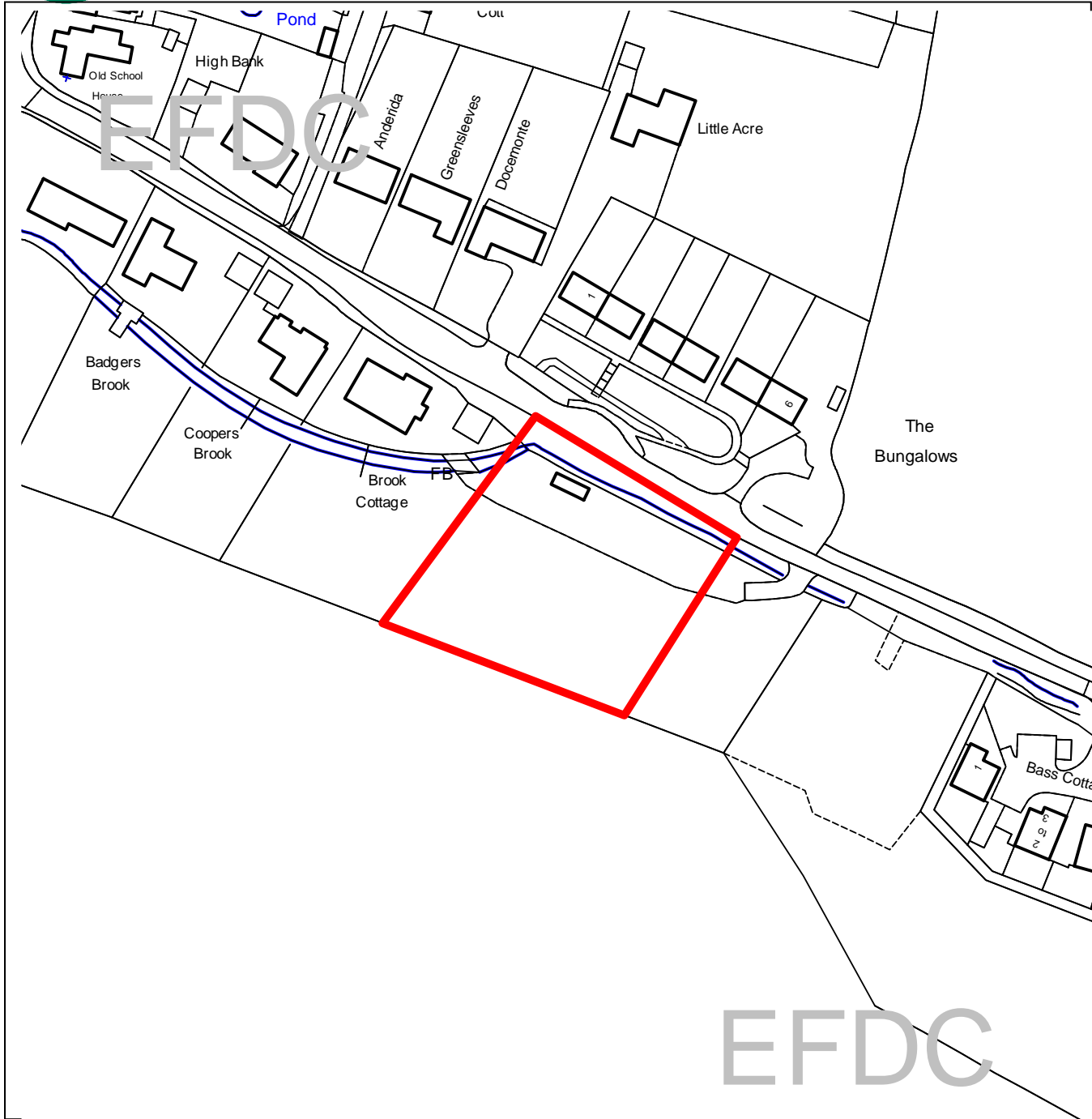




Epping Forest District Council



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Application Number:	EPF/0073/19
Site Name:	Land adjacent Brook Cottage School Lane, Abbess Beauchamp and Berners Roding, CM5 0NY
Scale of Plot:	1:1250

