



***District Development Management Committee  
Wednesday, 7th July, 2021***

You are invited to attend the next meeting of **District Development Management Committee**, which will be held at:

**Conference Suite - Civic Offices**  
on **Wednesday, 7th July, 2021**  
at **7.00 pm** .

**Georgina Blakemore**  
Chief Executive

**Democratic Services  
Officer**

G. Woodhall Tel: (01992) 564243  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

**Members:**

Councillors S Jones (Chairman), B Rolfe (Vice-Chairman), R Baldwin, H Brady, I Hadley, S Heap, S Heather, H Kauffman, P Keska, J Lea, R Morgan, C C Pond, S Rackham, J M Whitehouse and K Williamson

**SUBSTITUTE NOMINATION DEADLINE:**

**18:00**

**1. WEBCASTING INTRODUCTION**

This virtual meeting is to be webcast. Members are reminded of the need to unmute before speaking.

The Chairman will read the following announcement:

*“The Chairman would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).*

*Therefore, by entering the Conference Suite and using the seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.”*

**2. ADVICE FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES (Pages 5 - 6)**

(Team Manager – Democratic & Electoral Services) General advice for those persons

attending the meeting of the Committee is attached as an Appendix to this agenda.

**3. APOLOGIES FOR ABSENCE**

(Team Manager – Democratic & Electoral Services) To be announced at the meeting.

**4. SUBSTITUTE MEMBERS**

(Team Manager – Democratic & Electoral Services) To report the appointment of any substitute members for the meeting.

**5. DECLARATIONS OF INTEREST**

(Team Manager – Democratic & Electoral Services) To declare interests in any item on the agenda.

**6. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE**

(Service Manager – Development Management) A Planning Policy Briefing Note (March 2018) has been produced by the Planning Policy Team to ensure that a consistent approach is taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version, which was published on 18 December 2017.

The primary purpose of the Planning Policy Briefing Note is to inform the development management process and to provide assistance for Development Management Officers, Councillors, applicants and planning agents. The Planning Policy Briefing Note is available at:

[http://www.efdclocalplan.org/wp-content/uploads/2018/03/Planning-Policy-Briefing-Note\\_Mar-2018.pdf](http://www.efdclocalplan.org/wp-content/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf)

**7. PLANNING APPLICATION EPF/0287/18 & EPF/1471 - RELEASE OF PLANNING PERMISSIONS (Pages 7 - 14)**

(Service Manager – Development Management) To consider the attached report for the release of planning permissions previously agreed by Committee, following recommendations to GRANT permission subject to planning conditions, contributions or mitigation measures in respect of recreational visitor pressure and air quality impacts within the Epping Forest Special Area of Conservation (EFSAC).

**8. PLANNING APPLICATION EPF/3059/18 - J & W FENCING LTD, PECKS HILL, NAZEING (Pages 15 - 18)**

(Service Manager – Development Management) To consider the attached report for an outline application for demolition of all existing structures and complete site clearance followed by residential redevelopment with 25 dwellings; closure of existing access and creation of a new access point.

**9. ANY OTHER BUSINESS**

(Team Manager – Democratic & Electoral Services) Section 100B(4)(b) of the Local Government Act 1972 requires that the permission of the Chairman be obtained, after

prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

**10. EXCLUSION OF PUBLIC AND PRESS**

Exclusion

(Team Manager – Democratic & Electoral Services) To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

<u>Agenda Item</u>	<u>Subject</u>	<u>Paragraph Number</u>
Nil	None	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers

(Team Manager – Democratic & Electoral Services) Article 17 (Access to Information) of the Constitution defines background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection one copy of each of the documents on the list of background papers for four years after the date of the meeting. Inspection of background papers can be arranged by contacting either the Responsible Officer or the Democratic Services Officer for the particular item.

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## Advice to Public and Speakers at Council Planning Sub-Committees

### Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

### When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Sub-Committee.

### Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

### Who can speak?

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

### What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

If you are not present by the time your item is considered, the Sub-Committee will determine the application in your absence.

