



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE EAST **Wednesday 18th September 2024**

You are invited to attend the next meeting of **Area Planning Sub-Committee East**, which will be held at:

Council Chamber - Civic Offices
on **Wednesday 18th September 2024** at **7.00 pm**

Georgina Blakemore
Chief Executive

Democratic Services Officer: T Larsen, Democratic Services Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members: Councillors R Morgan (Chairman), M Dadd (Vice-Chairman), C Amos, R Balcombe, E Barnard, N Bedford, T Bromwich, L Burrows, T Cornish, I Hadley, S Jones, P Keska, J McIvor, J H Whitehouse and J M Whitehouse

This meeting will be broadcast live and recorded for repeated viewing.

1. WEBCASTING INTRODUCTION

"I would like to remind everyone that this meeting will be filmed live or recorded, and uploaded to the internet and will be capable of repeated viewing.

Therefore, by participating in this meeting, you are consenting to being filmed and to the possible use of those images and sound recordings.

If any public speakers on MS Teams do not wish to have their image captured, they should ensure that their video setting throughout the meeting is turned off and set to audio only.

Members and public speakers are reminded to turn on their microphones before speaking and turn them off when they have finished."

2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 4 - 5)

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

To be announced at the meeting.

To report non-attendance before the meeting, please use the [Members Portal webpage](#) to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the [Council's website](#), at the bottom under 'Contact Us'

4. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

5. MINUTES (Pages 6 - 7)

To confirm the minutes of the last meeting of the Sub-Committee held on 24 July 2024.

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

7. SITE VISITS

To identify and agree requirements for formal site visits to be held with regard to any planning application listed in this agenda, prior to consideration of the application.

8. PLANNING APPLICATION - EPF/0007/24 - TUDOR HOUSE, HIGH ROAD, THORNWOOD, EPPING, CM16 6LT (Pages 8 - 48)

To consider the attached report for the Residential development comprising residential dwellings (Use Class C3), together with car parking, garden spaces, a flexible café/commercial use (Use Class E) with vehicular access from High Road (B1393) external landscaping and associated development

9. PLANNING APPLICATION - EPF/0641/24 - THE TOP OAK PUBLIC HOUSE, OAK HILL ROAD, STAPLEFORD ABBOTTS, ROMFORD, RM4 1JL (Pages 49 - 65)

To consider the attached report for the proposed design is for the addition of 5 flats; all of which are housed within new-build structures, with the existing flat retained at first floor within the existing pub.

10. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of

business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers: Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

Agenda Item 2

Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans Sub-Committees

Are the meetings open to the public?

Yes, all our meetings are open for you to attend. Only in special circumstances are the public excluded. If you wish to observe meetings live you can [view the webcast](#) on the Council's website. Alternatively, you can attend in person and will be seated in the public gallery of the Council Chamber.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Committee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. You can register to speak at the meeting either virtually via MS Teams or in person at the Civic Offices. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Services. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are generally allowed: Only one objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

What can I say?

You will be allowed to have your say about the application, but you must bear in mind that you are limited to **3 minutes**. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

If you are not present by the time your item is considered, the Committee will determine the application in your absence.

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee South or Area Plans Sub-Committee West you will either address the Committee from within the Council Chamber at the Civic Offices or will be admitted to the meeting virtually via MS Teams. Speakers must NOT forward the MS Teams invite to anyone else under any circumstances. If attending virtually, your representation may be supplied in advance of the meeting, so this can be read out by an officer on your behalf should there be a technical problem. Please email your statement to: democraticservices@eppingforestdc.gov.uk

Can I give the Councillors more information about my application or my objection?

Yes, you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details are available on [our website](#). Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

How are the applications considered?

The Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.

An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
 - (i) the Council's approved policy framework; or
 - (ii) the development or other approved plan for the area; or
 - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

Further Information

Further information can be obtained from Democratic Services, email democraticservices@eppingforestdc.gov.uk

Agenda Item 5

EPPING FOREST DISTRICT COUNCIL AREA PLANNING SUB-COMMITTEE EAST MEETING MINUTES

Wednesday 24 July 2024, 7.00 pm - 8.00 pm

Council Chamber - Civic Offices

Members Present: Councillors R Morgan (Chairman), M Dadd (Vice-Chairman), E Barnard, N Bedford, L Burrows, T Cornish, P Keska, J McIvor, J H Whitehouse and J M Whitehouse

Members Present (Virtually): Councillor T Bromwich.

Apologies: Councillor(s) C Amos, R Balcombe, I Hadley and S Jones.

Officers In Attendance: L Kirman (Democratic Services Officer), Sweeney (Senior Planning Officer) and R Moreton (Corporate Communications Officer)

Officers In Attendance (Virtually): S Dhadwar (Senior Planning Officer), M Picking (Democracy & Elections Apprentice) and M Rahman (Planning Officer)

[A RECORDING OF THE MEETING IS AVAILABLE FOR REPEATED VIEWING](#)

16 WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

17 DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Members' Code of Conduct.

18 MINUTES

RESOLVED:

That the minutes of the Sub-Committee held on 26 June 2024 be taken as read and signed by the Chairman as a correct record.

19 ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Sub-Committee.

20 SITE VISITS

There were no formal site visits requested by the Sub-Committee.

21 EPF/0736/24 - WYLDINGTREE, 66 THE PLAIN, EPPING, CM16 6TW

Members of the Committee received a presentation from the Planning Officer and representations from an objector and the applicant's agent. The Committee discussed the planning merits of the application.

Amendments to conditions 7,17,18 and 21 were proposed, seconded, and voted for by the Committee.

Decision: The Committee voted to [approve the application, with amended conditions, subject to a s106 Legal Agreement.](#)

22 EPF/1552/23 - 7A PIERCING HILL THEYDON BOIS CM16 7JN

The Chairman advised the Committee that Theydon Bois Parish Council had withdrawn their objection, as such in line with the Constitution, the decision was delegated to officers.

Decision: The Committee delegated the decision on this application to officers.

23 EPF/0450/24 - LAND EAST OF SHEERING LOWER ROAD, SHEERING LOWER ROAD, LOWER SHEERING, CM21 9LQ

Members of the Committee received a presentation from the Planning Officer and representation from the applicant's agent. The Committee discussed the planning merits of the application.

Decision: The Committee voted to [approve the application with conditions, subject to S106 legal agreement.](#)

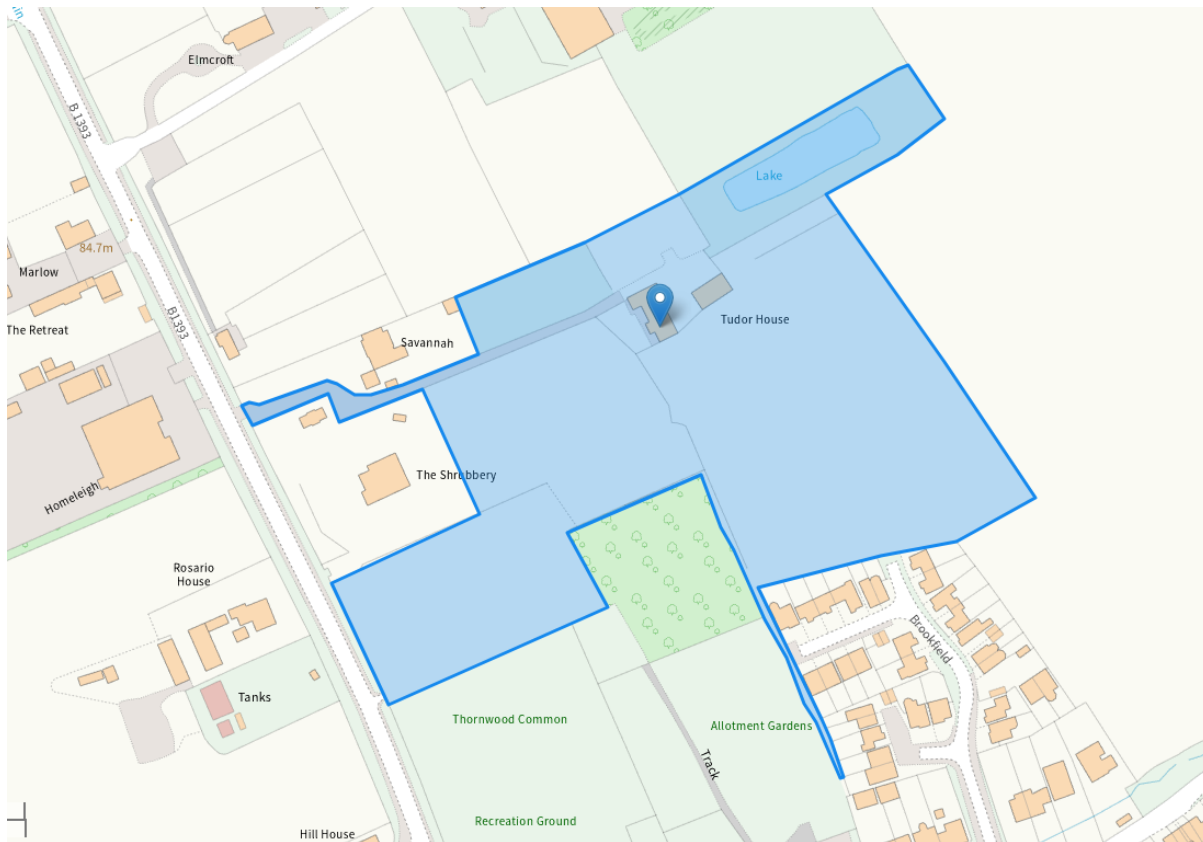
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CHAIRMAN

Agenda Item 8

OFFICER REPORT

Application Ref: EPF/0007/24
Application Type: Full planning permission
Applicant: c/o Agent
Case Officer: Sukhvinder Dhadwar
Site Address: Tudor House, High Road, Thornwood, Epping, CM16 6LT
Proposal: Residential development comprising residential dwellings (Use Class C3), together with car parking, garden spaces, a flexible café/commercial use (Use Class E) with vehicular access from High Road (B1393) external landscaping and associated development
Ward: Epping Lindsey and Thornwood Common
Parish: North Weald Bassett
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv0000000slB>
Recommendation: Approved with Conditions (Subject to s106 Legal Agreement)



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This application is before this Committee since it is an application for residential development consisting of 10 dwellings or more (other than an application for approval of reserved matters) and is recommended for approval (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council).

