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PLANNING STATEMENT

46 Stradbroke Drive, Chigwell,
Essex, IG7 5QZ

Proposed subdivision of the second floor flat to 2 flats, revised layout of basement and revised parking layout. (Amendment to decision reference EPF/0973/17). Number of flats would be increased from 5 to 6

Prepared in behalf of:
Imperial Developments

February 2021

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1 INTRODUCTION

- 1.1 This Planning Statement has been prepared to support a detailed planning submitted on behalf of Imperial Developments and concerns the following proposed development:

“Proposed sub-division of the second floor flat to 2 flats, revised layout of basement and revised parking layout. (Amendment to decision reference EPF/0973/17. Number of flats would be increased from 5 to 6)”

- 1.2 The proposal follows a similar application that was the subject of ref: EPF/1025/19 this application was refused in July 2019 for two reasons as set out below:

1. *The proposals, by increasing the number of units from an approved 5 to 6 would by reason of increased activity in the form of pedestrian comings and goings and vehicle usage, have a detrimental impact on the character and appearance of the area and living conditions and amenities to nearby properties through noise and disturbance. The proposal would therefore be contrary to policies DEB2 of the adopted Local Plan 1998/2006 and Policy DM9 of the Local Plan Submission version 2017.*
2. *The proposed parking bays falls below the minimum standards for vehicle Parking Bay sized contained within the Essex County Council Parking Standards (Design and Good Practice) 2009). The proposals are therefore contrary to the aforementioned document and Policy T14 of the adopted Local Plan 1998/2006.*

- 1.3 An appeal was subsequently submitted (Ref: APP/J1535/W/19/3238567) (see Appendix 1 to this Statement) and the decision issued on the 11th March 2020. Although this appeal was dismissed the Appeal Inspector noted in his conclusion that in respect of the two refusal reasons *“the development would not cause harm to the living conditions of neighbouring occupiers and that parking provision would be adequate”*.

- 1.4 Notwithstanding the above the appeal was dismissed due to the adverse effects of the development on the Epping Forest SAC and in the absence of appropriate mitigation measures in respect of air quality impacts arising from traffic generated by new developments.

- 1.5 Since the determination of this appeal and following the Extraordinary Council meeting to discuss Epping Forest District Council’s Interim Air Pollution Mitigation Strategy and Clean Air Zone on the 8th February 2021 the Council has agreed to implement an Interim Air Pollution Mitigation Strategy. The implementation of the Air Pollution Mitigation Strategy together with the already adopted ‘Interim Approach to Managing Recreational Pressure’ now ensures that any adverse impacts arising from this development can be appropriately mitigated and there is therefore no other reason why this development should not now be approved.

- 1.6 The applicant confirms their agreement to the terms of both mitigation strategies and will be happy to sign a legal agreement to ensure the required financial contributions can be secured by the Council. The Applicant would be grateful if the Council could provide a draft copy of the legal agreement on receipt of this application.

- 1.7 The application comprises the following plans:

- 17.120.01 – Site Location Plan
- 17.120.02 A – Proposed Basement Plan
- 17.120.05 – Previously Approved Second Floor Plan (for ease of reference only)
- 17.120.05 Rev A – Proposed Second Floor Plan
- 17.120.SK16 Rev D – Site Layout

1.8 In addition to the above plans the application is also accompanied by a Design and Access Statement dated April 2019 and prepared by RDA Architects.

1.9 The application is submitted via the Planning Portal ref: PP-09511453.

2 THE APPLICATION SITE

- 2.1 The application site comprises number 46 Stradbroke Drive, Chigwell. The site was previously occupied by a large detached property arranged over ground and first floor set back behind a carriage style driveway and with a swimming pool in the grounds to the rear of the property.
- 2.2 There are a number of trees along both side boundaries of the site and within the street in front of the plot.
- 2.3 Planning permission reference: EPF/0973/17 (as amended by EPF/0044/19) which approved the redevelopment of the site has now been implemented and the development is well advanced on site.

The Surroundings

- 2.4 The application site is located within the urban area of Chigwell. The immediately surrounding area comprises large detached properties, set in substantial plots and of a wide variety of architectural styles.
- 2.5 As with the application site the area is also characterised by large established trees both within individual plots and along the side of the street.
- 2.6 The area is not a conservation area and there are no listed buildings either adjacent to the application site or in the immediately surrounding area.

