2-bed type B, grey cladding
  - 9. 2-bed type B, green cladding

Notes

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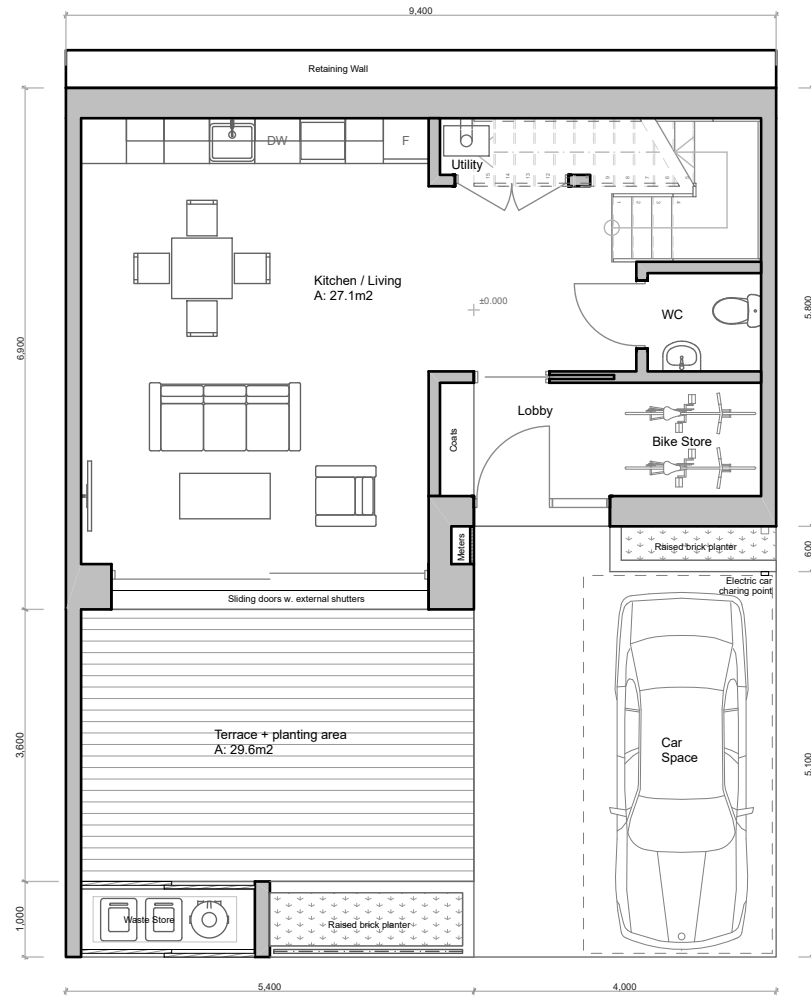
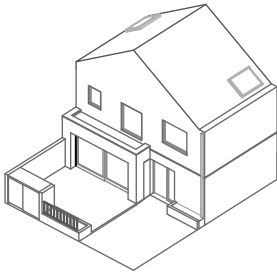
148-150 Curtain Road London EC2A 5AR  
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info@douglasandking.com  
www.douglasandking.com

revision	date	notes
A	18.12.2018	Planning Issue
B	19.03.2018	Draft Planning Revision
C	19.03.2018	Planning Revision Issue

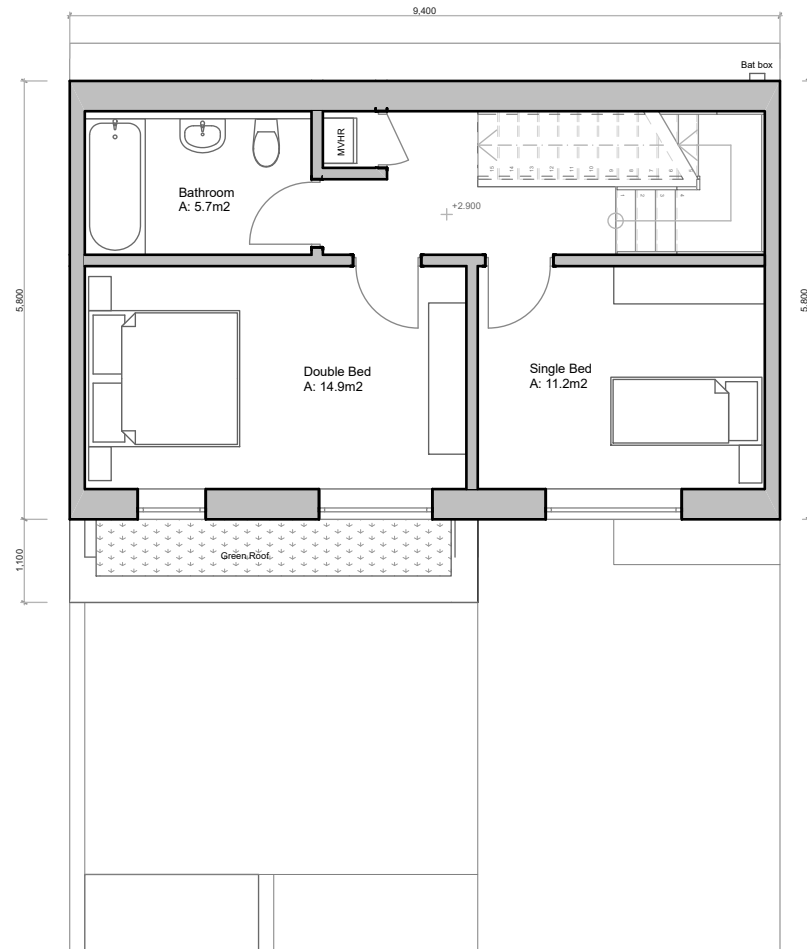
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client: RCT Construction		drawing no: CHSs_PL_200_C		

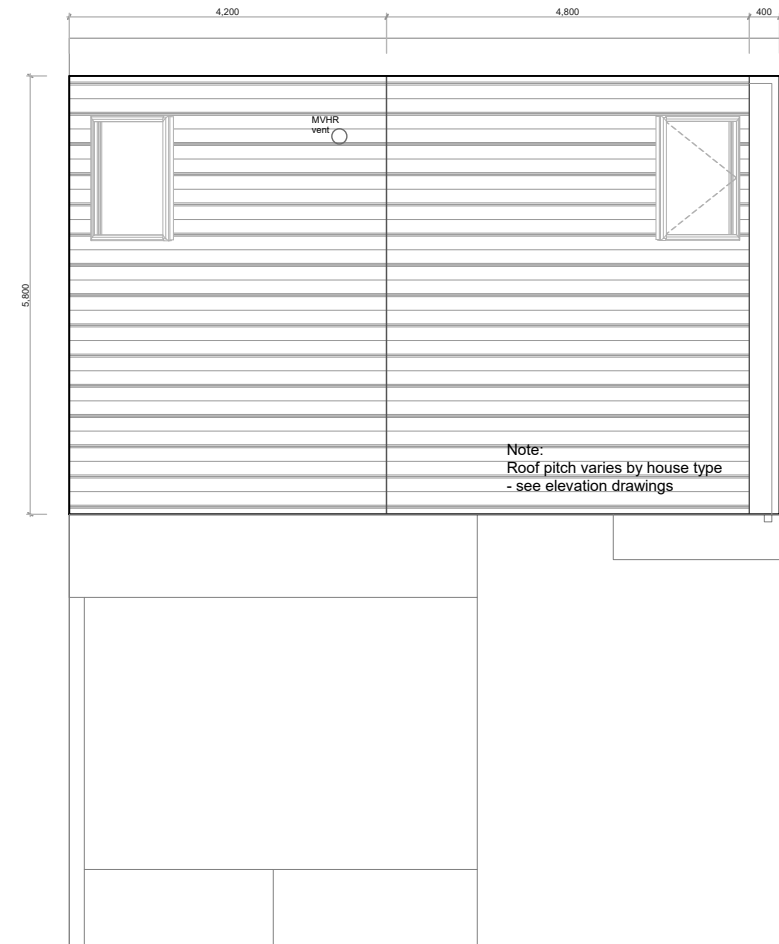
© Douglas and King Ltd.



Ground Floor Plan



First Floor Plan



Roof Plan

Notes

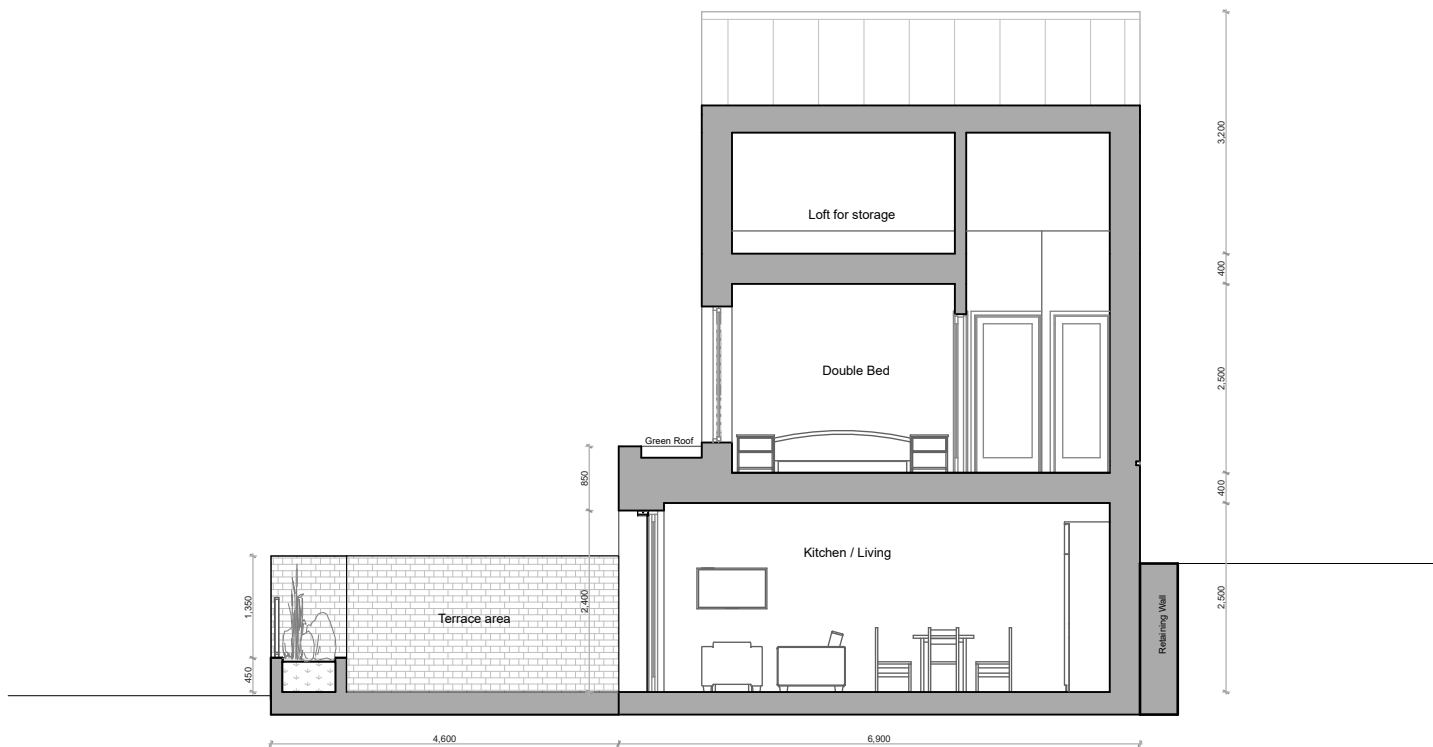
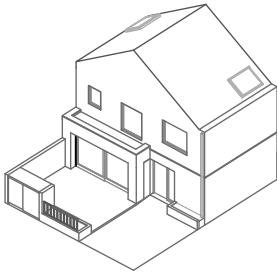
1. All dimensions to be checked on site.
2. All dimensions are to masonry unless otherwise stated (ie not plaster finishes)
3. All information is to be checked and verified by the contractors and sub-contractors for accuracy and fit.
4. Discrepancies or omissions to be brought to the attention of Douglas & King prior to construction.
5. Do not scale from this drawing.

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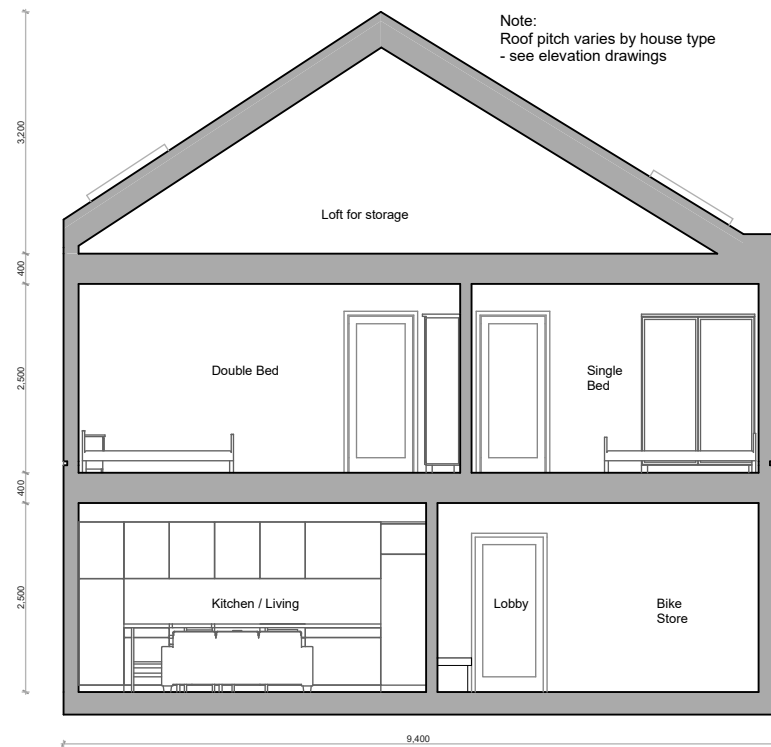
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www.douglasandking.com

revision	date	notes
A	18.12.2018	Planning Issue
B	15.03.2018	Draft Planning Revision
C	19.03.2018	Planning Revision Issue

project:	Charles Street Garages	drawing title:	2 Bed House - Floor Plans	scale:	1:100 @ A3	date:	Dec 2018
client:	RCT Construction				drawing no:		
					CHSs_PL_120_C		



Section A



Section B

- Notes
1. All dimensions to be checked on site.
  2. All dimensions are to masonry unless otherwise stated (ie not plaster finishes)
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  4. Discrepancies or omissions to be brought to the attention of Douglas & King prior to construction.
  5. Do not scale from this drawing.