Report Item No: 9

APPLICATION No:	EPF/0073/19
SITE ADDRESS:	Land adjacent Brook Cottage School Lane Abbess Beauchamp and Berners Roding Ongar Essex CM5 0NY
PARISH:	The Rodings - Abbess, Beauchamp and Berners
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Mr James Sanders
DESCRIPTION OF PROPOSAL:	Residential development to create x 4 no. new dwellings and four garages. *** SAC CASE NOW PROGRESSING***
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=619215

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:
 - Drawing 1085.20 - Location Plan
 - Drawing 1085.21 - Floor Plans
 - Drawing 1085.22 - Elevations
 - Drawing 1085.23 - Garage Plan and Elevations
 - Drawing 1085.24 - Existing and Proposed Street Scenes
 - Drawing 1085.25 - Site Plan
 - Design and Access Statement, JSP.
 - Appendix A - Pre-app layout drawing.
 - Arboricultural Planning Report (Impact Assessment and Method Statement), Tracy Clarke, December 2018.
 - Tree Survey - Drawing number TCTC-19417-PL-01 dated December 2018.
 - Proposed Layout - Drawing number TCTC-19417-PL-02 dated December 2018.
 - Tree Protection Plan - Drawing number TCTC-19417-PL-03 dated December 2018.
 - Landscape and Maintenance Schedule
 - Low Impact EclA, Hybrid Ecology Ltd, 15 October 2018.
 - Phase I Geo-Environmental Desk Study, eps, 15 February 2019.
 - SuDS Statement and Drainage Strategy, EAS, October 2018 (Rev B, 23/04/19).

- 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 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.
- 5 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
 7. Tree protection measures.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B, E, F of Part1, and Class A and B of Part 2 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 Prior to first occupation of the dwellings hereby permitted the windows in the flank elevations 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 windows that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.
- 8 Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials and type of boundary treatment to be erected, shall have been submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained.
- 9 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.

- 10 Prior to preliminary ground works taking place, details of foul and 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.
- 11 The development shall be carried out in accordance with the flood risk assessment (EAS - Flood risk assessment and Drainage Strategy, Ref 1970/2018-B, April 2019) and drainage strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority.
- 12 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. 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.
- 13 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.
- 14 Non standard condition - The soft landscaping to the south boundaries of the site shall consist of a planting strip of a minimum width of 3metres with garden fences on the inside edge. The landscaping shall consist of trees / hedges of native species. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.
- 15 Tree protection shall be implemented prior to the commencement of development activities (including demolition) in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be installed as shown on Tracy Clarke Tree Consultancy Tree Protection Plan drawing number TCTC-19417-PL03 dated December 2018.

- 16 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
- 17 Prior to the first occupation of the development the access arrangements, vehicle parking, garages and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking, garages and turning areas shall be retained in perpetuity for their intended purpose. Reason: To ensure that appropriate access, parking and turning is provided.
- 18 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.
- 19 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. Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.
- 20 There shall be no discharge of surface water onto the Highway.

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 ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

- 21 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.

- 22 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.
- 23 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.

This application is before this committee since the recommendation is for approval contrary to an objection from a Local Council which is material to the planning merits of the proposal, supported by 1 local resident (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

**Land adjacent Brook Cottage, School Lane, Abbess Beauchamp And Berners Roding
Ongar, Essex, CM5 0NY**

EPF/0073/19

Description of Site:

The application site is located at the south-eastern end of the village of Abbess Roding within the Metropolitan Green Belt.

To the north-west of the site is the applicant's property, Brook Cottage.

Immediately opposite the site (on the north side of School Lane) are a row of six semi-detached bungalows (The Bungalows).

To the east, separated by a frontage of undeveloped agricultural land (approx. 36m wide), is a development of six affordable houses that were erected as a 'rural exceptions site' (Bass Cottages - EPF/1529/09, approved 25th March 2010).

To the south is open Green Belt land.

The application site is adjacent to, but outside of the Abbess Roding Conservation Area (whereas Brook Cottage falls within the Conservation Area).

Description of Proposal:

Description of development:

Residential development to create x 4 no. new dwellings and four garages.

