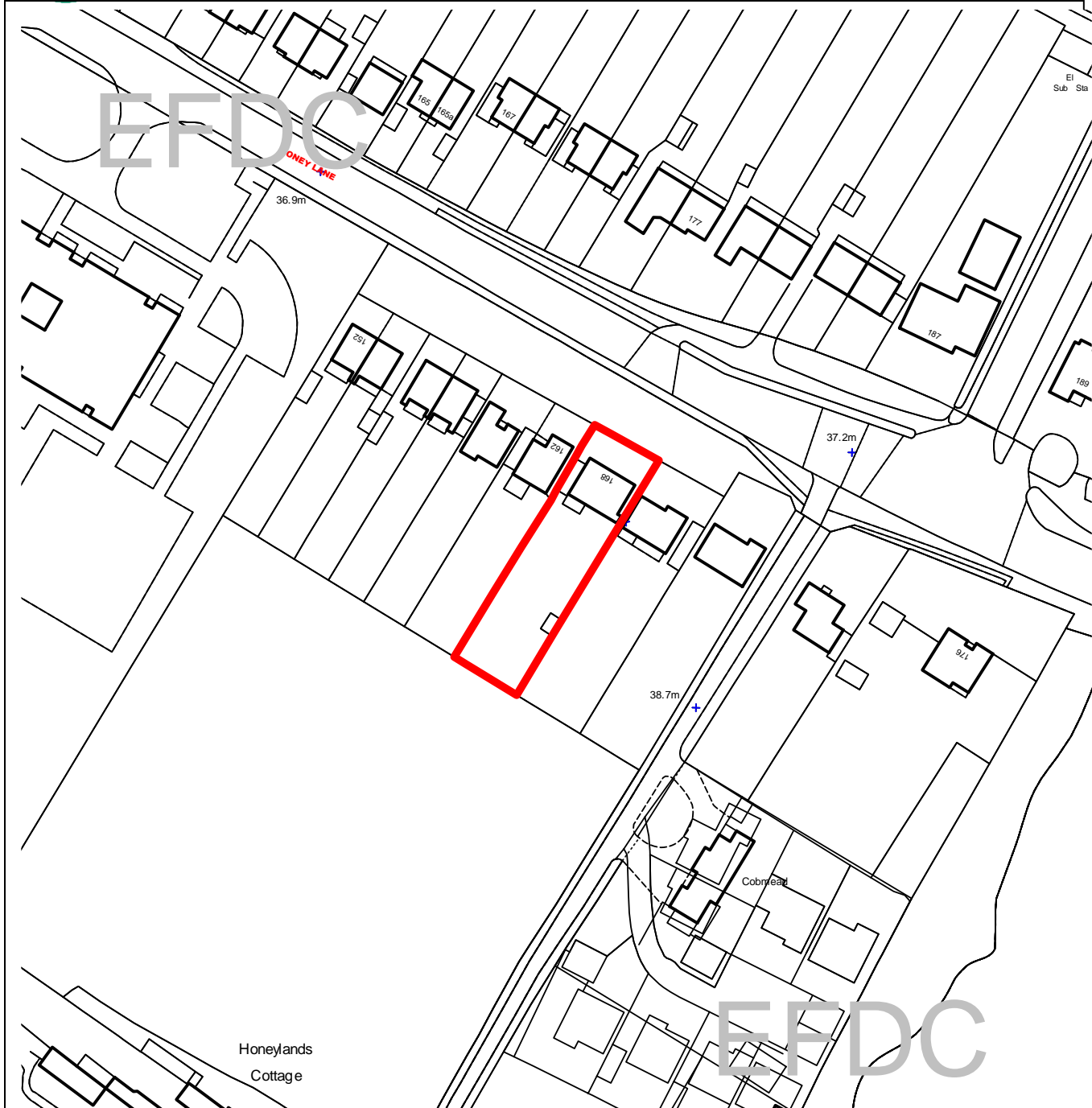




# Epping Forest District Council



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Application Number:	EPF/1819/21
Site Name:	168 Honey Lane Waltham Abbey, EN9 3BE
Scale of Plot:	1:1250