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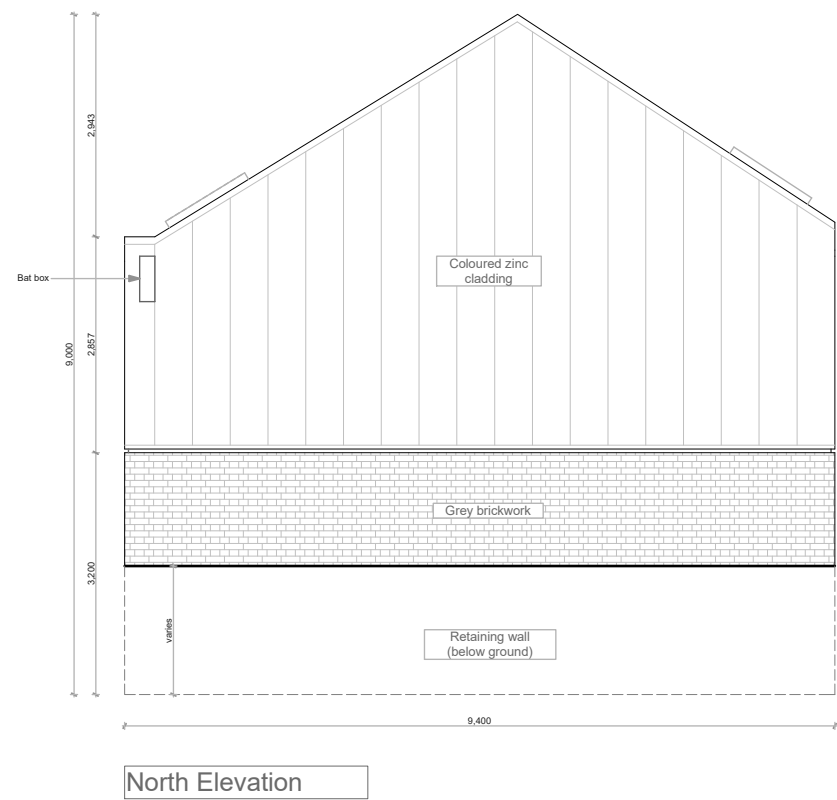
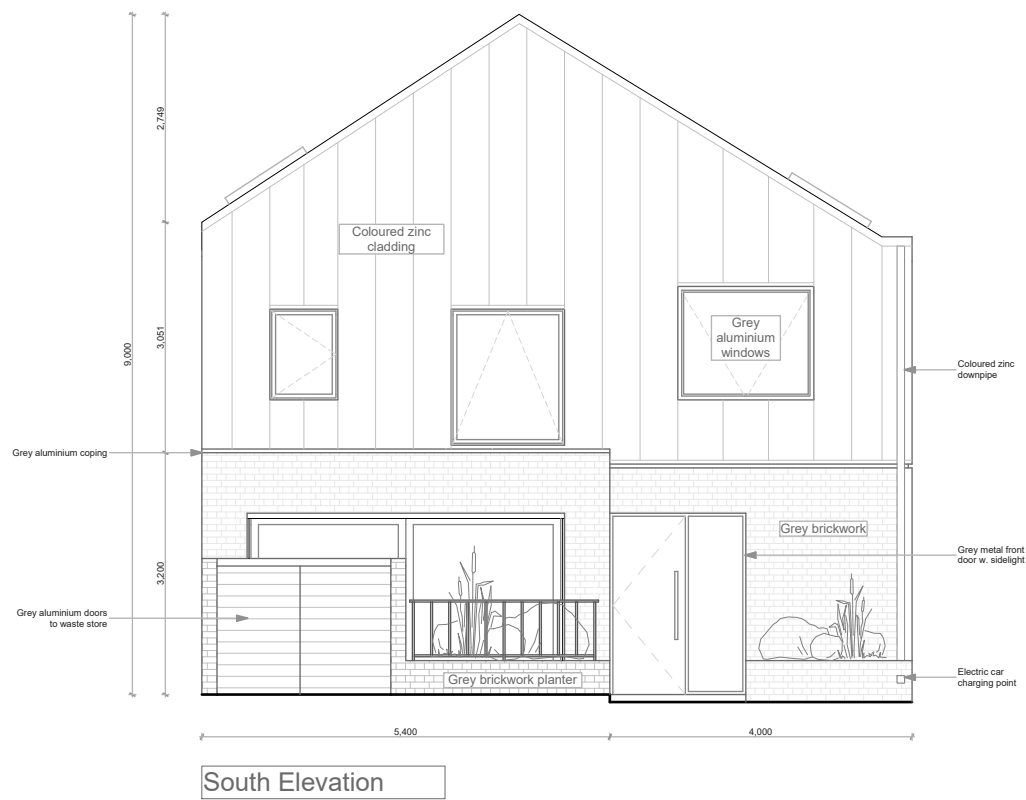
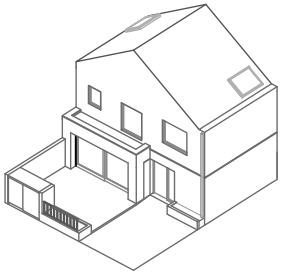
revision	date	notes
A	18.12.2018	Planning Issue
B	15.03.2018	Draft Planning Revision
C	19.03.2018	Planning Revision Issue

project:  
Charles Street Garages  
client:  
RCT Construction

drawing title:  
2 Bed House -  
Sections

scale:  
1:100 @ A3  
drawing no:  
CHSs\_PL\_220\_C

date:  
Dec  
2018



- Notes
1. All dimensions to be checked on site.
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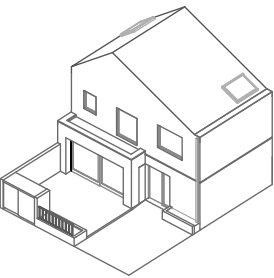
revision	date	notes
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B	15.03.2018	Draft Planning Revision
C	19.03.2018	Planning Revision Issue

project:	Charles Street Garages
client:	RCT Construction

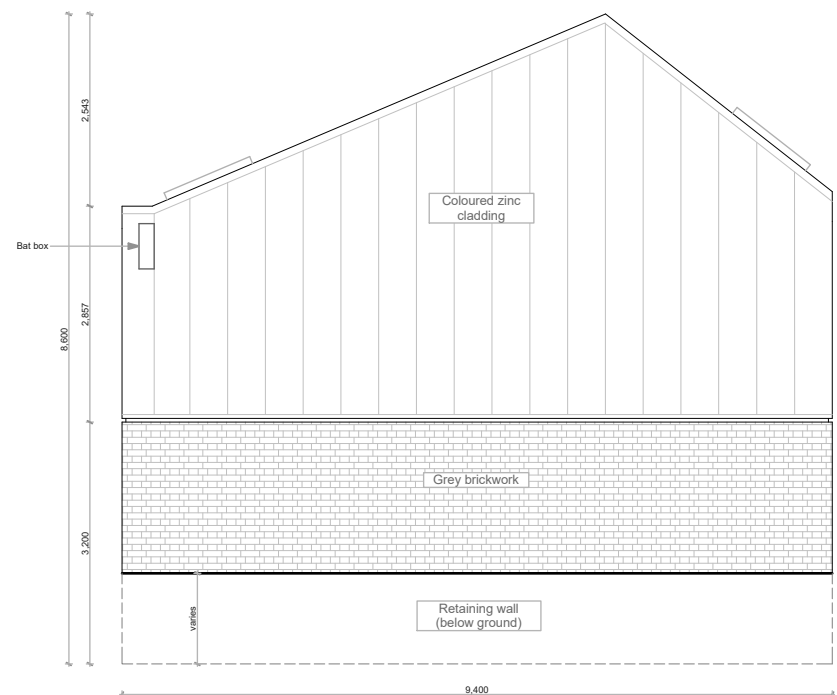
drawing title:	2 Bed House Type A - Elevations
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scale:	1:100 @ A3	date:	Dec 2018
drawing no:	CHSs_PL_320_C		

PLANNING



South Elevation



North Elevation



West Elevation

Notes

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4. Discrepancies or omissions to be brought to the attention of Douglas & King prior to construction.
5. Do not scale from this drawing.

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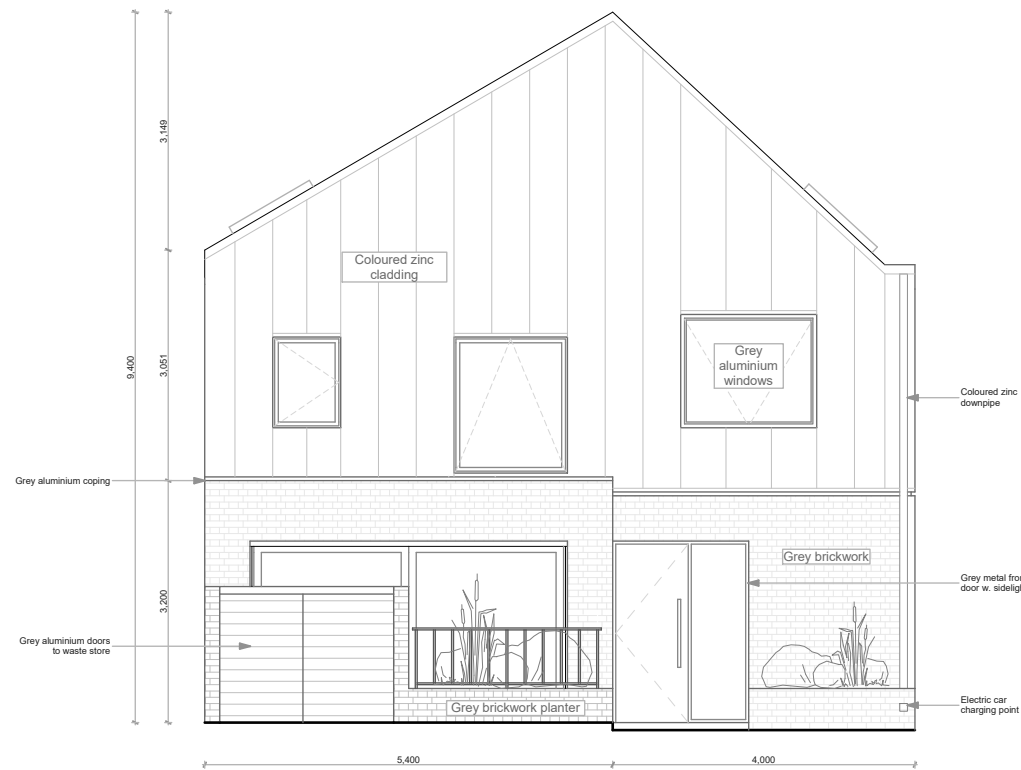
revision	date	notes
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B	15.03.2018	Draft Planning Revision
C	19.03.2018	Planning Revision Issue

project:	Charles Street Garages
client:	RCT Construction

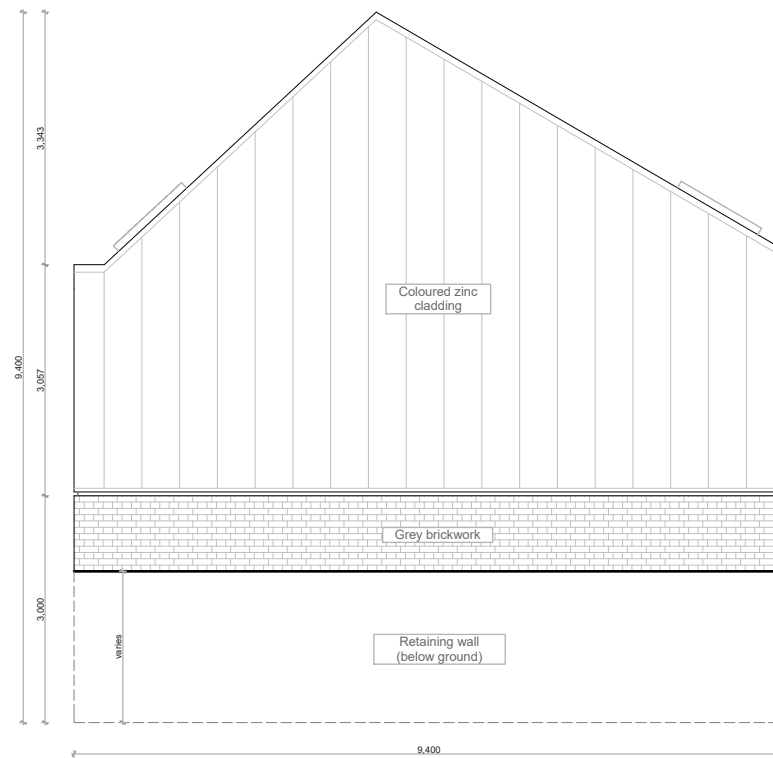
drawing title:	2 Bed House Type B - Elevations
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drawing no:	CHSs_PL_321_C		

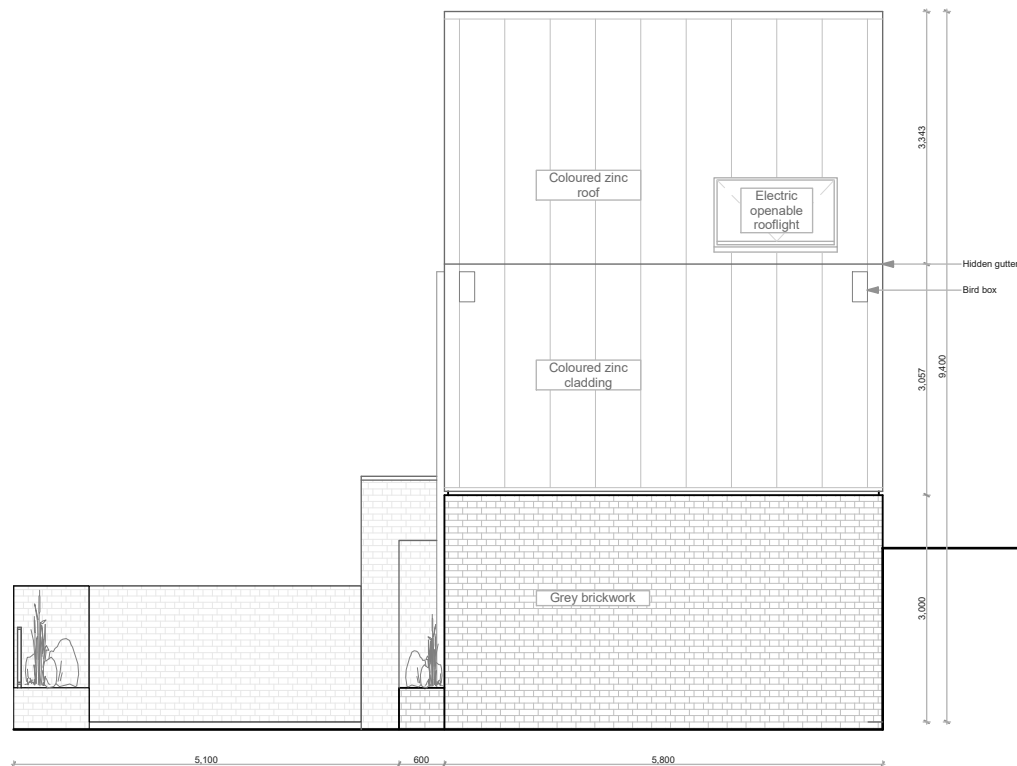
PLANNING



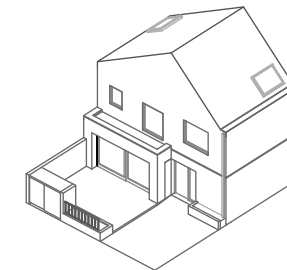
South Elevation



North Elevation



East Elevation



- Notes
1. All dimensions to be checked on site.
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  4. Discrepancies or omissions to be brought to the attention of Douglas & King prior to construction.
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revision	date	notes
A	18.12.2018	Planning Issue
B	15.03.2018	Draft Planning Revision
C	19.03.2018	Planning Revision Issue

project:	Charles Street Garages
client:	RCT Construction

drawing title:	2 Bed House Type C - Elevations
----------------	------------------------------------

scale:	1:100 @ A3	date:	Dec 2018
drawing no:	CHSs_PL_322_C		

PLANNING

## Appendix 3

DATED

15<sup>th</sup> December

2020

**(1) DUDRICH (DEVELOPMENTS) LIMITED**

**(2) RCT CONSTRUCTION LIMITED**

**(3) NATIONAL WESTMINSTER BANK PLC**

**in favour of**

**(4) EPPING FOREST DISTRICT COUNCIL**

---

**DEED OF UNILATERAL UNDERTAKING**

---

under Section 106 Town and Country Planning Act 1990  
relating to land on the North and West sides of Charles  
Street, Epping

### **SUMMARY OF PAYMENTS DUE UNDER THIS DEED<sup>1</sup>**

Recreation Contribution	£3168
Monitoring Contribution	£ 158
Legal Fees	£ 175
<b>TOTAL</b>	<b>£3501</b>

---

<sup>1</sup> This summary page is provided for ease of future reference by the parties to the Deed and the Council and does not form part of the operative terms of this Deed.