3 PLANNING BACKGROUND

- 3.1 The application site has an established residential use although as detailed above is currently a building site. The site is also considered to be brownfield, previously developed land and given its location within the urban area there is no in principle objection to the redevelopment of the site for continued residential use.
- 3.2 The application site has an extensive planning history those records relevant to this appeal are detailed in Table 3.1 below:

Reference No.	Description of development	Decision
EPF/2602/14	Demolition of 46 Stradbroke Drive and the erection of a replacement house with associated external works.	Grant permission (with conditions)
EPF/1893/15	Demolition of 46 Stradbroke Drive and the erection of a new building of five flats.	Refuse permission Appeal Dismissed
EPF/2987/15	Demolition of house at 46 Stradbroke Drive and the erection of a new building with five flats.	Refuse permission Appeal Allowed
EPF/0973/17	Demolition of house at 46 Stradbroke Drive and the erection of a new building accommodating five flats in accordance with conditions of planning permission EPF/2987/15.	Grant permission (with conditions)
EPF/0044/19	Application for Non-Material Amendment to EPF/0973/17 for changes to openings and reduction in projection of the front entrance portico with subtle changes to brick and stone.	Non-material amendment approved
EPF/1025/19	Proposed sub-division of the second floor flat to 2 flats, revised layout of basement and revised parking layout. (Amendment to decision reference EPF/0973/17. Number of flats would be increased from 5 to 6. *AMENDED DESCRIPTION*	Refuse permission
W/19/3238567	Appeal of application EPF/1025/19 (above)	Appeal dismissed (See appendix 1 to this Statement)
EPF/1329/19	Application for approval of details reserved by condition 6 'Flood Risk Assessment' on planning permission EPF/0973/17 (Demolition of house at 46 Stradbroke Drive and the erection of a new building accommodating five flats in accordance with conditions of planning permission EPF/2987/15)	Details approved
EPF/2143/19	Approval of Details Reserved by Condition 12 of EPF/0973/17 'Wheel washing' (Demolition of house at 46 Stradbroke Drive and the erection of a new building accommodating five flats in accordance with conditions of planning permission EPF/2987/15).	Details approved
EPF/2240/19	Approval of Details Reserved by Condition 12 of EPF/0973/17 'Wheel washing' (Demolition of	Details approved

	house at 46 Stradbroke Drive and the erection of a new building accommodating five flats in accordance with conditions of planning permission EPF/2987/15).	
EPF/1267/20	Application for approval of details reserved by condition 3 'Materials' on planning permission EPF/0973/17 (Demolition of house at 46 Stradbroke drive and the erection of a new building accommodating five flats in accordance with conditions of planning permission EPF/2987/15)	Details approved

(Table 3.1 Planning History 46 Stradbroke Drive)

Planning History - 2015 Application/Appeal

- 3.3 The site as referred to above has been the subject of several previous applications. Two applications for the erection of a detached building accommodating five self-contained flats were submitted and refused by the Council.
- 3.4 The first application (Ref: EPF/1893/15) was refused on the grounds that the proposals would extend too close to each side boundary and have an unacceptable impact on the character of the area. The decision was appealed and subsequently dismissed the Inspector upholding the Council's refusal reason. The Inspector concluded that the development would be unacceptably harmful to the distinctiveness of the street scene.
- 3.5 The applicant resubmitted a further application (Ref: EPF/2987/15) seeking to address the previous concerns raised by both the Local Planning Authority and the Planning Inspector. The overall width of the proposed scheme was reduced so that there was a greater distance between the building and the boundaries. The application was again refused by the Council this time citing concerns regarding the intensification of residential use and the proximity of the proposed development to the site boundaries. A further appeal was submitted and allowed by the Inspector.
- 3.6 On the issue of the scale of the proposed building and proximity to the boundaries the Inspectors noted that the scheme retained acceptable distances from each of the boundaries and the separation was comparable with other properties on Stradbroke Drive. The Inspector concluded at paragraph 8 that *"the proposed development would not appear cramped or overly dominant within the street scene nor would it comprise a form of development that would be out of character with the layout of development in the area"*.
- 3.7 On the issue of the intensity of residential use the Inspector commented at paragraph 9 *"even though the proposed building would accommodate five flats and the other buildings in the area are predominantly single dwelling houses, there are other flats nearby and the proposed flats would have a single main entrance and appear similar in character to other buildings in the area. Thus, I find the proposed building's use as flats would not harm the character or appearance of the area"*.
- 3.8 In concluding on other matters, the Inspector noted at paragraph 15 with regard to the overall activity associated with the proposed flats; *"I have also considered the concerns with regard to*

the increase in overall activity as a result of the appeal site accommodating five dwellings. However, the building which would be demolished is a substantial property, which could also be more intensively used and there is no substantive evidence to suggest that the proposed development would generate any harm to nearby residents living conditions with particular regard to noise and disturbance”.