1. Recommendation:

That planning permission be **GRANTED** subject to:

The prior completion of a legal agreement (to secure the planning obligations set out below) within six months of the resolution to grant planning permission and subject to planning conditions.

The recommendation is given subject to the following section 106 heads of terms:

1) Financial Obligations

- Health Contribution £145,985.604*
- Education – Early Years £ 173,076.75*
- Primary £ 576,922.50 *
- Secondary £ £528,996.60*
- Primary School Transport - £ £785,279.88*
- Libraries - £8,713.60*
- Improvements to Bus Services £340,000 (ECC Highways)
- Travel Plan for one year monitoring fee of £1760 (ECC Highways)
- SAC mitigation – air quality mitigation £37,520
- SAC mitigation –Recreational pressure £38,418.24

*These figures have been extrapolated from the calculation methods within the original comments received from ECC Infrastructure and Growth section and the NHS to reflect the reduced number of dwellings. Whilst they have been reconsulted to allow them to provide updated figures no response has yet been made. Should they provide a response prior to the determination of this application which differs from the above figures then contributions sought will be amended to reflect their comments.

2) Non-Financial Obligations

- Affordable Housing

31% of the homes as affordable.

- Open Space and Green Infrastructure

Ensure that the public space is accessible (except by vehicle) at all times to the public without restrictions on its use and without payment.

Maintenance of the Open Space in perpetuity

- Highways

Section 278 agreement

Carrying out works to form the site access to the B1393 High Road and widen the footway on the site frontage to 2m.

- Community

Provision of the 're-use' centre prior to Occupation of the last dwelling

Provision of the community office space for North Weald Parish Council is to be made prior to Occupation of the last dwelling.

- Employment and Skills

The project is to employ 2 apprentices per £10m of construction value.

Apprentices are to be registered with the Council's apprenticeship team or a registered apprenticeship charity.

- Car Club

Prior to 90% Occupation, the four car club vehicles are to be provided for use by the residents of the development.

The car club vehicles are solely for the use of residents of the development and no membership fees are to be charged for their use.

- Bicycle Club

Prior to Occupation of the final dwelling, a minimum of 10 bicycles, for the free use by residents are to be provided.

The bicycle club storage areas will benefit from a minimum of one charging point per two bicycles.

- Playspace

implementation of the playspace strategy set out in the approved DAS and landscape plans prior to occupation of 90% of the open market sale dwellings.

2. Description of Site

2.1 The application site covers an area of approximately 3.29 hectares and currently consists of a number of green fields, a pond, and a detached house and garage.

2.2 The application site covers approximately four fifths of the full allocation (4.01 hectares) under THOR.R1. The remainder of the allocation extends to the north to include a green field owned by the owner of Happy Grow Nursery.

2.3 The existing vehicle access to the site is located off the adjacent High Road and passes between two detached residential houses, 'Savannah' to the north and 'The Shrubberies' to the south. This driveway is initially shared with Savannah before it forks and continues on to Tudor House.

2.4 The site is in a mixed residential and commercial area facing on to High Road, a rural street largely populated by commercial sites and a small number of houses. The site is bound by a residential building and greenfield site to the north, further green-field sites to the east, allotments and houses on Thornwood Common and Brookfields to the south and High Road to the west.

3. Description of Proposal:

3.1 The development proposal comprises 113 residential dwellings arranged as 97 houses and 6 flats. 3 of the flats will be housed in the upper floors of either one of two community buildings.

3.2 The breakdown of the type of residential units is laid out in the table below:

Type of unit	Floorspace (sqm)	Total number of units	Parking spaces per unit	Parking space total
2-bedroom 3 person	76	25 units total	1	25

3- bedroom 5 person	101	56 units	1	56
3- bedroom 6 person	121	14 units	2 spaces	28
4- bedroom 6 person	126	4 units	3 spaces	12
4 bed 7 person	133	7 units	2/3 spaces	21
4- bedroom 8 person	180	2 units	3	6
2- and 3- bedroom flats	84-105	6 units	1	6

Visitor Parking 4

- 3.3 There are a total of 162 car parking spaces.
- 3.4 35 of the units are proposed to be affordable.
- 3.5 A three-storey building at the entrance of the site will contain 120 sqm of 'Community uses' with residential above. Whilst no actual use has been confirmed for this building it envisioned that this could in future become a local café.
- 3.6 Another three-storey building will be positioned close to the 'lake' or pond in the northeastern section of the site. The ground floor will contain 32 sqm for the Parish Council Offices, a 16 sqm Kiosk, 43 sqm for use as a reuse and repair centre for residents of the development, 43 sqm as 'community fitness' and 35 sqm for bins and bikes. The remainder of this floor will be used as circulation space for the residential above.
- 3.7 The site will be accessed via a priority junction onto the B1393 High Road.
- 3.8 Bike stores and e-bike charging points included in design of the homes. 4 car club spaces are also proposed which will be delivered through the applicant's partnership with Nissan.
- 3.9 The Design and Access submitted with the application stipulates that the benefits of the scheme are :-
- The development would be delivered in line with our proprietary GS8 (Applicant) building framework, which is globally market leading Carbon Negative, Zero Waste, Zero Bills housing which is the most sustainable in the UK.
 - Significantly improved energy efficiency with estimated EPC A ratings of 110+.
 - The development will be fully electric and generate twice the energy demand on site through renewable power sources than annual demand.
 - Zero energy bills for residents.
 - All our buildings are primarily constructed with natural materials in prefabricated sections, resulting in faster and cleaner construction.

- Each house to have electric vehicle charging and communal traditional and electric bikes to be provided for residents.
- A significant number of new public realm and public spaces, including play areas, activation of the existing lake and outdoor break-out and seating areas.
- Reclaimed masonry will be used wherever possible for any non-timber facades.
- Our landscapes will consist of significant edible planting and is designed to be self-sustainable within the first two years.
- On-site facilities for residents will include a re-use centre and DIY workshop.
- All homes benefit from home working areas to reduce the need for travel and provide flexibility.

In accordance with the EIA Regulations the proposed development does not necessitate the requirement for an Environmental Impact Assessment (EIA).

4. Relevant History

4.1 No relevant history

5. DEVELOPMENT PLAN

- 5.1 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.
- 5.2 Epping Forest Local Plan 2011-2033 (2023)
- 5.3 On the 06 March 2023 at an Extraordinary Council meeting the Submission Version Local Plan was adopted by Epping Forest District Council. The now adopted Local Plan will be referred to as the Epping Forest District Local Plan 2011-2033.
- 5.4 The relevant policies are listed below:

Policy

- SP1 - Spatial Development Strategy 2011-2033
- SP2 - Place Shaping
- H1 - Housing Mix and Accommodation Types
- T1 - Sustainable Transport Choices
- DM1 - Habitat Protection and Improving Biodiversity
- DM2 - Epping Forest SAC and the Lee Valley SPA
- DM5 - Green and Blue Infrastructure
- DM6 - Designated and Undesignated Open Spaces
- DM7 - Heritage Assets
- 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
- DM17 - Protecting and Enhancing Watercourses and Flood Defences
- DM18 - On Site Management of Wastewater and Water Supply
- DM19 - Sustainable Water Use
- DM20 - Low Carbon and Renewable Energy
- DM21 - Local Environmental Impacts, Pollution and Land Contamination
- DM22 - Air Quality

5.5 NATIONAL PLANNING POLICY FRAMEWORK (December 2023)

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy is a material consideration in planning decisions.

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 relevant policies are listed below:

Paragraphs 11, 57 and 58;

- Section 5 Delivering a sufficient supply of homes;
- Section 9 Promoting sustainable transport;
- Section 8 Promoting healthy and safe communities;
- Section 11 Making effective use of land;
- Section 12 Achieving well-designed and beautiful places;
- Section 12 Protecting the Green Belt
- Section 14 Meeting the challenge of climate change, flooding and coastal change;
- Section 15.Conserving and enhancing the natural environment; and
- Section 16.Conserving and enhancing the historic environment.

