

HABITATS REGULATIONS ASSESSMENT

In respect of
38 Queens Road, Buckhurst Hill

On behalf of
38QR Limited

JCG25155
Final
30 September 2021

REPORT

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Prepared by:

RPS

Danny Simmonds
Planning Director

20 Farringdon Street
London, EC4A 4AB

T +44 20 3691 0500
E simmondsd@rpsgroup.com

Prepared for:

38QR Limited

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1 INTRODUCTION

- 1.1 This habitats regulations assessment (HRA) is produced in support of a full application, made by 38QR Limited to Epping Forest District Council (ref: EPF/2149/21). The application was submitted to the Council in July 2021, but validation has been delayed owing to the requirement for an HRA. The HRA is submitted following the Council's report 'Epping Forest District Council Habitat Regulations: Site – specific assessment processes in relation to the effects of development on atmospheric pollution', produced in December 2020 (Habitat Regulations December 2020 report) and also following recent discussions with the District Council's planning officer.
- 1.2 The application proposals are for alterations and extensions to create three flats, with amended retail space to front. The application property is 38 Queens Road, Buckhurst Hill. It should be noted from the outset that the application proposals do not provide for any car parking and therefore, the development is car free.
- 1.3 The application property, 38 Queens Road, is a three storey building with retail at ground floor and residential accommodation above. The application site also includes a single storey storage / workshop building at the southern end. The application property falls within Buckhurst Hill district centre, as defined by the Epping Forest Local Plan. The site is in an accessible location, being in close proximity to Buckhurst Hill underground station (Central Line), whilst ten different bus routes run to and from the centre.

2 BACKGROUND

- 2.1 Under UK legislation, Epping Forest District Council has a duty to ensure that plans and projects will not adversely affect the integrity of the Epping Forest Special Area of Conservation (SAC). As part of that responsibility, the Council have undertaken an HRA of its emerging Local Plan. As a result, the Council have produced an air pollution mitigation strategy (APMS).
- 2.2 The Habitat Regulations December 2020 report follows the APMS and has been prepared to set out the Council's process for reviewing and assessing potential impacts arising from proposals where additional vehicle trips through the SAC may occur. Significantly, Section 2 of the Habitat Regulations December 2020 report sets out the trigger points for determining if the transport impact of a development needs to be assessed in relation to its effects on the SAC. These being:
- If the development is not specifically proposed for allocation in the emerging Local Plan (in relation to residential developments this will apply to proposals for six or more dwellings or those greater than 0.2 ha), or
 - If the development proposal represents a variation (which results in an increase in the quantum of development or changes the proposed use) from the site's emerging Local Plan allocation
- 2.3 With regard to the above trigger points, it should be noted that the application proposals are for only three residential units (a net increase of two units) and therefore below the six unit trigger threshold. As explained in the December 2020 report, small windfall sites (such as the application site) have been included in the evidence work.
- 2.4 According to the Habitat Regulations December 2020 report, it is not necessary to provide an additional assessment. Nevertheless, following recent discussions with the Council's planning officer, it has been advised that 'a project level HRA' is still required. It is understood that the view of the Council's planning officer on this point follows very recent legal advice. Accordingly, an HRA is submitted in support of the application at 38 Queens Road, Buckhurst Hill.

3 APPLICATION PROPOSALS

- 3.1 The application proposals are for alterations and extensions to an existing building so as to create three flats. The property already accommodates one flat, so the proposals will lead to the creation of two additional residential units. One of the units will be a one bed flat, the others two bed flats.
- 3.2 The application proposals do not include provision for car parking. In other words, the development is car free.
- 3.3 Car free schemes have advantages and are clearly appropriate in town and district centres. The application site falls within a defined district centre. Furthermore, it is within close distance to Buckhurst Hill underground station and is located close to a number of bus stops, which accommodate regular bus services. Accordingly, the property is well suited to accommodate a car free scheme.
- 3.4 In order to increase the proposal's attraction to those not reliant on the car, provision is made for cycle storage within the scheme.

4 TRAFFIC GENERATION

- 4.1 The December 2020 report requires an HRA to review the traffic generation characteristics of the proposals.
- 4.2 The application proposals do not provide for car parking. In simple terms, the application proposals will not provide for any increase in traffic generation.
- 4.3 Notwithstanding the car free nature of the proposals, consideration has been given to the likelihood of future residents owning a car and seeking to park either on-street or at a nearby car park. However, it is considered that the prospects of residents owning a car is extremely unlikely for the following reasons:
1. The application site is very well located to the public transport network, allowing easy travel without reliance on the car.
 2. The application scheme includes the provision of covered cycle storage.
 3. On street parking in the area is subject to restrictions, by way of single and double yellow lines.
 4. On street parking in the vicinity, notably along this stretch of Queens Road, is subject to pay at machine parking. This is restricted to a maximum stay of two hours, with no return within two hours. Accordingly, it is not practical for residents to use these spaces.
 5. Parking at the Queens Road lower car park does allow for long term parking. However, during weekdays, the charge is £6 for stays in excess of five hours. This is not attractive to residents on a permanent basis.
- 4.4 The matter of car parking was an issue considered by the appeal Inspector when considering earlier proposals on the application site. In his decision letter dated 13 April 2021, the appeal Inspector noted and concluded the following within paragraph 16:
- ‘Although I acknowledge the Council’s arguments regarding parking, given its location, there are limited opportunities within the immediate vicinity of the appeal site to park cars as it is the subject of controls ... the site is within a highly sustainable location, providing ample opportunities for future occupiers to travel by modes other than the private car, such as walking, cycling and public transport in the vicinity. I am not persuaded that the development would lead to additional on-street parking pressure.’*
- 4.5 Based on the above, it is highly likely that the application proposals will result in no increase in traffic generation. But even adopting a worst case, the increase in traffic movements as a result of a net increase in only two residential units will be immaterial, especially in light of the above factors. According any consequential effects upon the integrity of the Epping Forest SAC will be so low, as to be imperceptible.
- 4.6 Notwithstanding the above, the applicant is prepared to deal with the SAC issue by way of a financial contribution. As part of the previous application on this site, the applicant’s were prepared to agree to a contribution of £352 per dwelling. A unilateral undertaking was prepared to this effect.

5 CONCLUSION

- 5.1 The application site is 38 Queens Road, falling within Buckhurst Hill district centre. The property is in a highly sustainable location, being within close proximity to Buckhurst Hill underground station and being well served by buses. The proposals only provide for three residential units, equating to a net increase of two units in the property.
- 5.2 The application proposals do not provide for any car parking, accordingly the development will be car free. In any event, owing to parking restrictions in the area, it is highly unlikely that residents will seek to own a car. Accordingly, the probability is that the proposals will result in no increase in traffic generation. But even adopting a worst case, any effects upon the Epping Forest SAC will be so low, as to be imperceptible.