- 3.9 Finally at paragraph 16 the Inspector noted; *“With regard to parking, I note this matter is not contested between the main parties, nevertheless I find that the provision of two car parking spaces per flat is sufficient for there is considered to be no risk to highway safety or the flow of traffic in the area”.*

Planning History – 2019 Application/Appeal

- 3.10 As detailed previously application EPF/1025/19 sought to subdivide the large 3-bedroom second floor flat into two smaller 2 bedroom flats. The Council refused permission for two main issues:

- i) the effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings with particular regard to noise and disturbance;
- ii) whether or not the proposed development would make adequate provision for parking;

- 3.11 With regard to the first issue the Inspector commented; *“I am satisfied that the proposed development would not cause unacceptable harm to the living conditions of neighbouring occupiers through noise or disturbance. I am similarly not persuaded that activity likely to be associated with 6 flats on the site rather than 5 would be fundamentally different so as to cause harm to the character or appearance of the area”.*

- 3.12 The Inspector went on to conclude; *“I therefore conclude on this main issue that the development would not cause unacceptable harm to the living conditions of the occupiers of neighbouring dwellings, including with regard to noise and disturbance. Accordingly, I find no conflict with Policy DBE2 of the Local Plan with Alterations 2006 (LP)”.*

- 3.13 With regard to the second issue the Inspector commented, *“I conclude on this main issue that the proposed development would provide adequate parking and I find no conflict with Policy T14 of the LP”.*

- 3.14 The application was however ultimately dismissed due to the harm the proposals would cause to the integrity of the Epping Forest SAC and without any schemes of mitigation in place to address this harm.

4 PROPOSED DEVELOPMENT

- 4.1 The proposed development seeks to reconfigure the second floor of the proposed building (currently under construction) from a large penthouse flat with 3 bedrooms and generous living and entertaining spaces to 2 x 2-bedroom flats. The proposed flats at second floor will have a similar layout to those flats at ground and first floor.
- 4.2 The amendment will bring the total number of flats to 6 all of them being 2-bedroom flats.
- 4.3 No external changes are proposed to the main building.
- 4.4 A minor change is made to the basement layout previously approved under application ref: EPF/0044/19 and the bin store is proposed to be moved to ground floor level at the front of the site. In all other respects of the basement layout including the car parking layout remains as previously approved. The bin store at ground floor level was previously approved in respect of the submission of details relating to relevant conditions.
- 4.5 At ground floor level 4 parking spaces are proposed in addition to the 11 at basement level therefore providing a total of 15 spaces.

5 PLANNING POLICY

5.1 This section of the appellants statement provides a summary of the relevant planning policies

5.2 A table illustrating the relevant policies to the proposed development is set out below:

National Planning Policy Framework	
Chapter	Description/Overview
Chapter 1, Introduction, para11.	Sets out the presumption in favour of sustainable development confirming that for decision making this means 'approving development proposals that accord with the development plan without delay'
Chapter 5, Delivering Sufficient supply of Homes, para 59.	To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
Chapter 12, Achieving well-designed places, para 124.	The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
Epping Forest District Local Plan 1998 and alterations 2006	
Policy	Description/Overview
DBE2 – Effect on neighbouring property	Policy DBE2 states; 'Planning permission will not be granted for new buildings which have a detrimental effect upon existing neighbouring or surrounding properties in either amenity or functional terms'.
Policy ST6 – Vehicle Parking	The Council will expect all developments to provide on-site parking in accordance with the adopted 2001 Standards or its successor documents.
Epping Forest District Local Plan Submission Version 2017	
Policy DM9 – High quality design	Policy DM9 confirms that: <ul style="list-style-type: none"> A. all new development must achieve a high specification of design and contribute to the distinctive character and amenity of the local area. With respect to design standards the policy confirms that development proposals must have regard to; <ul style="list-style-type: none"> (i) building heights; (ii) the form, scale and massing prevailing around the site;

