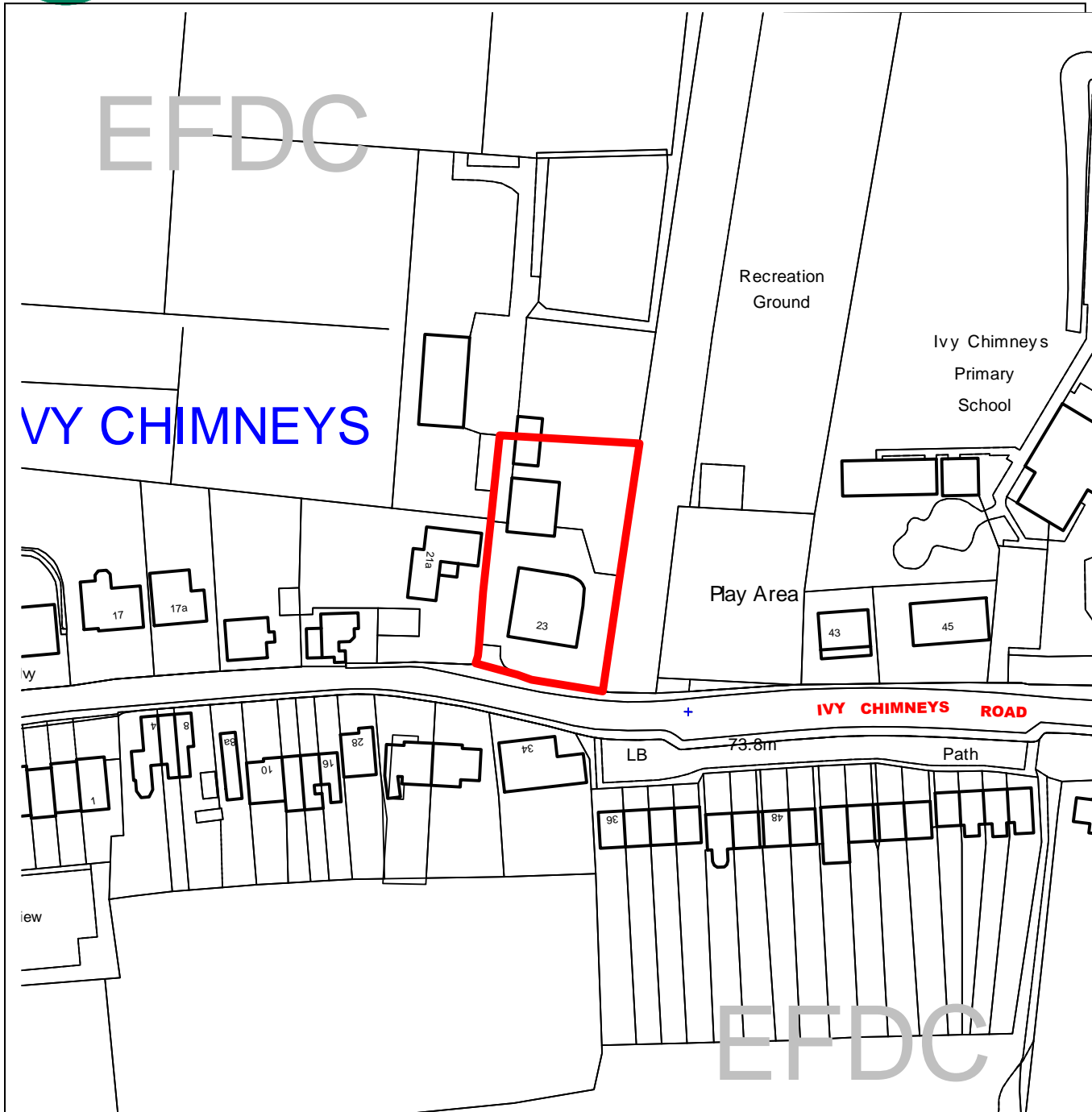




Epping Forest District Council



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Application Number:	EPF/1286/20
Site Name:	Broadbanks 23 Ivy Chimneys Road EPPING CM16 4EL
Scale of Plot:	1:1250