**THIS DEED OF UNDERTAKING** is made on 15<sup>th</sup> December 2020  
**BY**

- (1) **DUDRICH (DEVELOPMENTS) LIMITED** incorporated in England with company no.04911358 whose registered office is at Lonsto House, 276 Chase Road, London N14 6HA ("the Landowner");
- (2) **RCT CONSTRUCTION LIMITED** incorporated in England with company no.02350753 whose registered office is at 10 Market Walk, Saffron Walden, Essex CB10 1JZ ("the Developer");
- (3) **NATIONAL WESTMINSTER BANK PLC** incorporated in England with company no. 00929027 whose registered office is at 250 Bishopsgate, London, England, EC2M 4AA and whose address for service is Credit Documentation, PO Box 339, Manchester M60 2AH ("the Mortgagee")

**in favour of**

- (4) **EPPING FOREST DISTRICT COUNCIL** of Civic Offices, High Street, Epping, Essex CM16 4BZ ("the Council")

**1. BACKGROUND**

- 1.1 For the purpose of the 1990 Act, the Council is the local planning authority for the area within which the Site is located.
- 1.2 The Landowner is the freehold owner of the Site with registered title number EX79740 at the Land Registry.
- 1.3 The Mortgagee is the proprietor of a charge dated 30<sup>th</sup> June 2005 registered against title number EX79740 and has agreed to enter into this deed to give its consent to the terms of the unilateral undertaking.
- 1.4 The Developer entered into an Agreement with the Owner on 24<sup>th</sup> August 2018 giving it an option to purchase the Site and intends to develop the Site pursuant to the Planning Permission.
- 1.5 The Planning Application has been made to the Council by the Developer and in granting the Planning Permission the Council considers it expedient that provision should be made for regulating or facilitating the Development or use of the Site in the manner hereinafter appearing and that entering into this Deed will be of benefit to the public
- 1.6 In order to satisfy the tests in Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 the Council and the other parties are satisfied that the planning obligations contained in this Deed are necessary to make the Development acceptable in planning terms, are directly related to the Development and fairly and reasonably related in scale and kind to the Development

1.7 The Landowner and the Developer have agreed to enter into this Deed with the intention that the obligations contained in this Deed may, in the event that the Planning Permission is granted, be enforced by the Council against the Landowner, the Developer and their successors in title.

1.8 This Deed is entered into by the Landowner and the Developer to mitigate any adverse effect on the integrity of the European Site as a result of the Development

**IT IS HEREBY AGREED** as follows:

**2. OPERATIVE PROVISIONS**

2.1 This Deed is made pursuant to Section 106 of the 1990 Act to the intent that it shall bind the Landowner, the Developer and their successors in title and assigns and the persons claiming under or through them.

2.2 This Deed creates planning obligations for the purposes of Section 106 of the 1990 Act and such obligations and covenants hereinafter contained shall be enforceable by the Council acting under the powers contained in Section 106 of the 1990 Act.

2.3 This Deed shall come into effect on the date the Planning Permission is granted.

**3. DEFINITIONS AND INTERPRETATION**

3.1 In this Deed, (which includes the Schedules and Appendices to it) the following words and expressions have the following meanings:

**"1990 Act"** the Town and Country Planning Act 1990 as amended

**"Commencement of Development"** solely for the purposes of this Deed and for no other purpose to initiate the Development by carrying out a material operation as defined in section 56(4) of the 1990 Act. Where used in the context of part of the Development Commence means the carrying out of a material operation on that part. The terms **"Commencement"** and **"Commenced"** and **"Commence Development"**, **"Commencement Date"** and other congruent terms are to be construed accordingly. The following matters do not constitute a material operation and consequently shall not individually or together constitute Commencement:

(a) Demolition;

- (b) Site clearance;
- (c) Site investigations, testing or surveys;
- (d) The provision of underground drainage and sewers and the laying and diversion of other services and service medium;
- (e) Archaeological investigations and digs;
- (f) Ecological surveys, investigations or assessments;
- (g) Decontamination and remediation works;
- (h) The construction of boundary fencing or hoardings (including the erection of an enclosure for the purpose of site security);
- (i) The construction of a temporary site compound and welfare facilities / buildings / enclosures

**"Development"**

the demolition of the existing garage buildings and the erection of 9 x 2 bedroom mews houses with associated landscaping, parking, bike and refuse stores all in accordance with the Planning Permission

**"European Site"**

all that land designated on 1 April 2015 under Article 4(4) of Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna known as the Epping Forest Special Area of Conservation designated for the purpose of protecting three qualifying habitats namely beech forests on acid soil, European dry heaths and North Atlantic wet heaths with cross-leaved heath and one qualifying species namely the Stag Beetle

**"Interim Mitigation Strategy"**

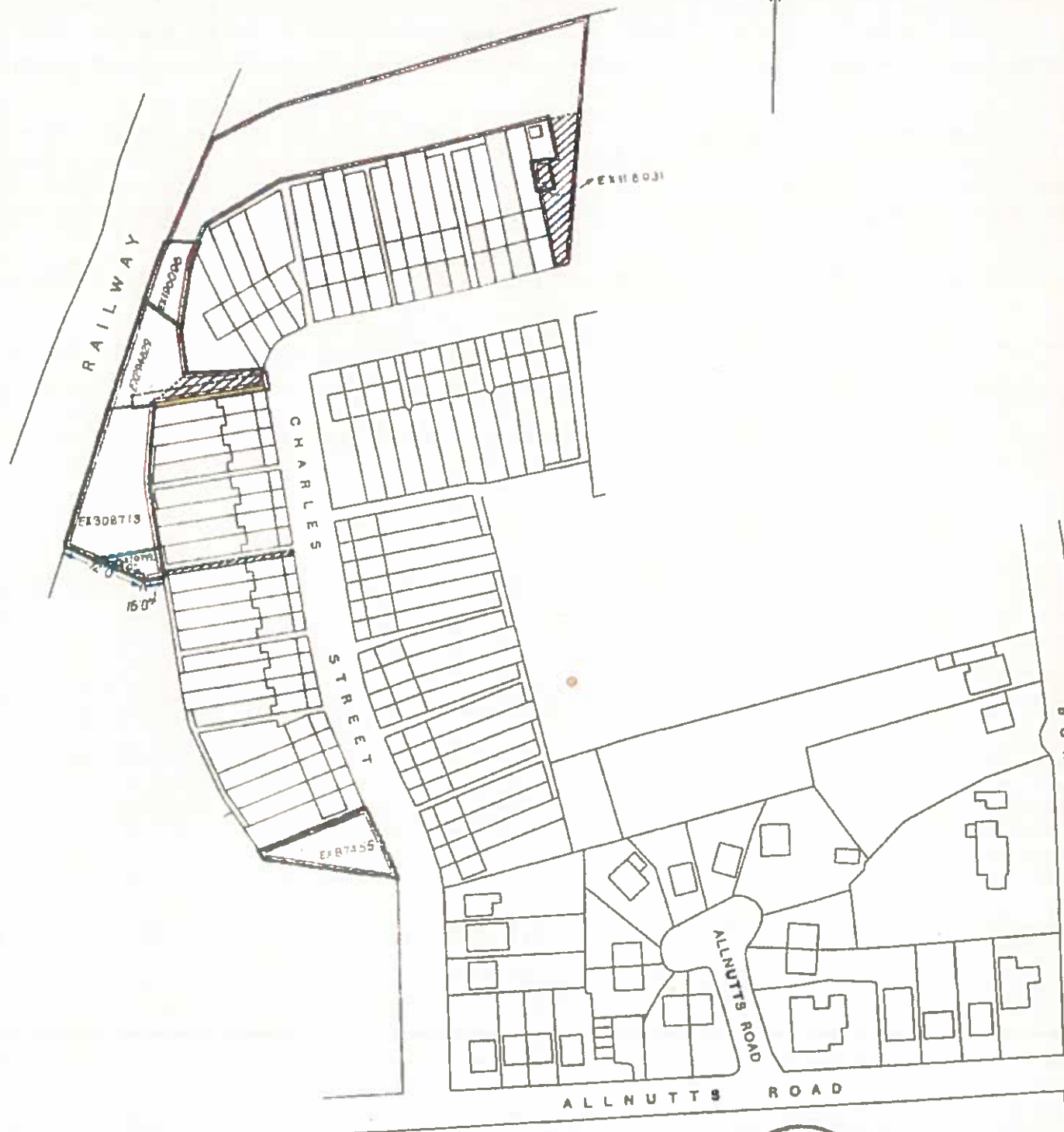
the 'Interim Approach to Managing recreational Pressure on the Epping Forest Special Area of Conservation adopted by the Council on 18 October 2018 in respect of the European Site

<b>"Monitoring Contribution"</b>	the sum of One Hundred and Fifty Eight pounds (£158.00) payable to the Council towards monitoring compliance with the obligations in this Deed
<b>"Plan"</b>	the site plan attached to this Deed
<b>"Planning Application"</b>	the planning application submitted to the Council and given application reference number EPF/3426/18
<b>"Planning Permission"</b>	the planning permission granted pursuant to the Planning Application
<b>"Recreation Contribution"</b>	the sum of Three Thousand One Hundred and Sixty Eight pounds (£3,168.00) payable to the Council as a financial contribution towards the maintenance, improvement, management, access management and monitoring of the European Site to mitigate the impact of the Development on the European Site in accordance with the Mitigation Strategy
<b>"Regulations"</b>	the conservation of Habitats and Species Regulations 2017
<b>"Site"</b>	land on the north and west sides of Charles Street, Epping.

- 3.2 References in this Deed to the Landowner, the Council, the Mortgagee or the Developer or any one or more of them shall include reference to their respective successors in title and to persons claiming through or under them
- 3.3 Words importing the singular meaning where the context so admits shall include the plural meaning and vice versa
- 3.4 Words of the masculine gender include the feminine and neuter genders and words denoting natural persons include companies corporations and firms and all such words shall be construed interchangeably in that manner
- 3.5 Words denoting an obligation on the Landowner to do any act matter or thing shall include an obligation to procure that it be done and words placing the Landowner

Scale 1/1250 Enlarged from 1/2500

THE BOUNDARIES SHOWN BY DOTTED  
LINES HAVE BEEN PLOTTED FROM THE  
PLANS ON THE DEEDS AND ARE  
SUBJECT TO REVISION ON SURVEY.

EPHING PARISH



under a restriction shall include an obligation not to cause permit or allow infringement of the restriction

- 3.6 Any reference to an act of parliament shall include any modification extension or re-enactment thereof for the time being in force and shall include all instruments orders plans regulations permissions and directions for the time being made issued or given thereunder or deriving validity therefrom
- 3.7 Headings contained in this Deed are for reference purposes only and should not be incorporated into this Deed and shall not be deemed to be any indication of the meaning of the parts of this Deed to which they relate
- 3.8 Reference to any recital, clause, sub-clause, paragraph number, schedule, appendix or plan is a reference to a recital, clause or sub-clause of, paragraph number of, schedule to, appendix to or plan annexed to this Deed;
- 3.9 The applicable law for this Deed shall be English law

#### **4. OBLIGATIONS OF THE LANDOWNER AND THE DEVELOPER**

- 4.1 The Landowner and the Developer undertake to comply with the obligations set out in the **Schedule**
- 4.2 The Landowner and the Developer shall upon parting with all of their respective interests in the Site be released from all obligations rights and duties under the terms of this Deed but shall remain liable for any breaches of this Deed occurring before parting with their respective interest.
- 4.3 The Landowner and the Developer covenant to give the Council written notice of any change in ownership of any of their interests in the Site occurring before all the obligations under this Deed have been discharged.
- 4.4 The notice referred to in Clause 4.3 above shall give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Site or unit of occupation purchased by reference to a plan.

#### **5. OBLIGATIONS OF THE DEVELOPER**

- 5.1 The Developer shall upon the date hereof pay to the Council its reasonable and proper legal expenses in connection with the preparation completion and registration of this Deed in the sum of ONE HUNDRED AND SEVENTY FIVE POUNDS £175.00 (no VAT).

**6. MORTGAGEES CONSENT**

- 6.1 The Mortgagee consents to the completion of this deed and declares that its interest in the Site shall be bound by the terms of this deed as if it had been executed and registered as a land charge prior to the creation of the Mortgagee's interest in the Site.
- 6.2 The Mortgagee shall not be personally liable for any breach of the obligations in this deed unless committed or continuing at a time when the Mortgagee is in possession of all or any part of the Site.

**7. GENERAL**

- 7.1 Any covenant by the Landowner or the Developer not to do an act or thing shall be deemed to include an obligation to use reasonable endeavours not to permit or suffer such act or thing to be done by another person where knowledge of the actions of the other person is reasonably to be inferred
- 7.2 The Landowner and the Developer acknowledge that nothing in this Deed shall prejudice or affect the rights powers duties and obligations of the Council in the exercise of its functions in any capacity and the respective rights powers duties and obligations of the Council under private public or subordinate legislation may be effectively exercised
- 7.3 Any obligation covenant or undertaking contained herein by any of the parties which comprise more than one person or entity shall be joint and several and where any obligation covenant or undertaking is made with or undertaken towards more than one person it shall be construed as having been made with or undertaken towards each such person separately
- 7.4 If any provision of this Deed is declared by any judicial or other competent authority to be void voidable illegal or otherwise unenforceable the remaining provisions of this Deed shall continue in full force and effect and the parties shall amend those provisions in such a reasonable manner so as to achieve the intention of the parties provided that any party may seek the consent of the other or others to the termination of this Deed on such terms as may in all the circumstances be reasonable if the effect of the foregoing provisions would be to defeat the original intention of the parties
- 7.5 No variation to this Deed shall be effective unless first approved by the Council and made by deed or pursuant to the determination of an application made under Section 106A of the 1990 Act
- 7.6 Failure by the Council to enforce at any time or for any period any one or more of the terms or conditions of this Deed shall not be a waiver of them or of the right at any time subsequently to enforce all terms and conditions of this Deed

7.7 Nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed

7.8 This Deed will end (to the extent it has not already been complied with), if the Planning Permission

7.8.1 is quashed, revoked or otherwise withdrawn at any time so as to render this Deed or any part of it irrelevant, impractical or unviable; or

7.8.2 expires before Commencement

7.9 It is hereby agreed and declared that a person who is not a local planning authority shall not be entitled in his own right to enforce any term of this Deed pursuant to the Contracts (Rights of Third Parties) Act 1999

7.10 This Deed shall be enforceable as a local land charge and shall be registered as such

## **8. RELEASE**

8.1 No person shall be liable for any breach of an obligation, restriction or covenant contained in this Deed after parting with all of its interest in the Site, except in respect of any breach subsisting prior to parting with such interest.