The proposed development comprises the following elements:

- 4 no. 4 bedroom semi-detached dwellings.
- 9 no. car parking spaces, including 4 detached garages (1 garage and 1 space per house plus 1 visitor space).

Relevant History:

EF\2017\ENQ\01987 – Proposed 2 / 4 new dwellings. Pre-app advice issued 26.03.2018.

EPF/1985/03 - Retrospective application for change of use of land to domestic amenity area. Refused 17.12.2003.

EPF/1986/03 – Retrospective application for retention of existing track. Refused 17.12.2003.

EPF/2140/01 – Erection of garden shed with link to garage. Approved 04.02.2002.

Policies Applied:

Epping Forest Local Plan and Alterations 1998/2006

- CP1 – Achieving sustainable development objectives
- CP2 – Protecting the quality of the rural and built environment
- CP3 – New development
- CP6 – Achieving sustainable urban development patterns
- GB2A – Development in the Green Belt
- GB7A – Conspicuous development
- HC6 – Character, appearance and setting of conservation areas
- HC7 – Development within conservation areas
- DBE1 – Design of new buildings
- DBE2 – Effect on neighbouring properties
- DBE8 – Private amenity space
- DBE9 – Loss of amenity
- LL10 – Provision for landscape retention
- LL11 – Landscaping schemes
- ST4 – Road safety
- ST6 – Vehicle parking
- RP3 – Water quality
- RP4 – Contaminated land
- I1A Planning Obligations

National Planning Policy Framework (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:
- c)
 - 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.

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

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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 (ended 23rd 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:

- SP1 - Presumption in Favour of Sustainable Development
- SP6 - Green Belt and District Open Land
- SP7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure
- H1 - Housing Mix and Accommodation Types
- 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
- DM4 - Green Belt
- DM9 - High Quality Design
- DM10 - Housing Design and Quality

DM11 - Waste Recycling Facilities on New Development
DM15 - Managing and Reducing Flood Risk
DM16: Sustainable Drainage Systems

Consultation Carried Out and Summary of Representations Received:

Abess, Beauchamp and Berners Roding Parish Council: Objection:

"The Parish Council has resolved to OBJECT to this application.

- 1. Unlike Brook Cottage and the neighbouring properties which were built on a brownfield site, this is in the Metropolitan Green Belt. I refer particularly to EPF/1224/01 retention of a shed and EPF/1985/03 change of use to domestic area were both refused on this basis.*
- 2. Google Streetview April 2009 clearly shows newly planted trees. Contrary to the application, the applicant's tree report and photo show mature trees in 2018 but have now been cleared.*
- 3. This development is not infill. Permission was granted for the Bass Cottage development under the Affordable Housing Provisions.*
- 4. There would be insufficient parking on site for the size of the properties. There is no parking on the narrow lane. There is no public transport.*
- 5. The density of the development is out of place in a village setting.*
- 6. School Lane is liable to flooding and Coopers Brook runs through the site.*

Residents who have contacted the Parish Council have been against the development."

18 neighbours consulted: 3 responses received comprising 2 objections and 1 letter of support.

Abess and White Roding Conservation Society: Objection

- Trees of the application site were felled before submission of the application
- School Lane is very narrow and not possible for 2 way traffic to pass.
- Insufficient car parking proposed. Will result in on street parking to the detriment of Highway Safety.

Highbank, School Lane: Objection:

- Infill of gardens is inappropriate and sets a worrying precedent adjacent to a conservation area. This land was until recently agricultural.
- In addition to my earlier comments I feel the road is too narrow to support additional access and traffic. The infill on what was recently agricultural land is a poor precedent. Others locally have been restricted on height and this development so near the road will give the effect of crowding the road.

5 School Lane: Support.

- Plans are well thought out and proposed development will fit in very well with the existing houses on that side of the road.

EFDC Tree Officer:

No objection, subject to tree protection and landscaping conditions.

EFDC Contaminated Land:

No objection subject to condition.

EFDC Drainage:

Having reviewed the above application, I can provide the following comments:

“The does not lie within an Epping Forest District Council Flood Risk Assessment Zone/Critical Drainage Area.