	<ul style="list-style-type: none"> (iii) the framework of routes and spaces connecting locally and more widely; (iv) the rhythm of any neighbouring or local regular plot and building widths and, where appropriate, following existing building lines; (v) the need to provide active frontages to the public realm; and (vi) distinctive local architectural styles, detailing and materials
Policy T1 – Sustainable Transport Choices	<p>C. Development proposals will be permitted where they:</p> <ul style="list-style-type: none"> (iii) Do not result in unacceptable increases in traffic generation or compromise highway safety. <p>F. Development will be permitted where it:</p> <ul style="list-style-type: none"> (iv) Provides appropriate parking provision, in terms of amount, design and layout and cycle storage arrangements, in accordance with adopted Parking Standards and which mitigates any impact on on-street parking provision within the locality. Reduced car parking, including car free, development in sustainable locations will be supported;
Policy T14	In determining planning applications, the Council will seek to ensure that adequate and appropriate car parking facilities are provided on-site. (The policy will be implemented through the application of car parking standards set out in Appendix 5)
Appendix 5 Car Parking standards	Residential dwellings with 3 bedrooms or less should provide 2 spaces per dwelling

Table 5.1 – Policy Considerations

Essex County Council Parking Standards (Design and Good Practice)

- 5.3 In addition to the above adopted and emerging policy the decision notice also refers to the Essex County Council Parking Standards (Design and Good Practice). At Page 24, paragraph 3.2.1 the guidance refers to a 'Preferred bay size for cars' as being 5.5m x 2.9m and a 'Minimum bay size for cars' as being 5.0m x 2.5m.

6 PLANNING ISSUES

- 6.1 This section of the Statement explores the proposed development in detail, however the determination of the application should be mindful of the Appeal Decision ref: W/19/3238567 in which the Planning Inspector has considered the below issues and confirmed them to be acceptable. This Appeal Decision is considered to be a material consideration in the determination of this application.
- 6.2 The main issues to be considered is the recently agreed Interim Air Pollution Mitigation Strategy and the previously agreed Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation. This matter is considered at paragraphs 6.18-6.23 below.

Impact of the activity associated with the 2 x 2-bedroom flats in lieu of a 3-bedroom penthouse flat

- 6.3 It should be noted that the original planning permission and subsequent amendments proposed that a large penthouse flat would occupy the whole of the second floor. The flat was generous in all respects and comprised 2 large bedroom suites with en-suites and walking wardrobes. A third bedroom also with en-suite was also proposed. In addition to the bedroom accommodation the flats included a large living, dining and kitchen area, a separate area provided a cinema area, a pool table and a bar and finally a large study was proposed which could potentially have also been used as a fourth bedroom.
- 6.4 Clearly such a large flat with extensive entertaining spaces and a number of bedrooms would have been expected to generate a number of coming and goings associated with its occupation.
- 6.5 The proposed amendments to the second floor sought by this application propose to split the same floor area into two more modest two-bedroom flats. Although still generous apartments the proposed entertainment spaces are much smaller and with much less space the number of guest as well as residents themselves is also likely to be significantly less.
- 6.6 In addition, there is no extra provision of parking spaces at the site over the previously consented scheme and therefore the maximum level of vehicle movements that could be associated with the development would remain the same.
- 6.7 It is considered therefore that the activity generated by the two smaller flats is likely to be comparable with the activity generated by the previously approved penthouse. Minor differences (if any) are unlikely to be demonstrable and therefore unlikely to have any impact on the character of the area or the amenity of neighbouring occupiers.
- 6.8 It is unlikely the replacement of the large penthouse flat with two smaller flat would lead to any increased activity and even if there was a marginal change to the levels of activity there is no evidence to suggest this would generate any harm to nearby residents or the character of the area. This matter was confirmed in the Appeal Decision ref: W/19/3238567, paragraphs 10-16

Size of the Proposed Parking Bays

- 6.9 The proposed development includes 15 spaces on site, 11 at basement level and 4 at ground floor level. The basement level has already been previously approved and therefore the spaces located here are not under consideration.
- 6.10 4 parking spaces are proposed at ground floor.
- 6.11 Parking Requirements – In accordance with Policy T14 of the adopted Local Plan the proposed development generates a parking space requirement of 2 spaces per dwelling plus 0.25 unallocated spaces per flat for visitors. This results in a requirement for 13.5 spaces. The proposed development includes a total of 15 spaces comprising 11 at basement level and 4 at ground level.
- 6.12 Parking Space Standards - As noted at paragraph 5.3 above the Essex County Council Parking Standards set out guidance for Local Planning Authorities with respect to parking space dimensions. It notes that the 'Preferred bay size for cars' is 5.5m x 2.9m and a 'Minimum bay size for cars' is 5.0m x 2.5m.
- 6.13 The parking spaces proposed at ground level comprise a bank of 3 parking spaces which measure 5m x 2.4m. The decision was made to propose slightly smaller spaces here to lessen the impact on the adjacent trees.
- 6.14 Notwithstanding that the spaces are slightly under the minimum standard in the Essex County Council Parking standards the parking spaces are still of sufficient size to accommodate a car. The fact that parking spaces are below the recommended size (e.g. slightly shorter or narrower) doesn't make them unacceptable, provided they can still accommodate vehicles as a matter of fact. In this case 2 of the 3 spaces have no other parking space adjacent to them allowing cars to park towards the edge of the space and allowing the doors on at least one side of the vehicle to be fully opened.
- 6.15 The Inspector concluded that the proposed parking spaces although not being able to accommodate 3 large vehicles would be able to accommodate at least 2 vehicles and this would still be acceptable given that 14 spaces would be provided and there are no on street parking constraints in the area. Further to the Inspectors comments it is considered that the bank of the 3 parking spaces as proposed could accommodated 3 medium or smaller sized vehicles. The proposed layout as proposed is therefore considered to be acceptable and will provide sufficient parking for future residents.

Epping Forest SAC

- 6.16 The previous appeal was dismissed solely on the fact that the harm to the Epping Forest SAC could not be mitigated at the time the appeal was determined. Extensive discussions have been undertaken by EFDC and Natural England over a prolonged period of time. Interim strategies have now been agreed with Natural England and subsequently confirmed to be acceptable by the Council as set out below.

Interim Approach to Managing Recreational Pressure on the Epping Forest SAC

- 6.17 With regard to mitigating the harm caused by new development generating additional recreational pressure in the Epping Forest SAC the Council has agreed an 'Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' this was adopted by the Council on 18 October 2018. The interim approach sets out that a contribution will be sought from individual residential development schemes within 0 – 3 kms of the boundary of the Epping Forest SAC, where there is a net increase in the number of residential units of £352 per dwelling. As the proposed development falls 2.37 kms from the edge of the nearest part of the Epping Forest SAC
- 6.18 The proposed development results in 1 additional dwelling and therefore a financial contribution to mitigate the increased recreational pressure generated by the proposed development of £352 is required.

Interim Air Pollution Mitigation Strategy

- 6.19 Following extensive discussion with Natural England and others EFDC finally reached agreement with regard to a mitigation strategy to enable the adverse impacts associated with increased traffic resulting from new development on the Epping Forest SAC to be mitigated.
- 6.20 At the Extraordinary Council meeting held on the 8th February 2021 to discuss Epping Forest District Council's Interim Air Pollution Mitigation Strategy and Clean Air Zone Members voted in favour of adopting the Strategy. The Strategy has been developed to provide a strategic approach to mitigating the effects of development on the integrity of the Epping Forest SAC in relation to atmospheric pollution. The strategy confirms that financial contributions will be sought where there is a net increase in the number of residential units of £335 per dwelling.
- 6.21 The proposed development results in 1 additional dwelling and therefore a financial contribution to mitigate the increased air pollution generated by the proposed development of £335 is required.
- 6.22 The applicant confirms his agreement to make the financial contributions required to mitigate the proposed development against potential harm caused by the development to the Epping Forest SAC in respect of recreational pressure and air pollution. It is our understanding that EFDC have prepared a standard Section 106 template in order to secure the financial contributions set out above and we would be grateful to receive a copy so that it can be completed without delay.

7 SUMMARY AND CONCLUSIONS

- 7.1 This Statement has been prepared in support of a planning application for the proposed sub-division of the previously approved 3-bedroom penthouse flat into 2 x 2 bedroom flat at 46 Stradbroke drive, Chigwell, Essex, IG7 5QZ.
- 7.2 All concerns set out in the previous refusal of the scheme have now been addressed. The Appeal Inspector confirmed that the proposals would not have a detrimental impact on the residential amenity of existing residents and that the proposed parking was sufficient to meet the needs of the proposed development.
- 7.3 The Council has now also confirmed the details of the required mitigation measures to address any harm that would be caused by the proposed development. The applicant has confirmed his agreement to the proposed mitigation measures and his willingness to sign a legal agreement so that these financial payments can be secured.
- 7.4 For the reasons summarised above and set out in detail in this Statement it is considered that the proposals will result in the best and most efficient use of the site and provide much needed new housing.
- 7.5 There are no matters which would indicate that the proposal is in any other way unacceptable and should therefore be determined in accordance with the Development Plan.
- 7.6 The proposal comprises sustainable development which should be granted without delay.

APPENDIX 1 - APPEAL DECISION

LPA Ref: EPF/1025/19

PI Ref: APP/J1535/W/19/3238567



Appeal Decision

Site visit made on 7 January 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2020

Appeal Ref: APP/J1535/W/19/3238567

46 Stradbroke Drive, Chigwell IG7 5QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Robert Davis, Imperial Developments against the decision of Epping Forest District Council.
 - The application Ref EPF/1025/19, dated 11 April 2019, was refused by notice dated 31 July 2019.
 - The development proposed is described as 'sub-division of the second floor flat to 2 flats of extant decision application ref: EPF/0973/17 raising number of flats from 5 to 6'.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Robert Davis, Imperial Developments against Epping Forest District Council. This application is the subject of a separate Decision.

Procedural Matters

3. Planning permission has previously been given under application reference EPF/0973/17 for development described as 'demolition of house at 46 Stradbroke Drive and the erection of a new building accommodating five flats in accordance with conditions of planning permission EPF/2987/15'.
4. A subsequent application (reference EPF/0044/19) was made to vary this permission and was described as 'application for Non-Material Amendment to EPF/0973/17 for changes to openings & reduction in projection of the front entrance portico with subtle changes to brick & stone'. However, the appellant indicates that there were also changes to the layout of the basement level and has provided a copy of drawing reference 17.120.02 dated 22 January 2018 illustrating these changes and which is listed on the decision approving the application.
5. The Council altered the description of development given on the application form and which I have used in the banner heading above to 'proposed sub-division of the second floor flat to 2 flats, revised layout of basement and revised parking layout. (Amendment to decision reference EPF/0973/17. Number of flats would be increased from 5 to 6. *AMENDED DESCRIPTION* [sic]. The appellant's evidence confirms that a change is proposed to the basement layout from that approved under application reference EPF/0973/17

and amended by application reference EPF/0044/19 relating to the relocation of bin storage, and I have determined the appeal on that basis.

6. As part of the appeal submission, the appellant has provided an amended site layout plan which would alter the layout of parking spaces to the front of the proposed development. The alteration would result in a reduction in the number of spaces shown. If I were to determine the appeal on the basis of this plan, it is possible that the interests of parties who might wish to comment on this change would be prejudiced. I have therefore determined the appeal according to the plans on which the Council based its decision.
7. Finally, the effect of the proposed development on the Epping Forest Special Area of Conservation (SAC) did not form a reason for the Council's refusal of the application. However, the Council's evidence refers to policies DM2 and DM22 within the emerging Local Plan Submission Version 2017 (LPSV) and advises that these policies were not relevant at the time of the determination of the application but are now deemed to be a consideration and indicate that permission should be refused.
8. I note that the LPSV is yet to be adopted, and in their evidence, the Council advise that there are unresolved objections to the plan. It is therefore subject to change and while I have not been made aware of the specific nature of unresolved objections, this limits the weight that I afford these policies. Notwithstanding this, Epping Forest SAC is protected as a European Site of Nature Conservation Importance. It is therefore subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 which confer a duty to consider whether a proposed development may have a significant effect on the conservation objectives of such protected sites. The appellant has had an opportunity to respond to the Council's evidence on the effect of the proposal on the SAC, and I am therefore satisfied that no prejudice would occur as a result of me taking this matter into account within my decision.

Main Issues

9. Having considered all of the evidence before me, including the representations of third parties, I consider that the main issues in this appeal are:
 - i) the effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings with particular regard to noise and disturbance;
 - ii) whether or not the proposed development would make adequate provision for parking; and
 - iii) the effect of the proposed development on the integrity of the Epping Forest SAC.

Reasons

Living Conditions

10. The proposed development would increase the number of flats within the building previously permitted on the site¹ from 5 to 6. This would be through a change to the second floor level where the proposal would alter the number of flats from one to 2 and would increase the total number of bedrooms at this level from 3 to 4.

¹ Application reference EPF/0973/17 and amended by application reference EPF/0044/19

11. As approved, the layout of the second floor flat included 2 large bedrooms, a third 'live-in bedroom', and generous living space. The proposal would create an additional dwelling, but each of the 2 flats now proposed would be smaller with 2 bedrooms and so I am not convinced there would be a substantial increase overall in the intensity of activity associated with this change.
12. In any event, beyond general assertions of an uplift in comings and goings, parking and visitors to the site, no substantive evidence has been provided to show how an increase in activity would cause harm to neighbouring occupiers through noise or disturbance.
13. Provision for parking within the frontage of the appeal site would be limited in scale and set away from the boundaries with neighbours. Although the access to the basement level parking would be close to the boundary with 48-52 Stradbroke Drive, there would be fewer spaces within the basement level than originally approved², reducing likely movements here. Furthermore, the site would remain a residential use in a residential area and noting the spacious plots which are typical to dwellings on Stradbroke Drive with properties set back from the street, even if there were an increase in comings and goings to the site, on-street parking, or occupation and use of the site including the garden area and refuse store, this would not result in any significant difference to the impact of the development.
14. Taking all of these factors into account, I am satisfied that the proposed development would not cause unacceptable harm to the living conditions of neighbouring occupiers through noise or disturbance. I am similarly not persuaded that activity likely to be associated with 6 flats on the site rather than 5 would be fundamentally different so as to cause harm to the character or appearance of the area.
15. Interested parties have raised additional concerns regarding the increased scale of the building and overlooking but there would be no external changes to the building from that previously approved. I accept that the development would provide for one additional dwelling at second floor level and there would be changes to the rooms served by the windows at this level. However, given the relationship of the site with nearby buildings I am satisfied that this would not cause harmful overlooking or a loss of privacy for occupiers of neighbouring dwellings.
16. I therefore conclude on this main issue that the development would not cause unacceptable harm to the living conditions of the occupiers of neighbouring dwellings, including with regard to noise and disturbance. Accordingly, I find no conflict with Policy DBE2 of the Local Plan with Alterations 2006 (LP). This policy seeks to avoid detrimental effects on neighbouring properties and in this regard is consistent with paragraph 127 of the National Planning Policy Framework (the Framework). I also find no conflict with Policy DM 9 of the emerging LPSV which includes, amongst other things, a requirement that development takes account of the privacy and amenity of neighbours, but as the LPSV is not an adopted part of the development plan and is subject to change, I afford this policy less weight.

² Application reference EPF/0973/17 prior to amendment by application reference EPF/0044/19

Parking Provision

17. Policy T14 of the LP seeks to ensure adequate and appropriate car parking for development. The main parties have referred to guidance within the 'Essex County Council's 'Parking Standards Design and Good Practice 2009' (PSDGP) which indicates a minimum requirement of 2 parking spaces per dwelling with 2 or more bedrooms plus 0.25 visitor/unallocated spaces per dwelling to be rounded up to the nearest whole number. This would generate a requirement for 14 spaces to serve the 6 two-bedroom dwellings now proposed on the site.
18. The development includes 15 spaces on the site; 11 spaces within the basement level and 4 to the front of the building. This would exceed the minimum requirement within PSDGP, but the Council state that parking bays would fall below size standards within the PSDGP and refer to desired dimensions for spaces of 5.5m by 2.9m. However, it is not clear from the Council's evidence whether this concern relates to some or to all of the proposed spaces.
19. The appellant has advised that the 11 spaces within the basement level are a minimum of 5m by 2.5m and that this meets the minimum bay size for cars within the PSDGP. I acknowledge that this would be below the preferred dimensions outlined by the PSDGP and concerns have been raised by interested parties over the use of these spaces. However, the appellant's evidence indicates that the arrangement of the parking spaces within the basement level has previously been approved under application EPF/0044/19. The Council have not disputed that this layout could be implemented on the site, and from the information before me there is no reason to find that there has been any change which means that these spaces would no longer be usable or would not continue to contribute towards meeting the requirement for parking.
20. The parking proposed to the front of the building comprises 3 spaces to the side of the building entrance closest to 44 Stradbroke Drive and a single space to the other side of the entrance. Given the layout of the frontage and lack of any obstruction to 3 of the sides of the single space, I see no reason that this bay would be unusable or would fail to contribute towards meeting the requirement for parking on the site.
21. The appellant states that the 3 spaces closest to 44 Stradbroke Drive would measure 2.4m by 5m. This would be below the minimum dimensions sought by the PSDGP. There would be no obstruction to the outer edges of the bank of spaces or to their front, although I acknowledge that the central space would be more constrained and overall I consider it is unlikely that it would be possible to comfortably accommodate parking for 3 larger vehicles within this area. Nevertheless, I am satisfied that there would be capacity for at least 2 vehicles here.
22. Together with the single space to the other side of the entrance and the 11 basement level spaces there would therefore be at least 14 spaces on the site which would meet the number of spaces required by the PSDGP. While I note that there are no parking restrictions on Stradbroke Drive, Glenside or Bracken Drive, I therefore have no cause to find that the development would result in displacement parking within the surrounding area. Furthermore, although I note the width of Stradbroke Drive and the location of the appeal site close to the junction with Glenside, there is little evidence as to how parking on the street could have a harmful effect on the character or appearance of the area,

the living conditions of neighbouring occupiers, highway safety or the flow of traffic and at my visit I did not see high levels of on-street parking or other indications of a clear parking problem.