## **9. CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999**

9.1 The Landowner declares that no person, other than the Council, shall be entitled to enforce any term of this Deed under the Contracts (Rights of Third Parties) Act 1999

## **10. LOCAL LAND CHARGE REGISTRATION**

10.1 This Deed is a Local Land Charge and the Landowner accepts that it shall be registered as such by the Council in the Local Land Charges Register.

## **11. JURISDICTION AND LEGAL EFFECT**

11.1 This Deed will be governed by and interpreted in accordance with the law of England and Wales and the Parties submit to the non-exclusive jurisdiction of the courts of England and Wales.

11.2 If any provision of this Deed is found (for whatever reason) to be invalid, illegal or unenforceable, that invalidity, illegality or unenforceability will not affect the validity or enforceability of the remaining provisions of this Deed.

## **12. VAT**

12.1 All consideration given in accordance with the terms of this Deed shall be exclusive of

any properly payable VAT.

- 12.2 If at any time VAT is or becomes chargeable in respect of any supply made in accordance with the terms of this Deed then to the extent that VAT has not been charged in respect of that supply the person making the supply shall have the right to issue a VAT invoice to the person to whom the supply was made and the VAT shall be paid accordingly.

### 13. SPEND IN ADVANCE

- 13.1 The Landowner acknowledges and agrees that if prior to the receipt of any financial contribution payable under the terms of this Deed the Council incurs any expenditure in providing facilities or services to which this Deed authorises such financial contributions to be applied then the Council may immediately following receipt of such financial contributions deduct therefrom sums equivalent to such expenditure.

**IN WITNESS** whereof this document has been executed as a Deed and delivered the day and year first before written

### SCHEDULE

The Landowner and the Developer agree and covenant with the Council as follows:

#### PAYMENT OF FINANCIAL CONTRIBUTIONS

1. To pay the Recreation Contribution and the Monitoring Contribution to the Council in cleared funds on or before Commencement.
2. Not to Commence Development unless and until the Recreation Contribution and the Monitoring Contribution have been paid in full to the Council.

SIGNED AS A DEED by the said  
**Dudrich (Developments) Limited**  
acting by a director

Director

in the presence of:

Sign:

Name: KIM OONES

Address: 101 ENS 2QD

Occupation: secretary

SIGNED AS A DEED by the said  
**RCT Construction Limited**  
acting by a director

.....  
Director

**In the presence of:**

*Sign:*

*Name:*

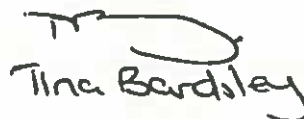
*Address:*

*Occupation:*

**SIGNED AND DELIVERED as a deed  
for and on behalf of NATIONAL WESTMINSTER  
BANK PLC by a duly authorised Attorney**

*in the presence of:* Richard Simpson

*Witness' Signature - Bank Employee*



Tina Bardley

DOCUMENTOR  
CREDIT DOCUMENTATION

REF 62246281m06



DATED

15<sup>th</sup> December

2020

**(1) DUDRICH (DEVELOPMENTS) LIMITED**

**(2) RCT CONSTRUCTION LIMITED**

**(3) NATIONAL WESTMINSTER BANK PLC**

in favour of

**(4) EPPING FOREST DISTRICT COUNCIL**

---

**DEED OF UNILATERAL UNDERTAKING**

---

under Section 106 Town and Country Planning Act 1990  
relating to land on the North and West sides of Charles  
Street, Epping

### **SUMMARY OF PAYMENTS DUE UNDER THIS DEED<sup>1</sup>**

Recreation Contribution	£3168
Monitoring Contribution	£ 158
Legal Fees	£ 175
<b>TOTAL</b>	<b>£3501</b>

---

<sup>1</sup> This summary page is provided for ease of future reference by the parties to the Deed and the Council and does not form part of the operative terms of this Deed.

**THIS DEED OF UNDERTAKING** is made on 15<sup>th</sup> December 2020

**BY**

- (1) **DUDRICH (DEVELOPMENTS) LIMITED** Incorporated in England with company no.04911358 whose registered office is at Lonsto House, 276 Chase Road, London N14 6HA ("the Landowner");
- (2) **RCT CONSTRUCTION LIMITED** Incorporated in England with company no.02350753 whose registered office is at 10 Market Walk, Saffron Walden, Essex CB10 1JZ ("the Developer");
- (3) **NATIONAL WESTMINSTER BANK PLC** Incorporated in England with company no. 00929027 whose registered office is at 250 Bishopsgate, London, England, EC2M 4AA and whose address for service is Credit Documentation, PO Box 339, Manchester M60 2AH ("the Mortgagee")

**in favour of**

- (4) **EPHING FOREST DISTRICT COUNCIL** of Civic Offices, High Street, Epping, Essex CM16 4BZ ("the Council")

**1. BACKGROUND**

- 1.1 For the purpose of the 1990 Act, the Council is the local planning authority for the area within which the Site is located.
- 1.2 The Landowner is the freehold owner of the Site with registered title number EX79740 at the Land Registry.
- 1.3 The Mortgagee is the proprietor of a charge dated 30<sup>th</sup> June 2005 registered against title number EX79740 and has agreed to enter into this deed to give its consent to the terms of the unilateral undertaking.
- 1.4 The Developer entered into an Agreement with the Owner on 24<sup>th</sup> August 2018 giving it an option to purchase the Site and intends to develop the Site pursuant to the Planning Permission.
- 1.5 The Planning Application has been made to the Council by the Developer and in granting the Planning Permission the Council considers it expedient that provision should be made for regulating or facilitating the Development or use of the Site in the manner hereinafter appearing and that entering into this Deed will be of benefit to the public
- 1.6 In order to satisfy the tests in Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 the Council and the other parties are satisfied that the planning obligations contained in this Deed are necessary to make the Development acceptable in planning terms, are directly related to the Development and fairly and reasonably related in scale and kind to the Development

- 1.7 The Landowner and the Developer have agreed to enter into this Deed with the intention that the obligations contained in this Deed may, in the event that the Planning Permission is granted, be enforced by the Council against the Landowner, the Developer and their successors in title.
- 1.8 This Deed is entered into by the Landowner and the Developer to mitigate any adverse effect on the integrity of the European Site as a result of the Development

**IT IS HEREBY AGREED** as follows:

## **2. OPERATIVE PROVISIONS**

- 2.1 This Deed is made pursuant to Section 106 of the 1990 Act to the intent that it shall bind the Landowner, the Developer and their successors in title and assigns and the persons claiming under or through them
- 2.2 This Deed creates planning obligations for the purposes of Section 106 of the 1990 Act and such obligations and covenants hereinafter contained shall be enforceable by the Council acting under the powers contained in Section 106 of the 1990 Act.
- 2.3 This Deed shall come into effect on the date the Planning Permission is granted.

## **3. DEFINITIONS AND INTERPRETATION**

- 3.1 In this Deed, (which includes the Schedules and Appendices to it) the following words and expressions have the following meanings:

<b>"1990 Act"</b>	the Town and Country Planning Act 1990 as amended
<b>"Commencement of Development"</b>	solely for the purposes of this Deed and for no other purpose to initiate the Development by carrying out a material operation as defined in section 56(4) of the 1990 Act. Where used in the context of part of the Development Commence means the carrying out of a material operation on that part. The terms "Commencement" and "Commenced" and "Commence Development", "Commencement Date" and other congruent terms are to be construed accordingly. The following matters do not constitute a material operation and consequently shall not individually or together constitute Commencement:

- (a) Demolition;

- (b) Site clearance;
- (c) Site investigations, testing or surveys;
- (d) The provision of underground drainage and sewers and the laying and diversion of other services and service medium;
- (e) Archaeological investigations and digs;
- (f) Ecological surveys, investigations or assessments;
- (g) Decontamination and remediation works;
- (h) The construction of boundary fencing or hoardings (including the erection of an enclosure for the purpose of site security);
- (i) The construction of a temporary site compound and welfare facilities / buildings / enclosures

**"Development"**

the demolition of the existing garage buildings and the erection of 9 x 2 bedroom mews houses with associated landscaping, parking, bike and refuse stores all in accordance with the Planning Permission

**"European Site"**

all that land designated on 1 April 2015 under Article 1(1) of Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna known as the Epping Forest Special Area of Conservation designated for the purpose of protecting three qualifying habitats namely beech forests on acid soil, European dry heaths and North Atlantic wet heaths with cross-leaved heath and one qualifying species namely the Stag Beetle

**"Interim Mitigation Strategy"**

the 'Interim Approach to Managing recreational Pressure on the Epping Forest Special Area of Conservation adopted by the Council on 18 October 2018 in respect of the European Site

**"Monitoring Contribution"** the sum of One Hundred and Fifty Eight pounds (£158.00) payable to the Council towards monitoring compliance with the obligations in this Deed

**"Plan"** the site plan attached to this Deed

**"Planning Application"** the planning application submitted to the Council and given application reference number EPF/3426/18

**"Planning Permission"** the planning permission granted pursuant to the Planning Application

**"Recreation Contribution"** the sum of Three Thousand One Hundred and Sixty Eight pounds (£3,168.00) payable to the Council as a financial contribution towards the maintenance, improvement, management, access management and monitoring of the European Site to mitigate the impact of the Development on the European Site in accordance with the Mitigation Strategy

**"Regulations"** the conservation of Habitats and Species Regulations 2017

**"Site"** land on the north and west sides of Charles Street, Epping.

- 3.2 References in this Deed to the Landowner, the Council, the Mortgagee or the Developer or any one or more of them shall include reference to their respective successors in title and to persons claiming through or under them
- 3.3 Words importing the singular meaning where the context so admits shall include the plural meaning and vice versa
- 3.4 words of the masculine gender include the feminine and neuter genders and words denoting natural persons include companies corporations and firms and all such words shall be construed interchangeably in that manner
- 3.5 Words denoting an obligation on the Landowner to do any act matter or thing shall include an obligation to procure that it be done and words placing the Landowner

ESSEX

SHEET

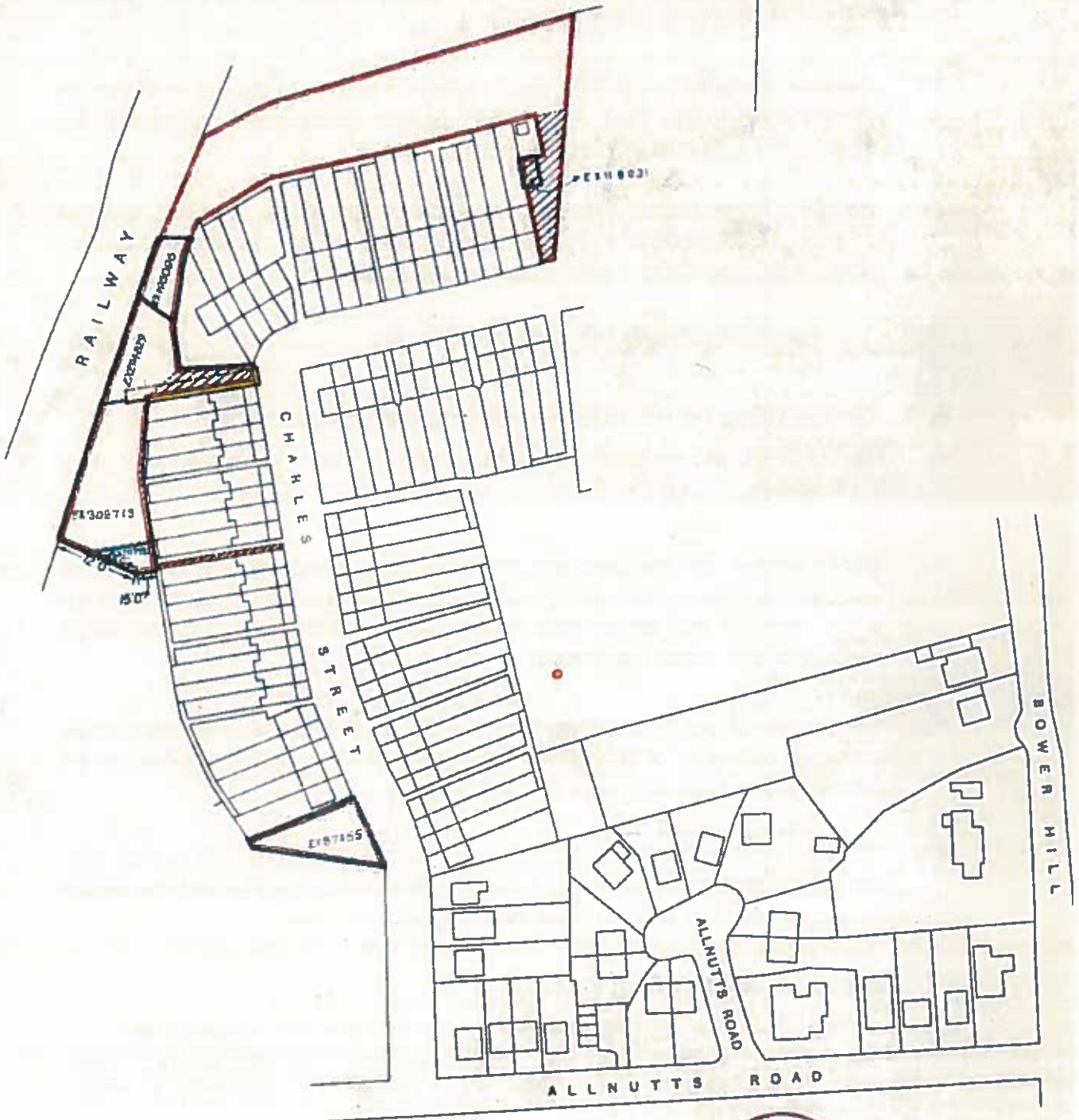
LX 12

SECTION A

Scale 1/1250 Enlarged from 1/2500

THE BOUNDARIES SHOWN BY DOTTED LINES HAVE BEEN PLOTTED FROM THE PLANS ON THE DEEDS AND ARE SUBJECT TO REVISION ON SURVEY.