Report Item No: 9

APPLICATION No:	EPF/1286/20
SITE ADDRESS:	Broadbanks 23 Ivy Chimneys Road EPPING CM16 4EL
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Mike Payne
DESCRIPTION OF PROPOSAL:	Demolition of existing dwelling and 2no. associated agricultural buildings and replacement with 3no. detached dwellings including ancillary works and landscaping.
RECOMMENDED DECISION:	Grant Permission (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=638215

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

001.00, 002.00, 005.00, 300.01, 305.00,306.01, 307.00, 310.01. 175370-001, 175370-002 rev C, 175370-003, DW2018-413,

Design and Access Statement -Environmental and Geotechnical Desk Study and Site Investigation report reference 2148/Rpt2v3 July 2019, bat Survey by Essex Mammal Surveys January 2018, Preliminary Ecological Assessment November 2018 by Ethos Environmental Planning, Flood Risk/Surface Water Management Statement (including SuDs Strategy and Maintenance Plan. Reference 175371-01 dated July 2019 by Ardent, Arboricultural Impact Assessment Report reference SHA 626 rev D dated 17 February 2018.
- 3 No construction works above ground level shall take place until (documentary and photographic) details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 The house type 2 hereby permitted shall not be occupied until the windows in the upper floor southern and northern flank elevations have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those windows that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.

- 5 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 tools. 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.
- 6 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.
- 7 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.
- 8 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.
- 9 Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be installed as shown on Sharon Hosegood Associates 'Tree Protection Plan' drawing number SHA 626TPP Rev D dated 16th February 2018.

- 10 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 11 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for the following all clear of the highway:
safe access into the site;
the parking of vehicles of site operatives and visitors;
loading and unloading of plant and materials;
storage of plant and materials used in constructing the development;
wheel and underbody washing facilities.
The approved Plan shall be adhered to throughout the construction period.
- 12 Prior to the first occupation of the development the access arrangements (including footway surfacing and visibility splays), 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.
- 13 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, per dwelling, and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- 14 There shall be no discharge of surface water onto the Highway.
- 15 The proposed development should be undertaken in accordance with the recommendations made in the Bat Survey by Essex Mammal Surveys January 2018 and Preliminary Ecological Assessment November 2018 by Ethos Environmental Planning unless otherwise agreed in writing by the Local Planning Authority.
- 16 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and

made operational prior to first 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:
 - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
 - b) How charging point usage will be charged amongst users;
 - c) The process and the triggers for identifying when additional passive charging points will become activated; and
 - d) 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.

- 17 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). 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 LPA 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 LPA.
- 18 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.
- 19 No ground works shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 20 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
 7. Tree protection measures.

21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, B and E of Part 1 to schedule 2 shall be undertaken.

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

Site and Surroundings

The application site comprises a rectangular piece of land containing a detached house, outbuilding and one block of stables. It covers an area of 0.15 hectares. An access road that serves the site and land to the north runs along the western boundary.

The topography of the site slopes downwards towards the south.

The two-storey house is within the urban area; however the outbuilding and stables fall within land designated as Green Belt.

To the immediate north of the site lie outbuildings, with open grazing land beyond. To the west, the neighbouring property with associated outbuildings, to the east exists a children’s playground, and to the south, Ivy Chimneys, with residential properties beyond.

Description of Proposal:

Permission is sought for the demolition of the existing dwelling and 2no. associated agricultural buildings and replacement with 3no. detached dwellings including ancillary works and landscaping.

6 car parking spaces proposed.

Relevant History:

Reference	Description	Decision
OUT/EPF/1430/85	Outline application for the erection of a dwelling house with garage in garden of ‘Broadbanks’	refused
OUT/EPF/2056/14	Outline application with all matters reserved for demolition and removal of stables and hardstandings. Provision of access road with turning head, erection of five detached dwellings with garages and car spaces including ancillary works and landscaping	Refused and dismissed at appeal
The grounds for dismissal were that the proposal sought construct housing on the hardstanding and horse exercise area to the north of the site. The Inspector opined that “The encroachment of development into the open area to the north of the buildings would be contrary to one of the purposes of including land in the Green Belt which is to safeguard the countryside from encroachment. It would also be extending the coverage of built development have a greater impact on the openness of the Green Belt than the existing buildings.		
OUT/EPF/0458/15	Outline application with all matters reserved for demolition and removal of stables and hardstandings. Provision of access road with turning head, erection of three	Granted

	detached dwellings with garages and car spaces including ancillary works and landscaping (revised application to EPF/2056/14)	
EPF/1690/16	Demolition and removal of the stables and hardstanding and the excavation of part of the site to reduce the levels (with the excavated material to be removed), and the erection of three detached dwellings and garages with all associated works.	Granted
EPF/3159/18	Permission is sought for the demolition of all on site stables and hardstanding; the excavation and removal of materials from the site to reduce ground levels in order to construct 9 dwellings with associated landscaping; access road; turning head and ancillary works on the site.	Refused