The applicant has provided a flood risk assessment with the application and we agree with the findings in principal. Therefore, please add a condition requiring that the development be carried out in accordance with the flood risk assessment (EAS – Flood risk assessment and Drainage Strategy, Ref 1970/2018-B, April 2019) and drainage strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority.

The site is at risk of surface water flooding and the FRA has considered and proposed mitigation measures for surface water flood risk. Development is proposed within eight metres of the bank of a main river, therefore consultation with the Environment Agency is required.

The applicant is proposing to dispose of foul sewage by package treatment plant. Further details are required. Please add condition SCN16 requiring approval of foul drainage details by the Local Planning Authority prior to preliminary groundworks commencing.

The applicant is proposing to dispose of surface water by sustainable drainage system. As the final drainage strategy is reliant upon levels to be confirmed at a later date, further details are required. Please add condition SCN16 requiring approval of surface water drainage details by the Local Planning Authority prior to preliminary groundworks commencing.

No objection to planning application in principle, subject to the approval/implementation of the requirements set out above by this team.”

Essex CC Highways: No objection, subject to conditions.

Issues and Considerations:

The main issues to consider relate to Green Belt, Design, Character and Appearance, Residential Amenity, Quality of Accommodation, Highways, Trees and Landscaping, Ecology and Epping Forest SAC.

Green Belt

The National Planning Policy Framework (July 2021) states that the erection of new buildings within the Green Belt constitutes inappropriate development, however there are some exceptions to this, including:

Paragraph 149:

“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

...

e) limited infilling in villages;”

Whilst the NPPF provides no formal definition of ‘limited infilling’, the emerging LPSV does provide a definition of ‘infill development’ as follows:

Infill Development

Infill development refers to the development of a small gap in an otherwise continuous built up frontage, or the small scale redevelopment of existing properties within such a frontage.

It is accepted that Abbess Roding is a 'village' and therefore could support limited infill. The key considerations in this assessment are whether the proposed development would be an 'infill' and whether it would be suitably limited.

There is a clear gap between the continuous built-up frontage along School Lane formed by the rural exception site (Bass Cottages) and the applicant's property (Brook Cottage) and beyond.

Whilst the proposed development would not fill the entire gap between these properties it would continue the existing built frontage along the southern side of the road. In addition, the layout of the proposed development would mimic that which is already in existence on the opposite side of the road (The Bungalows).

When entering or leaving the village along School Lane the impression is not that Brook Cottage defines the edge of the village but rather this is denoted by the presence of the rural exception site (Bass Cottages) on the southern side of the road and the existing bungalows to the north of the application site.

As such it is considered that the erection of houses on the application site would be contiguous with the general pattern of development in this part of the village and therefore would constitute 'infill'. In terms of the scale of the proposed development it is considered that the proposed development of four houses, which follows the pattern of development to the north and east, would be suitably 'limited' for the purposes of the above exception.

The Local Plan does not define the Abbess Roding Village settlement boundary; however, case law has determined that development can be considered limited infilling even where the application site falls outside of the Village boundary as defined by the Local Plan.

In *Wood v SSCLG and Gravesham Borough Council* [2015], the Court of Appeal held that, in considering the question of limited infilling, a village boundary as defined in a local plan would be a relevant consideration. However, the court also held that this factor is not necessarily determinative, particularly where a defined boundary does not accord with the Decision Maker's assessment of the real extent of a village on the ground.

It is considered that the proposed four semi-detached dwellings can be satisfactorily accommodated on the application site and that the proposed development itself amounts to 'limited infilling' in a village.

In this context the proposed development is considered to amount to limited infilling for planning policy purposes meeting the exceptions test of Paragraph 149 e) of the NPPF and as such would not constitute inappropriate development in the green belt and, by definition, would not have an adverse impact on openness or the purposes of including land within Green Belt.

The proposed development is therefore considered to be acceptable in Green Belt terms.

Design, Character and Appearance

The application site falls just outside of the south-east 'finger' of Abbess Roding Conservation Area. 'The Bungalows' opposite the site are also outside of the Conservation Area with Brook Cottage to the north-west being the nearest property that falls within it.