### Can I give the Councillors more information about my application or my objection?

**Yes you can but it must not be presented at the meeting.** If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website [www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk). Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

### How are the applications considered?

The Sub-Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Sub-Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Sub-Committee. Should the Sub-Committee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee are required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
  - (i) the Council's approved policy framework; or
  - (ii) the development or other approved plan for the area; or

- (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

**Further Information?**

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

## **Report to District Development Management Committee**



## **Epping Forest District Council**

**Report Reference:** **EPF/0287/18**  
**EPF/1471/19**

**Date of meeting:** **7 July 2021**

**Address:** 51 High Road, Loughton, G10 4JE  
113 Church Hill, Loughton, IG10 1QR

**Subject:** Release of planning permissions previously agreed by Committee, following recommendations to GRANT permission subject to planning conditions, contributions or mitigation measures in respect of recreational visitor pressure and air quality impacts within the Epping Forest Special Area of Conservation (EFSAC).

**Responsible Officer:** Cuma Ahmet: (01992 564000 (extn.2158))

**Democratic Services:** Gary Woodhall (01992 564470)

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### **Recommendations/Decisions Required:**

- (1) To note the content of the report and agree for relevant officers to release the above planning applications in accordance with the recommendations previously reported to committee on 26 April 2021 (see previous report and recommendations appended).

### **Report:**

#### Summary Background

This report has been brought back to DDMC for decision following the conclusion of consultations with the Council's legal advisor and air pollution experts (AECOM) in relation to the SAC (held in abeyance) cases indicated above.

The release of the two abovementioned applications was deferred with a request for further clarity and confirmation on the following points:

- i. Whether the respective proximity and size of development are key determinants of the impact on the health of the EFSAC;

**ii. Whether additional mitigations are necessary for new developments that are nearest to the EFSAC; and**

**iii. Whether officers can provide absolute ‘certainty’ and/or guarantee that no adverse harm would be caused to the EFSAC.**

The following section addresses each point in order to provide the confidence for Members that each case has been robustly assessed and all relevant mitigation measures currently available have been secured.

#### Matters for consideration

Each point is considered below in light of the advice received from our expert advisors.

**Point 1: Whether the respective proximity and size of development are key determinants of the impact on the health of the EFSAC.**

AECOM has advised that both proximity, size and ‘journey to work information’ are all (equally) important determining factors in terms of considering the effects of new developments on the EFSAC.

Notwithstanding however, the baseline approach to determining the effects of air pollution on the Forest from new development is to properly understand the number of vehicles (and types of journeys made) that are likely to be added to the road network. This is commonly referred to as the Average Annual Daily Traffic (AADT) and is upon which the effects of air pollution have been modelled by the Council’s expert consultants. The assessment of air pollution in this way provides the technical evidence base which in turn has informed the adopted IAPMS.

Members will acknowledge that the Interim Air Pollution Mitigation Strategy (IAPMS) is a district-wide (or strategic) approach to mitigating the harm on the Forest through various recommended measures and in principle therefore is intended to capture all new developments coming forward until 2030.

Therefore, the proximity and scale of new developments are not the primary determinants of considering the degree of harm to the Forest. Instead, the methodology is based on understanding the relative contribution of AADT to the road network from which mitigation can be appropriately applied to ensure that adverse harm can be avoided on both a project and cumulative levels. AECOM has indicated as an example that in practice a larger development located in North Weald Bassett may have a greater effect on the EFSAC than smaller development in Loughton despite being more distant from it.

**Point 2: Whether additional mitigations are necessary for new developments that are nearest to the EFSAC.**

In both cases concerned, the respective applicants have committed to providing electric car charging facilities for future occupiers; the provision of high-speed broadband connectivity to enable home-working and the relevant financial contributions towards the implementation and continued monitoring of the mitigation measures outlined in Appendices 3 and 4 of the adopted IAPMS.

Officers have acknowledged that Members have requested that officers explore the potential for securing a permanent requirement for each development to provide ULEVs (Ultra Low Emission Vehicles) from the point of occupation. This question is considered further in context of:

- i. The current measures set out in the adopted IAPMS; and
- ii. The legal and practical implications to enable this, e.g. enforceability.

The adopted IAPMS sets out a range of mitigation measures (Appendix 3) that will assist the Council in reducing the adverse effects of new development on the Forest. One of those key measures is to ensure all new developments given planning permission make operational provision for Electric Car Charging Points (EVCPs) for use prior to occupation. AECOM has advised officers, in both instances, by indicating that given the relatively low contribution of each development in terms of traffic on the wider network, it is unlikely that imposing a strict requirement for ULEV would achieve any net/real benefit to the health of the Forest.