EPPING PARISH



Made and printed by the Director  
General of the Ordnance Survey,  
Cheshington, Surrey, 1961 for HMLR  
© Crown Copyright 1961



EV 70710

under a restriction shall include an obligation not to cause permit or allow infringement of the restriction

- 3.6 Any reference to an act of parliament shall include any modification extension or re-enactment thereof for the time being in force and shall include all instruments orders plans regulations permissions and directions for the time being made issued or given thereunder or deriving validity therefrom
- 3.7 Headings contained in this Deed are for reference purposes only and should not be incorporated into this Deed and shall not be deemed to be any indication of the meaning of the parts of this Deed to which they relate
- 3.8 Reference to any recital, clause, sub-clause, paragraph number, schedule, appendix or plan is a reference to a recital, clause or sub-clause of, paragraph number of, schedule to, appendix to or plan annexed to this Deed;
- 3.9 The applicable law for this Deed shall be English law

#### **4. OBLIGATIONS OF THE LANDOWNER AND THE DEVELOPER**

- 4.1 The Landowner and the Developer undertake to comply with the obligations set out in the **Schedule**
- 4.2 The Landowner and the Developer shall upon parting with all of their respective interests in the Site be released from all obligations rights and duties under the terms of this Deed but shall remain liable for any breaches of this Deed occurring before parting with their respective interest.
- 4.3 The Landowner and the Developer covenant to give the Council written notice of any change in ownership of any of their interests in the Site occurring before all the obligations under this Deed have been discharged.
- 4.4 The notice referred to in Clause 4.3 above shall give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Site or unit of occupation purchased by reference to a plan.

#### **5. OBLIGATIONS OF THE DEVELOPER**

- 5.1 The Developer shall upon the date hereof pay to the Council its reasonable and proper legal expenses in connection with the preparation completion and registration of this Deed in the sum of ONE HUNDRED AND SEVENTY FIVE POUNDS £175.00 (no VAT).

**6. MORTGAGEES CONSENT**

- 6.1 The Mortgagee consents to the completion of this deed and declares that its interest in the Site shall be bound by the terms of this deed as if it had been executed and registered as a land charge prior to the creation of the Mortgagee's interest in the Site.
- 6.2 The Mortgagee shall not be personally liable for any breach of the obligations in this deed unless committed or continuing at a time when the Mortgagee is in possession of all or any part of the Site.

**7. GENERAL**

- 7.1 Any covenant by the Landowner or the Developer not to do an act or thing shall be deemed to include an obligation to use reasonable endeavours not to permit or suffer such act or thing to be done by another person where knowledge of the actions of the other person is reasonably to be inferred
- 7.2 The Landowner and the Developer acknowledge that nothing in this Deed shall prejudice or affect the rights powers duties and obligations of the Council in the exercise of its functions in any capacity and the respective rights powers duties and obligations of the Council under private public or subordinate legislation may be effectively exercised
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- 7.5 No variation to this Deed shall be effective unless first approved by the Council and made by deed or pursuant to the determination of an application made under Section 106A of the 1990 Act
- 7.6 Failure by the Council to enforce at any time or for any period any one or more of the terms or conditions of this Deed shall not be a waiver of them or of the right at any time subsequently to enforce all terms and conditions of this Deed

7.7 Nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed

7.8 This Deed will end (to the extent it has not already been complied with), if the Planning Permission

7.8.1 is quashed, revoked or otherwise withdrawn at any time so as to render this Deed or any part of it irrelevant, impractical or unviable; or

7.8.2 expires before Commencement

7.9 It is hereby agreed and declared that a person who is not a local planning authority shall not be entitled in his own right to enforce any term of this Deed pursuant to the Contracts (Rights of Third Parties) Act 1999

7.10 This Deed shall be enforceable as a local land charge and shall be registered as such

## **8. RELEASE**

8.1 No person shall be liable for any breach of an obligation, restriction or covenant contained in this Deed after parting with all of its interest in the Site, except in respect of any breach subsisting prior to parting with such interest.

## **9. CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999**

9.1 The Landowner declares that no person, other than the Council, shall be entitled to enforce any term of this Deed under the Contracts (Rights of Third Parties) Act 1999

## **10. LOCAL LAND CHARGE REGISTRATION**

10.1 This Deed is a Local Land Charge and the Landowner accepts that it shall be registered as such by the Council in the Local Land Charges Register.

## **11. JURISDICTION AND LEGAL EFFECT**

11.1 This Deed will be governed by and interpreted in accordance with the law of England and Wales and the Parties submit to the non-exclusive jurisdiction of the courts of England and Wales.

11.2 If any provision of this Deed is found (for whatever reason) to be invalid, illegal or unenforceable, that invalidity, illegality or unenforceability will not affect the validity or enforceability of the remaining provisions of this Deed.

## **12. VAT**

12.1 All consideration given in accordance with the terms of this Deed shall be exclusive of

any properly payable VAT.

- 12.2 If at any time VAT is or becomes chargeable in respect of any supply made in accordance with the terms of this Deed then to the extent that VAT has not been charged in respect of that supply the person making the supply shall have the right to issue a VAT invoice to the person to whom the supply was made and the VAT shall be paid accordingly.

### **13. SPEND IN ADVANCE**

- 13.1 The Landowner acknowledges and agrees that if prior to the receipt of any financial contribution payable under the terms of this Deed the Council incurs any expenditure in providing facilities or services to which this Deed authorises such financial contributions to be applied then the Council may immediately following receipt of such financial contributions deduct therefrom sums equivalent to such expenditure.

**IN WITNESS** whereof this document has been executed as a Deed and delivered the day and year first before written

### **SCHEDULE**

The Landowner and the Developer agree and covenant with the Council as follows:

#### **PAYMENT OF FINANCIAL CONTRIBUTIONS**

1. To pay the Recreation Contribution and the Monitoring Contribution to the Council in cleared funds on or before Commencement.
2. Not to Commence Development unless and until the Recreation Contribution and the Monitoring Contribution have been paid in full to the Council.

SIGNED AS A DEED by the said  
**Dudrich (Developments) Limited**  
acting by a director

-----  
Director

in the presence of:

*Sign:*

*Name:*

*Address:*

*Occupation:*

SIGNED AS A DEED by the said  
**RCT Construction Limited**  
acting by a director

Director



in the presence of:

Sign:



Name: VINNY TAYLOR

Address: STABLE END, NEWCHURCH, TN29 0DC

Occupation: Analyst

SIGNED AND DELIVERED as a deed  
for and on behalf of **NATIONAL WESTMINSTER**  
**BANK PLC** by a duly authorised Attorney

in the presence of:

Witness' Signature - Bank Employee

## Appendix 4

**Our Ref:** PL/EPF/0236/21

**TOWN AND COUNTRY PLANNING ACT 1990  
SUBMISSION OF DETAILS PURSUANT TO CONDITION**



**Planning Services Directorate**  
Civic Offices,  
323 High Street,  
Epping,  
Essex CM16 4BZ

An electronic version of this  
decision notice is available  
on our website:  
[www.eppingforestdc.gov.uk/iplan](http://www.eppingforestdc.gov.uk/iplan)

To: Douglas and King Architects  
Back Building  
148-150 Curtain Road  
London  
EC2A 3AR  
United Kingdom

**Original  
Application**

**Proposal:** Application for approval of details reserved by condition 3 'External materials', condition 4 'Flood Risk Assessment', condition 8 'Hard and Soft Landscaping' and condition 9 'Surface Water details' on planning approval EPF/3426/18 (Demolition of the existing garage buildings and the erection of 9 x 2 bedroom mews houses, with associated landscaping, parking, bike and refuse stores)

**Location:** Garages to the rear of, nos 13-43 Charles Street, Epping, CM16 7AU

**Decision:** **Details Partially Approved**

**Signed**

A handwritten signature in black ink, appearing to read 'N. Richardson'.

N. Richardson  
Planning Services Director.

**Date:** 18 May 2021

**TOWN AND COUNTRY PLANNING ACT 1990  
SUBMISSION OF DETAILS PURSUANT TO CONDITION  
CONFIRMATION OF DISCHARGE OF CONDITION(s)**



**Informatives:**

Condition 3 and 8: The details submitted are considered acceptable.

Conditions 4 and 9: details submitted are not acceptable.

The following additional information or clarification is required:

Runoff calculations

The report refers to discharging surface water into the existing combined sewer at a greenfield run off of 5l/s. At this location the public foul and surface water are separate systems, this team would expect surface water to be discharged into the surface water sewer.

It should also be noted that the greenfield run off rate for the impermeable area of 1760m<sup>2</sup> is not 5l/s. With a calculated 1 year rate of 0.5l/s, it is appreciated that a run off this low may not be viable, however it is expected to be as close as practically possible.

Attenuation Systems.

The current proposal is to attenuate for storm events up to and including the 1 in 100 year plus 30% climate change allowance. In line with the guidance set out by the Environment Agency, the peak rainfall intensity allowance required for developments of this nature is required to be designed for the upper end at 40%.

Please provide details of the design, specification and supporting calculations. The system must be designed for all events up to and including the 1 in 100 year + 40% climate change event.

## Appendix 5

## **POLICY CP1 - ACHIEVING SUSTAINABLE DEVELOPMENT OBJECTIVES**

Planning powers and actions will be used to:

- (i) avoid, or at least minimise, impacts of development upon the environment, particularly in ways likely to affect future generations. Where negative impacts cannot be avoided, compensatory measures will be required to offset such impacts, taking into account that social and economic activities depend upon the maintenance of a stable and healthy environment for their continuance;
- (ii) secure the provision of sufficient types and amounts of housing accommodation, and different facilities, to meet the needs of the local population, and to retain and improve land resources to meet the recreational and countryside needs of the metropolitan area;
- (iii) give effect to the Epping Forest Community Strategy (produced by the Local Strategic Partnership) which is in force at the time;
- (iv) meet the employment needs of those who are unemployed and secure/achieve a mix of local employment and commercial activities that both meet local needs and reduce the need to travel, and reduce reliance on use of the private car;
- (v) avoid further commuting, especially where it is dependent upon private car use;
- (vi) help achieve prudent use of natural resources; and
- (vii) minimise the use of non-renewable resources, including greenfield land.

## **POLICY CP2 – PROTECTING THE QUALITY OF THE RURAL AND BUILT ENVIRONMENT**

The quality of the rural and built environment will be maintained, conserved and improved by:

- (i) sustaining and enhancing the rural environment, including conserving countryside character, in particular its landscape, wildlife and heritage qualities, and protecting countryside for its own sake;
- (ii) enhancing and managing, by appropriate use, land in the Metropolitan Green Belt and urban fringe;
- (iii) retaining the best and most versatile land for agriculture;
- (iv) safeguarding and enhancing the setting, character and townscape of the urban environment;
- (v) preserving and enhancing the biodiversity and networks of natural habitats of the area, including river and wildlife corridors and other green chains;
- (vi) giving priority to protecting and enhancing areas designated as having intrinsic environmental quality at international, national and strategic levels, in compliance with policy NC1 and PPS9;
- (vii) managing the demand for water resources and sewerage infrastructure by controlling the location, scale and phasing of development so as to protect environmental and wildlife interests.

### **POLICY CP3 – NEW DEVELOPMENT**

In considering planning applications and in allocating land for development, the Council will require the following criteria to be satisfied:

- (i) the development can be accommodated within the existing, committed or planned infrastructure capacity of the area (or that sufficient new infrastructure is provided by the new development/developer);
- (ii) the development is accessible by existing, committed or planned sustainable means of transport;
- (iii) sequential approaches have been used to ensure that appropriate types of development, redevelopment or intensification of use take place at suitable locations;
- (iv) the achievement of a more sustainable balance between local jobs and workers;
- (v) the scale and nature of development is consistent with the principles of sustainability and respects the character and environment of the locality.

The Council may use Planning Obligations to ensure these criteria are satisfied.

### **POLICY CP4 – ENERGY CONSERVATION**

All new built development should incorporate principles of energy conservation in relation to the design, massing, siting, orientation and layout of buildings. Appropriate measures to utilise renewable energy resources and new energy saving/generating technologies as may become available, should be provided within new buildings or developments where appropriate. These principles should also apply to the conversion or re-use of existing sites and buildings.

### **POLICY CP5 – SUSTAINABLE BUILDING**

Planning permission may be refused for proposals which the Council believes do not do enough to conserve energy, make the most efficient use of water and other resources, recycle waste or protect environmental features and local amenities. Where possible, proposals for new development, or for the conversion or re-use of sites and buildings should incorporate measures which:

- (i) reduce fuel use and greenhouse gas emissions (e.g. heat recovery, passive solar gain, cycle parking/storage, links with footpath and cycle networks to encourage sustainable transport);
- (ii) minimise overall energy use and input of raw materials (e.g. building form, orientation, thermal mass, fenestration, natural ventilation, landscaping to create shelterbelts, use/re-use of construction materials);
- (iii) encourage efficient use of water and recycling of waste (e.g. enable use of greywater and collection of rainwater, incorporation of water efficient appliances within the development, provision of facilities and space for waste recycling and composting);
- (iv) incorporate renewable energy facilities or schemes;

- (v) adopt methods to protect wildlife habitats, trees and other landscape features during construction and which minimise disturbance to adjoining landowners and local amenities.

The Council may require that proposals for new development, or for the conversion or re-use of sites or buildings, demonstrate in a 'Sustainability Report' how various aspects of sustainability (including those in criteria (i) to (v) above) have been taken into account. The report should address the siting, massing, design, orientation and layout of development, and the construction and life-cycle of buildings.

## **POLICY CP6 – ACHIEVING SUSTAINABLE URBAN DEVELOPMENT PATTERNS**

Development and economic growth will be accommodated in a sustainable manner which counters trends to more dispersed patterns of living, employment and travel by:

- (i) giving the emphasis to improving the quality of life in urban areas, making them more attractive places in which to live, work, shop, spend leisure time and invest, and achieving a significant enhancement of the vitality and viability of the urban environment;
- (ii) concentrating new economic and housing development and redevelopment within urban areas by maximising the use of spare capacity in terms of land, buildings and infrastructure;
- (iii) applying a sequential approach when considering development proposals so as to give preference to development within urban areas;
- (iv) giving priority to infrastructure and transport proposals that will facilitate the development and regeneration of urban areas and increase choice of sustainable means of transport;
- (v) reducing disparities between the economic prospects of different parts of the local plan area;
- (vi) seeking to achieve a better balance between housing and employment provision within local areas;
- (vii) promoting mixed use neighbourhood developments;
- (viii) seeking appropriate recreational provision including access to the countryside.

## **POLICY CP7 – URBAN FORM AND QUALITY**

In line with policies CP6 and ST1, one of the Council's primary objectives is to make the fullest use of existing urban areas for new development before locations within the Green Belt. In view of this primary objective, the environmental quality of existing urban areas will be maintained and improved as attractive places in which to live, work and visit. Where the existing urban fabric provides for high quality in design and local environment by virtue of its existing character, open land uses and buildings and areas of architectural, historic and archaeological importance, this will be strongly protected and enhanced. New development in all urban areas which results in over-development, unsympathetic change or loss of amenity will not be permitted. Subject to those considerations, existing built-up areas will be used in the most efficient way to accommodate new development by the:

- (i) recycling of vacant, derelict, degraded and under-used land to accommodate new development;

- (ii) re-use of existing buildings by refurbishment, conversions, changes of use and extensions;
- (iii) re-use of urban sites, which are no longer appropriate to their existing or proposed use in the foreseeable future, for alternative land uses; and
- (iv) use of higher densities where compatible with the character of the area concerned and urban design controls.