The proposed development is not within the immediate vicinity of any listed buildings or other heritage assets and the proposed development will not have a detrimental impact on character, appearance or setting of the Conservation Area and therefore complies with Policy HC6 in this respect.

Four semi-detached dwellings are proposed, and it is considered that the proposed development can comfortably be accommodated on the application site in footprint / site coverage terms.

The proposed dwellings are well set back from the road which helps to minimise the visual impact as seen in the streetscene.

The existing trees and landscaping along the front boundary will also be retained and this will also help to reduce visual impact.

The submitted Street Scene Elevation drawing shows that the ridge height of the proposed dwellings would be consistent with that of the nearest neighbouring property Brook Cottage and the height of the proposed dwellings is therefore considered to be acceptable set within this context.

The proposed dwellings have a pitched roof with gable element front and rear and the design is considered to be appropriate in the context of the surrounding area.

4 no. detached garages measuring 7.4m long by 3.2m wide, with pitched roofs are proposed and these are considered to be acceptable.

Materials - The houses would be traditional in design and materials would be subject of a condition in the event of an approval.

The proposed development is considered to be acceptable in terms of design, character and appearance.

Residential Amenity

Due to the significant separation distances from existing neighbouring residential properties, the proposed development will not have a harmful impact in terms of visual or residential amenity and is acceptable in this respect.

Quality of Accommodation

At 139 sq. m GIA, the proposed dwellings exceed the minimum national residential space standards for 4-bedroom houses.

The rear gardens of the proposed houses are considered to be of a size, shape and nature which enables reasonable use.

All habitable rooms benefit from good levels of light and outlook.

The proposed dwellings are acceptable in terms of quality of accommodation.

Highways

The proposed development would utilize an existing vehicular access and provide a total of 9 off street car parking spaces comprising 2 per house in the form of a garage and parking space each along with 1 visitor parking space.

Essex County Council Highway Authority has no objection to the proposed development subject to conditions relating to vehicle parking and turning, access gates and materials and discharge of surface water.

A condition will also be attached requiring provision of Electric vehicle charging points in accordance with Policy T1 of the LPSV.

Trees and Landscaping

Tree Officer comments (March 2019):

We have NO OBJECTION to this application subject to the addition of the following conditions:-

N-SCN31 – retention of trees and shrubs

N- SCN35 – Hard and soft landscaping

Non standard condition - The soft landscaping to the south boundaries of the site shall consist of a planting strip of a minimum width of 3metres with garden fences on the inside edge. The landscaping shall consist of trees / hedges of native species. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with the guidance contained within the National Planning Policy Framework, policy LL10 of the adopted Local Plan and Alterations, and policies DM 3 and DM 5 of the Epping Forest District Council Local Plan Submission Version 2017.

Tree protection shall be implemented prior to the commencement of development activities (including demolition) in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be installed as shown on Tracy Clarke Tree Consultancy Tree Protection Plan drawing number TCTC-19417-PL03 dated December 2018.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with the guidance contained within the National Planning Policy Framework, policy LL10 of the adopted Local Plan and Alterations, and policies DM 3 and DM 5 of the Epping Forest District Council Local Plan Submission Version 2017.”

Ecology

An Ecology Report has been submitted with the application. This concludes that the application site holds low ecological potential and no further surveys are necessary.

The report goes on to state that the proposal offers scope for ecological improvements including hedgerow management, tree/hedgerow planting and habitat boxes.

As there is now a requirement (LPSV Policy DM1) for all development sites to deliver net biodiversity gain a condition is proposed in order to secure suitable biodiversity enhancements.

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 outside 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 not 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 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 the atmospheric pollution Pathways of Impact.

Stage 2: 'Appropriate Assessment'

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.

Total Mitigation contribution required - 4 x £335 = £1,340 plus 5% monitoring fee of £67.

Conclusion:

Recommended for approval subject to conditions and legal agreement.

The proposed development is considered to comply with relevant Local Plan policies and the guidance set out in the NPPF and the application is therefore recommended for approval subject to conditions.

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: Kie Farrell Telephone Number: 01992 564248.

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk