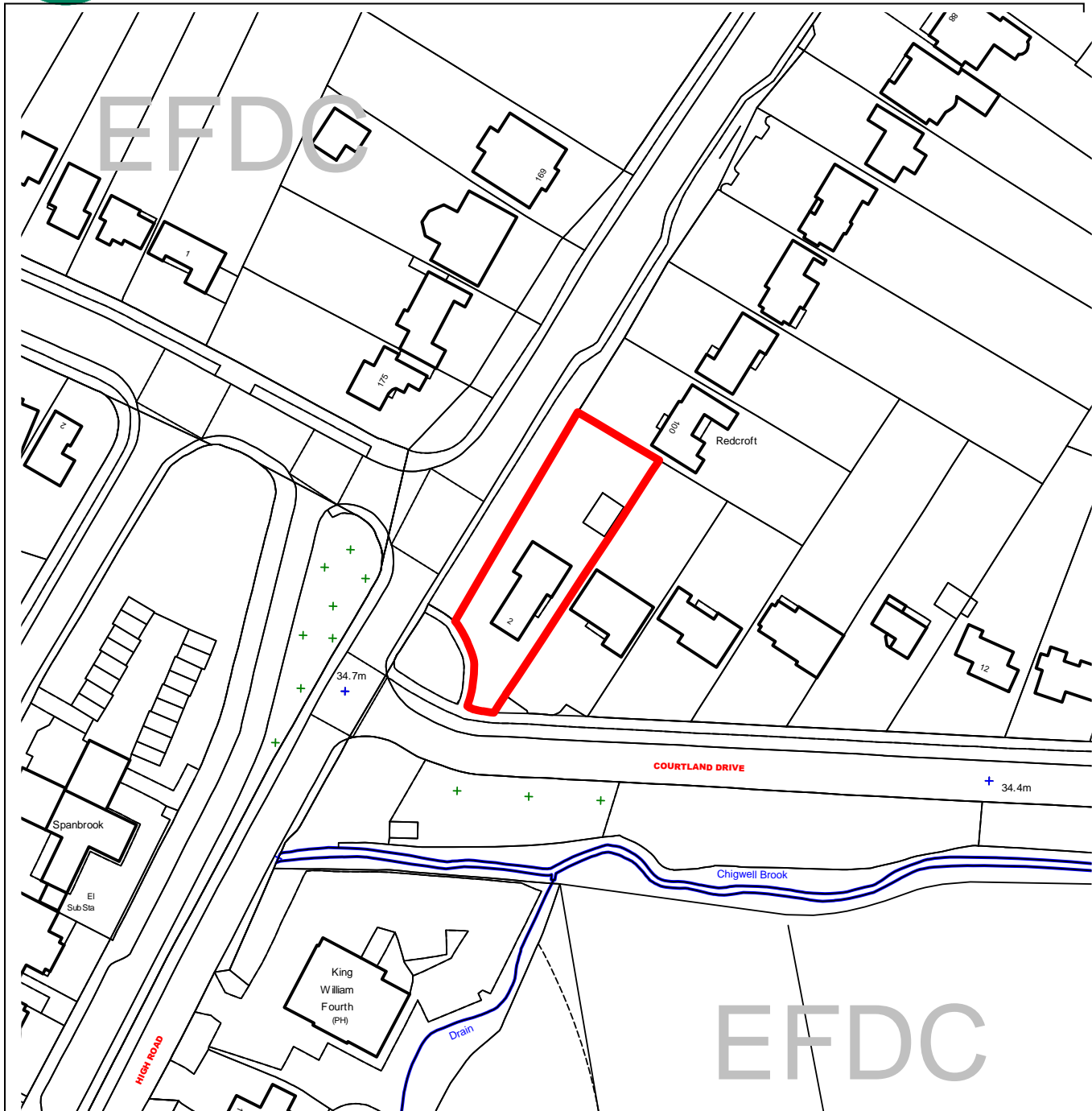




# Epping Forest District Council



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Application Number:	EPF/1573/20
Site Name:	2 Courtland Drive Chigwell IG7 6PN
Scale of Plot:	1:1250

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/1573/20
<b>SITE ADDRESS:</b>	2 Courtland Drive Chigwell IG7 6PN
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>APPLICANT:</b>	Megabay Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing dwelling and replacement with new structure containing 5 units, (2, 1 bed and 3, 2 bed), basement parking with car lift, bin /cycle stores ** SAC Case now Progressing **
<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=639716](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=639716)

**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: GBI\_101 Rev A; GBI\_102; GBI\_103; GBI\_104; GBI\_105; GBI\_106; GBI\_001; GBI\_002; GBI\_208 Rev G; GBI\_209 Rev G; GBI\_212; GBIGBI\_202 Rev E; GBI\_203 Rev H; GBI\_204 Rev F; GBI\_206 Rev E; GBI\_207 Rev H
- 3 Prior to any above ground works, 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 Prior to first occupation of the building hereby permitted the window(s) in the east flank elevation(s) at first floor level and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] 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 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

- 6 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.
- 7 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.
- 8 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 9 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.
- 10 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 11 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.

12 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

13 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling and at no cost to the occupier, 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.

The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST2, ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

14 Prior to the first occupation of the development the vehicle/cycle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking, car lift and turning areas shall be retained in perpetuity for their intended purpose.

15 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution 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. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

16 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policies ST2, ST4 & ST6 of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 17 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.
- 18 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.
- 19 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.
- 20 All material excavated from the below ground works hereby approved shall be removed from the site.
- 21 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.

***And subject to the applicant first entering into a legal agreement under Section 106 to provide appropriate contributions towards management and monitoring measures on any adverse impact on the Epping Forest Special Area of Conservation with regard to recreational use and air quality.***

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than five objections are received on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

### **Description of Site:**

No. 2 comprises of a 2-storey detached dwellinghouse with a detached rear/side garage located to the north of Courtland Drive, a corner plot sited adjacent to the main High Road. The plot is deep, and the property is well set back from the highway on both Courtland Drive and High Road with a large wide corner pavement and grass verge.

Courtland Drive is residential in character comprising of large, wide 2- storey detached dwellinghouses with deep frontages arranged in a staggered alignment with no. 2 sited further forward than No. 4 and the other dwellings in this section of Courtland Drive.

No. 2 is sited adjacent to High Road which is typified by a mixed variety of urban building types and heights with 3-and 4 storey residential blocks of flats to the west and commercial units to the south.

### **Description of Proposal:**

Planning permission is sought for the redevelopment of the site involving the demolition of the existing 2- storey detached dwellinghouse and garage and its replacement with a 2- storey building to accommodate x 5 residential units. (2, 1 bed and 3, 2 bed), basement parking for 5 car spaces, 1 per unit with one visitor car space accessed via a car lift /turntable.

The communal refuse storage and cycle area is sited to the east boundary measuring a height of 1.5m, a width of 3m and a depth of 2.3m.

The proposed building has a similar front building line and height as the existing dwellinghouse, some 2m wider set in between 2.5-3.66m from the east boundary and some 3.8m from the west boundary.

### **Ground floor**

Flat 1: 1 bed (56,6sqm)  
Flat 2: 1 bed (59.7sq)  
Flat 3: 2 bed (109sqm)

### **First Floor**

Flat 4: 2 bed (90.4sqm)  
Flat 5: 2 bed (117sqm)

The main pedestrian entrance to the building is to the central west elevation of the building with the provision of a lift and staircase. The majority of the habitable room windows are to be sited to the west and front elevations. The existing crossover is to be widened and the bollard removed.

Amenity space is sited to the rear of the building with the provision of balconies to units, 3.4 and 5.

Materials: Brick and render and clay tiles

### **Relevant History:**

EPF/0672/17 - Enlargement of roof, and provision of one front dormer window and three rear dormer windows as part of loft conversion.

EPF/1929/18 - Proposed first floor rear infill extension, enlargement of roof and loft conversion with one front dormer window and three rear dormer windows.

EPF/2057/16 - Two storey rear extension, and erection of new front wall, railings, and gates on front boundary – 06/10/2016

CHI/0320/59 - Erec of Det Hse & Garage - Approved

### **DEVELOPMENT PLAN CONTEXT**

*Local  
Plan*

*(1998) and Alterations (2006)*

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).

CP1: Achieving Sustainable Development Objectives  
CP2: Protecting the Quality of the Rural and Built Environment  
CP3: New Development  
CP6 Achieving sustainable urban development patterns  
CP7 Urban Form and Quality  
CP7: Urban Form and Quality  
RP4 Contaminated Land  
RP5a Environment Impacts  
DBE1 Design of New Building  
DBE2: Effect on neighbouring properties  
DBE8: Private amenity space  
DBE9: Neighbouring residential amenity  
LL11 Landscaping schemes  
ST1: Location of development  
ST2: Accessibility of Development  
ST4: Road safety  
ST6: Parking provision  
H2A: Previously developed land  
H4A: Dwelling Mix  
H3A Housing Density  
NC1 SPA's, SAC's and SSS1's

### **NPPF, 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.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraph 51, 86, 104 - 111

Paragraph 118- 121, 126 - 132, 194

#### Epping Forest District Local Plan Submission Version (LPSV) (2017)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14<sup>th</sup> 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.

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan.



The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ends 23<sup>rd</sup> September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

Policy	Weight afforded
SP1 - Presumption in Favour of Sustainable Development	Significant
SP6 - Green Belt and District Open Land	Significant
SP7 - The Natural Environment, Landscape Character and Green and Blue	Significant
H1 - Housing mix and accommodation types	Significant
H3A Housing Density	Significant
H4a Dwelling Mix	Significant
T1 Sustainable transport choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM 11 Waste recycling facilities on new developments	Significant
DM16 Sustainable drainage systems	Significant
DM18 On site management of wastewater and water supply	Significant
DMM19 - Sustainable Water Use	Significant
DM20 - Low Carbon and Renewable Energy	Significant
DM21 - Local environmental impacts, pollution and land Contamination	Significant
DM2 - Air Quality	Significant
T1 - Sustainable transport choices	Significant

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

#### CHIGWELL PARISH COUNCIL - OBJECTION

- over-development, setting an undesirable precedent for the area
- out of keeping with visual aesthetic
- inadequate parking
- reduced amenity
- loss of greenery/garden space

59 adjoining neighbours were notified, and 80 objections have been received that raise the following concerns:

- Scale and dominance of the development
- considerable increase on existing - Detract from the streetscene
- Noise and disturbance due to the intensification and the car lift results in noise and impact on no. 4
- Loss of privacy and over development. Parking is inadequate for the number of flats
- Increase in traffic and pedestrians,
- impact on EFSAC.

An additional 14-day consultation was undertaken on the 13<sup>th</sup> December and over 35 further objections have been received that raise the following concerns:

- Impact on the residents of Courtland Drive as it will cause overcrowding and huge traffic at the junction of Courtland Drive to Chigwell road. This can potentially extend to the whole area.
- The development will appear as if Courtland estate is hidden behind a wall and ruin the current open look with greenery.
- over development,
- poor design, not reflecting the character of Courtland State
- Loss of Trees and roots and impact on Chigwell Brook which is less than 20 m away.

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

- The principle of residential
- Design, Character and Appearance
- Impact on the amenity of surrounding residents; Form of Accommodation;
- Trees and Landscaping
- Parking and highway safety
- Drainage and Contamination
- Epping Forest Special Area of Conservation

### **Principle of Residential Development**

There is no objection to the provision of residential use within this urban, residential location which accords with the presumption in favour of sustainable development.

The intensification of this site would accord with the Government NPPF and should be afforded significant weight to maximise the use of urban sustainable locations to meet an identified housing need.

The site is located within an existing mixed use area of commercial/retail and residential area where accessibility is good and the infrastructure has been developed so there local services, facilities and good public transport links are available within walking distance of the site and would make more efficient use of this site. The principle of further development within existing sustainable settlements outside of the Green Belt is generally considered to be appropriate, subject to all other parameters.

### **Design, Character and Appearance**

Epping Forest adopted Local Plan Policies seeks to ensure a high quality of design and that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These objectives are broadly consistent with the core principles of the NPPF that planning should seek to secure high quality design.

The surrounding area is characterised by urban built form. The application site is a corner plot adjoining the main High Road which comprises of a mixed type of residential and commercial buildings.

No. 2 Courtland Drive is a 2- storey detached dwelling well forward of the other dwellings in Courtland Drive due to the staggered arrangement of the properties and is also one of the narrowest properties.

The scheme has been amended following reducing the overall scale and massing and which is now considered proportionate and which respects the setting, content and appearance of the street scene and surrounding area. The proposed development would be no wider, deeper or higher than any of other properties in Courtland Drive

In terms of its design and form the development is not harmful and sufficiently maintains the established visual character and pattern of development in Courtland Drive and the wider area and complies satisfactorily with policies CP2, DBE1, DBE3 and DBE10 of the adopted Local Plan and policies of the Local Plan (1998) and Alterations (2006) and policy, DM9 and DM10 of the Local Plan Submission Version, 2017 and does not conflict with the design objectives of the National Planning Policy Framework., 2021 that seeks to ensure, amongst other things, that new development is of a high quality design that respects its setting and the character and environment of the locality.

#### Amenity to Neighbours Amenity and Form of Accommodation

The NPPF encourages Local Planning Authorities to:

*'Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.*

No. 4 Courtland Drive is the closest residential dwellinghouse to No. 2 which itself has been extended into a large property with a first floor and 2- storey rear extension. The majority of the main habitable room windows to the proposed development are sited to the west flank elevation fronting onto High Road with 3 minor non-habitable room windows located to the east first floor flank elevation. In addition, it is considered that the separation distance would prevent any demonstrable harm to the living conditions of neighbouring properties in terms of loss of light, overlooking or privacy subject to first floor flank elevation windows being conditioned as being obscure glazed. It is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level and accords with the requirements of policy DBE9 of the adopted Local Plan and policy DM9 of the Local Plan submission Version, 2017.

#### Form of Accommodation

The main habitable rooms of the units have sufficient daylight and outlook that meet BRE guidelines for daylight levels and are considered of a satisfactory form of living space that also meets the Nationally Prescribed Space Standards as set out in Policy DM10 of the Submission Version Local Plan, 2017, providing a good quality of accommodation for future occupants.

The proposed building has the provision of rear amenity area which is functional and usable in terms of its width, depth, shape and orientation to meet the needs of future occupants and which would not suffer from any direct overlooking or loss of privacy and accords with the requirements of DBE8 of the Local Plan and DM10 of the Submission Version Plan. The building also provides recreational balconies to units 3.4 and 5. The quality of the proposed accommodation is therefore considered acceptable.

### Comments on Representations Received.

A large number of objections have been received in relation to the scale, bulk, and siting of the development that would result in an over development of the site and an overbearing, intrusive impact, overlooking and a loss of privacy.

There is no objection to the provision of residential use within this urban, location and accords with the presumption in favour of sustainable development and the intensification of this site would accord with this presumption and should be afforded significant weight. The site is located within an established residential road but also sited in close proximity to an existing mixed use area of commercial/retail and residential area where accessibility is good and the infrastructure in the vicinity has been developed so there are local services, amenities and a good public transport links available within walking distance of the site.

The development has been designed to ensure that it is appropriate in its context supported by the NPPF and would not prejudice the amenity of the occupiers of adjoining properties.

The site provides a quality, sustainable residential development that brings forward the growing need for additional housing. The principle of residential development is acceptable which is consistent with the requirements of policies CP1, CP3 and H3A of the Local Plan and with the NPPF which seeks to boost significantly the supply of housing. Policies DBE1, DBE2 and DBE4 of the Epping Forest District Local Plan seeks to ensure that new development is satisfactorily located and is of a high standard of design and layout.

The concerns expressed by Chigwell Parish Council, and neighbouring residents regarding overdevelopment of the site and that flats would set a precedent in Courtland Drive must be balanced against the appropriateness of the design that respects the overall scale, height and relationship of the building to its plot boundaries and to the surrounding built form.

### Parking and Highway

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject the attachment of conditions. The measures are to ensure that the proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST2, ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

### Trees and Landscape

There are several 'street trees' on the adjacent grass verges that are significant landscape assets. The proposal demonstrates that it should be possible to develop as proposed without a detrimental impact on them subject to tree protection, supervision and careful siting of new services. The application does show the removal of the existing vegetation from the western (roadside) boundary – this will open up the view of the property – which is particularly significant when at the junction of Chigwell Rise and we would expect to see extensive planting along this boundary in any landscaping proposals.

The Tree officer raises no objection subject to conditions that seek the retention of the existing trees and shrubs and the provision of a hard and soft landscaping scheme

### Land Drainage

No objection in principle. The site lies within an Epping Forest District Council Flood Risk Assessment Zone and of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. The

applicant is proposing to dispose of surface water by main sewer. Drainage request further details to be submitted to the Local Planning Authority of the disposal of foul sewage, surface water and drainage prior to preliminary groundworks commencing in accordance with policy U2B of the Local Plan which are considered reasonable and As the proposed development includes a basement a further informative would be added at any approval .

### Contamination

The site has no acknowledged potentially contaminated land. Due to the requirements for the limited site investigation, it is recommended that land contamination conditions are secured to ensure the risks from land contamination to the future users of the land 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.

### Epping Forest Special Area of Conservation:

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:

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

### **Stage 1: Screening Assessment**

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

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

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

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

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

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

### Recreational Pressures

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

### Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS.

The applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition, the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

### Conclusion:

The proposed development is an efficient sustainable use of brownfield land and provides additional housing which is a benefit that should be afforded significant weight in the planning balance, particularly in light of the acute housing shortage within the District.

In terms of the quality of the proposed homes, these would meet prescribed space standards, benefiting from amenity space and sufficiently maintaining the character, appearance of development in the surrounding area and would not result in any amenity implications to neighbouring dwellings in terms of light, privacy and outlook; other aspects in relation to parking/highway safety and landscaping are considered satisfactory. The application is supported

by the policies set out in the adopted Local Plan and Alterations (1998-2006) and the emerging Local Plan, Submission Version, 2017 and the National Planning Policy Framework.

In light of the above considerations it is recommended that planning permission is approved subject to conditions and a Section 106 legal agreement to secure appropriate financial contributions for measures to mitigate potential impacts on air quality and for the management and monitoring of visitors to the Epping Forest Area of Conservation.

***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: Caroline Brown  
Direct Line Telephone Number: 01992 564182***

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