## **POLICY CP8 – SUSTAINABLE ECONOMIC DEVELOPMENT**

Provision will be made for economic, commercial and housing development and transport investment which will:

- (i) facilitate economic regeneration in areas of relative social deprivation to reduce disparities in economic success across the district;
- (ii) reflect capacity and result in balanced and sustainable economic and housing growth in urban areas and across the district as appropriate;
- (iii) within the rural areas, make provision for environmentally and economically sustainable activities and adequate housing to encourage renewal and maintain vitality;
- (iv) encourage local economic diversity;
- (v) encourage the development of appropriate high value-added economic activities where this is economically beneficial and environmentally acceptable;
- (vi) satisfy other plan policies.

## **POLICY CP9 – SUSTAINABLE TRANSPORT**

Where appropriate, development schemes will be required to:

- (i) provide for a sustainable and integrated transportation system;
- (ii) include investment in transport infrastructure to facilitate and support economic success;
- (iii) promote and provide for sustainable means of transport, especially to key community facilities, particularly by public transport, cycling and walking;
- (iv) improve and make the best use of existing infrastructure, including demand management and reducing the need to travel;
- (v) ensure access by all sectors of the community, including the mobility impaired and the economically disadvantaged;
- (vi) improve passenger transport services;
- (vii) provide for a safe and efficient transportation network that improves the accessibility of local communities.

## **POLICY DBE1- DESIGN OF NEW BUILDINGS**

The Council will require that new buildings:

- (i) respect their setting in terms of scale, proportion, siting, massing, height, orientation, roof-line and detailing;
- (ii) are of a size and position such that they adopt a significance in the streetscene which is appropriate to their use or function; and
- (iii) only employ external materials which are sympathetic in colour and texture to the vernacular range of materials.

## **POLICY DBE2- EFFECT ON NEIGHBOURING PROPERTIES**

Planning permission will not be granted for new buildings which have a detrimental effect upon existing neighbouring or surrounding properties in either amenity or functional terms.

## **POLICY DBE3- DESIGN IN URBAN AREAS**

Outside the Green Belt, new development will be required to ensure that:

- (i) all spaces between and around buildings are deliberately created to be functional, attractive and safe for their intended users;
- (ii) spaces are of individual identity and character and are satisfactorily enclosed;
- (iii) public, private and semi-private spaces are clearly discernible to their intended users;
- (iv) the informal supervision of public and semi-private spaces around buildings by their occupiers is encouraged; and
- (v) front elevations face outwards onto public spaces and contain the main entrances.

## **POLICY DBE4- DESIGN IN THE GREEN BELT**

Within the Green Belt, new buildings will be required to ensure that:

- (i) their location respects the wider landscape setting of the site; and
- (ii) they are of a design which respects local character in terms of traditional plan form and detailing.

## **POLICY DBE5- DESIGN AND LAYOUT OF NEW DEVELOPMENT**

Where new residential developments involve the creation of a new street system, or an extension to an existing system, the design and layout will be required to:

- (i) be based on a pattern of buildings fronting public spaces;
- (ii) allow for the convenient movement of pedestrians and cyclists within the development; and

## Appendix 6

including the local context, design, transport and social infrastructure.

### Policy SP 3 Place Shaping

H. Strategic Masterplans and development proposals must reflect and demonstrate that the following place shaping principles have been adhered to with respect to the scale of development proposed:

- (i) strong vision, leadership and community engagement;
- (ii) provide for the long-term stewardship of assets;
- (iii) provide mixed-tenure homes and a range of housing types and sizes;
- (iv) ensure a robust range of employment opportunities with a variety of jobs within easy commuting distance of homes;
- (v) provide high quality and imaginatively designed homes with gardens or access to usable and accessible amenity space, combining the very best of urban and rural living to promote healthy and active lifestyles and vibrant communities;
- (vi) ensure generous, well connected and biodiverse rich green space provision;
- (vii) extend, enhance and reinforce strategic green infrastructure and public open space;
- (viii) ensure that development enhances the natural environment;
- (ix) deliver strong local cultural, recreational, social (including health and educational where required) and shopping facilities to support day-to-day needs in walkable neighbourhoods;
- (x) ensure positive integration and connection with adjacent rural and urban communities thereby contributing to the revitalisation of existing neighbourhoods;
- (xi) maintain and enhance the important features, character and assets of existing settlements;
- (xii) conserve and positively enhance key landscapes, habitats and biodiversity;
- (xiii) provide for sustainable movement and access to local and strategic destinations (including rail, bus and pedestrians/cycling); and
- (xiv) positively respond to sustainable water

management.

- I. To ensure the best and most efficient use of land as a guide the Council will normally expect:
  - (i) a greater density of development at places with good public transport accessibility;
  - (ii) densities above 50 dwellings per hectare in towns and large village centres, and along main transport routes and/or close to transport nodes;
  - (iii) in the areas outside town and large village centres, new residential development should achieve densities of between 30 and 50 dwellings per hectare, and should enhance the distinctive character and identity of the area;
  - (iv) lower density developments may be appropriate in other areas of the District. Some parts of the urban areas and some villages are particularly sensitive to the impact of intensification and redevelopment because of the prevailing character of the area and the sensitive nature of the surrounding countryside or built form.

### Strategic Masterplans

2.89 The Council requires a joined-up, collaborative, cohesive and proactive approach to be taken to the planning and implementation of key strategic sites across the District.

2.90 The following Strategic Masterplans will be required to guide the development and implementation of the Garden Town Communities (as specified in Policies SP 4 and SP 5 below):

- East of Harlow Masterplan;
- Latton Priory Masterplan; and
- Water Lane Area Masterplan.

2.91 The following Strategic Masterplans will be produced to guide the development and implementation of other areas (as specified in the Places policies of the Plan in Chapter 5) of significant growth and/or complexity elsewhere in the District:

- South Epping Masterplan;
- Jessel Green Masterplan;
- Waltham Abbey North Masterplan;

The Local Plan should be read as a whole. Proposals will be judged against all relevant policies.

- 3.7 The Self Build and Custom Housebuilding Act 2015 placed an obligation on local authorities to maintain a register of people and groups interested in building their own homes. A detailed definition of self-build and custom housebuilding is set out in the Housing and Planning Act 2016. The Council will work with landowners and developers to deliver its obligations with respect to self-build and custom housebuilding.
- 3.8 The Council is also supportive of community-led housing. Community-led schemes are those that are driven by local communities, rather than local authorities or developers.

### Policy H 1 Housing Mix and Accommodation Types

- A. Development will be permitted where the mix of new homes:
- (i) includes a range of house types and sizes to address local need including for 'down-sizing';
  - (ii) is appropriate to the size, location and characteristics of the site and its surroundings;
  - (iii) takes into account the existing housing stock in the settlement or neighbourhood in order to avoid any over-concentration of a single type or size of homes, or specialist accommodation, where this would undermine the achievement of mixed and balanced communities; and
  - (iv) allows for community-led approaches such as co-housing and co-operatives where appropriate;
  - (v) provides for all new homes to be accessible and adaptable as defined by the Building Regulations in effect at the time of the application.
- B. Planning applications will be required to be supported by evidence, proportionate to the nature and scale of development proposed, to justify the mix of new homes to be provided. Such evidence will also need to reflect latest housing needs evidence published by the Council.
- C. Proposals for housing, requiring specialist accommodation, self-build/custom build housing, sites upon which caravans can be stationed, or locations for mooring houseboats, will be

supported where:

- (i) they meet a proven identified need;
  - (ii) the location is appropriate in terms of access to facilities, services and public transport and;
  - (iii) It can be demonstrated that the development is designed and managed to provide the most appropriate types and levels of support to the proposed occupier and adequately caters for the needs of support staff.
- D. The Council will require all New Housing Development to include affordable housing in accordance with Policy H 2 (Affordable Housing).
- E. Where there is evidence of an identified unmet need in the local area and the location is appropriate in terms of access to existing or proposed facilities, services and public transport, larger scale new residential developments should incorporate specially designed housing/specialist accommodation for people with support needs (including for older people and housing with care).
- F. The loss of bungalows and specialist accommodation will be resisted.
- G. The Council will support the development of self-build homes on appropriately sized, serviced sites in the first instance or on appropriately sized sites that are capable of being serviced. The provision of such will be encouraged as part of larger development schemes.

### Affordable Housing

- 3.9 The evidence presented in the SHMA and updates demonstrates that the provision of affordable homes is a key issue for the District. The 2017 Affordable Housing update sets out that, having taken into account the number of affordable homes provided in the first five years of the plan period, the number of new affordable homes required for the period 2016-2033 in Epping Forest District was 2,851 homes. This equates to some 178 homes per annum.
- 3.10 The primary opportunity to address this issue is through on-site provision as part of market sector housing developments, taking into account the limited supply of land and to ensure the creation of mixed and balanced communities. In doing so there needs to be a balance between securing the maximum level of affordable housing on those sites whilst

The Local Plan should be read as a whole. Proposals will be judged against all relevant policies.

Council will have regard to the BRE guidelines produced in 2011 (BRE209) which although not mandatory are heavily relied upon as they advise on the approach and evaluation of impact in daylight and sunlight matters. An assessment should accompany proposals where the proposed development has the potential to negatively impact existing levels of daylight or sunlight on adjoining properties or within the development site itself.

- 4.74 New developments should be designed to protect the privacy of both new and existing occupiers. Separation distances, the provision of screening between elevations as well as the angle of orientation will be assessed as part of any planning application.

## Strategic Development

- 4.75 Development proposals will be required to accord with the place-shaping principles set out within Policy SP 3, and it will be necessary to demonstrate compliance with these principles through the production of Strategic Masterplans, Design Codes and Concept Frameworks where indicated. Chapters 2 and 5 provide further details.

### Policy DM 9 High Quality Design

- A. All new development must achieve a high specification of design and contribute to the distinctive character and amenity of the local area. The Council will require all development proposals to be design-led and:
- (i) relate positively to their context;
  - (ii) make a positive contribution to a place;
  - (iii) where appropriate, incorporate sustainable design and construction principles that consider adaptation and mitigation approaches to address climate change;
  - (iv) are planned, where appropriate, to minimise vulnerability to climate change impacts and which will not exacerbate vulnerability in other areas; and
  - (v) incorporate design measures to reduce social exclusion, the risk of crime, and the fear of crime.

#### Strategic Sites

- B. The Council will require Strategic Masterplans to

be prepared and developed for the Garden Town Communities set out in SP 5 and other relevant allocated sites as set out in Chapter 5. Strategic Masterplans will be produced by the applicant, in partnership with the Council, and the local community, and be capable of being adopted by the Council as Supplementary Planning Documents. Design Codes will be required to be produced and agreed with the Council to support the implementation of the Strategic Masterplans. All relevant applications will be required to conform with the agreed Strategic Masterplans and Design Codes.

- C. The Council will require the use of the established Quality Review Panel for larger or contentious sites at appropriate stages, to be agreed with the Council, to inform detailed design proposals for major developments.

#### Design Standards

- D. Development proposals must relate positively to their locality, having regard to:
- (i) building heights;
  - (ii) the form, scale and massing prevailing around the site;
  - (iii) the framework of routes and spaces connecting locally and more widely;
  - (iv) the rhythm of any neighbouring or local regular plot and building widths and, where appropriate, following existing building lines;
  - (v) the need to provide active frontages to the public realm; and
  - (vi) distinctive local architectural styles, detailing and materials.

#### Landscaping

- E. Development proposals must demonstrate how the landscaping and planting has been integrated into the development as a whole. The Council will expect development proposals to respond to:
- (i) levels, slopes and fall in the ground;
  - (ii) trees on and close to the site;
  - (iii) natural boundary features;
  - (iv) the biodiversity of the site and its surroundings; and
  - (v) the need to maximise the use of permeable surfaces.

#### Public Realm

- F. Where appropriate development proposals must contribute positively to the public realm and to

The Local Plan should be read as a whole. Proposals will be judged against all relevant policies.

public spaces to which it is physically or functionally connected.

#### Connectivity and Permeability

- G. Where appropriate, development proposals must maximise connectivity within, and through, the development and to the surrounding areas including the provision of high quality and safe pedestrian and cycle routes.

#### Privacy and Amenity

- H. Development proposals must take account of the privacy and amenity of the development's users and neighbours. The Council will expect proposals to:
- (i) provide adequate sunlight, daylight and open aspects to all parts of the development and adjacent buildings and land (including any private amenity) space;
  - (ii) avoid overlooking and loss of privacy detrimental to the living conditions of neighbouring residents and the residents of the proposed development;
  - (iii) not result in an over-bearing or overly enclosed form of development which materially impacts on either the outlook of occupiers of neighbouring properties or the residents of the proposed development; and
  - (iv) address issues of vibration, noise, fumes, odour, light pollution, air quality and microclimatic conditions likely to arise from any use or activities as a result of the development or from neighbouring uses or activities.
- I. All development proposals must demonstrate that they are in general conformity with the design principles set out in other relevant Local Development Documents, Design Guides, Neighbourhood Plans or Village Design Statements (VDSs) adopted or endorsed by the Council.

## Housing Design and Quality

- 4.76 The majority of the development coming forward over the Plan period will be residential in nature. A core principle of planning is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. National policy expects a high quality of design that meets the needs of the diversity of people i.e. is 'inclusive'. It notes that design policies should concentrate on guiding the overall scale, density, massing, height, landscape, layout materials and access of new development in relation to neighbouring buildings and the local area. The consideration of design goes beyond appearance, and should address the connections between people and places, creating safe and accessible environments.

### Approach

- 4.77 The Council seeks to ensure that it is not possible to identify the tenure of a residential development from its external appearance since there can be significant differences in the appearance and quality of materials used between owner occupied and rented housing. This approach is very important to creating inclusive and attractive residential environments.
- 4.78 The design of the development impacts significantly on living conditions for occupiers and in particular the size and design of internal and external space are important. An analysis of recent applications for development highlights that there is pressure in the District for accommodation to be approved that does not meet the national space standards. There is therefore a need to ensure that all development meets at least the minimum space standards. The Council expects that opportunities are taken to improve the external environment of residential developments where existing quality is poor and to provide suitable public open space with developments, as appropriate, refer to DM 6.

The Local Plan should be read as a whole. Proposals will be judged against all relevant policies.

## Policy DM 10 Housing Design and Quality

- A. All new housing development is required to meet or exceed the minimum internal space standards set out in National Prescribed Space Standards and open space standards.
- B. Ground floor family housing must provide access to private garden/amenity space, and family housing on upper floors should have access to a balcony and/or terrace, subject to acceptable amenity, privacy and design considerations, or to shared communal amenity space and children's play space.
- C. Where appropriate development proposals should seek to include enhanced provision of green infrastructure, including the quantity and

quality of landscaped areas, tree provision and the provision of additional open space as required by Policy DM 5 and DM 6.

- D. Mixed tenure residential development proposals must be designed to be 'tenure blind' to ensure homes across tenures are indistinguishable from one another in terms of quality of design, space standards and building materials.

### Residential Extensions

- E. Extensions or alterations to residential buildings will be required to respect and/or complement the form, setting, period, detailing of the original buildings. Matching or complementary materials should be used.