In terms of the legal and practical implications of providing and maintaining permanent provision of ULEVs, Members will be aware that there are clear guidelines in both the National Planning Guidance and National Planning Policy Framework regarding the use of S106 Agreements and planning conditions. In these instances, officers consider that a permanent and enforceable requirement for ULEV on each site would not fully comply with the aforementioned guidance and/or current legal provisions.

Overall, officers consider the mitigations secured for each of the developments noted are sufficient and robust ways of reducing adverse harm on the Forest.

**Point 3: Whether officers can provide absolute ‘certainty’ and/or guarantee that no adverse harm would be caused to the EFSAC.**

Members will note that the Habitat Regulations (2017) requires that as the ‘Competent Authority’ (EFDC in this case) must be satisfied that the potential effects of a plan or project itself, and in combination with other plans and projects, will not adversely affect the integrity of the European Site (EFSAC in this case) before releasing planning permission.

The courts have recognised that ‘absolute certainty’ of preventing harm to the integrity of European designated sites under the Regulations is unattainable. The crucial test set by case law is instead to ensure that ‘no reasonable scientific doubt remains’.

Officers are advised that the mitigation measures in the adopted IAPMS will inevitably have a degree of uncertainty within them as the Council cannot force applicants to convert to ULEVs for example. This is the reason for why a monitoring framework has been included in the adopted IAPMS so that it is able to better track the progress towards the complete, precise and definitive air quality and vehicle fleet change targets being prescribed. Potentially, in the event that these identified targets for reducing air pollution is not met (at any given stage) then the issue of planning permissions may need to cease until the targets are met.

Overall, officers consider that the mitigation measures to be secured would prevent adverse harm on the integrity of the Forest.

**Conclusion**

Members are asked to note the content of the report, and to agree to the recommendations set out above before the release of the planning permissions.

**ORIGINAL DDMC REPORT**

**Report References: See Appendix A For Comprehensive List**

**Addresses: See Appendix A For Comprehensive List**

**Subject: Release of planning permissions previously agreed by Committee, following recommendations to GRANT permission subject to planning conditions, contributions or mitigation measures in respect of recreational visitor pressure and air quality impacts within the Epping Forest Special Area of Conservation (EFSAC).**

**Responsible Officer: Cuma Ahmet: (01992 564000 (extn.2158))**

**Committee Secretary: Gary Woodhall (01992 564470)**

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**Recommendation:**

**It is recommended that the Committee Members note the content of the report and:**

- **Agree for relevant officers to continue to progress the completion of S106 agreements for all planning applications indicated in Appendix A of this report as previously reported to Committee;**
- **Agree for relevant officers to finalise all Appropriate Assessments (in accordance with the requirements of Regulation 63 the Conservation of Habitats and Species Regulations 2017 (As Amended) for each planning application indicated in Appendix A of this report and only to grant planning permissions as previously agreed by Committee where the outcome of that assessment is concluded to be that there is no adverse effect on the integrity of the EFSAC; and**
- **Agree for relevant officers to add and/or amend any planning conditions or S106 planning obligations in respect of securing necessary measures to mitigate air pollution impacts on the EFSAC, in accordance with the previous resolution(s) to grant planning permission for the development on the sites indicated in Appendix A.**

**Report:**

**Summary Background**

Members will be aware that the Council adopted an Interim Air Pollution Mitigation Strategy in February 2021 and an Interim Strategy for Managing Recreational Visitor Pressures' in October 2018, both which will form the basis for addressing the negative impacts on the Epping Forest Special Area of Conservation (EFSAC) as a result of new residential and commercial development proposals coming forward.

This (new) combined approach to assessing impacts on the EFSAC will also apply to dealing with those previous planning applications that were held in abeyance from being determined until the

above measures were agreed, and which officers are currently working through to enable their release at the earliest possible opportunity where it can be concluded that there is no adverse effect on the integrity of the EFSAC.

Accordingly, to deal with the back log in the most efficient and equitable way, a process has had to be implemented (referred to formally as the EFSAC Protocol) (LINK). In essence, the protocol sets out the sequence in which each planning application will be released. Together with the publication of the protocol, all applicants (through their agents) were also notified of this new process for dealing with their respective applications.