6. Consultation and representations

6.1 Professional Responses

- Drainage - No objections subject to Conditions
- ECC Highways – No objections subject to conditions
- Environmental Health –
- Housing Enabling Officer – no objection.
- Trees & Landscaping – Objection will result in loss of trees as a result of inadequate consideration of growth shading and close proximity of the development to trees.
- Archaeology – no objection, subject to conditions
- Essex Policy Strategic Planning –
- North Essex Parking Partnership:
- Essex SUDS: No objection subject to conditions
- Place Services Ecology- Acceptable subject to conditions.
- Urban Design – See appendix 1.
- Essex Climate and Planning Unit Growth and Development: Fully supports the scheme.
- Natural England: An appropriate assessment should be carried out.
- ECC Green Infrastructure Environment and Climate Action.- No objection subject to conditions
- Public Health Improvement Officer: The Health Impact Assessment submitted with the application is supported.
- Thames Water: No objection subject to conditions
- Land Contamination Officer: No objection subject to condition.
- Hertfordshire and West Essex NHS: Financial contribution is sought.
- Air Quality: Objection , due to lack of information
- ECC Planning and Development: Financial Contributions Sought

- ECC Climate and Planning Unit Growth and Development: Support the application.

6.2 Resident Responses received:

26 ROWLEY MEAD, 17 WOODFIELD TERRACE, HAPPY GROW GARDEN CENTRE, 1 CARPENTERS HIGH ROAD, PEDNE, CARPENTERS ARMS LANE, MOOLTAN CARPENTERS ARMS LANE, ELMHURST THORNWOOD COMMON, 44 WEALD HALL LANE, SAVANNAH, HIGH ROAD, THE SHRUBBERY HIGH ROAD, IVYDENE, WOODSIDE, 57 UPLAND ROAD, 11 BROOKFIELD, 17 BROOKFIELD, 18 BROOKFIELD, 20 BROOKFIELD, 28 BROOKFIELD, OBJECT on the following grounds:-

- Overdevelopment
- Will add to congestion
- Increase in accidents
- Inadequate parking and turning
- Highway safety
- 30 mph speed limit would be welcomed
- Café will generate more traffic to the area
- The driveway up to the Tudor House Gates is co-owned by us with Tudor House. We are not prepared to allow access to any part of our co-owned section for any use such as a walkway.
- No access should be provided to Brookfield
- Loss of privacy
- Disruption during construction
- Noise pollution
- Light pollution
- Increase in flooding
- There are 3 other major housing developments proposed in the surrounding area of Thornwood, i.e. Thornwood Park, Latton Priory and 1050 homes in North Weald.
- Loss of wildlife;
- Loss of rural character
- should not prejudice the remaining land parcels and Happy Grow site coming forward
- Lack of amenities and infrastructure to support the development
- Site should not have been removed from the Green Belt

End House, 42 Lincolns Field, 13 Granville Road, 21 Woodberry Down, 5 George Avey Croft, St Anthony, Hastingwood Road, 5 Teazle Meadle, 9 Barn Mead, 6 Graylands, 6 Collard Green, 63 Higham View, The Brambles, Mill Street, Hydes Farm, Abridge, 13 Rowley Mead, Elmcroft, High Road, 35 London Road, 42 Coronation Hill, 24 Westall Road, 14 Beaconfield Road, 1 Long Hide, 4 Canes Cottages, Canes Lane, 2 Theydon Grove, 35 Forest Way, 12 Green Close, Gardeners Cottage, 30 Beaconfield Road, 8 Crown Close, 1 Vicarage Road, 2 The Avenue, 21 Laburnum Road, 23 Kingsley Road, 19 Mornington Road, Church Farm, 7 Stonards Hill, 8 Broadoaks, 30 Powell Drive, Fontenoy, The Street, 7 Upper Swaines, Fern Cottage Woodside, 32 Graylands, 95 Torrington Drive, 27 Elm Close, 7 Upper Swaines, Fern Cottage Woodside, 35 Forest Way, 4 Rookwood Avenue **SUPPORT** the application on the following grounds:-

- Need Housing
- The development offering affordable homes and zero energy bills for five years will greatly reduce costs for residents.
- The included community spaces will also benefit the local area.
- The initiative to offer zero energy bills for five years is also a good idea and is a good start for any home.
- Good that people can walk instead of driving.

6.3 Amenity Groups

Epping Forest Heritage Trust:

The potential impact of the development upon the Forest has not been reflected adequately in the documents supporting the application including the need to provide Suitable Alternative Natural Greenspaces (SANGs).

There need to be clear targets, information about current pollution levels and a timetable published about the possible introduction of a Clean Air Zone which is a key element of the air pollution mitigation strategy.

Potential impact of this, and other large-scale developments in the EFDC area, upon Epping Forest which is already suffering significant damage from increased footfall and air pollution from traffic.

The report does not appear to include assessment of the visual impact upon the Forest at Wintry Wood

additional traffic through the Forest (Wintry Wood SSSI is only some 500m away and the SAC under 6kms) and the impact this may have through increased air pollution.

The specific number of additional journeys through or close to the Forest is unclear. On the evidence presented, we cannot agree with the comment in the HRA (page 16) at least in relation to vehicle pollution, that:

“The likelihood of adverse impacts arising in terms of air quality are likely to be nugatory...”.

We welcome the sustainable transport proposals, including the innovative car sharing and pooling initiatives, but we remain concerned about the possibility of an additional 184 vehicles using local roads in, or close to the Forest. While we note that the ratio of dwellings to car parking is below Essex County Council’s maximum standards, if the intent is to reduce car use, and if there is confidence that the sustainable travel options will be successful, it would be preferable to restrict parking places in the new build and use a lower ratio.

CPRE:COMMENT

- Needs to be of high quality
- May increase Flood Risk
- Local Traffic Impact
- Additional Traffic harmful to the integrity of the EFSAC
- there are no current safe walking routes from the proposed development to the nearest Primary School which is located at The closest primary school which is Coopersale & Theydon Garnon CE Primary, which has a Published Admission Number of 30 pupils per year. At the last census in October 2023, the school were full in most year groups including Reception.
- The proposed development at Latton Priory to the north of the site does include new schools but these may not be built until 2030//31.
- There will be commuter travel to consider

6.4 PARISH COUNCIL: (comments dated 15 May 2024) Councillors agreed they were happy for two openings to link onto the Common from your development, broadly in the positions you suggested, however this is subject to the following:

1. Both access points being no greater than 2m in width
2. The provision of staggered barriers to stop motorbikes / quad Bikes, from coming through (pedestrian access only).
3. A pedestrian link between your development site and the other development site also included in the Local Plan located just north of your site (north of the pond) – this is to enable the site north of yours to have pedestrian access to the common too.

The Parish Council: (comments dated 29 January 2024) has NO OBJECTION to this application; however it does have the following concerns:

Members of the Parish Council had concerns impact that the traffic from the proposed scheme would have on the High Road, Thornwood, and also how traffic from this development integrates and intersperses with other development in the Parish and those nearby.

There was also concern in relation to drainage and water run-off from the site and Members felt it very important that there were plans in place to ensure that there was no impact which could lead to flooding issues on that site and its impact on other.

6.5 Development Management Forum (DMF)

A DMF was held on 29 November 2023. The concerns raised reflect those raised in the consultation responses received in relation to this application.

7. Main Issues and Considerations

In considering the merits of the application and its alignment with the requirements of the Development Plan, the following matters are relevant:

- Principle of the Development /Local Plan Allocation
- Impact on the Epping Forest SAC
- Housing Mix
- Provision of affordable housing and contributions towards Infrastructure delivery/ Viability
- Infrastructure
- Sustainability
- Heritage
- Place Shaping
- Trees and Landscaping
- Impact on neighbouring residential occupiers
- Ecology and biodiversity
- Parking and Highway safety
- Flood Risk and SuDS
- Air Quality
- Land Contamination
- Archaeology

7.1 Principle of the Development / Local Plan Allocation

- 7.1.1 The application site covers around four fifths of the full allocation under reference THOR.R1 (Land at Tudor House) for residential within policy P11 (Thornwood) of the Adopted Local Plan (2023).
- 7.1.2 The whole allocation has indicative net density of 35 dwellings per hectare and has an approximate net capacity of 124.
- 7.1.3 The proposal for 113 units has a net density of around 35 dwellings per hectares. The principle of the development therefore accords with policy SP1 and P1 of the Local Plan.
- 7.1.4 The site-specific requirements for THOR R1 (this site) are as follows:-
- 7.1.5 Design : A Development proposals should demonstrate that consideration has been given to the biodiversity and amenity value provided by Thornwood Common adjacent to the site. Development proposals must incorporate an ecological buffer along the Southern edge of the site to mitigate potential impacts upon Thornwood Common.
- 7.1.6 Trees along the southern boundary of the site are shown to be retained.
- 7.1.7 B. Development proposals for this site should be considered and informed by the Quality Review Panel.