Figure 4.1 Current National Prescribed Space Standards (March 2015)

Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings (sq.m)	2 storey dwellings (sq.m)	3 storey dwellings (sq.m)	Built-in storage (sq.m)
1b	1p	39 (37)*			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

\*Footnote: Where a 1 bedroom (1 person bed space) has a shower room instead of a bathroom, the floor area may be reduced from 39m<sup>2</sup> to 37m<sup>2</sup> as shown bracketed

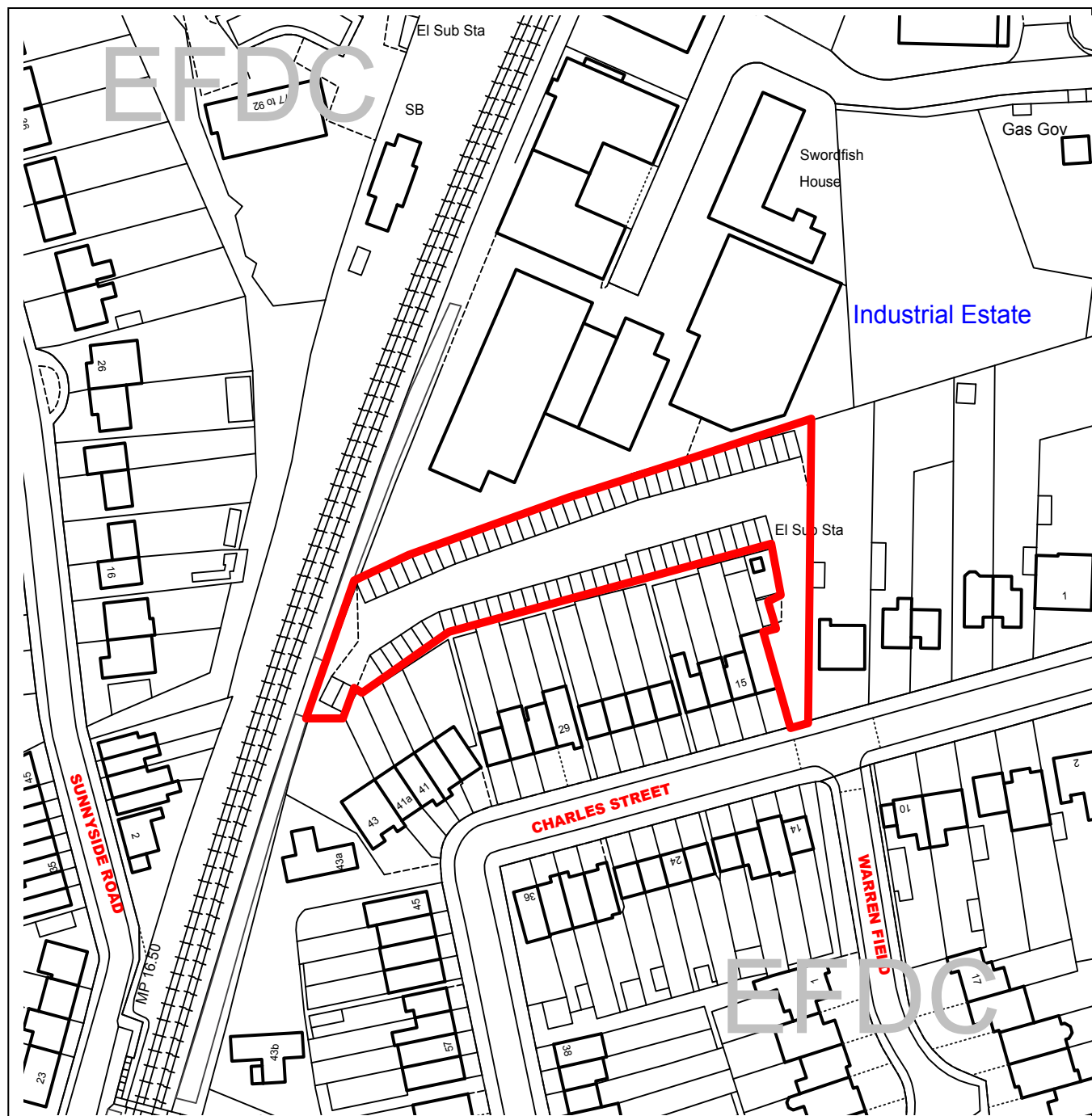
The Local Plan should be read as a whole. Proposals will be judged against all relevant policies.

## Appendix 7



# Epping Forest District Council

## Agenda Item Number 10



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Application Number:	EPF/3426/18
Site Name:	Garages to the rear of nos 13-43 Charles Street Epping Essex CM16 7AU
Scale of Plot:	1:1250

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/3426/18
<b>SITE ADDRESS:</b>	Garages to the rear of nos 13-43 Charles Street Epping Essex CM16 7AU
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Russell Tomkins
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of the existing garage buildings and the erection of 9 x 2 bedroom mews houses, with associated landscaping, parking, bike and refuse stores.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions) Subject to Legal Agreement

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=618853](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=618853)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:  
  
CHSs\_EX\_100\_A, CHSs\_EX\_200\_A, CHSs\_PL\_100\_C, CHSs\_PL\_200\_C, CHSs\_PL\_120\_C, CHSs\_PL\_220\_C, CHSs\_PL\_320\_C, CHSs\_PL\_321\_C, CHSs\_PL\_322\_C, RCT Construction Limited Transport Statement ref A110371-1 December 2018, Planning Statement, Noise and Vibration Impact Assessment Technical Report 31503 R2 by Sound Solution Consultants, Flood Risk Assessment by Tree Counties Flood Risk Assessment, Energy and Sustainability Statement by Integration dated 12 December 2018, Tim Moya Associated Ecological Report Extended Phase 1 Habitat Survey Bat Scoping Assessment, Great Crested Newt HSI Assessment Nov 2017, Report on a Phase 1 Desk Study by Ground Engineering ref C14638 Dec 2018, Tim Moya Associates Arboricultural Impact Assessment ref 180920-PD-10 Dec 2018.
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.

- 4 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 5 No development shall commence until 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 have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 6 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 7 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 8 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. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed

numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 9 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 such agreed details.
- 10 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.
- 11 The development permitted by this planning permission shall be carried out in accordance with the recommendations made in the submitted Noise and Vibration Impact Assessment Technical Report reference 31503 R2 by Sound Solution Consultants.
- 12 The development permitted by this planning permission shall be constructed in accordance with the details listed in the Energy and Sustainability Statement by Integration dated 12 December 2018.
- 13 The development permitted by this planning permission shall be carried out in accordance Recommendations made in Tim Moya Associated Ecological Report Extended Phase 1 Habitat Survey Bat Scoping Assessment, Great Crested Newt HSI Assessment Nov 2017,
- 14 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.
- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class B of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.
- 16 Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation, per dwelling, of aa residential Travel Information Pack for sustainable transport, approved by Essex County Council.
- 17 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 18 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has a garage or allocated parking space shall be installed and retained thereafter for use by the occupants of the site.

- 19 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 20 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.
- 21 No new windows shall be inserted into the southern elevation walls of the dwellings hereby approved without the prior written permission of the Local Planning Authority.

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

**And subject to the completion of:-**

**1) consultation with Natural England, and**

**2) a S106 legal agreement to be signed and completed to secure (a) an appropriate financial contribution for the management and monitoring of visitors to the Epping Forest Special Area of Conservation and management and monitoring of air quality,**

- **An Electric charging point for electric vehicles**
- **Resources relevant to the use of passenger transport and cycling/walking (e.g. Travel Plans, provision of travel packs and introductory tickets for use on public transport, cycle parking,)**
- **The new house to have the ability to connect to high speed broadband.**

#### **Description of Site:**

The proposal site is located to the north of residential properties numbered 13-43 Charles Street. Access to the site is between 11 and 13 Charles Street. It originally served the post war housing along this part of Charles Street. The site area is 2400 square metres. It contains garages. Trees line parts of the perimeter of the site. The levels on the site are undulating.

To the north of the site is the Bower Hill Industrial area, to the east and south is a mixture of 20th century semi-detached and terraced residential properties and to the west is the railway line.

The site is within the built-up area of Epping. It has no heritage designation attached to it.

#### **Description of Proposal:**

Permission is sought for the demolition of the existing 74 garage buildings and the erection of 9 x 2-bedroom mews houses, with associated landscaping, parking, bike and refuse stores.

The houses measure a maximum 9m high to the ridge of their front facing gable roofs, 9.4m wide and 6.9m deep. Materials include coloured zinc cladding for the upper floors and roof, grey brick work for the ground floor walls, Grey metal framed fenestration. Each unit has a terrace /planting

area which covers an area of 29.6 square metres along with an additional raised brick planter. Each unit has one car parking space. Access to the site is as existing.

Amendments to the original submission following officers' comments include: -

- Changed the proposed three-bedroom units to two-bedroom units
- Reconfigured the site to increase the quantum of landscaping
- Removed the terraces and Juliette balconies
- Removed the two visitor parking spaces, replacing it with additional landscaping.

### **Relevant History:**

No relevant history

### **Policies Applied**

#### **Epping Forest Local Plan (1998) and Alterations (2006):**

Epping Forest Local Plan (1998) and Alterations (2006):

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP4 - Energy Conservation  
CP5 - Sustainable building  
CP6 – Achieving sustainable urban development patterns  
CP7 – Urban Form and Quality  
CP9 – Sustainable transport  
RP4 – Contaminated land  
H3A – Housing density  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in urban areas  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
LL10 – Adequacy of provision for landscape retention  
LL11 – Landscaping schemes  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking  
NC1 - SPAs, SACs and SSSIs  
NC3 - Replacement of Lost Habitat  
NC4 - Protection of established Habitat  
I1A – Planning Obligations  
The National Planning Policy Framework

The National Planning Policy Framework (NPPF) has been adopted as national policy since February 2019. Paragraph 213 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Epping Forest District Local Plan (Submission Version) 2017:

The Epping Forest Local Plan Submission Version 2017 was submitted for independent examination in September 2018. Accordingly, it can be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 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).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1 - Presumption in Favour of Sustainable Development  
SP2 - Spatial Development Strategy 2011-2033  
SP3 - Place Shaping  
SP7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure  
H1 - Housing Mix and Accommodation Types  
H2 - Affordable Housing  
E1 - Employment Sites  
T1 - Sustainable Transport Choices  
T2 - Safeguarding of Routes and Facilities  
DM1 - Habitat Protection and Improving Biodiversity  
DM2 - Epping Forest SAC and the Lee Valley SPA  
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  
DM12 - Subterranean, Basement Development and Lightwells  
DM15 - Managing and Reducing Flood Risk  
DM16 - Sustainable Drainage Systems  
DM17 - Protecting and Enhancing Watercourses and Flood Defences  
DM18 - On Site Management of Waste Water and Water Supply  
DM19 - Sustainable Water Use  
DM20 - Low Carbon and Renewable Energy  
DM21 - Local Environmental Impacts, Pollution and Land Contamination  
DM22 - Air Quality

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

Number of neighbours consulted: 45  
Site notice posted: Yes

Responses received: **13 Charles Street, 15 Charles Street, 29 Charles Street, 33 Charles Street, 35 Charles Street, 43 Charles Street, 43A Charles Street, 18 Beulah Road: OBJECT**

- Not in keeping with style of local area  
National policy states that character of individual areas must be taken into consideration
- The proposed zinc cladding & grey brick / aluminium windows are in stark contrast to the style of any houses in Epping – This negative / adverse visual impact, driven by the developer's choice of cheaper building materials should not be allowed.
- Overdevelopment: Not enough parking for 9 properties, some properties will have multiple cars and visitors' cars which will over-spill into Charles Street, which is already overcrowded. We already pay for a parking permit and are repeatedly unable to park near our home.
- Residents of this new development should not be allowed parking permits if 'sustainable Transport' is truly being pursued by developer & council.
- Concerns of noise & disturbance from 9 houses right behind our home
- Concerns of 8.5 ft brick wall at our boundary being replaced by 6-foot fence – allowing easier access into our back garden
- Would want proposed landscaping to extend to behind our home to block out noise, offer privacy & make access to the rear of our garden more difficult.
- The bins are placed at the side of my garage causing an environment issue for me plus the fact of stopping me maintain the side of my garage, also the entrance to the site is barely a car width and also a blind spot for pulling out so will certainly be a safety issue.
- Proposed second floor balconies will look directly into our garden and house; effecting quality of life.
- The proposed surface water drainage is unlikely to work in the clay ground and larger green areas would help this
- There is currently no light or power on the site, thus there is very little or no usage outside daylight hours. In any case, the present volume of traffic is very light - when I visit, it is unusual to find anyone else there. With 9 dwellings, usage will be constant, and there will be significant quotas of deliveries and vehicle movements in and out, for much longer periods of the day. The bland statement that the site offers "a reasonable turning area for delivery vehicles" cannot be taken at face value, since this depends on the size of the vehicles, and whether they are able to gain access to the site in the first place.
- The conclusion by the Highways Authority that "the proposal will not adversely affect highway safety or efficiency" is plain irresponsible, and fundamentally incorrect.
- Loss of a private view
- For a much more credible assessment, look at the letter of objection from Epping Town Council.

**Epping Society: OBJECT:**

We feel this site would be better suited to employment use as part of the adjacent SVLP site EPP.E.4 Bower Hill Industrial Estate.

The proposed houses would detract from the streetscene. The mews design has no affinity with Epping. The zinc cladding for the walls is not in keeping with the surrounding properties.

The front windows will look directly over back gardens on Charles Street.

Two and three bedroom properties might reasonably be expected to have families with children. The proposed properties have no amenity space. It is not acceptable for children to play in the road even if it is a cul-de-sac.

How are disabled and elderly residents expected to manage these rubbish collection arrangements? Dragging the rubbish bins back and forth is unacceptable for the less able. Access to narrow roadway within the site will be difficult for delivery, service and emergency vehicles.

There is not enough parking provided for 9 family homes and their visitors on this cramped site. We note the artists' views don't show the 11 cars parked in the spaces!

#### **PARISH COUNCIL: OBJECT:**

While the Committee note some design amendments, the revisions do not adequately address their previous concerns.

The design of this proposal would have a detrimental defect on the street scene and the character of the current urban environment. The materials are out of keeping with the surroundings, as the neighbouring properties are traditional brickwork styled family homes. National policy states that the character of individual areas must be taken into consideration and these materials would be in stark contrast to the existing look and feel of the area.

This proposal would make access difficult for the extra residential traffic as well as emergency vehicles and refuse vehicles due to the narrow road entrance. The scale of the development will result in the generation of far more traffic than is existing, which will have a detrimental effect on Highway Safety, through a narrow access road onto the site, from a busy and steep hill. The additional traffic will be detrimental to the area through which it will move. The site is not large enough to accommodate larger scale movement of traffic. There would be a loss of amenity for those using garages which have been used for storage including vehicle parking.

Committee are disappointed that despite commenting on insufficient car parking spaces, the applicant has reduced the number in this revised proposal and also raise concerns about the lack of car parking compared to the large number bike racks being proposed, even though there are no cycle or pedestrian routes planned and a location where steep uphill movement would be required into the town. Even though the property is located near the tube station, the car parking provision is inadequate. There is insufficient parking for nine dwellings with no allowance for visitors parking and any shortfall would be met in the neighbouring roads which already suffer from commuter and weekend parking. There are severe parking issues in Epping and insufficient parking from this scheme will put additional pressure on the surrounding roads.