#### Matters for consideration

The first sequence of planning applications to be released in accordance with the published protocol are decisions previously made by the District Development Management Committee (DDMC) or one of the Area Planning Committees. These cases are set out in Appendix A of this report and includes links to the formal published minutes for Members.

To enable the release of planning permissions for each of the cases noted, in accordance with the previous Committee resolution(s), officers have identified additional administrative actions that will need to be completed first. They are as follows:

- 1. Continue to progress S106 Agreements where the original 6-month deadline for completion of the agreement from the Committee decision has now expired;**
- 2. Complete Appropriate Assessments under Regulation 63 the Conservation of Habitats and Species Regulations 2017 (As Amended); and**
- 3. Complete amendments to/or including new planning conditions and/or S106 planning obligations that ensure appropriate mitigations have been secured.**

It is pointed out to Members that the planning merits of the applications are not being reconsidered, but Members are in effect being asked to agree to delegate powers to relevant officers to carry out the abovementioned actions in accordance with the extant resolution to grant planning permission. The plans and approved details previously considered in each case by Committee remains unchanged. The grant of any permission is dependent on the conclusion being reached that there would be no adverse effect on the integrity of the EFSAC.

A short summary of each matter above is set out below.

#### Progressing S106 Agreements

Five of the planning applications (see below) contained in the list in Appendix A were subject to a requirement to complete a S106 Agreement within a 6-month period of the Committee's decision. Given that the Council was unable to progress making formal decisions until suitable measures were adopted for mitigating the effects of new development on the EFSAC, the stated deadlines could not be achieved.

Accordingly, it is requested that Members agree for officers to progress the completion of the respective S106 Agreements in each relevant/affected case to allow for planning permission to be released as soon as possible.

Relevant cases affected:

EPF/0287/18: 51 High Road Loughton.  
EPF/0601/18: Land between 32a and 33 Downlands, Waltham Abbey.  
EPF/0826/18: 48 Russell Road, Buckhurst Hill.  
EPF/0854/18: Maycroft, Epping Road, Roydon.  
EPF/2732/18: Villa Nursery, Reeves Lane, Roydon.

### Appropriate Assessments

Under Regulation 63(1)(a) and (b) of the Conservation of Habitats and Species Regulations 2017 (As Amended), the Council as 'Competent Authority' must make an Appropriate Assessment of the implications of the development for the EFSAC in view of its conservation objectives as a European site. In conjunction with carrying out an Appropriate Assessment, the Council must consult Natural England, as the appropriate nature conservation body, and have regard to any representations made by Natural England about the project within such reasonable time as the Council specifies. The law requires that following an appropriate assessment planning permission may only be granted where it is concluded that there would be no adverse effect on the integrity of a protected site.

The Council consulted Natural England in all of the cases noted in Appendix A for a period of 21 days. An update on the position of Natural England will be provided at the meeting.

### Amendments to/or including new planning conditions and/or S106 planning obligations

Upon concluding an Appropriate Assessment for each case in Appendix A, officers consider that it is prudent to ensure that all necessary mitigation measures have been secured properly before the release of planning permissions. The necessary measures required are to be determined on a case-by-case basis and are in addition to the financial contributions that are already being sought towards mitigating the impacts on air quality.

The necessary measures identified and to be considered in each case including their full wording are as follows:

1. Reworded version of planning condition to provide electric vehicle charging as previously agreed by the Committee.

For clarity, the reworded condition below will be imposed on all cases that propose onsite parking.

**Details and location of the parking spaces (including garages) equipped with active and/or passive EVCP must be submitted prior to works commencing on site, including details which shall demonstrate that the development will deliver active EVCPs from occupation. The details shall include:**

- **Location of active and passive charging infrastructure;**
- **Specification of charging equipment; and**
- **Operation/management strategy.**

**The council will expect that a management plan for the charging points is set out clearly. This will address:**

- **Which parking bays will have active and/or passive charging provision, including disabled parking bays;**
- **How charging point usage will be charged amongst users;**

- The process and the triggers for identifying when additional passive charging points will become activated; and
- Electricity supply availability.

The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date. The development shall be completed in accordance with the approved details and retained in perpetuity. Prior to occupation, the applicant shall submit confirmation that the agreed active charging points are operational.

**Reason: To comply with core policy CP 1 of the adopted Epping Forest District Local Plan (2008); including policies SP 1 and T 1 of the Epping Forest District Local Plan Submission Version (2017).**

2. Providing access to high-speed broadband.

This new condition will be included in each case indicated in Appendix A.