**Report Item No: 12**

<b>APPLICATION No:</b>	EPF/1819/21
<b>SITE ADDRESS:</b>	168 Honey Lane Waltham Abbey EN9 3BE
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey Honey Lane
<b>APPLICANT:</b>	Mr Rakesh Kainth
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed redevelopment to provide x2 no. semi-detached houses.
<b>RECOMMENDED DECISION:</b>	Grant Permission with conditions (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=654517](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=654517)

**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: 1852.01; 1852 02; 1852 03;1852 04;1852 05;1852 06
- 3 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 Prior to first occupation of the building/extension hereby permitted the window(s) in the flank elevation(s) at first floor level and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.
- 5 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 6 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

- 7 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 8 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-C of Part 1, schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.
- 9 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.
- 10 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 11 Prior to any above 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.

- 12 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.
- 13 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.

*This application is before this Committee since it has been 'called in' by Councillor Kane (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council)).*

*The application is also 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).*

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

### **Site and Surroundings**

No. 168 is a 1950 detached, dual pitched roof bungalow located to the south of Honey lane which is residential in character. The property is set in a large spacious plot with a side garage, open frontage and has been extended in the form of a rear conservatory.

Honey Lane comprises of a mix of detached, semi-detached properties and detached bungalows that vary in design, size and spacing with some benefiting from larger separation distances than others and which are well set back from the highway, behind a grassed verge.

The property lies outside of a conservation area and is not listed. The rear garden of the property backs onto the Green Belt.

### **Proposed Development**

The proposal seeks planning consent for the demolition of the existing bungalow and the construction of x 2 no. 2 storey, 4 -bed semi-detached houses measuring a width of 13m, a depth of 9m and a height of 9.5m, set in 1m from each side boundary with 4m deep single storey lean-to rear additions at a height of 3.6m and an eaves height of 2.5m and rear dormers to accommodate rooms in the roof space.

Each property has 2 car spaces utilising the existing vehicle access and the creation of an additional access.

The proposal has been designed to be capable of accommodating people with accessibility needs including the current and future needs of older people including an open layout, level threshold, ground floor shower/WC that meet Lifetime Homes Standards.

The properties are to be finished in traditional materials, red brick, cream render and plain tiles.

### **Relevant Planning History**

EPF/0195/21- Proposed redevelopment to provide x 2 no. semidetached houses – undetermined - Appeal lodged against the Council for Non-determination. – Dismissed 25/11/2021 ref: APP/J1535/W/21/3273285 where the Inspector raised no objection to the principle of the 2, 2 storey dwellings but concluded that:

*'the proposal would have an unacceptable effect on the biodiversity interests, in particular the SAC. As such, it would not comply with saved Policies NC1, CP1 and CP6 of the Council's Epping Forest District Local Plan (1998) and Alterations (2006) where they are concerned with affording protection to SACs and minimising impacts on the environment, amongst other considerations, and similarly with regard to Policies DM 2 and DM 22 of the Draft Local Plan.*

*The proposal would also not accord with the revised Framework where it is concerned with protecting and enhancing biodiversity. It would also not accord with the Habitat Regulations because there would be an adverse effect on the integrity of the SAC'.*

EPF/1122/21 - 'Prior Approval' for the construction of an additional storey above the bungalow - Approved 15/06/2021.

### **Policies Applied:**

#### **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  
DBE1: New Buildings  
DBE2: Effect on neighbouring properties  
DBE8: Private amenity space  
DBE9: Neighbouring residential amenity  
LL10: Adequacy of provision for landscape retention  
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

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:

Paragraphs 110 - 112  
Paragraph 119, 126, 130, 180

#### 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:

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
H4a Dwelling Mix	Significant
T1 Sustainable transport choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM 11 Waste recycling facilities on new developments	Significant
DM16 Sustainable drainage systems	Significant
DM18 - On Site Management of Wastewater and Water Supply	Significant
DM19 - Sustainable Water Use	Significant
DM20 - Low Carbon and Renewable Energy	Significant
DM2 - Epping Forest SAC	Significant
DM21 - Local environmental impacts, pollution and land Contamination	Significant
DM22 Air Quality	Significant

#### **CONSULTATION CARRIED OUT & SUMMARY OF REPRESENTATIONS RECEIVED:**

Waltham Abbey Town Council – OBJECTION

- Loss of light to neighbouring properties and out of character in the street scene.