Reasons for refusal: -

1. The site is located within land designated as Metropolitan Green Belt where there is presumption against inappropriate development. The proposal does not constitute limited infilling of a village nor is it 'limited infilling' or partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings which would not have a greater impact on the openness of the Green Belt than the existing development. It therefore would be inappropriate development. No very special circumstances or other considerations have been advanced that would outweigh the harm caused by the inappropriateness and the other harm identified, and the development would therefore conflict with Chapter 13 of the National Planning Policy Framework, Policy GB2A of the Epping Forest District Adopted Local Plan and Policy DM4 of the Submission Local Plan.
2. In the absence of a completed s106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area of Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to Policy CP1 and CP6 of the Epping Forest Local Plan, Policies DM2 and DM22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

EPF/2349/19	Demolition of existing dwelling & 2no. associated agricultural buildings. Provision of new access road & erection of x5 no. detached & semi-detached dwellings including ancillary works & landscaping.	Refused
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Reasons fore refusal:

The site was assessed as part of the site selection process (under reference SR-0466 Broadbanks, 23 Ivy Chimneys Epping) to inform the preparation of the Local Plan and was not progressed beyond Stage 3 of the assessment process and not proposed for allocation as it was ranked lower in the land preference hierarchy. This is because it would have the most impact upon the Epping Forest Special Area of Conservation by expanding the urban area closer to the designated area, which may have adverse effects on Epping Forest (including potentially from air quality,

urbanisation and increased recreation activity. Furthermore, this strategic option is most harmful to the Green Belt relative to the other strategic options in the settlement compared to other more sustainable sites to meet the Council's housing requirement. The proposal is therefore contrary to the sequential approach of Policy SP 2 Spatial Development Strategy Local Plan Submission Version 2017.

The site is located within land designated as Metropolitan Green Belt where there is presumption against inappropriate development. The proposal does not constitute limited infilling of a village nor is it 'limited infilling' or partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings which would not have a greater impact on the openness of the Green Belt than the existing development. It therefore would be inappropriate development. No very special circumstances or other considerations have been advanced that would outweigh the harm caused by the inappropriateness and the other harm identified, and the development would therefore conflict with Chapter 13 of the National Planning Policy Framework, Policy GB2A of the Epping Forest District Adopted Local Plan and Policy DM4 of the Submission Local Plan.

The application does not provide sufficient information to satisfy the Council, as competent authority, that the development has not adversely affected the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the development should be permitted. As such, the development is contrary to policies CP1 and CP6 of the Adopted Local Plan and Alterations, policies DM2 and DM22 of the Submission Version Local Plan 2017 and the requirements of the Habitats Regulations 2017.

The proposal due to the position of the properties within plots 1, 3 and 5 would result in an unacceptable loss of outlook and increased sense of enclosure for the residents of the property proposed within plot 1 as well as on adjoining residents within the residential unit facing the application site approved under reference EPF/1690/16. The proposal is therefore contrary to the requirements of paragraphs 127(f) and 130 of the National Planning Policy Framework, policy DBE9 of the Adopted Local Plan and Alterations and policy DM9 of the Submission Version Local Plan 2017.

The proposal has a height, scale, bulk, prominence and layout which would be incongruous to the established pattern of development within the semi-rural location within which it is situated and as a result will be harmful to the visual character of the street scene and recreation ground. The proposal is therefore contrary to Chapter 12 of the NPPF, policies CP7, DBE1 and DBE4 of the Adopted Local Plan and Alterations along with SP3, T1, DM5 and DM9 of the Submission Version Plan.