**Prior to the commencement of development, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with core policy CP 1 of the adopted Epping Forest District Local Plan (2008); including policies SP 1, D 5, DM 2, DM 9, DM 10 and DM 22 of the Epping Forest District Local Plan Submission Version (2017).**

Initial communications with applicants/agent to date confirm that the abovementioned necessary measures are not being opposed.

## **Conclusion**

Members are asked to note the content of the report, and to agree to the recommendations set out above before the release of the planning permissions.

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## Report to District Development Management Committee



**Epping Forest  
District Council**

**Report Reference:** EPF/3059/18  
**Date of meeting:** 07 July 2021

**Address:** J & W Fencing Ltd, Pecks Hill, Nazeing, Essex, EN9 2NY

**Subject:** Outline application for demolition of all existing structures and complete site clearance followed by residential redevelopment with 25 dwellings; closure of existing access and creation of a new access point.

**Responsible Officer:** Sukhi Dhadwar (01992 564597)

**Committee Secretary:** Gary Woodhall (01992 564470)

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### Recommendation:

It is recommended that the Committee Members note the content of the report, and:

- Agree to the granting of planning permission for the development on the site as mentioned in the report, with the requirement to enter into an amended Legal Agreement to secure a financial contribution and other mitigation measures relating to the air quality within the Epping Forest Special Area of Conservation; and
- Agree to the granting of planning permission for the development on the site mentioned in the report, subject to the conditions and legal agreement previously agreed by Committee.

### Report:

Background to Epping Forest Special Area of Conservation and impact on the issuing of planning permissions

The Council has legal obligations under the Conservation of Habitats and Species Regulations 2017 (As Amended) ("the Habitats Regulations"), specifically, its duties as the 'competent authority' under Regulation 63 concerning the assessment of the implications of plans and projects for the Epping Forest Special Area of Conservation ("EFSAC"). As local planning authority, before deciding to grant planning permission for a project involving development likely to have a significant effect on the EFSAC (either alone or in combination with other plans or projects), the Council must make an Appropriate Assessment of the implications of the development for the EFSAC in view of its conservation objectives as a European site. For the purposes of that Appropriate Assessment, the Council

must consult Natural England, as the appropriate nature conservation body, and have regard to any representations made by Natural England about the project within such reasonable time as the Council specifies.

Applying the precautionary principle and taking account of the conclusions of the Appropriate Assessment, the Council may grant planning permission for the proposed development only after having ascertained that it will not adversely affect the integrity of the EFSAC. When considering whether a proposal will adversely affect the integrity of the EFSAC, the Council must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which permission may be granted.

In respect of development management decision-making in the District, Natural England's current advice is that applications proposing new development anywhere within the District which involving an increase in vehicle movements on roads within 200m of the EFSAC are likely, in combination with other plans or projects, to have a significant effect on the EFSAC. As such, before granting planning permission, the Council must undertake an Appropriate Assessment of the project in accordance with its legal obligations under Regulation 63 of the Habitats Regulations.

The Council has agreed with Natural England that there is a need to develop a strategic solution for measuring and mitigating the effects of air pollution on the EFSAC recognising that a number of the measures needed are not capable of being implemented by individual developments in isolation and that it would reduce some of the burden of evidence for individual Applicants. To achieve this, the Interim Air Pollution Mitigation Strategy (APMS) was adopted on 8 February 2021. This document seeks to provide the necessary mitigation to reduce the air quality impact from development growth generated by the LPSV.

The application mentioned below was subject to a past decision to grant permission by the West Area Planning Sub-Committee, but subject to legal agreements requiring financial contributions and/or mitigation measures relating to the air quality of the EFSAC. This application is therefore being presented to this Committee to NOTE the result of the further assessment undertaken, resulting in a conclusion that the proposals can be screened out as having no likely significant effect on the EFSAC and AGREE to the the requirement to enter into a legal agreement relating to contributions or mitigation measures relating to air quality within the EFSAC in accordance with the Air Pollution Mitigation Strategy.

It is pointed out to Members that the planning merits of the applications are not being re-considered, but Members are in effect being asked to agree to the removal of the previously agreed requirement for air quality mitigation contributions for this application.