- 7.1.8 The applicants presented a 117 unit and community /commercial unit scheme to Quality Review Panel during the Pre-application Stage on 23 November 2023.
- 7.1.9 The Panel advised that:-
It 'welcomes the landscape-led approach and focus on sustainability. However, the masterplan layout should be developed further to address placemaking, connectivity and legibility. The relationships between the fronts and backs of buildings, as well as the design of corner blocks should be reviewed. The panel would also like to see further detail of the hierarchy of streets and open spaces, as well as consideration of wider connectivity to address how people will access the site and connect with the existing community in Thornwood. This will be particularly important given the proposed demographic of younger families and first-time buyers.
- 7.1.10 The sustainability and energy ambitions for the scheme are laudable. The panel would like to see measures established through the planning application to ensure that these are delivered. However, the panel feels that the architecture and standard house types are too slavish to form factor and efficiency. It would like to see more joy introduced into the character of the buildings, to respond to site specific opportunities, responding to orientation and framing key views across the green belt.
- 7.1.11 The development of the landscape design, network of spaces and retention of the pond is welcome. However, the design team is urged to consider the streetscape as a distinct landscape typology. The reduction in parking is supported, but an assessment will be needed to ensure that the car club can be viable. Despite the reduction, some of the open spaces are still dominated by parking, particularly at the entrance to the site. Alternative arrangements should be considered, to reduce the visual impact and enhance the setting of the new homes and community building.'
- 7.1.12 The Panel also noted that the number of homes and proposed density felt appropriate, and the panel suggested that exceeding the site allocation is acceptable.
- 7.1.13 On-site Constraints
C. The site has potential access constraints. Development proposals should consider the need to widen and upgrade the existing access from High Street in order to ensure a safe access point which has sufficient capacity for the development it serves. Consideration should be given to the most appropriate access, including connectivity via Brookfields. The Access from the High Road. Due to neighbour objections to this link, it has not been provided. This requirement has therefore not been met.
- 7.1.14 Green Belt Boundary
D.As part of the development proposals, a new defensible boundary to the Green Belt will need to be established along the Northern edge of the site. Existing features in the landscape should be used as the new defensible boundary to the Green Belt along the Eastern and Western edges of the site. As part of the development proposals the existing feature along the Eastern edge of the site will need to be strengthened. This requirement has been met.

7.2 Epping Forest Special Area of Conservation

- 7.2.1 Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)

- 7.2.2 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 Adopted Epping Forest Local Plan.
- 7.2.3 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:
- a. Recreation activities arising from new residents (recreational pressures); and
 - b. Atmospheric pollution as a result of increased traffic using roads through the EFSAC.
- 7.2.4 Stage 1: Screening Assessment
- 7.2.5 This application has been screened in relation to both the recreational pressures and atmospheric pollution Pathways of Impact and concludes as follows:
- a. 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 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.
 - b. The development has the potential to result in a net increase in traffic using roads through the EFSAC.
- 7.2.6 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.
- 7.2.7 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.

7.2.8 Stage 2: 'Appropriate Assessment'

Recreational Pressures

- 7.2.9 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 requires all new residential development within 3 - 6.2km Zone Of Influence to contribute £343.02 per dwelling. Within this strategic context the Council is satisfied that the application proposal would not, as a result, have an adverse impact on the integrity of the EFSAC.

Atmospheric Pollution

- 7.2.10 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 application site is allocated for development within the Local Plan under reference THOR.R1 and provides less than the (approximately) 124 dwellings proposed for the whole of this allocation. The Strategic Habitats Regulations Assessment has therefore already accounted for the impact of this development on the EFSAC. Furthermore, 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.

7.3 Housing Mix

- 7.3.1 The proposal consists of four 2-bedroom flats; two 3-bedroom flats; twenty-five 2-bedroom houses; seventy 3-bedroom houses; and thirteen 4-bedroom houses. This mix broadly reflects existing housing need within the District in line with the requirements of policy H1 of the Local Plan.

7.4 Contributions for affordable housing and Infrastructure delivery/ Viability

- 7.4.1 Policy P11 (D) requires that Infrastructure requirements must be delivered at a rate and scale to meet the needs that arise from the proposed development, in accordance with the Infrastructure Delivery Plan. Specifically, development proposals in Thornwood will be expected to contribute proportionately towards the following infrastructure items:

7.4.2 Highways / Public Transport

- 7.4.3 The Highway Authority has requested that the applicant endeavours to introduce a 20mph speed limit through Thornwood and to provide new bus shelters with real time passenger information if the developers of the housing development approved under EPF/0332/22 at the Rosario site do not start works first. It is understood that the developer of the Rosario development will start Highway works in January 2025. This requirement is therefore not necessary to make the development acceptable in planning terms and therefore does not meet the limitations of the use of planning obligations under reg 122 of the Community Infrastructure Levy Regulations.
- 7.4.4 However the Highway Authority have requested £340,000 towards improvements to bus services and this stipulation has been agreed by the applicant.
- 7.4.5 Affordable Housing**
- 7.4.6 Policy H2 of the ALP requires that on development sites which provide for 11 or more homes, or residential floor space of more than 1000m² (combined gross internal area), the Council will require 40% of those homes to be for affordable housing provided on site. The type, design and mix of housing should also reflect that classified as market housing. This proposal should therefore provide 46 units as affordable, of which at least 35 should be for affordable rent and 11 should be in shared ownership.
- 7.4.7 H2 (D) requires that Major category proposals that do not accord with the requirements of paragraph H 2 (A) must be accompanied by a financial and viability appraisal (with supporting evidence), which is transparent and complies with relevant national or local guidance applicable at the time.
- 7.4.8 H2 (E) requires that where it has been demonstrated to the Council's satisfaction that the provision of affordable homes in accordance with the above levels and the preferred tenure mix as indicated by the most up-to-date evidence would render the scheme unviable, the Council will determine the approach to be taken to achieving viability, where appropriate, having regard to the following available options: (i) reviewing the tenure mix; (ii) reviewing the extent of other site specific planning obligations; and (iii) reviewing the proportion of affordable homes.
- 7.4.9 The initial submission of the application included a provision of a 40% affordable housing provision, however due to the level of required infrastructure contributions (see below) being greater than the applicant had anticipated, this offer was revised by the applicant to 35% then 31% of the dwellings being provided as Affordable (after discussion with the Registered provider in regard to actual costs). This percentage equates 35 units which are spread across the site. The tenure will be split to provide 57% of the units as affordable rent and 43% as shared ownership.
- 7.4.10 The 20 Affordable rent units will consist of two x 3 bed flats; four x 2-bedroom terrace houses, thirteen x 3-bedroom terrace and one x 4 bed house.
- 7.4.11 The shared ownership units will consist of six x 2-bedroom terrace houses and nine x 3-bedroom terrace houses.
- 7.4.12 10 of the houses are 2-bedroom 3 Person, in normal circumstances the Council would expect the 2-bedroom units to be 4 person sized. This is because they are 3 sqm short of the required 79sqm required by the Nationally Described Space Standards (2015).

- 7.4.13 However , the layout and configurations of the bedroom's sizes meet the technical sizes stipulated in the space standard. The 2 bedrooms comply with minimum dimensions of the space standard for a double or twin rooms, therefore, these units can function and are practical for a family of 4. Other benefits include the significant sustainability credentials, with energy neutral / zero bill in partnership with an energy company for the first 5 years along with environmental and community feature benefits of the scheme. Given these unique set of circumstances the Council and its registered housing providers accept these units. All other units meet NDSS space standards.
- 7.4.14 Policy D 1 provides that new development must be served and supported by appropriate on and off-site infrastructure.
- 7.4.15 Both policies H 2 and D 1 require that proposals that do not accord with these policies must be accompanied by a financial and viability appraisal (with supporting evidence), which is transparent and complies with relevant national or local guidance applicable at the time.
- 7.4.16 Policy T 1 (F) of the that Development will be permitted where it:
- a. does not result in cumulative severe impact on the operation and safety of, or accessibility to, the local or strategic highway networks;
 - b. mitigates impacts on the local or strategic highway networks and London Underground station infrastructure within the District, arising from the development itself or the cumulative effects of development, through the provision of, or contributions towards, necessary transport improvements, including those secured by legal agreement, subject to viability considerations.
- 7.4.17 Review of the Viability Assessment**
- 7.4.18 Viability evidence submitted in support of the application states that a full provision of residential accommodation and required infrastructure is not possible due to the high cost of the high-end bespoke specifications of the proposal which include sustainability measures. The applicant can therefore provide policy compliant 40% affordable housing provision if the infrastructure contributions do not exceed £1.3 million.
- 7.4.19 However, BNP Paribas in collaboration with STACE a costs consultancy, found after reviewing the submitted Viability Statement by DS2 LLP on behalf of the Applicant that the scheme can viably support both 40% affordable housing (46 units) at a tenure split of 26% shared ownership units and 74% Affordable Rented units as well as a financial contribution of up to £3,453,293.
- 7.4.20 DS2 rebut this claim in their letter dated 3 September 2024 citing that the build costs are greater than that allowed by STACE, comparisons with the current sale prices of homes within the Thornwood Park development cannot be made as they have not been sold yet and each plot of that scheme has parking. The level of professional fees required is also in dispute along with the time taken to construct the homes and what the landowner premium should be?
- 7.4.21 They state that the provision of 31% of the homes as affordable will allow for the following infrastructure contributions or they can provide:-
- i.£173,076.75 towards Early Years Primary Contribution
 - ii.£145,985.60 towards NHS Health Contribution
 - iii.£8,713.60 towards improvements to local libraries
 - iv.£576,922.50 towards Primary Education Facilities

- v.£773,381.70 towards Public and Primary Transport services
- vi.£37,855 towards SAC Mitigation (Air quality Mitigation)
- vii.£38,761.26 towards SAC Mitigation (Recreational Pressure)
- viii.£785,279.88 towards Secondary Education Facilities
- ix.£340,000 toward improvements to Bus Services along High Road and beyond Thornwood

7.4.22 These contributions total £2,879,976.29. This equates to £25, 486.51 per dwelling (excluding the 5% of the total contributions to be paid to EFDC as a monitoring Fee and £700 per contribution paid to Essex County Council for Monitoring Purposes.)

7.4.23 The Consolidated and Updated Viability Evidence 2020 allows for up to £22,000/ per dwelling for S106 costs. The infrastructure agreed to by the Applicant exceeds this amount.

7.4.24 In addition to the above payments; The developer will also be providing:-

7.4.25 Open Space and Green Infrastructure

Ensure that the public space is accessible (except by vehicle) at all times to the public without restrictions on its use and without payment.
Maintenance of the Open Space in perpetuity

7.4.26 Highways

Section 278 agreement
Carrying out works to form the site access to the B1393 High Road and widen the footway on the site frontage to 2m.

7.4.27 Community facilities

Provision of the 're-use' centre prior to Occupation of the last dwelling
Provision of the community office space for North Weald Parish Council is to be made prior to Occupation of the last dwelling.

7.4.28 Employment and Skills

The project is to employ 2 apprentices per £10m of construction value.
Apprentices are to be registered with the Council's apprenticeship team or a registered apprenticeship charity.

7.4.29 Car Club

Prior to 90% Occupation, the four car club vehicles are to be provided for use by the residents of the development.

The car club vehicles are solely for the use of residents of the development and no membership fees are to be charged for their use.

7.4.30 Bicycle Club

Prior to Occupation of the final dwelling, a minimum of 10 bicycles, for the free use by residents are to be provided.

7.4.31 The bicycle club storage areas will benefit from a minimum of one charging point per two bicycles.

7.4.32 Biodiversity

7.4.33 Implementation of the Biodiversity Net Gain strategy as indicated in the approved documents to meet a minimum of 10% Biodiversity Net Gain prior to the final occupation of the residential dwellings.

7.4.34 Playspace

7.4.35 Implementation of the playspace strategy set out in the approved DAS and landscape plans prior to occupation of 90% of the open market sale dwellings.

7.4.36 It is Officers opinion that given the industry leading sustainability credentials of this development, which run through all elements of the scheme and the ongoing costs to provide a car and bicycle club, along with the provision of community space and a 'reuse centre' will cost more for the developer than that which can be accounted for in an ordinary viability appraisal.

7.4.37 These features do put additional financial risk on the developer which cannot be fully known at this stage. Rejection of this application on the grounds that it provides 35 affordable homes now instead of the policy compliant 46, may therefore mean that the District loses the opportunity to gain these highly sustainable homes as well as the 35 affordable housing units now offered. Given this unique situation, it is therefore on balance considered acceptable.

7.5 Sustainability

7.5.1 The applicant advises that the fabric efficiency proposed is market leading in terms of thermal and air tightness properties. The applicant and Boehm Lynas (the architects for this scheme) have won the RIBA London Award 2024 for Sustainability.

7.5.2 The houses will be constructed in a panelised timber frame. Timber cladding will be used predominantly with reclaimed brick prioritised for facades where masonry finish is specified. Performance is achieved through detailing carried out in on-site fabrication facilities.

7.5.3 The parts of the house will be put together in an onsite factory during the construction phase of the development. The applicant will use standardised procurement and materials in order to reduce waste in the construction process.

7.5.4 The window sizes have been calculated for balanced environment in accordance with Part O compliance to avoid overheating.

7.5.5 The houses will be designed to have an air tightness of <0.3 m³.h⁻¹.m²@pa and ventilation to create cool interior during hot summer months.

7.5.6 Solar shading is proposed to limit overheating in larger ground floor glazing, maintaining high daylight levels in winter months.

7.5.7 All houses are designed to maximise form factor. Terraced houses predominate the scheme due to the form factor they achieve. Also simple volumes avoid difficult detailing and thermal bridging problems.

7.5.8 The proposal was reviewed by the ECC Climate and Planning Unit- Growth Development who advised that:-

This application is a great opportunity in Essex to provide healthy, energy efficient, climate resilient net-zero carbon in operation homes for the future residents of Thornwood. Not only can this opportunity reduce fuel poverty, enhance skills and supply chain growth in this emerging sector for the county, it provides homes that do not require future retrofit. The commitment to providing beyond net zero development, utilising key low carbon technologies such as solar photovoltaic (PV) panels, Mechanical Ventilation with Heat Recovery (MVHR), Air-Source Heat Pumps (ASHPs) and reducing demand through ultra-high performance, natural material specifications and low use appliances is to be highly commended.

- 7.5.9 *CaPU greatly welcomes this proposal, which will include carbon negative, zero waste, energy positive homes delivering net zero operational carbon as all energy is provided through on-site renewables, whilst meeting embodied carbon targets and advocating best practice through procurement of local, natural materials, implementing circular economy principles and meeting a very efficient water usage.*
- 7.5.10 *The development proposals demonstrate industry leading ambition in meeting net zero targets, placing them in key strategic alignment with ECC and the national target of net zero and the environmental objective of moving to a low carbon economy.*
- 7.5.11 *The applicant demonstrates well that window designs have been optimised to balance overheating, daylight and energy demanding, with external shading elements incorporated to reduce overheating to the larger ground floor glazing. The developments integrate landscape into the more build up areas contributes to enhanced air quality, passive cooling of the landscape on hot summer days, and a view onto green spaces from all homes.*
- 7.5.12 *The homes have been designed to achieve maximise the number of PVs on the roof to ensure highest yield of on-site production possible. The proposals demonstrate that the renewable energy generated by the PVs is estimated to be 650,500 kWh/yr which equates to double the energy being produced on site than is used by the homes within a year. This results in a savings of 6,727 tCO₂e in operational carbon over the 60-year design life of the homes. A direct comparison between the carbon savings of the PV and the embodied carbon associated with the systems (including replacement), shows that the PVs are providing an overall carbon saving of 3,820 tCO₂e.*
- 7.5.13 The sustainability credentials are a significant material benefit of the scheme in accordance with DM20 of Local Plan.

7.6 Heritage

- 7.7.1 Policy DM7 seeks to ensure that heritage assets are conserved or enhanced in a manner appropriate to their significance.
- 7.7.2 The residential property at The Shrubbery is Locally Listed. Given the distance of the proposed houses, the tree screening along the boundaries of the site and the compatible use, it is therefore considered that the special significance of the property in terms of heritage will not be excessively affected in accordance with policy DM7.

7.7 Place Shaping

- 7.7.1 Paragraph 126 of the Framework states that high quality design and the creation of high-quality buildings and places is fundamental to what the development and planning process should achieve.
- 7.7.2 Paragraph 126 also states that the creation of high quality, beautiful and sustainable 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.
- 7.7.3 Furthermore, paragraph 130 states (amongst other things) that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, optimise the potential of the site and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users. The National Design Guide (2019) reinforces the provisions of the NPPF by providing further guidance on urban design and place making.
- 7.7.4 The layout of the proposal has been influenced by the Victorian street grid pattern to maximise the efficiency of the site. The proposal will link the Thornwood Common with the lake and trail garden at the site's northeast through a series of streets and lanes.
- 7.7.5 All of the houses are 2 storeys high, the entrance unit at the entrance of site and the lake building near the pond have ground floors with commercial or community uses along with two floors of residential above.
- 7.7.6 External finishes include either plain, white or black horizontal cladding and brickwork for the walls.
- 7.7.7 Front gardens of houses include trees along with containers holding shrubs and climbers and hedgerows with edible species.
- 7.7.8 The Senior Urban Design Officer (detailed comments within appendix 1) has worked with applicants to improve the scheme, she now has a balanced assessment of the current scheme.
- 7.7.9 She raised concerns regarding the:
- Insufficient evidence has been provided to demonstrate that every living room proposed receives 3 hours of sunlight on March 21st (Spring Equinox).
 - Due to the position of existing trees proposed to be retained, there is concern that the units will not provide adequate internal daylight and sunlight and as a result cause these trees to be removed in the future. This is particularly the case for the properties fronting London Road.
 - Whilst it is noted that the proposal does provide links to the remainder of the allocation (Happy Grow Nursery), she raises concern in regard to lack of an access into Brookfield resulting in the development having poor connection to the wider community, but as stated above, this connection is not supported by existing residents of Brookfield and therefore this compromise was made.
 - She also raised concerns regarding the width of the tertiary street as given that there are parking spaces within them, they will have as much car activity within them as that generated

by the secondary streets and therefore should be of a similar width and should not be designated as 'Play Streets'.

- The form of the houses not adding to the quality of the area.
- Finally she raised concerns about the length of the terraces backing onto Brookfield failing to reflect the character of the surrounding area.

7.7.10 However she found the positives of the scheme to be:-

- The industry leading sustainability aspirations for operational carbon and embodied carbon and the BREEAM target of 'Outstanding' for the commercial unit could help to raise the standard for sustainable development within the District.
- The proposed height of 2 – 2.5 storeys across the scheme is in keeping with the character of the local area.
- Improvements have been made to proposed green and blue infrastructure and that, subject to high quality detailed design, the key open spaces of the trail garden, green edges and the wetland area will contribute to the climate resilience of the scheme.
- A retail offering to serve the village close to the main access location will be a benefit to the local community.
- The strong frontage onto High Road responds well to the road hierarchy. Along with new development across the road (THOR.R2), this will help establish a gateway to the village, encouraging lower speeds along London Road. The principle of a terrace facing towards High Road is supported in principle.
- A predominance of terraced housing is supported for the minimisation of form factor and thermal efficiency.
- The proposed height of 2 – 2.5 storeys across the scheme is in keeping with the character of the local area.
- Improvements have been made to proposed green and blue infrastructure and that, subject to high quality detailed design, the key open spaces of the trail garden, green edges and the wetland area will contribute to the climate resilience of the scheme.
- A retail offering to serve the village close to the main access location will be a benefit to the local community.
- The strong frontage onto High Road responds well to the road hierarchy. Along with new development across the road (THOR.R2), this will help establish a gateway to the village, encouraging lower speeds along London Road. The principle of a terrace facing towards High Road is supported in principle.
- A predominance of terraced housing is supported for the minimisation of form factor and thermal efficiency.
- All units meet minimum space standards. All floor to ceiling heights is 2.7m and that all dwellings are dual aspect. All amenity areas will receive sufficient daylight and sunlight. Whilst

it is noted that the width of the 2bed 3person rear gardens are only 4m wide, given that a house would be preferable to a flat, it is considered acceptable.