Insufficient information was submitted to demonstrate compliance with non-statutory technical standards for sustainable drainage systems, Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide, The CIRIA SuDS Manual (C753) and BS8582 Code of practice for surface water management for development sites. The Council is therefore unable to fully and properly assess development in terms of its impact on whether or the proposal will not lead to the increase in the risk of surface water flooding. The development is therefore contrary to the requirements of chapter 14 of the NPPF, and DM15 and DM16 of the Submission Version Local Plan.

DEVELOPMENT PLAN

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

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

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP7 - Urban Form and Quality
CP9 – Sustainable transport
GB2A - Development in the Green belt
GB7A – Conspicuous Development
RP4 – Contaminated land
H3A – Housing density
DBE1 – Design of new buildings
DBE4- Design in the Green Belt
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL10 – Adequacy of provision for landscape retention
LL11 – Landscaping schemes
ST4 – Road safety
ST6 – Vehicle parking
NC1 - SPAs, SACs and SSSIs
NC3 - Replacement of Lost Habitat
NC4 - Protection of established Habitat
NC5 – promotion of Nature Conservation Schemes
CP1 – Achieving sustainable development objectives

NATIONAL PLANNING POLICY FRAMEWORK (July 2021)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

(a) approving development proposals that accord with an up-to-date development plan without delay; or

(b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

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

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

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

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

Policy	Weight afforded
SP1 - Presumption in Favour of Sustainable Development	Significant
SP2 - Spatial Development Strategy 2011-2033	Significant
SP6 - Green Belt and District Open Land	Significant
SP7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure	Significant
H1 - Housing Mix and Accommodation Types	Significant
H2 - Affordable Housing	Significant
T1 - Sustainable Transport Choices	Significant
DM1 - Habitat Protection and Improving Biodiversity	Significant
DM2 - Epping Forest SAC and the Lee Valley SPA	Significant
DM3 - Landscape Character, Ancient Landscapes and Geodiversity	Significant

DM4 - Green Belt	Significant
DM5	Significant
DM9 - High Quality Design	Significant
DM10 - Housing Design and Quality	Significant
DM11 - Waste Recycling Facilities on New Development	Significant
DM15 - Managing and Reducing Flood Risk	Significant
DM16 - Sustainable Drainage Systems	Significant
DM18 - On Site Management of Waste Water and Water Supply	Significant
DM19 - Sustainable Water Use	Significant
DM20 - Low Carbon and Renewable Energy	Significant
DM21 - Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 - Air Quality	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 47

Site notice posted: Yes

6 MEADOW VIEW IVY CHIMNEYS, 15 IVY CHIMNEYS, 30 IVY CHIMNEYS, 34 IVY CHIMNEYS OBJECT

Ivy Chimneys Road is busy and narrow, and around the proposed building site there is a lot of traffic and parking for the local primary school. We don't need extra congestion and the road just doesn't support extra residential buildings at that position, particularly so close to the school.

Loss of view

Increase in noise, disturbance, overlooking, loss of privacy, and overshadowing pollution.

Ivy Chimneys Road is already a very busy and congested road; it is already very difficult for me to safely enter and leave my driveway at busy times. The construction work would add to this hazard.

The development would adversely affect highway safety and the convenience of road users, particularly to school children as it is already very unsafe at the start/end of school due to the volume of traffic and the additional housing would add to this.

There would also be extra demand for school places.

I am also concerned about the airborne levels of Asbestos from the demolition of onsite stables and hard dwellings.

PARISH COUNCIL: OBJECTION:

The Committee continue to uphold their previous objection from the 2016 planning proposal.

The more intense use of the site would be detrimental to Highway Safety. This is a busy and dangerous road, particularly for pedestrians and this is exacerbated by parking issues. The proximity of Ivy Chimneys Playground and Ivy Chimneys Primary School means that traffic and footfall at peak times is far greater than would be the case in a similar location without the school and playground nearby.

Committee do not consider the infrastructure sufficient to enable an access drive that is 5.5m in width. The increased use of the site would result in more traffic at a point where traffic is moving downhill, resulting in adverse effects in an already dangerous area.

The access to and from this site is an issue also and adds to the hazardous road traffic. Committee also have concerns over the loss of the large number of trees and felt that there is insufficient details regarding the protection of trees on the site. Committee do not object to the number or type of houses proposed.

Relevant policies: CP1, CP2, CP6, CP7, DBE2, DBE9, H3A, LL10, LL11, ST4, ST6. (Local Plan 1998/2006) Emerging Local Plan: DM2, DM5B, SP4, T1.