8 adjoining neighbours were notified, and 3 objections have been received.

- Loss of a bungalow for self-gain
- Character of street compromised
- Overdevelopment
- Additional dwelling result in a greater number of vehicles in the road
- Block natural light
- Overbearing impact
- Dormers create unacceptable invasion of privacy
- Impact of air pollution on the forest

**Main issues for consideration:**

- Loss of bungalow
- Impact on the character and appearance of the surrounding area and on the amenity of neighbouring properties;
- Form of Accommodation;
- Parking and highway safety.
- Land Drainage
- Contamination
- Epping Forest Special Area of Conservation

**Principle of Development**

In terms of planning policy, the site is considered as previously developed land, and in line with Government policy redevelopment of this land is encouraged.

The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should encourage the efficient and effective use of land close to town centres by re-using land that has been previously developed provided that it is not of high environmental value.

The principle of residential development is therefore acceptable in terms of criteria set out in Policies DBE1 and DBE3 subject to an assessment of the scheme against policies and the parameters governing residential development.

The previous planning application ref: EPF/0195/21 proposed redevelopment of the site to provide x 2 no. semi-detached houses and was appealed against Non-determination by the council. The Inspector in his decision notice raised no objection to the redevelopment of the site,

*'The proposal would contribute as a small site towards the supply and mix of housing, under the Framework. It would also optimise the potential of the site in as far as it is comparatively large for the existing one dwelling. It is also intended that the proposal would meet accessibility standards in order to assist with mobility and be energy efficient. The appellant also considers that the proposal would be reflective of the character of the houses in the area and incorporate the use of good quality materials and design'.*

**Loss of a Bungalow**

The proposed development would involve the redevelopment of the site involving the replacement of the existing bungalow by 2, 2 storey semi-detached dwellinghouses.



Policy H1 'Housing Mix and Accommodation Types' of the Epping Forest District Local Plan (submission version), 2017 specifically seeks to resist the loss of bungalows in order to ensure the housing needs of different sectors within the community and that an appropriate mix of accommodation types is maintained. This is consistent with the Framework's aim of delivering housing of differing sizes and types to meet the needs of different groups of the community, including older people. This policy has been through examination and there has been no suggestion from the Local Plan Inspector that it is an unacceptable or inappropriate policy.

The Council considers that bungalows can play an important role because of their potential ease of adaptation such that they can provide choice for people with accessibility needs, including the current and future needs of older people. Consequently, the loss of bungalows and specialist accommodation will be resisted.

However, in this instance, the Council gives weight to the fact that the site now has 'Prior Approval' consent ref: EPF/1122/21, (15/06/2021) to build an additional storey above the bungalow turning it into a 2- storey dwellinghouse. Furthermore, the Inspector at appeal ref: APP/J1535/W/21/3273285 on the previous refusal ref: EPF/0195/21 raised no objection to the redevelopment of the site for 2, 2 bed semidetached dwellings.

Weight is attributed to the fall-back position, combined with the accessible nature of the proposed dwellings and the benefit of obtaining an additional unit this is considered sufficient to outweigh the loss of the bungalow.

#### Design, Character and Appearance

Honey Lane comprising a mix of properties that vary in design, size and spacing sited well set back from the highway. The development is of a scale, height and depth that does not project forward or beyond the rear of the adjoining 2- storey dwellings and which are to be set in 1m from the side boundaries. The proposed single storey rear and dormer roof extensions to the dwellings are considered of acceptable proportional additions, appropriate in design, scale and siting.

In terms of the design and appearance, it is considered that proposed dwellings are of a simple traditional design that would complement and enhance the appearance of the street scene and wider area. Accordingly, the development conforms to policies CP2, CP7, DBE1 and DBE10 of the adopted Local Plan and policies of the Local Plan (1998) and Alterations (2006) and policy DM9 and DM10 of the Submission Version, 2017 and does not conflict with the design objectives of the National Planning Policy Framework., 2019 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.

#### Neighbouring Amenity

In terms of amenity, the proposed dwellinghouses are of a scale and separation distance so as not to result in any demonstrable harm to the living conditions of neighbouring properties in the form of a loss of light, outlook, overlooking or privacy.