- Bins and bikes will be accommodated in convenient locations to the fronts and sides of properties.

- 7.7.11 Whilst the application site is located adjoining Brookfields, Savannah and the Shrubbery. It would also be accessed via a private road and have its own distinct hard landscaping and is representative of the time in which it will be constructed. Furthermore, the form is dictated by the benefits to sustainability that this design will achieve. These factors mean a different style to the surrounding vernacular is appropriate and as such is considered acceptable.
- 7.7.12 The proposed self - contained units have an adequate internal size outlook, layout and ventilation in accordance with principles laid out in the National Technical Housing Standards (2015).
- 7.7.13 The amenity space provision meets the requirements of policies DM9 A, D and DM10 (B) of the Local Plan.
- 7.7.14 The pedestrian access to Thornwood Common and pedestrian links to the remainder of the THOR.R1 allocation as requested by the Parish Council has been provided.
- 7.7.15 It is for these reasons along with the provision of car and bicycle clubs which further promote the sustainability credentials of this development outweighing the other limitations of the design and as a result is on balance considered to be of good design by Officers.

7.8 Trees and Landscaping

- 7.8.1 The NPPF requires that:-
- 7.8.2 “Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.”
- 7.8.3 Policy DM9 Epping Forest District Local Plan 2011-2033 (2023), - ‘ Development proposals must demonstrate that how the landscaping and planting has been integrated into the development as a whole.....’
- 7.8.4 Policy DM5 Epping Forest District Local Plan 2011-2033 (2023) – ‘Development proposals must demonstrate that they have been designed to Ai) retain and where possible enhance existing green infrastructureand (B) must be accompanied by sufficient evidence to demonstrate that:
- a. Bii) the provision of new trees, new landscape and water features.
- 7.8.5 The submitted Tree Replacement Strategy (MTC54P05) indicates 87 trees are to be removed, 148 trees are to be retained and 243 new trees are to be planted.

- 7.8.6 The Tree Officer has raised concerns in regard to the lack of trees in rear gardens. Whilst these comments are noted, it is considered that given the size of the gardens, planting a tree in some of them may compromise their future usability.
- 7.8.7 The Tree Officer raises concerns that within 5 years of planting those trees planted directly to the frontages of the houses, will already be touching the houses, and almost certainly be removed because they will be considered a nuisance. So, whilst they may improve green infrastructure it will only be for the short term.
- 7.8.8 This issue does not only relate to proposed new trees but will also be an issue for the units along the roadside, where the limes will require regular maintenance to prevent them from touching the building, as well as potentially thinning to allow for more light. They will also drop a sticky substance (honey dew) on anything beneath the crown.
- 7.8.9 The proposal therefore fails to meet the requirements of policy DM5 (A) and DM9 (F). Given that the site is allocated for development and the trees on the site are not protected; this harm is given moderate weight.
- 7.9 Impact on the living conditions of neighbouring residential occupiers**
- 7.9.1 The neighbouring residential property 'Savanah' has a side flank which will be at least 32m away from the side flank of the nearest residential properties located along the northern boundary of the site.
- 7.9.2 The front corner of this neighbour will also be set 23.5m away from the houses adjoining the Shrubbery's boundary. The distance will also be screened by trees.
- 7.9.3 The house at The Shrubbery will be separated from the rear elevation of new homes on its eastern boundary by 32.6m.
- 7.9.4 It will be separated by 24.3m from the northwestern corner of the group of terrace houses which have their side flanks facing the eastern boundary of this neighbour.
- 7.9.5 There will also be a gap of around 30m from the terrace of houses facing the High Road and those closer to the eastern end of the southern boundary with this neighbour.
- 7.9.6 There will be reduction in the open view that these neighbouring properties currently benefit from, however loss of a private view is not a material planning consideration.
- 7.9.7 The proposal will be separated from the rear elevations of 14 to 19 Brookfield by a distance of 20m. The nearest house to the side flank of 20 Brookfield is just over 18m away. There will also be a tree screen between the mutual boundary between the development and these neighbours.
- 7.9.8 It is for these reasons considered that the proposal will not have an adverse impact on neighbouring amenity in terms of loss of light, outlook, privacy or dominance.
- 7.9.9 The recommendations made in the submitted Construction Management Plan will be conditioned as part of any permission to ensure that pollution and nuisance from the construction of the development to the surrounding area is minimised.

7.9.10 A condition is also suggested requiring details of the ventilation and extraction details proposed for the commercial unit in order to prevent any nuisance from smells and odours being emitted as a result of the café use. It is on this basis that the proposal is considered to comply with the requirements of policy DM9 (I).

7.10 Ecology and biodiversity

7.10.1 Essex Place Services have reviewed the submitted Preliminary Ecological Appraisal and through the submission of further surveys during the course of the application, are now satisfied that subject to conditions that sufficient information has been submitted to allow the Council to discharge its duty in regard to protected in accordance with policy DM1 (G).

7.10.2 Whilst the information submitted with the application indicates that there will be a biodiversity net gain of 42.25%. This application was submitted prior to the provision of 10% biodiversity net gain becoming mandatory. Policy DM1 does require an improvement on the provision of the existing biodiversity on the site as a result of any development, however it does not specify a minimum requirement. The proposal is therefore considered to comply with this policy.

7.11 Parking and Highway Safety

7.11.1 The location of the proposed access has been agreed with ECC Highway Authority. Whilst they do not raise objection to the proposal, they note that the internal road dimensions do not accord with ECC Highway guidelines and therefore will not be adopting by them. They also raise issue with the level of parking provided however accept that the parking issues which may arise from the reduced provision will be contained within and managed by the developer and will not have a detrimental impact on highway safety or efficiency.

7.11.2 The proposal provides 162 parking spaces, the ECC Parking Standards requires that a minimum of 226 be provided.

7.11.3 The Essex Design Guide advises that while it is important to design developments that accommodate current standards and types of movement, it is also necessary to recognise and plan for the changes that will be brought about by future developments, not least the introduction of autonomous (self-driving) vehicles. This could result in changes to the streetscape such as the removal of on-street parking bays, the removal of street furniture associated with vehicular movement and the narrowing or tightening of roads, radii and junctions (due to the reduction in the additional space required to accommodate driver error). At present, definitive information regarding such changes is unavailable; nonetheless, all new developments should be designed with future adaptation in mind.

7.11.4 The Transport Statement advises that census data reveals that car ownership for this development will be in the region of 162 cars without any sustainable travel measures in place and so the need for travel options will be further supported by 4 residential only electric vehicle car club cars and a bicycle club for residents.

7.11.5 A recent study undertaken by CoMo UK 'Car Club Annual Report United Kingdom 2022', found that 22 private cars were replaced by each car club vehicle in the UK in 2021. This therefore demonstrates that the up to 4 car club vehicles that are proposed could effectively equate to 88 privately owned cars. This would therefore effectively increase the parking provision to 250 spaces.

- 7.11.6 All dwellings will have access to a sheltered and secure bike store that will allow for at least one space per unit for residents, with an additional one space per eight dwellings for visitor use.
- 7.11.7 The applicant advises that the Car Club vehicles will be provided on the site solely for the use of residents of the scheme. These will be provided by the Applicant through their partnership with Nissan UK, in which a dedicated booking system will be provided so that residents can utilise the car when they need. Residents will only be charged a small amount per use for insurance based on their age, experience and driving record. This will provide access to a car for many residents without the need of owning one.
- 7.11.8 It is expected that 2 vehicles will be provide on initial occupation of the development, the usage of these will be monitored and the number of vehicles increased up to 4 as necessary to meet demand.
- 7.11.9 Cycle parking will also be provided for the retail unit, with all long-stay spaces provided internally so that it is sheltered and secure, with all visitor spaces provided externally so that it is easily accessible.
- 7.11.10 An on-site mobility hub will also be provided in the north-eastern corner of the site which will include high class secure cycle parking, with maintenance facilities such as bike pumps and puncture repair kits. The mobility hub would also provide charging for electric bikes for both residents and visitors as well as complimentary bikes for on-site residents to use, therefore providing access to cycling without the need of owning a bike.
- 7.11.11 This development once built, will remain in place for over 60 years, in order to address air pollution and climate change issues, society should move away from car led development.
- 7.11.12 The dimensions of the parking spaces are generally 2.5m by 5m, the parking standards require that whilst this size is acceptable, the standard 3m by 5.5m is preferred, given the size of modern larger cars. However the whole housing development will be managed by the applicants, and any prospective purchasers /occupiers will be aware of these sizes prior to occupation and therefore, will attract only those who have smaller cars. These sizes are therefore considered acceptable.
- 7.11.13 In summary whilst it is accepted that the number of parking spaces are lower than that usually expected for a scheme of this size, it is considered given the sustainable credentials of the scheme and the hands-on approach to managing any future residential estate on this land; it is in this circumstance considered acceptable and in line with the requirements of policy T1 of the Local Plan.