Epping Town Council confirm they will attend and speak at Plans East to object to this proposal.

EPPING SOCIETY OBJECT: The proposed site has extensive tree and shrub cover. We note that no mention is made of protecting or retaining this.

We acknowledge the slight reduction in height of the proposed buildings. However, with the loss of vegetation, they will still have a major impact on the adjacent Metropolitan Green Belt area.

The increased traffic will be dangerous on a road that is near a bend and close to Ivy Chimneys Primary School. The area is already subject to congestion at the school gates and around the proposed entrance.

The proposed road width inside the estate remains cramped. The hammerhead area on the approved part of site is too small to allow efficient turning.

A bin lorry is 2.45m wide. Rubbish and recycling collections and almost all deliveries will block the road as there will be very little space to turn around or stop in the narrow estate road. This will cause residents, visitors and other deliveries to the proposed development and the other 3 already approved properties to queue. We expect that some of these will stop at the entrance to the new estate. This will further increase danger with the proposed development and onto Ivy Chimneys Road.

Main Issues and Considerations:

Emerging Local Plan

Policy SP 2 of the SVLP stipulates that Epping has a growth requirement of 1305 homes. The full site subject to the proposals previously formed part of a larger area which was originally being promoted for residential development within the Strategic Land Availability Assessment. This larger site was assessed by ARUP on behalf of Epping Forest District Council under reference SR-0466 (Broadbanks, 23 Ivy Chimneys Epping) for its suitability for removal from the Green Belt to provide housing. The site did not proceed beyond stage 3 of the site selection process because it ranked lower in the land preference hierarchy compared to other more sustainable sites. This is

because it would have the most impact upon the Epping Forest Special Area of Conservation by expanding the urban area closer to the designated area, which may have adverse effects on Epping Forest (including potentially from air quality, urbanisation and increased recreation activity). Furthermore, this strategic option is most harmful to the Green Belt relative to the other strategic options in the settlement compared to other more sustainable sites to meet the Council's housing requirement.

However the application site covers only covers a small section of the southern edge of the area covered by reference SR-0466 and a permission granted under EPF/1690/16 for three houses to the north of the site has been implemented. These buildings will screen the building from long views of the site and as a result the proposal will have a very limited impact on the openness of the Green Belt.

The site is located within Floodzone 1, meets the definition of Previously Developed land. It therefore could be considered a windfall site subject to the proposal not having an adverse impact on the integrity of the Epping Forest Special Area of Conservation.

Epping Forest Special Area of Conservation

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

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

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

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

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

Stage 1: Screening Assessment

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

The site lies within the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach)

adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.

The development has the potential to result in a net increase in traffic using roads through the EFSAC.

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

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

Stage 2: 'Appropriate Assessment'

Recreational Pressures

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

Atmospheric Pollution

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

Conclusions:

The Council is satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions as set out above, the application proposal would not have an adverse effect on the integrity of the EFSAC.

Green Belt

The properties within plots 1 and 2 fall within the urban area and therefore are not affected by Green Belt policy. Plots 3, 4 and 5 all fall within land designated as Green Belt.

Paragraph 133 of the NPPF proclaims that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Policy GB2A of the Adopted Local Plan presumes against the construction of new buildings, unless they are appropriate. Policy GB7A seeks to resist conspicuous forms of development within the Green Belt, which would have an excessive impact on its openness. Policy DM4 of the LPSV reflects paragraphs 145 and 146 of the NPPF.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweigh this harm.

Paragraphs 145 and 146 of the NPPF allow for some exceptions to inappropriate development, the relevant two in this case are:

(e) limited infilling in villages;

(g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

The section of the site within Green Belt is being used for ancillary residential purposes and as stables and as such the use would meet the definition of Previously Developed Land.

The dwelling house is located within the urban section of the site and therefore its volume cannot be taken into consideration. Plans indicate that the facilities and stables have a combined volume of 865 cubic metres. The singular house proposed to replace them has a volume of 794 cubic metres. This volume is a reduction of 71 cubic metres. Furthermore, the permission granted under EPF/1690/16 for three houses has been implemented. These buildings will screen the building from long views of the site and as a result the proposal will have a very limited impact on the openness of the Green Belt.