No first-floor windows are proposed in the side flank elevations and the minor side windows proposed to the ground floor shower room/WC would be conditioned as being obscure glazed at any approval to prevent any overlooking or loss of privacy.

It is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level and accords with the requirements of policy DBE9 of the adopted Local Plan. and policy DM9 of the Local Plan submission Version, 2017,

### Comments on Representations Received.

The concerns expressed by Epping Town Council, and neighbouring residents regarding overdevelopment of the site must be balanced against the carefully thought out design of the proposal that respects the overall scale, height and relationship of the building to its plot boundaries and to the surrounding built form.

The intensification of use of this site would accord with the Governments presumption in favour of sustainable development 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. In such circumstances, many of the concerns raised in the objections have been considered and not been deemed sufficient to support a refusal.

### Form of Accommodation

The form of accommodation is acceptable with each room having sufficient daylight and outlook and considered of a satisfactory form of living space for future occupiers. In addition, the proposed dwellinghouse meets the Nationally Prescribed Space Standards as set out in Policy DM10 of the Submission Version Local Plan, 2017, providing a good quality of accommodation for future occupants.

The proposed dwellings provide 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, 2017.

### Parking and Highway Considerations

The proposed 2, 4 - bed development has allocated 2 car spaces to the front for each dwelling that meets the minimum standards required by the Essex Parking Standards.

From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it 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.

### Land Drainage

The site is outside of any Flood Risk Assessment Zone therefore a Flood risk assessment is not required. However, the development is of a size where it is necessary to avoid generating additional runoff and no details have been submitted in relation to surface water drainage. The Council's Land Drainage engineer requests details of surface water drainage to be submitted for consideration in accordance with policy U2B of the Local Plan which are considered reasonable and necessary.

### Contamination

There is no acknowledged on-site potentially contaminated land however off-site sources include former horticultural nursery sites. No contaminated land assessment has been submitted and in line with Essex Contaminated Land Consortium Land Affected by Contamination Guidance and National Planning Guidance, the applicant is advised to submit a Phase 1 and as necessary a Phase 2 and a Detailed Remediation Scheme produced by a National Planning Policy Framework defined "Competent Person" with any application made to develop the site.

Given the sensitive nature of the use it is recommended a suitable condition on any approval for the possibility of unacknowledged contamination during development/demolition is considered necessary *and* reasonable.

#### Epping Forest Special Area of Conservation:

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

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

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

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

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

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

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

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

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

### Recreational Pressures

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

### 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 previous planning application ref: EPF/0195/21 was dismissed at appeal by the Inspector who confirmed that,

*'the protection that is afforded to the SAC is of a high order and these benefits would not outweigh the harm that would arise.'*

The Inspector considered that the applicant had not demonstrated beyond reasonable scientific doubt as competent Authority that the development would not adversely affect the integrity of the Epping Forest Special Area of Conservation and in the absence of such information, and / or a completed planning obligation to mitigate against any adverse impact it would have on the Epping Forest Special Area for Conservation in terms of air pollution, the development is contrary to Policies NC1, CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), Policy DM2 and DM22 of the Epping Forest District Local Plan Submission Version (2017), and the requirements of the National Planning Policy Framework and the Habitats Regulations, 2017.

Since the Inspectors decision, the applicant has signed and completed the Legal Agreement obligation to secure the financial contributions to recreational and air quality and the management and monitoring of visitors to the Epping Forest Area of Conservation, 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.

### Conclusion

The Inspector raised no objection to the proposed development of 2, 2 storey dwellings. The proposed development is considered appropriate and an efficient use of the land, sufficiently maintaining the character, appearance and spatial pattern of development of the surrounding area and would not result in any amenity implications on neighbouring dwellings; other aspects in relation to parking/highway safety and landscaping are considered satisfactory subject to the

imposition of conditions. The application is supported by the policies of the adopted Local Plan and Alterations (1998-2006) and the emerging Local Plan, Submission Version, 2017 and the relevant parts of the National Planning Policy Framework, 2021.

In light of the above considerations it is recommended that planning permission is approved 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: 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)***