7.12 Flood Risk and SuDS

- 7.12.1 The site is located within flood zone 1. The application has been reviewed by the Council's Flood Risk Engineer and Essex County Council SuDS who are both satisfied that the latest revisions submitted on 30 July are sufficient subject to conditions and that the proposal will not result in additional flood risk within and around the site. The proposal therefore complies with the requirements of Policy DM15 and DM16 of the Local Plan.

7.12.2 Thames Water have also been consulted as a key utilities provider and has raised no objections.

7.13 Air Quality

7.13.1 Policy DM9 and DM22 address issues of noise, vibration, fumes, odour, light pollution, air quality and microclimatic conditions likely to arise from any use or activities as a result of the development or from neighbouring uses or activities.

7.13.2 An Air Quality Assessment and subsequent Highways Technical Note have been submitted and assessed by Council Officers and air quality is considered acceptable subject to conditions pertaining to the construction phase of the development further details in regard to ventilation and extraction methods proposed for the commercial unit. Subject to these conditions the application is considered acceptable in terms of vibration, fumes and air quality in accordance with policy DM21 of the Local Plan.

7.14 Land Contamination

7.14.1 Phase 1 and 2 Contamination Reports were submitted with the application, after review of these reports the Contaminated Land Officer is satisfied that only a verification report is required to demonstrate that the recommended works contained within these reports has been carried out. This can be controlled by condition in accordance with DM21 of the Local Plan.

7.15 Archaeology

7.15.1 Policy DM7 requires:
Where development proposals may affect heritage assets of archaeological interest, an archaeological evaluation will be required.

7.15.2 The Specialist Archaeologist's response states that The Essex Historic Environment Record (EHER) shows that the proposed development is located near to known archaeology within Thornwood. The 1st edn. OS map and the 1777 Chapman and Andre map show at least one farmstead located within the proposed development area, one of a series of properties fronting onto the former Thornwood Common. There is cropmark evidence in the surrounding area, largely comprising former field-boundaries, but also including a rectilinear enclosure and the Scheduled moated site at Marshalls. There has been little archaeological fieldwork within the area, however the archaeological monitoring of the Matching Green to Ryehouse gas main and during the construction of the M11 has demonstrated the survival of multi-period archaeological remains. Recent fieldwork at Rosario on the other side of the High Street identified at least one cremation and other archaeological features. The medieval settlement pattern was largely strung out around the edge of the former commons, with individual farms and cottages scattered over the remainder of the area. There are a number of moated sites; these are thought to have their origins in the 12th and 13th centuries. The Historic Environment Characterisation for this area records medium potential for archaeology.

7.15.3 ECC therefore recommend pre-commencement conditions which would look at investigating the possibility of archaeological remains being found within the site. Pre-commencement conditions are required to either be agreed by the applicant, or consideration given to whether the application needs to be refused due to the lack of

agreement. If there is insufficient justification for refusal, then this type of condition should not be attached to any permission.

- 7.15.4 The applicant is not willing to accept this condition as it will delay construction and as a result heavy additional costs, consideration must therefore be given on whether there are sufficient grounds for refusal on this matter:
- 7.15.5 The site is outside of an Archaeological Priority Zone, the applicant has already carried out extensive borehole investigations throughout the site in order to survey the land for contamination and has provided the evidence to show the locations of these boreholes, these investigations found no evidence of archaeological features. Given the moderate likelihood of finding archaeological features on the site balanced against the urgent need for housing it is considered that the lack of an archaeological remains investigation is not on its own sufficient to justify refusal of the scheme.

8 Conclusion

- 8.1 The NPPF para 11(d) states that determinations must be made in accordance with the development framework unless material considerations indicate otherwise. The scheme has been assessed against this framework and officers have worked with the developer to ensure the scheme provides for the most beneficial outcome.
- 8.2 The proposal will bring development forward on an allocated site and the density proposed is in keeping with the site-specific requirements of THOR.R1. This full planning application has been submitted by the applicant company who will be the developer and estate manager for this development. 31% of the units will be affordable. Whilst this is not policy compliant it will make a positive contribution towards meeting the District's serious affordable housing need. These units will be tenure blind and as a result will promote mixed and balanced communities.
- 8.3 The Applicant has agreed to all the financial requirements to meet the needs of the development.
- 8.4 The whole ethos of the proposal is centred around addressing the issues that climate change is creating for the world. The use of natural resources will be conserved through the method of construction, materials used and features of the proposed homes resulting in a minimisation of waste and encouraging efficient use of those resources. This will mean zero or extremely limited bills for the new residents. The reduction in parking is also for this reason reduced from standard ECC Parking standards and will be managed by the estate to ensure that overspill of cars onto neighbouring roads will not occur. People who buy these homes will have to agree to the level of parking provided prior to purchase. A car club with 4 cars will be provided for residents. All residents will also have access to bicycles and community repair facilities. It will therefore promote sustainable modes of travel and limit future car use. Whilst this type of provision may be more common in Scandinavian countries, it will be a first for this District.
- 8.5 The proposal will also provide two 'community use' units which will also be of benefit to the wider community.
- 8.6 The close proximity of trees to homes may limit the future success of the landscape aspects of the design proposed and the level of sunlight some homes receive and from a permeability point of view there has been a missed opportunity to provide links into

Brookfield. However, this harm when balanced against the benefits of the scheme as a whole in regard meeting the District's housing need; providing homes which will create mixed and balanced communities as future proofing new residents against the impacts of climate change is on balance insufficient outweigh the benefits of the scheme. Officers therefore recommend approval of this application subject to a s106 agreement being completed to secure the above listed contributions and benefits along with the conditions listed below.

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: Sukhi Dhadwar

Direct Line Telephone Number: 01992 564597

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

Conditions: (46)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

23/262/100-Overview,
23/262/100-A, 3/262/100-B,
23/262/100-C,
047_BL_PL_EX-XX-DR-A—100 P1_Location Plan
047_BL_PL_EX-XX-DR-A--101_Existing Site Plan
047_BL_PL_EX-XX-DR-A--102_Existing Site Sections
047_BL_PL_SI-XX-DR-A-1504_P4 – Affordable Housing 2.9.24
047_BL_PL_SI-XX-DR-A-1620_P3 – Proposed Site Sections 8.7.24
047_BL_PL_SI-XX-DR-A-1505 –House Plot Schedule 7.6.24
047-BL-PL-H1-XX-DR-A-1501 2b3p Terrace (Type 1) 21.12.23
047-BL-PL-H2-XX-DR-A-1502 3b5p Terrace (Type 2) 21.12.23
047-BL-PL-H3-XX-DR-A-1503 3b6p Semi-D (Type 3) 21.12.23
047-BL-PL-H4-XX-DR-A-1504 4b6p Semi-D (Type 4) 21.12.23
047-BL-PL-H4-XX-DR-A-1504 4b7p Detached (Type 5) 21.12.23
047-BL-PL-H6-XX-DR-A-1506 4b8p - Detached (Type 6) 21.12.23
047-BL-PL-H7-XX-DR-A-1507 3b5p Gable Terrace (Type 7) 21.12.23
047_BL_PL_SI-XX-DR-A-1506 - Parking Plan 7.6.24
047-BL-PL-CL-XX-DR-A-1501_P2- Lake Building Plans 30.8.24
047-BL-PL-CL-XX-DR-A-1502_P1 - Lake Building Plans
047-BL-PL-CL-XX-DR-A-1620_P1 - Lake Building Section
047-BL-PL-CL-XX-DR-A-1710_P1- Lake Building Elevations