Relevant policies CP2, CP3(i), CP6 (i), CP7, DBE1, DBE2, H&A, ST2, T4, ST6  
NPPF: para 17, 32, 55, 56, 59, 64  
Emerging Local Plan H1A (ii) (iii), DM2, DM9A, DM10.

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

The key considerations for the determination of this application area:

The principle of the development;  
Impact on the character and appearance of the site and surrounding area.  
Impact on the living conditions of surrounding residents;  
Quality of resulting residential accommodation; and  
Impact on parking provision and highway safety.

#### **Principle**

In terms of planning policy, the site is considered as previously developed land, and in line with Government policy redevelopment of this land is encouraged.

### Five-year housing supply

The site is situated within a sustainable urban location close to local services, facilities and public transport and would make more efficient use of this site. Given that 92% of the District is designated Green Belt the principle of further development within existing sustainable settlements outside of the Green Belt is generally considered to be appropriate, provided all other policies are complied with. In addition, chapter 5 of the NPPF seeks to boost the supply of homes.

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 4.2-year supply of land for housing purposes.

In this circumstance paragraph 11 of the NPPF requires the application be approved unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The proposal has a density of 37 units per hectare. This figure is compatible with the character and appearance of the surrounding area. It therefore meets the requirements of policies CP1, CP3 and H3A of the Local Plan. The provision of 9 houses is therefore considered to be a significant benefit.

### Sustainable Location

The proposal is located 400m away from Epping Underground Station. It is also close to other public transport links and amenities. The proposal will also provide private and secure cycle storage. Plans also indicate that each car parking space will have the provision for electric charging. It is therefore concluded the application site is highly suitable for this type of development as the site's location will minimise the need to travel, promote opportunities for sustainable transport modes and will support the transition to low carbon future. and may contribute towards encouraging healthier lifestyles. On that basis the proposal complies with the requirements of the NPPF together with CP1 and CP3 of the Adopted Local Plan and policy T1 of the Submission Local Plan. The sustainable location and features of the scheme provide a significant benefit.

### Design and appearance / Standard of accommodation proposed

The internal space, circulation, ventilation and outlook are enough to meet the requirements of the Technical housing standards' document published by the Communities and Local Government Dept. in March 2015.

The prevailing character of the development is that of groups of 4 terraced post war dwellings built as part of an estate around the same time. The proposed dwellings would only have limited visibility from the street due to their back-land position adjoining the rear gardens of 13-45 Charles Street and in any case the proposal will help screen the existing industrial use to the north of the site. The proposed terrace has a contemporary appearance and the houses all have an acceptable scale, density massing and height and distance from neighbour properties. The proposal therefore complies with the requirements of DBE 1 of the Local Plan.

The Sustainability Statement by 'Integration' submitted with this proposal predicts that following the introduction of energy efficiency measures, passive and active design features will reduce carbon emission by 6.2% compared with similar houses built in accordance with Building

Regulations part L (2013) compliant building. This is a benefit of the scheme in accordance with policies CP4 and CP5 of the Local Plan.

Private and public space would be clearly perceptible and safe. The front elevations face outwards onto public spaces and contain the main entrances. The proposal therefore complies with the requirements of policy DBE3 and DBE5 of the Local Plan.

A Noise Impact Assessment, which considered both internal and external space (p.23 and 24 of report). On the recommendations of this report, screening is proposed to the railway boundary, and flank walls are proposed to the amenity spaces to ensure noise levels are comfortable and to create privacy. As a result, the noise levels in the proposed amenity spaces are within the ProPG guidance limits (BS8233:2014).

However, the development remains car dominated, the access into the site will be shared by motorists and pedestrians. It is therefore not supported by paragraph 110 of the NPPF. However, this document will only permit refusal on highway safety grounds if the residual cumulative impacts of the development would be severe. The Highways Authority do not believe that the proposal will cause this level of harm and therefore refusal on these grounds would not be supported at appeal.

There is insufficient soft landscaping to soften the appearance of the development in accordance with policies SP 7(c) and DM5 of the Submission Version Local Plan. This deficiency is of concern and therefore is given weight in the consideration of this application.

The amenity space at 29 sqm per unit provision falls short of the 80 sqm required by policy DBE8. However, it is on balance not considered to be a sufficient ground for refusal as policy DM10B of the Submission Version Plan does not prescribe numerical standard's for the provision of amenity space.

### Trees and landscaping

The Tree Officer had initially objected to the scheme on the grounds that:-

"There are no trees that are of significance in the re-development of this site. This therefore, provides a 'blank canvas' on which to provide a comprehensive and suitable soft landscaping scheme to not only soften the appearance of the proposed development but also to provide an acceptable volume of accessible, and usable outside green space. We do not consider that the proposal provides this.

The provision of greenspace within new development is a critical part of maintaining healthy places to live and providing the contrast between built areas and outdoor space to meet social and psychological needs.

We have concerns that for all the properties the outside amenity space is to the front of the property, and of such a small size that it makes for very inadequate space for any meaningful soft landscaping. Whilst the applicant indicates that there will be other areas of greening around the development, this will make little impact to the appearance of the development as there will be limited opportunities for any taller elements of landscaping."

The Tree Officer's comments are weighed against the fact that there are currently no trees currently on the site. The proposal will increase the amount of the soft landscaping on the site and the proposed brick and railing raised planters will enable privet hedges to be planted within each plot and will ensure that these areas are not used for more parking.

### Parking and Highways

Policy T1 of the Submission Version Local Plan requires that within 400m of a railway station, the Council will seek reduced car parking. The justification for this is that the Council is seeking to promote other more sustainable modes of transport, manage congestions, promote and to improve safety, security and healthy lifestyles, as well as reduce air pollution to protect human health and the health /integrity of the Epping Forest Special Area of Conservation.

Since the proposal site is within 400m of Epping Station, the provision of 9 car parking spaces is in accordance with this policy. (No parking provision would also meet the requirements of this policy).

The Highways Authority have advised that since “the previous use did serve 74 garages on the site it is not considered that 9 dwellings will generate any more traffic than the original use. Consequently, given the location, the access is not considered to be detrimental to highway safety. It is also noted that the proposed layout does offer a reasonable turning area for delivery vehicles. Consequently, the proposal will not adversely affect highway safety or efficiency. It is for these reasons that no objections to the proposal have been raised on highway or parking grounds.

#### Impact on the living conditions of neighbouring residential properties.

The application site is on land which is 3.1m higher than that which the nearest existing properties on Charles Street.

However, the first-floor balconies have been removed from the application, the upper floor habitable room to habitable room distance between the proposal and the rear elevation windows of properties within 13-35 Charles Street is between 28m and 32m. This distance is sufficient to ensure that the internal rooms of these neighbours will not be overlooked. It also reflects window to window distances of existing properties within Epping.

The upper floor windows of the new dwellings will have views into the private gardens of these neighbours, however it is not more than that already perceived by existing neighbouring properties.

It is also recommended that permitted development rights for dormer extensions and insertion of additional windows within the loft area are removed to ensure that overlooking is not increased in the future.

It is for these reasons considered that neighbouring amenity will not be excessively affected in terms of loss light, outlook, privacy or dominance.

The proposed use is compatible with residential use of the surrounding area. Furthermore, the change of use from a lock up garage site to a housing area will not excessively increase the noise and disturbance emitted from site over and above what can already occur when the site is fully occupied.

The proposal therefore complies with the requirements of policy DBE9 of the adopted Local Plan and DM9 of the Submission Version Plan.

#### Land Drainage

The development is of a size where it is necessary to avoid generating additional runoff and therefore the Council's Land Drainage engineer has requested a Flood Risk Assessment condition to improve existing surface water runoff and a condition requesting details of surface water drainage in accordance with policy U2B of the Local Plan.

#### Contaminated Land

The Contaminated Land team have raised concerns that there may be the potential for contaminants to be present on the site due to the use of the site as garages and is covered in made ground as well as a former gas works being in close proximity to the site. They therefore recommend that conditions be attached to any permission to ensure that appropriate assessments are made and if necessary mitigation measures undertaken in accordance with paragraph 109 of the NPPF and RP4 of the Local Plan.

### Ecology

The Ecological Report carried out by Tim Moya Associates found that the existing buildings had negligible potential for roosting bats. No evidence was also found of other protected species living on the site. Conditions are suggested to ensure that the existing habitats for birds and hedgehogs are not adversely affected and that the recommendations for biodiversity enhancement in chapter 8 of this report are carried out.

It is on this basis that the proposal complies with the requirements of policies NC3 and NC4 of the Local Plan and Alterations.

### S106 (Recreational pressure and Air Quality)

The nature of the application is such that it would trigger a S106 planning obligation requirement in respect of impacts on the Epping Forest Special Area of Conservation (SAC). Since the proposal is within a settlement close to the Epping Forest Special Area of Conservation (SAC) and is likely to generate a significant amount of traffic, it is clear there will be an additional adverse impact on the special interest of the Forest and air quality in general. The Council's policies in this respect are set out below and its position with regard to protecting the SAC and the interim measures currently in place are further thereon.

Policy DM 2 requires:

*All outline or detailed planning applications for new homes within the settlements of Loughton, Epping, Waltham Abbey, North Weald Bassett, Theydon Bois, Coopersale, Thornwood, Buckhurst Hill, Chigwell Row will be required to make a financial contribution to access management and monitoring of visitors to the Epping Forest SAC, in accordance with Visitor Survey Information which demonstrates this is needed.*

Policy DM 22 requires:

*Larger proposals, or those that have potential to produce air pollution, to undertake an air quality assessment that identifies the potential impact of the development, together with, where appropriate, contributions towards air quality monitoring. Assessments shall identify mitigation that will address any deterioration in air quality as a result of the development, having taken into account other permitted developments, and these measures shall be incorporated into the development proposals. This will include an assessment of emissions (including from traffic generation) and calculation of the cost of the development to the environment. All assessments for air quality shall be undertaken by competent persons.*

Unlike policy DM2 this policy applies to development of all types and all locations as they all have the potential to result in increased traffic generation which would put pressure on the roads through the Epping Forest.

The Epping Forest covers a large area of land within the District and much of the Forest is designated as a Special Area of Conservation (SAC). Biodiversity features within, or associated with, these designations enjoy the highest level of protection under UK and EU Law and UK planning policy. Epping Forest SAC is designated a 'European Site' and as the Conservation of Habitats and Species Regulations 2017 as amended ("the Habitats Regulations") requires that the Council, as the competent authority, must before deciding to grant planning permission make an appropriate assessment of the implications of the development for the SAC in view of the SAC's nature conservation objectives where it is likely that the development is likely to have a significant effect on the SAC (either alone or in combination with other development) and where the development is not directly connected with or necessary to the management of the SAC. This appropriate assessment is known as a Habitats Regulation Assessment (HRA).

Under the Habitats Regulations, the Council may, if it considers that any adverse effects of the development on the integrity of the SAC would be avoided if the planning permission were subject to conditions or limitations, grant planning permission, subject to those conditions or limitations. The approach may vary depending on the scale and nature of the proposal.

Two specific issues in particular have been identified that could result in development have a likely significant effect on Epping Forest SAC. These are:

1. Increased visitors to the Forest arising from new development within 6.2km of the SAC.
2. Damage to the health of the flora, including trees and potentially the heathland habitats, from air pollution primarily generated by vehicles.

This application would result in a net increase in vehicle movements and therefore a likely significant effect on air quality as it relates to the Epping Forest SAC cannot be screened out at this point in time. It is also likely to lead to increased visitor pressure on the SAC given its location within the 6.2km Zone of Influence.

The Council is currently awaiting the views of Natural England on the findings of an updated HRA (January 2019), which has been provided to support the Examination of the Council's submitted Local Plan. This updated HRA has assessed the likely significant effect of development over the period of the Local Plan (including windfalls) in combination with other plans and projects. Until such time as Natural England confirms that it is satisfied with the findings of the updated HRA the Council **cannot grant planning permission on any planning applications** which would result in a net additional increase in vehicle movements within the District.

Natural England has, however, advised that it is satisfied with the approach set out in the Council's 'Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications) with respect to mitigating the likely significant effects of residential development within the current Zone of Influence of 6.2km.

The applicants have indicated that they are willing to enter into a legal agreement and/or accept to agree contributions that may emerge to address this issue. As such, and for the purposes of agreeing the principle and merits of the proposal as set out in this report, members are advised that any S106 legal agreement or planning condition is likely to require the provision of, or contribution to, measures including, for example:

- Financial contribution of £352 towards access management and monitoring in order to mitigate recreational pressure in the SAC
- Electric charging points for electric vehicles
- Resources relevant to the use of passenger transport and cycling/walking (e.g. Travel Plans, provision of travel packs and introductory tickets for use on public transport, cycle parking,)
- All new development to have the ability to connect to high speed broadband.

#### Loss of garages

The Design and Access Statement indicates that 13 of the 74 garages were let to residents within a 250m radius of the site. Of these 13 garages, there are 8 different tenants and their own properties have ample off-street parking. In addition the size of the garages are smaller than modern garage size standards and therefore not suitable for the storage of all cars. The Highways Authority has raised no objection to their loss. This lack of objection indicates that the residual cumulative impact of approving this application and the resultant loss of garage spaces would not be severe. In this circumstance the NPPF requires that planning permission should not be refused.

Furthermore, both national and local policies contain no requirement for the Council to protect storage or garage uses. However, the Local Authority is required to boost significantly the supply of housing which meets a local need.

#### Other matters

Access for emergency vehicles is not a material planning consideration as it is controlled by Building Control Regulations.

Noise and disturbance during the construction phase of the development would fall outside the scope of planning legislation as it is already covered by Environmental Health legislation.

Reduction in the value of neighbouring residential dwellings is not a material planning consideration.

There is no right in planning law to have access onto third party land to maintain the side wall of a garage.

Any nuisance created by the waste collection area would be a matter for the Environmental Health team.

Level of artificial light generated from the new dwellings would be compatible with the urban location within which the site is situated.

Transport for London have raised no objection to the proposal, however they have requested conditions be attached to any permission. Since the requested conditions relate to matters outside the remit of planning legislation it would be unreasonable to require that they be carried out.

#### **Planning Balance**

The proposal will provide much needed housing which is of a type which meets an existing local housing need within an urban area of Epping Forest District Council. Given the requirements of national policy to significantly boost the supply of housing. This benefit on balance outweighs the harm as a result of the proposal providing insufficient amenity space or soft landscaping and all other harms identified above.

The design of the contemporary terraced houses is acceptable and is considered to preserve the character and appearance of this area. The Highways Authority is satisfied that the proposal will not cause serious harm to highway safety or parking provision and will not have an excessive impact on neighbouring amenity. It is therefore considered that the proposal meets the requirements of sustainable development. The proposal complies with relevant planning policy and it is recommended that planning permission be granted subject to conditions and subject to completion of a S106 Legal Agreement to secure appropriate financial contributions for the management and monitoring of visitors to the Epping Forest Special Area of Conservation and a contribution towards measures to mitigate air quality as set out in this report.

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

***Planning Application Case Officer: Sukhi Dhadwar  
Direct Line Telephone Number: 01992 564597***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

