



# Epping Forest District Council



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Application Number:	EPF/1586/21
Site Name:	Highgrove Close Formerly land to the rear of 33-37 Hillyfields, Loughton IG10 2PT
Scale of Plot:	1:1250

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/1586/21
<b>SITE ADDRESS:</b>	Highgrove Close Formerly land to the rear of 33-37 Hillyfields Loughton IG10 2PT
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Fairmead  Loughton St Johns
<b>APPLICANT:</b>	Mr S Tappenden
<b>DESCRIPTION OF PROPOSAL:</b>	Construction of a 4 bedroom two storey dwelling with associated parking and landscaping.
<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=653453](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=653453)

**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: site location plan, site layout plan and building plans and elevation drawing
- 3 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 and Tree protection shall be installed as shown on Sharon Hosegood Associates drawing number SHA.1103.TPP dated 23rd November 2019.
- 4 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include:

- (1) A survey of the extent, scale and nature of contamination; and
- (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

- 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 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.
- 7 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.

- 8 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 9 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing buildings in Highgrove Close.
- 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 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.
- 12 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.
- 13 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 14 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 Class A-E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.
- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows [other than those expressly authorised by this permission] shall be constructed on the east facing flank elevations, without the prior written agreement of the Local Planning Authority.

**And subject to the completion of a s106 legal agreement to secure contributions to mitigate impact on the Epping Forest Special Area of Conservation comprising £352 in relation to recreational impact £335 in relation to air quality impact, plus 5% monitoring fee of £34.35.**

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

**Additional comments:**

The application was previously put forward to Area Planning Sub-Committee South on 02 March 2022 and was deferred for a Site Visit, which took place on 26 March 2022. This application was further deferred on 30 March for the applicant to consider amending the roof, and for an additional street elevation to be provided. The applicant has agreed to the amendment suggested by Members to put a full hipped roof on the building. The street elevation indicates a lower ridge height to the proposed dwelling in relation to the adjacent terrace, reflecting the shallower depth of the building in comparison to the adjacent terrace.

**Description of Site:**

The application site comprises around 0.21 hectares within what is now known as Highgrove Close, to the north of Hillyfields. Redevelopment of the site as a terrace of seven houses is complete and the development is occupied.

The site is primarily surrounded by residential properties and there is a separate block of garages immediately to the north accessed from England's Lane constructed with a significantly higher finished ground level; there is no link between the two areas. Otherwise surrounding properties are a mix of two storey houses and three storey flats, particularly on Hillyfields.

The site entrance lies close to a bus stop. Land at the site and in the surrounding area rises from south to north such that a change of existing built levels is clearly visible.

**Description of Proposal:**

The application is a resubmission of a scheme for an additional dwelling on land to the east of the built units, comprising of a two storey, double fronted L-shaped 4 bed house with rear garden. Main openings are to the front and rear, a ground floor side door facing east is included to dual aspect rear kitchen. The building includes a hipped roof on the east side, abutting Coteford Close.

Three additional parking spaces are indicated at the eastern end of parking court in front of the dwelling increasing parking overall to 17. No other alterations to external layout are proposed

**Relevant History:**

EPF/0513/16 Proposed demolition of existing garages and erection of 8 no. dwellings (6 x three beds and 2 x two beds), with associated access and parking – Refused due to impact of a detached dwelling on the east site boundary having a disproportionate impact on neighbouring occupiers

EPF/2913/16 Revised application as above, proposing seven dwellings (5 x three bed and 2 x two bed) - Approved subject to conditions and implemented

- EPF/3512/17 Revised scheme for 9 units (7 no. three bed houses and 2 no. two bed houses) and associated parking refused – appeal dismissed on overshadowing within development.
- EPF/2205/19 Variation of plan numbers approval for revised built form to the terrace, introducing a stepped roof line – approved
- EPF/2561/19 Proposed 4 bedroom two storey dwelling – refused, appeal dismissed on impact on EFSAC (see Main Issues below)

**Policies Applied:**

*Adopted Local 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 Quality of rural and built environment
- CP6 Achieving sustainable Durban development patterns
- CP7 Urban form and quality
- RP5A Adverse environmental impacts
- H2A Previously developed land
- DBE1 Design of new buildings
- DBE2 Effect on neighbouring properties
- DBE3 Design in urban areas
- DBE5 Design and layout of new development
- DBE8 Private amenity space
- DBE9 Loss of amenity
- LL11 Landscaping schemes
- ST2 Accessible development
- ST4 Road safety
- ST5 Travel plans
- ST6 Vehicle parking

*NPPF (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.

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

- 2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 5 Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169
- 15 Conserving and enhancing the natural environment – 174, 175, 179 - 182, 183, 185, 186

*Epping Forest District Local Plan (Submission Version) 2017:*

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) 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)."

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the advanced stage of the LPSV, all policies should be afforded significant weight:

<b>No.</b>	<b>POLICY</b>
SP1	Presumption in favour of sustainable development
SP2	Spatial Development Strategy
SP6	Green Belt and District Open Land
SP7	The Natural Environment, landscape character and green infrastructure
T1	Sustainable transport choices
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM9	High Quality Design
DM10	Housing design and quality
DM15	Managing and reducing flood risk
DM16	Sustainable Drainage Systems
DM19	Sustainable water use
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality

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

Date of site visit: 06 December 2021

Number of neighbours consulted: 14

Site notice posted: No, not required

Responses received: Responses have been received from 3 neighbours. Residents at 3 and 4 COTEFORD CLOSE object on a range of issues covering:

- over intensive development
- direct amenity impacts – overbearing appearance, sense of enclosure, loss of light to gardens and overlooking
- impact on willow tree in rear garden of no.3
- impact on existing wildlife and protected species

Resident at 4 COTEFORD CLOSE has commented that boundary fences should not be less than 1.8m high (as has been installed) and the additional parking should be constructed to prevent slippage into adjoining gardens.

The LOUGHTON RESIDENTS ASSOCIATION Plans Group have also objected on grounds that the development would adversely affect the EFSAC in terms of recreational pressure and air quality impact from additional vehicle movements.

Parish Council: Loughton Town Council OBJECTED to the application, commenting as under:

The Committee OBJECTED to this application stating it was an overdevelopment of the site which would be overbearing on the amenity of residents in neighbouring properties on both Coteford Close and Highgrove Close.

Members requested that the soft landscaping on the site of this proposal, which was conditioned in the approved application EPF/2193/16 should be enforced.

The Committee drew the attention of the Tree and Landscaping Officer to the Arboricultural Report submitted for this application which it believed was incorrect and that the proposed development would negatively impact the willow tree in the garden of the neighbour at 3 Coteford Close.

Furthermore, the additional property was contrary to the SAC and would result in more car pollution and a subsequent impact on the air quality to the SAC. This proposal would also result in more pressure for the overstressed recreational services and subsequent damage to the SAC.

The current proposed solution to bring in a Clean Air Zone (CAZ) in 2025 is not guaranteed to happen and has not yet been approved by the Planning Inspector. In any event the proposal does not stop additional cars associated with new dwellings from polluting the SAC before the CAZ is brought into operation

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

As set out above, the application amounts to a resubmission of the scheme refused under EPF/2561/19, which was dismissed at appeal. There have been no substantial changes in local conditions since then that would specifically affect the consideration of the application. In broad policy terms, there have been limited changes to the NPPF and the LPSV has reached a more advanced stage giving greater weight. Thus, the previous reason for refusal and the Inspectors decision must form the starting point of this assessment.

The previous application was refused for the following reason:

*The proposed dwelling, by reason of the scale and siting adjacent to the rear garden boundaries of properties in Coteford Close, and the loss of soft landscaping as a result of the increased provision of parking spaces, would appear excessively overbearing and dominant when seen from those gardens, causing an unacceptable degree of harm to the living conditions of adjoining residents. Accordingly, the proposal is contrary to policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policies DM9 and DM10 of the Local Plan Submission Version (2017), and with the National Planning Policy Framework.*

At the appeal, the Council introduced additional grounds relating to the impact of the development on the EFSAC.

The Inspector considered the three key issues to be the impact of development on the integrity of the EFSAC, the effect on the living conditions of adjoining residents, and whether the increase in parking provision would increase reliance on journeys by private motor vehicle.

Impact on EFSAC – The Inspector accepted the submissions in this regard concluding that with no mitigation measures in place, the proposal would adversely affect the EFSAC.

Living conditions of neighbours – The Inspector recognised the change in levels between the site and properties in Coteford Close but considered the building not excessive in scale, had no first floor windows in the east elevation and was set well away from the buildings which had lengthy gardens. The Inspector concluded *'I have not therefore identified any significant harm to the living conditions of adjoining residents'* and that the loss of landscaping to provide additional parking spaces would not conflict with policies as the site was *'tucked away to the rear of Hillyfields and not widely publicly visible.'* The application has been amended from the appeal scheme in that the gable end abutting properties in Coteford Close has been replaced by a hipped end, designed to reduce further the scale adjacent to this boundary.

Vehicle parking – The Inspector found that overall parking levels would be consistent with Essex Parking Standards and would not be an over provision and did not therefore conflict with relevant policies

The Inspector concludes:

*While I have not identified any significant harm in relation to the living conditions of adjoining residents and car parking provision, the proposal would be likely to adversely affect the integrity of the Epping Forest Special Area of Conservation. I am required to afford significant weight to this matter. The appeal should therefore be dismissed.*

Consultation responses raise similar issues, in particular around the matters relating to the relationship with neighbouring properties. A number of comments relate to potential impact on the willow tree in the adjoining garden, but this was not previously considered a reason to refuse the application. Notwithstanding the Parish Council comments in this regard, the detailed Arboricultural Assessment accompanying the application states that only around 5.5% of the root protection area is impacted by the proposal and that this area was previously occupied by a garage. This is not disputed by the Tree Officer subject to a suitable tree protection condition being included.

This leaves only the issue of the impact on the EFSAC. The site lies within the core area and the developers have accepted that a contribution towards mitigation measures for recreational impacts is appropriate. The application is accompanied by a site specific Habitat Regulations Assessment which acknowledges that the development will have a minor impact on air quality and that mitigation measures are appropriate. On this basis, officers have undertaken an Appropriate Assessment as under:

#### **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:

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 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. In addition the site lies within the parish of Loughton. 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 recreational pressures and atmospheric pollution.

## **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 and identification of Infrastructure Enhancement Projects in the Council's Green Infrastructure Strategy, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes, monitoring proposals and Infrastructure Enhancement Projects specifically related to development within the parishes of Loughton, Buckhurst Hill and Theydon Bois. Consequently, this application can be assessed within the context of the Interim Approach and the Green Infrastructure Strategy. 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 and the Green Infrastructure Strategy. Consequently, the Council is satisfied that the application proposal would not have an adverse effect 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 above, the application proposal would not have an adverse effect on the integrity of the EFSAC.

A draft unilateral undertaking relating to air pollution mitigation, recreational mitigation and 55 monitoring fee has been submitted and is currently under review.

**Conclusion:**

The appeal decision is the key consideration in the determination of this application. The Inspector, having regard to all material considerations (including the LPSV considered the development of itself to be acceptable, this is essentially the same proposal.

The applicants have confirmed their willingness to enter a suitable legal agreement to address contributions towards mitigating impacts on the EFSAC in terms of recreational pressure and air quality and those contributions are fully in line with current requirements.

Thus, officers recommend that the application be approved subject to appropriate conditions and a suitably worded legal agreement.

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

***Planning Application Case Officer: Ian Ansell  
Direct Line Telephone Number: 01992 564481***

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