#### Application site and relevant Committee date

As part of the comprehensive review of planning applications being held in abeyance, the following application with a recommendation to GRANT planning permission and agreed by a Committee was identified:

- EPF/3059/18 (J & W Fencing Ltd, Pecks Hill, Nazeing, Essex, EN9 2NY): Outline application for demolition of all existing structures and complete site clearance followed by residential redevelopment with 25 dwellings; closure of existing access and creation of a new access point. (Area West Planning Committee dated 10/04/2019) Minutes for item from page 3 [link to minutes here](#);

### Results of further assessment

The total number of vehicle trips generated throughout the day by the JW fencing site was a total of 128. Initially the Transport Statement indicated that there would be an increase in daily trips from 128 to 161. However, this was based on 33 dwellings (and related to scheme which was refused under reference EPF/1067/18) rather than the 25 proposed in this application. The pro-rata reduction for 25 units would result in 122 movements. This results in a marginal reduction being achieved. This is confirmed by the Technical Note dated 1 July 2019 by EAS (a firm of Independent Transport Planners), It is for this reason concluded that that the proposal would not result in a net increase in AADT and therefore can be screened out as having no Likely Significant Effect on the EFSAC in relation to the air pollution impact pathway.

### Next steps

Policy DM 2 of the Local Plan Submission Version sets out the Council's expectations that all new residential development proposals assist in the conservation and enhancement of the biodiversity, character, appearance and landscape setting of the Epping Forest SAC. It contains specific reference to a number of Strategies, including the Air Pollution Mitigation Strategy, adopted by the Council in February 2021 as a material consideration in the determination of planning applications to ensure that any adverse effects on the integrity of the Epping Forest SAC are avoided.

The Air Pollution Mitigation Strategy requires the implementation of some measures which are strategic in nature rather than site specific. In addition, there is a cost associated with the undertaking the monitoring and comparative assessments. These elements will be delivered by the Council and its partners and will be funded through payment of financial contributions from residential development proposals which are proposed to be approved under the Town and Country Planning Acts. This approach has been developed in accordance with Regulation 122 of the Community Infrastructure Regulations based on the relative contribution made by the development proposed in the Council's emerging local plan (derived from Council's evidence base to support the development of the Air Pollution Mitigation Strategy).

A developer contribution of £8,375 (£335 per dwelling) will therefore be required to implement the Air Pollution Mitigation Strategy. This Strategy also requires additional conditions to be attached to any permission to ensure that all the new dwellings built have access to electric vehicle charging points and have the facilities in place to connect to a broadband service, prior to the first occupation of these dwellings.

The detailed wording of these two conditions is outlined below: -

- Electric Vehicle Charging Points (This condition is an amendment to existing condition 10)

**Details and location of the parking spaces (including garages) equipped with active and/or passive EVCP must be submitted prior to works commencing on site, including details which shall demonstrate that the development will deliver active EVCPs from occupation. The details shall include:**

- **Location of active and passive charging infrastructure;**
- **Specification of charging equipment; and**
- **Operation/management strategy.**

The council will expect that a management plan for the charging points is set out clearly. This will address:

- Which parking bays will have active and/or passive charging provision, including disabled parking bays;
- How charging point usage will be charged amongst users;
- The process and the triggers for identifying when additional passive charging points will become activated; and
- Electricity supply availability.

The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.

The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation.

- Broadband Provision

**Prior to the commencement of development, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.**

### Conclusion

Members previously agreed to grant permission subject to conditions (details of which can be [found here](#)) and subject to a S106 legal agreement to be signed and completed to secure (a) an appropriate financial contribution for the management and monitoring of air quality, (b) secure the financial education contribution of £39,200.00 towards early years and childcare provision, £114,607.00 towards Primary School provision, (c) Provision of onsite affordable housing comprising 11 units. 8 of these units will be for rent and the remaining 3 units will be for shared ownership.

Members are asked to note the content of the report, and to agree to the release of the planning permission mentioned in accordance, subject to additional planning conditions requiring the provision of electric vehicle charging points and the facilities to access broadband and an amendment to the wording of criterion (a) of the legal agreement previously endorsed by committee so that it requires a contribution of £8,375 towards the implementation of the District wide Air Pollution Mitigation Strategy. A five percent (5%) of the cost value of the financial planning obligations should also be included in the agreement (up to a maximum of £50,000) and/or a flat rate of £500 per each non-financial obligation.