Given that the site is within an existing village and there is development on three of its boundaries, the proposal is therefore considered to also meet the definition of an infill development within a village.

It is for these reasons that proposal now overcomes the previous Green Belt reason for refusal outlined in EPF/2349/19 and as such accords with the requirements of chapter 13 of the NPPF and Policy GB2A of the Local Plan (1998/2006) and DM4 of the Submission Version Plan 2017.

Design

The surrounding context is made up of large detached and semi-detached dwellings within large curtilages fronting Ivy Chimneys Road and open land to the rear or north of the dwellings. Planning approval has been given under reference EPF/1690/16 for the demolition and removal of

the stables and hardstanding and the excavation of part of the site to reduce the levels (with the excavated material to be removed), and the erection of three detached dwellings and garages with all associated works.

The proposed position, height design and materials of the proposal are in keeping with other residential dwellings in the locality. It is recommended that site level plans are conditioned to ensure that the heights of the new houses reflect those shown on plan 310.01. The proposal has a similar design and appearance to the three houses already approved and would be a continuation of this cul-de-sac arrangement. The proposal therefore preserves the distinctive local character of this area in accordance with chapter 12 of the NPPF and policies DBE 1 and 4 of the Local Plan.

Trees

The Tree Officer is satisfied that subject to conditions the proposal will not have an adverse impact on existing trees on the site and therefore the proposal accords with the requirements of policy LL10 and LL11 of the adopted Local Plan 2017.

Quality of resulting residential accommodation

All dwellings meet current internal space standards set out in the Essex Design Guidelines and National Technical Standards. There is a distance 9.8m between the northern side flank wall of plot 1 (i.e. bedroom window of house 1) and the southern flank wall of the house within plot 2. Since the outlook from plot 1 is to a blank wall, it is on balance considered acceptable.

All units meet amenity space standards required by Policy DBE8 of the Local Plan (1998/2006). The quality of the proposed accommodation is therefore considered to comply with the requirements of DM10 of the Submission version Local Plan 2017.

It is recommended that a condition be attached to any permission which requires that all upper floor side elevation windows within the type 2 houses are obscure glazed. obscure glazed to prevent mutual overlooking.

Impact on neighbouring amenity

All other neighbours are sufficiently distant as to ensure that their living conditions will not be adversely affected in terms of light, outlook and privacy. The proposal therefore complies with the requirements of DBE9 of the adopted Local Plan (1998/2006) and DM9 of the Submission Version Plan 2017.

Highways

The Highways Engineer advises that-

“The access geometry and sight lines are compliant for the speed of the road. Furthermore, the site is well located with good access to other sustainable modes of travel.

The proposed parking is in accordance with standards and the applicant has demonstrated that visitor parking can be accommodating within the development with no detrimental impact upon the internal site movement.

Consequently, the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity or efficiency upon the local and wider highway network.”

It is on this basis that subject to conditions, the proposal therefore complies with policies ST4 & ST6 of the Local Plan and T1 of the SVLP.

Land Drainage

The Land Drainage Officer raises concerns that the site is at risk of surface water flooding the applicant will need to provide through a pre-commencement condition requiring a flood risk assessment assessing all sources of flood risk and provide the necessary mitigation measures including a full drainage strategy utilising SuDS in accordance with DM15 and DM16 of the Local Plan Submission Version.

Contaminated Land.

The Contaminated Land Officer has reviewed desktop study and geo environmental site investigation report submitted with the application. He recommends that no further site investigations are required but additional information is required in regard to risks to site workers and a watching brief to identify any unsuspected contamination along with further asbestos sampling in and around the building in accordance with Paragraphs 120-124 of the NPPF and policy RP4 of the Local Plan (1998/2006).

Conclusion:

The proposal will provide 3 new dwellings within a sustainable location. The Council's consultants are satisfied that subject to a unilateral undertaking to fund mitigation against the adverse impact on the integrity of the EFSAC and conditions encourage more sustainable modes of travel and working from home. Furthermore the proposal has an acceptable design and will not have excessive adverse impact on neighbouring amenity or highway safety, it is therefore considered that the proposal is acceptable in planning terms.

The proposal complies with relevant planning policy and it is recommended that planning permission be granted subject to conditions and the 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 before 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***