23. For all of these reasons, I conclude on this main issue that the proposed development would provide adequate parking and I find no conflict with Policy T14 of the LP.

Epping Forest SAC

24. As highlighted within the Procedural Matters above, Epping Forest SAC is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations). The Regulations impose a duty on the competent authority to consider whether a proposed development may have a significant effect on the conservation objectives of such sites either alone, or in combination with other plans and projects within the framework of an Appropriate Assessment (AA). This responsibility would fall to me as the competent authority, and I note the advice within the Planning Practice Guidance that an AA must contain complete, precise and definitive findings and conclusions to ensure that there is no reasonable scientific doubt as to the effects of the proposed plan or project.
25. The designation of Epping Forest SAC reflects the presence of 3 qualifying habitats (Atlantic Beech forests on acid soils, European dry heaths and Northern Atlantic wet heaths with cross-leaved heath) as well as one qualifying species (Stag beetle). The conservation objectives of the SAC are to ensure that the integrity of the site is maintained or restored and that the site contributes to achieving the favourable conservation status of its qualifying features by maintaining or restoring the extent, distribution, structure and function of the qualifying habitats and the habitats of qualifying species; the supporting processes on which these rely; and the population and distribution of the qualifying species.
26. From the information before me, the SAC is vulnerable to pressure from increased levels of visitors using the Forest for recreation, as well as from air pollution generated by increased motor vehicle use affecting the health of habitats and flora species. The appellant does not dispute that the proposed development would have a recreational impact on the SAC, but disagrees that there would be an impact on air quality. In support of this, the appellant suggests that the appeal proposal would result in similar vehicle movements over the development already permitted on the site.
27. I have found that activity associated with an additional dwelling on the site would not cause harm to the living conditions of neighbouring occupiers, but the development would nevertheless result in a gain of one dwelling on the site with some additional vehicular movements and recreational demand likely to be associated with its occupation by an additional, independent, household. Although I have also found that parking provision would be adequate in accordance with standards, this would not prevent either additional ownership or use of motor vehicles by future occupiers of the development.
28. Although the proposal would only create one additional dwelling, on the basis of the evidence before me, I cannot be certain that there would not be associated additional vehicle movements, or increased recreational activity arising from the development with a resulting pressure on the SAC, particularly

in combination with other plans and projects within the area. While any increases may be small, in exercising my duty to protect the European Site, I must adopt a precautionary approach. In this context, I find that the development would be likely to result in significant adverse effects on the flora and fauna within the SAC and its overall integrity.

29. The appellant does not dispute the need to mitigate the effect of the proposal on the SAC through recreation impacts and has provided a Unilateral Undertaking which provides for a financial contribution towards measures set out within the Council's adopted 'Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation'. This is an approach agreed between the Council and Natural England. However, there is currently no agreed approach to mitigate or avoid harm to the SAC through air quality impacts.
30. In the absence of appropriate mitigation for air quality impacts arising from the proposal, I can only conclude that the proposed development would result in significant adverse effects to the Epping Forest SAC that would harm its integrity. This would conflict with the requirements of the Regulations and the Framework's objectives for the protection of biodiversity and the conservation of the natural environment. While I also note that the Council have referred to Policies DM 2 and DM 22 of the emerging LPSV which seek to ensure that adverse impacts on the SAC do not occur as a consequence of recreational impacts or air pollution, the LPSV is not yet an adopted part of the development plan and is subject to change. This limits the weight that I afford these policies.

Other Matters

31. I acknowledge the strength of feeling of local residents and I have had regard to matters raised by third parties including the effect of the proposal on the character of the street, the capacity of local services and impacts during the construction period. However, none of the matters raised either individually or collectively alter my conclusions on the main issues.

Conclusion

32. Notwithstanding my findings that the development would not cause harm to the living conditions of neighbouring occupiers and that parking provision would be adequate, I conclude that the proposal would lead to significant harm to the integrity of the Epping Forest SAC. This is a matter of overriding concern and for the reasons given above I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR