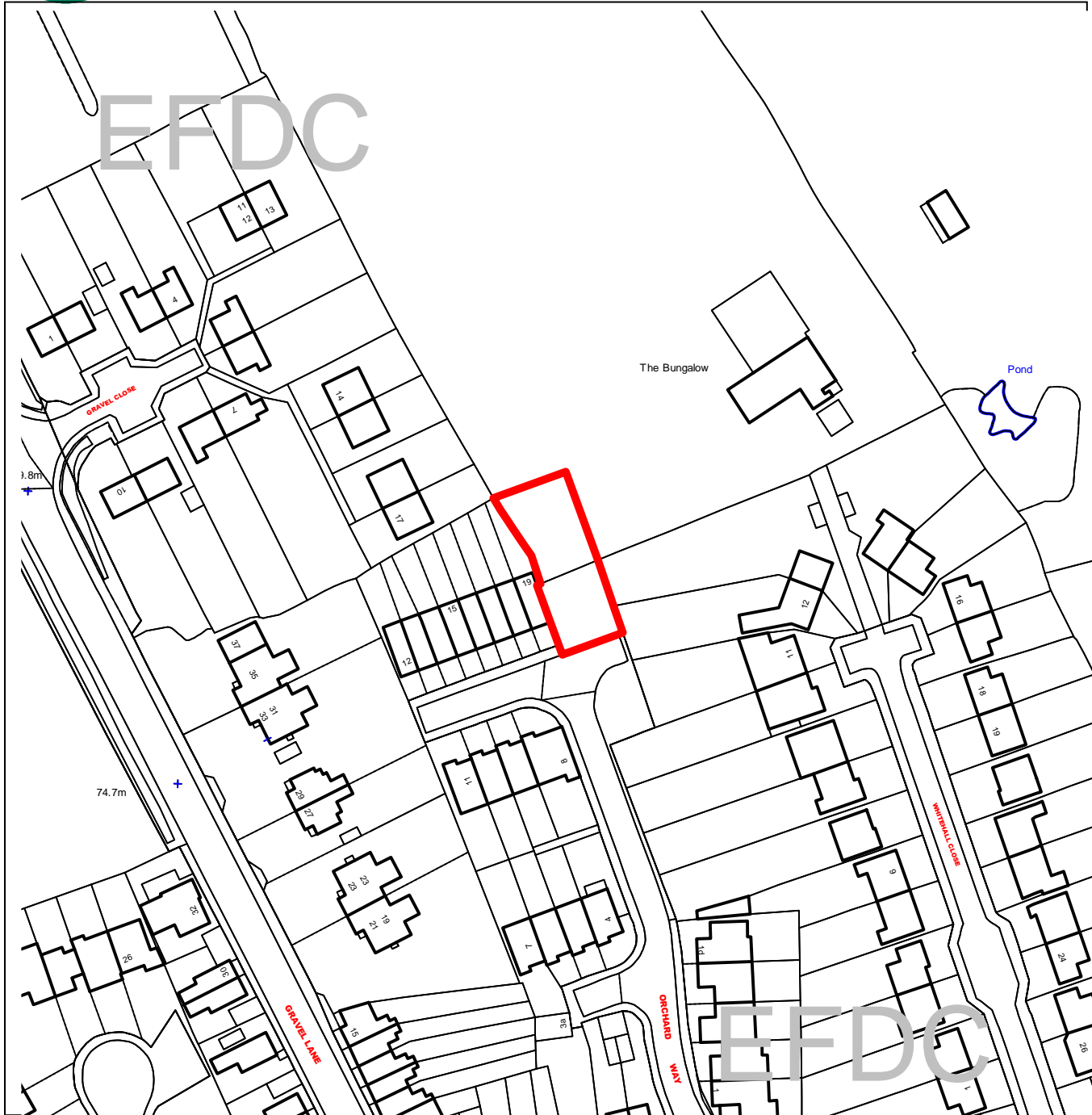




# Epping Forest District Council



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Application Number:	EPF/0463/20
Site Name:	Land East of, 19 Orchard Way Chigwell IG7 6EE
Scale of Plot:	1:1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/0463/20
<b>SITE ADDRESS:</b>	Land East of 19 Orchard Way Chigwell IG7 6EE
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Row
<b>APPLICANT:</b>	Mrs P and Mr J Healy
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of a three storey building to provide 2 x 2 bedroom semi-detached houses with associated car parking, Amenity space and landscaping (Revision of EPF/ 0868/19).
<b>RECOMMENDED DECISION:</b>	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=634159](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=634159)

**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: 2761.2; 2761.3; 2761.4; 2761.5; 3938/1; 3938/2; 3938/3; Flood Risk Assessment (Ref 3563-ORCH-ICS-XX-RP-C07.001, June 2019
- 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 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.
- 5 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.
- 6 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.

- 7 The garage hereby approved shall only be used for the accommodation of motor vehicles and storage incidental to the use of a dwellinghouse as a residence and shall not be used as living accommodation or for the carrying on of any industrial or commercial activity.
- 8 Prior to first occupation of the development, a scheme for the monitoring and management of the ecological assets on the site, where present, as outlined in the ecological Reports submitted, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 9 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-E of Part 1, to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.
- 10 Tree protection shall be installed as shown on Tracy Clarke Tree Consultancy 'Tree Protection Plan' drawing number TCTC-17574-PL-03 (dated February 2020) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.
- 11 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 12 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.
- 13 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). 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.

- 14 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.
- 15 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.
- 16 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.
- 17 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.

***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 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:**

The application site is located to the northeast of Orchard Way, a residential cul-de-sac built in the 1960/1970s off Lambourne Road. The site is a relatively rectangular shaped plot of land sited adjacent to a row of 3-storey town houses to the west, in modest sized plots and to the east of the site is the rear gardens of residential dwellings fronting onto Whitehall Close.

The site is not Listed and not within a Conservation area. The northern aspect of the site lies within the Metropolitan Green Belt.

### **Description of Proposal:**

This application is a resubmission following a previous refusal ref: EPF/0868/19.

Planning permission is sought for the development of the site involving the erection of 2, 2 bed, 3-storey semi-detached dwellings with first floor recessed balconies, associated car parking, amenity space and landscaping including native species, hedge and tree planting .

The amendments from the previous application are:

- The rear main building line of the development has been set back, reduced by 2.5m and is outside of the Green Belt.
- The number of units has been reduced from 3 to 2 and the height of the development reduced to 9.5m with an eave's height of 8m.
- The previous Ecology report prepared by Tim Moya Associates (March 2019) has been submitted along with an updated Ecology Report prepared by Gemma Holmes BSc (Hons) ACIEEM, March 2022.

Plot 1 - rear amenity area - 135m<sup>2</sup>: Plot 2 - 120m<sup>2</sup>  
1 garage and car space per dwellinghouse

The refuse storage area is sited to the front of the houses and the bike storage is located inside on the ground floor.

Materials: Post and rail fencing reinforced by native species hedge planting to garden boundaries. Yellow multi brick and white render and Grey concrete tiles to match adjoining property.

### **Relevant History:**

EPF/0868/19 - Erection of a three- storey building to provide one 3-bedroom house and two 1-bedroom flats with associated car parking and amenity. Refused 07/08/19

*The proposal, by reason of its scale and extent, would represent inappropriate development in the green belt by way of its impact on openness for which no case of very special circumstances has been advanced to outweigh the identified harm. The proposal is therefore contrary to policy GB2A of the Local Plan (1998/2006), policy DM4 of the Submission Version of the Local Plan (2017) and the National Planning Policy Framework (2019).*

*The proposal fails to demonstrate, by way of evidence, that the development would not have an impact on the ecology of the site including impact on any existing trees. The proposal is therefore contrary to policies LL7 and NC4 of the Local Plan (1998/2006), policies DM 1 and DM 5 of the Submission Version of the Local Plan (2017) and the National Planning Policy Framework (2019)*

## **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  
RP4 Contaminated Land  
RP5a Environment Impacts  
DBE1 Design of New Building  
DBE2: Effect on neighbouring properties  
DBE8: Private amenity space  
DBE9: Neighbouring residential amenity  
GB2A Development in the Green Belt  
GB7A Conspicuous Development  
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  
NC4 Protection of Established Habitat

### **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 126 - 132, 137-150, 179

#### 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
DM4 Green Belt	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 - NO OBJECTION

34 adjoining neighbours were notified, and 6 objections have been received that raise the following concerns:

- Noise and disruption to the residents in Orchard Way
- Existing parking issues and 2 additional houses will add to the problem
- Loss of privacy, overshadowing and concern regarding safety and security
- This renewed application appears to have moved the proposed properties closer to the road because of the Green Belt constraints thus causing them to be squashed in and so out of character with adjoining properties.
- The back gardens clearly impinge on to Green Belt land against the rules. Suggested landscaping indicated is merely a cover up job. Ruin the carefully preserved rural character of Orchard Way
- Further development in this already developed road is unacceptable. The additional houses will restrict the view of the fields behind the plot, increased traffic congestion
- This land does not need to be developed, it needs to remain available for the view and enable the road to have a sense of space.
- For the owners of the piece of land, it is simply a way to make money at the environmental expense of our lovely village. Chigwell Row is a beautiful picturesque parish and it's spacious and openness is what makes it so special. This application would clearly be overdevelopment of the area.



- The original planning provision for Orchard Way was on the basis that the rural aspect was to be preserved and cramming new plots with limited parking into the Orchard Way.

An additional 14-day consultation was undertaken on the 8<sup>th</sup> March 2022 and a further 6 objections have been received that raise the following concerns:

- Contrary to preserving the rural character of Orchard Way, placing an unreasonable burden on the already narrow access road and is in breach of the Green Belt.
- Loss of the landscape character of the area and natural environment.
- Pollution, failure to protect ecological features as well as protected species within and near the site impacted by the proposed development.
- Orchard Way is only a narrow lane. The proposal does not allow sufficient parking provisions.
- Loss of sunlight
- Destroying the present natural green environment which gives Orchard Way its visual break from the continuous run of houses This was not how OW was planned.
- The removal of the lamp post is unnecessary and has provided ample lighting for OW for many years.
- Squeezing in dwellings with people living on top of each other
- lot of noise and disruption and frequency of traffic in a quiet cul de sac .
- The original planning permission for Orchard Way contains a proviso that its rural character is preserved.
- This piece of land is green belt, and the fundamental aim of the green belt policy is to prevent urban sprawl and keeping land permanently open – granting permission to build on this area would completely go against that. overdevelopment of the area.
- The original planning provision for Orchard Way was on the basis that the rural aspect was to be preserved,

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

- The principle of residential
- Impact on the Metropolitan Green Belt
- Ecology
- Design, Character and Appearance
- Impact on the amenity of surrounding residents; Form of Accommodation;
- Parking and highway safety
- Trees and Landscaping
- 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 and did not form one of the reasons for refusal on the previous application.

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 a predominantly residential area where accessibility is adequate and the wider infrastructure includes local services, facilities and public transport links, some of which are available within walking distance of the 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.

### Impact on the Green Belt

The National Planning Policy Framework (2021) indicates that the Government attaches great importance to Green Belt. 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.

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. This is broadly restated in policy GB2A of the Local Plan.

The southern aspect of the site is located within a built-up residential area and is accepted as being previously developed land. The previous application proposed a development where the rear building line aligned with the existing row of terrace dwellings, but which projected into the Green Belt and formed the first reason for refusal due to its detrimental impact on the Green Belt. There were no special circumstances to outweigh the harm.

This application has sought to address the reason for refusal by reducing the depth of the rear main building line, so the building lies outside of the Green Belt.

The rear garden area to the proposed dwellings remain inside the Green Belt. The width and depth of the gardens have been kept to a modest size and reflect the scale and form of the gardens to dwellings along the row of terraces. The applicant confirms that the rear garden boundaries are to remain open which would be defined by insubstantial post and rail fences reinforced by native species hedge planting.

In addition, permitted development rights for the dwellings would be removed to prevent any inappropriate development that would cause harm to the openness of the Green Belt. Weight should also be attributed to the fact that no objection was raised to the gardens of the development being sited in the Green Belt and the previous reasons for refusal did not reference any objection to the proposed gardens of the development.

In spatial and in visual terms the development would not result in any additional harmful impact on the openness of the Green Belt and is in accordance with policies CP1, CP2, GB2A and GB7A of the adopted Local Plan and Alterations (2008); Policy DM4 of the Submission Version Local Plan (2017) and Green Belt objectives set out in the NPPF.

### 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 and is within a sustainable location. The proposed development has been amended following a reduction in the footprint of the building resulting in the reconfiguring of the internal layout with no changes to the external design. The development is of a scale, height and depth that does not project forward or beyond the adjoining properties sited to the west of the site and where no objection was raised to the design or appearance of the development in the previous application.

In terms of its design and form the development is considered to maintain the established visual character and pattern of development in Orchard Way 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.

### Ecology

The second reason for refusal on the previous application is that:

*'The proposal fails to demonstrate, by way of evidence, that the development would not have an impact on the ecology of the site including impact on any existing trees. The proposal is therefore contrary to policies LL7 and NC4 of the Local Plan (1998/2006), policies DM 1 and DM 5 of the Submission Version of the Local Plan (2017) and the National Planning Policy Framework (2019).*

Although an ecology report was submitted with the previous application there was uncertainty at the Committee as to whether one was submitted and for that reason it formed the second reason for refusal.

The applicant has resubmitted the Ecology report prepared by Tim Moya Associates (March 2019) along with an updated ecology report, March 2022. The reports main findings is that the site is located 410m north-east of Hainault Forest SSSI and contains suitable habitat for protected species including nestling birds, community bats and some limited reptiles. The report recommends a number of ecological measures to be undertaken to enhance the sites biodiversity which will form a condition to ensure implementation in accordance with policy NC4 of the adopted Local Plan 1998-2006.

### Impact on Neighbours Amenity

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.*

The proposed development would have a similar alignment to match that of No.19 Orchard Way and the other existing dwellings to the west along the row of terraces, however would have a reduced building height. Windows to the dwellings are sited to the front with the majority located to the rear flank elevation. The east flank of the development is to be built up to the rear garden boundary to No. 13 Whitehall Close and, given the orientation of the properties and their generous width and depths it is not considered that the development would result in any overbearing or intrusive impact.

The siting and separation distance of neighbouring properties would prevent any demonstrable harm to their living conditions in terms of loss of light, outlook or privacy and amenity did not form a reason for refusal on the previous application.

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 dwellings meet current internal space standards as set out in the Essex Design Guidelines and National Technical Standards. The form of accommodation is acceptable with each room having sufficient daylight, outlook and ventilation and a satisfactory form of living space for future occupiers.

The proposed dwellings provides 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 quality of the proposed accommodation is therefore considered acceptable.

### Comments on Representations Received.

A number of objections have been received regarding the proposed development that relates to the inappropriateness of more development in the cul de sac, the design, and character of the development that is not reflective of Orchard Way and its siting and that the proposal is over development resulting in and an overbearing, intrusive impact, overlooking and a loss of privacy to neighbouring properties and the loss of open space.

This application has addressed the previous application reasons for refusal. 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 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 concerns expressed by neighbouring residents regarding overdevelopment of the site and that 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 informative. 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

The Tree officer raises no objection subject to conditions that seek the provision of a hard and soft landscaping scheme and also that the tree protection shall be installed as shown on Tracy Clarke Tree Consultancy 'Tree Protection Plan' drawing number TCTC-17574-PL-03 (dated February 2020) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports t in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.

## Land Drainage

No objection in principle. The applicant has provided a flood risk assessment with the application and the findings are agreed subject to the development being carried out in accordance with the flood risk assessment (Ref 3563-ORCH-ICS-XX-RP-C07.001, June 2019). Further details are required 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 necessary.

## Contamination

The site has no acknowledged potentially contaminated land. A Phase 1 report has been submitted which was reviewed by consultants on the Council's behalf and feedback was given under the EPF/1629/19 application on 21<sup>st</sup> May 2019. The feedback below dictates what is required:

- It is recommended that a Phase II protocol with a sampling plan is submitted prior to the site investigation to prevent the need for additional site visits.
- A phase II site investigation is recommended as PPLs have been identified that may impact human health, groundwater, buildings and services. TPHs and naphthalene have been identified in made ground, landfill gases, and potential impacts to groundwater also. A phase II site investigation is required to be undertaken.
- Site investigations are to be in accordance with best practice as outlined in BS10175:2011. Gas monitoring is to be in accordance with best practice as outlined in such documents as BS8576:2013, BS 8485:2015, Claire RB17 and CIRIA C665.

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. In this case, the site lies outside of the 3KM and consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC in this respect.

#### 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 has satisfactorily addressed the previous reasons for refusal and is considered appropriate in terms of its character and appearance, maintaining the established spatial local context and pattern of development in Orchard Way. The proposed development is an efficient sustainable use of brownfield land whilst preserving the permanence and openness of the Green Belt located to the north of the site.

The proposal 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.

The application is supported by the policies as 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)***