047-BL-PL-CU-XX-DR-A-1501_P2 - Community Building Plans 17.6.24
047-BL-PL-CU-XX-DR-A-1502_P2 - Community Building Plans 7.6.24
047-BL-PL-CU-XX-DR-A-1620_P1 - Community Building Section 7.6.24
047-BL-PL-CU-XX-DR-A-1710_P2 - Community Building Elevations
5811-BWM-XX-XX-DR-C-7010-P3 Surface Finishes Key Plan 17.06.2024
5811-BWM-XX-XX-DR-C-7010-P3 Surface Finishes Key Plan 17.06.2024
5811-BWM-XX-XX-DR-C-7010-P3 Surface Finishes Key Plan 17.06.2024
5811-BWM-XX-XX-DR-C-7013-P3 Surface Finishes Part Plan Sheet 3 17.06.2024
5811-BWM-XX-XX-DR-C-7014-P3 Surface Finishes Part Plan Sheet 4 17.06.2024
5811-BWM-XX-XX-DR-C-7200-P2 Road Details 17.06.2024
5811-BWM-XX-XX-DR-C-7300-P4 Drainage Key Plan 10.07.24
5811-BWM-XX-XX-DR-C-7301-P4 Drainage Part Plan Sheet 1 10.07.24
5811-BWM-XX-XX-DR-C-7302-P4 Drainage Part Plan Sheet 2 10.07.24
5811-BWM-XX-XX-DR-C-7303-P4 Drainage Part Plan Sheet 3 10.07.24
5811-BWM-XX-XX-DR-C-7304-P4 Drainage Part Plan Sheet 4 10.07.24
5811-BWM-XX-XX-DR-C-7500-P2 Drainage Details Sheet 1 10.07.24
5811-BWM-XX-XX-DR-C-7501-P2 Drainage Details Sheet 2 10.07.24
5811-BWM-XX-XX-DR-C-7502-P2 Drainage Details Sheet 3 10.07.24
5811-BWM-XX-XX-DR-C-7401-P1 Foul Drainage Schedules 10.07.24
5811-BWM-XX-XX-DR-C-7410-P2 Drainage Storm Sections Sheet 1 10.07.24
5811-BWM-XX-XX-DR-C-7411-P2 Drainage Storm Sections Sheet 2 10.07.24
5811-BWM-XX-XX-DR-C-7412-P1 Drainage Foul Sections 10.07.24
BWM 5811-Tudor House Thornwood Epping-FRA and Drainage Strategy - Rev 7
29.8.24
MTC054P02 Rev03 General Arrangement Plan 17.6.24
MTC054P03 Rev02 General Arrangement Plan 02 17.6.24
MTC054P04 Rev02 General Arrangement Plan 03 17.6.24
MTC054P05 Rev03 Tree Replacement Strategy 17.6.24
MTC054S01 Rev01 Street Sections Sheet 01 17.6.24
MTC054R02 Rev04 Landscape Design Report 17.6.24
BS5837- Tudor House - Arbtech AIA 01 - 08-07-24-1 Of 2
BS5837- Tudor House - Arbtech AIA 01 - 08-07-24-2 Of 2
BS5837- Tudor House - Arbtech AMS 01 - 08-07-24
BS5837- Tudor House - Arbtech TPP 01 - 08-07-24-1 Of 2
BS5837- Tudor House - Arbtech TPP 01 - 08-07-24-1 Of 2
047_BL_XX-XX-DAS-A- Design and Access Statement
N05-JT-Highways Response Note F7 (240617)
Tudor House Thornwood Bat survey alder ecology rkm - 14-06-24
Tudor House Thornwood Bird survey alder ecology rkm - 29-07-24
Remediation Strategy J23274 Discovery Strategy 14.08.2024, J23274A RMS Rev 0
14.08.2024
24352 - Tudor House - Thornwood - Daylight-Sunlight-Overshadowing Report - 5 July
2024
Epping Forest Thornwood Common AQ Note C 270624
Heritage Impact Assessment 9587A December 2023 HCUK Group
Landscape and Visual Appraisal – OS2777-23-Doc2 December 2023
External Building Fabric Report 18529-EBF-01_RevA by Clements Acoustics
Health Impact Assessment 13039 2.0 21 December 2023 by RPS Group.,

Transport Assessment December 2023 Caneparo Associates
Framework Travel Plan December 2023 Caneparo Associates
Planning Statement
Design and Access Statement
BREEAM Pre Assessment

Sustainability Statement by KLH Sustainability December 2023.

Construction Environmental Management Plan: Biodiversity Rev 1 21.8.24.

Construction Management Plan Tudor House Rev1_09082.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

3 The development shall be carried out in accordance with the Remediation Method Statement which includes the following works:-

- Remove contaminated soils and replace them with a clean cover system in garden areas - min. 600mm of clean top/subsoil with a geotextile membrane,
- In the event of reusing any of the site-won materials, the applicant is required to provide appropriate chemical testing,
- Any imported material must be tested to ensure is suitable for the proposed use,
- A watching brief/discovery strategy will be required during the development works,
- Submit Verification Report. If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

4 Development shall not commence until the developer has completed a binding agreement with an affordable housing provider agreed by the Council to facilitate delivery of 40 affordable housing units comprising an agreed mix of house types and tenures required by the associated legal agreement accompanying this permission.

Reason: The development requires sufficient safeguards to ensure delivery of the affordable housing element in order to comply with the requirements of policies H1 and H2 of the Adopted Epping Forest Local Plan and the NPPF,

- 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, These details must include the following:
- Final modelling and calculations for all areas of the drainage system.
 - Evidence of the appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage system.
 - Final detailed drainage plan which depicts the overall drainage design and includes the location and sizing of any attenuation features, exceedance and conveyance routes, and the final outfall location.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 163 state that local planning authorities should ensure development does not increase flood risk elsewhere. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

7 *Dust Monitoring*

1a) For a minimum of 1 month prior to works commencing, baseline dust monitoring with a minimum of 2 real time dust monitors must be conducted. The location of the monitors must be agreed with the Local Planning Authority's Environmental Health Team prior to monitoring commencing and must not be moved unless agreed with the Local Planning Authority's Environmental Health Team. Reference should be made to IAQM's Guidance on Monitoring in the Vicinity of Demolition and Construction Sites and/or the GLA's The Control of Dust and Emissions during Construction and Demolition SPG when proposing monitoring locations.

1b) Real time dust monitoring with a minimum of 2 monitors is required for the duration of the demolition, earthworks, and construction phases of this development. Any exceedances of the particulate threshold must be reported to the Local Planning Authority's Environmental Health Team within 1 working day of an exceedance being detected along with details of what measures have been implemented to stop any further exceedances from occurring. Should exceedances occur regularly or justified complaints from neighbouring properties regarding dust be received, regular monitoring reports may be required. The monitors must not be moved unless agreed with the Local Planning Authority's Environmental Health Team. Reference should be made to IAQM's Guidance on Monitoring in the Vicinity of Demolition and Construction Sites and/or the GLA's The Control of Dust and Emissions during Construction and Demolition SPG when establishing particulate threshold limits.

Demolition/Construction

2) The details and measures contained in the approved construction management statement must be fully implemented to the Council's satisfaction throughout the demolition and construction period.

The details and measures contained in the submitted Construction Management Plan must be fully implemented to the Council's satisfaction throughout the demolition and construction period.

Reason: Noise, General Disturbance, Ground Pollution, Dust and Other Air Pollution from demolition and construction works can impact greatly on the health and quality of life of people working on and living close to these sites if they are badly managed. To limit the impact of the construction work on the living conditions of residents living in close proximity to the site and to help support improvements to air quality in accordance with Policies, T1, DM9, DM21 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

8 Prior to the commencement of any works which will impact the breeding / resting place of bats, shall not in in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or

c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence."

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

9 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Alder Ecology UK Ltd, December

2023), Bat Survey and Assessment (Alder Ecology UK Ltd, June 2024) and Bird Survey and Assessment (Alder Ecology UK Ltd, July 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

- 10 Prior to their installation, full detailed drawings and photos of the external finishes including window and door finishes of the development hereby approved shall 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.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 11 Prior to the construction of any residential curtilage, 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, in writing. The approved boundary treatment shall be implemented prior to the occupation of the development and so retained.

Reason: To ensure a satisfactory appearance of the development and to ensure the safe movement of vehicles between the highway and off-street parking areas in accordance with Policies T1 & DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 12 Prior to the commencement of the use or operation of the commercial units falling within the E(b) use class, details of any extraction system for food preparation areas, or other processes which may produce odours and/or noise and vibration, shall be submitted to, and approved in writing by, the Local Planning Authority. The details submitted shall include the extract ventilation system and/or odour control equipment, including details of any external ducting and measures to control noise and vibration. The development shall be carried out in accordance with the approved details and such approved equipment shall thereafter be operated at all times when cooking is carried out and maintained in accordance with the manufacturer's instructions. The external ducting shall be removed when the authorised use of the premises for the sale of hot food ceases.

Reason: To safeguard the appearance of the premises and minimise the impact of cooking smells and odours in accordance with policies DM9 and DM21 of the Local Plan and the NPPF.

- 13 This permission shall be undertaken in accordance with the recommendations set out in the External Building Fabric Report reference 18529-EBF-01_RevA by Clement Acoustics dated 4 January 2024.
Reason: To provide an acceptable standard of residential accommodation in accordance with policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.
- 14 The development shall be implemented in accordance with the recommendations made in the Thornwood Sustainability Statement by KLH Sustainability December 2023 submitted with this application and retained as such thereafter.

Reason: To ensure the development contributes to supporting the Council towards a low carbon future and to ensure the development fulfills the very special circumstances on which approval was justified in accordance with SP2, DM9 and DM20 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.
- 15 Prior to first occupation, the applicant/developer shall ensure that each dwelling has been provided with the necessary infrastructure to enable its connection to a superfast broadband network or alternative equivalent service.

Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with Policies D5, DM2, DM9 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.
- 16 Prior to first occupation, 1 Electric Vehicle Charging Point for each dwelling that has a garage or allocated parking space and 1 Electric Vehicle Charging Point for every 10 properties that share unallocated parking shall be installed and retained thereafter for use by the occupants of the site.

Reason: To ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the EFSAC, in accordance with Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF
- 17 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.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability, in accordance with Policy DM19 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 18 Prior to the first occupation of the development the access arrangements, as shown in principle on submitted drawing 5227 -002 shall be fully implemented and retained for the life of the development. All details to be agreed with the Highway Authority, and to include, but not limited to the following:
- a, Provision of minimum visibility splays of 2.4m x 120m clear to ground level
 - b, A bellmouth with minimum radii of 6m with dropped kerb crossing points across it
 - c, Provision of 2m wide footways along the frontage and into the site
 - d, Widening to 2m (or the maximum achievable within highway if less than 2m) of the footway from the site access to the south to the junction of Weald Hall Lane.
 - e, Improvements to the pedestrian access route from Thornwood Common and High Road at the junction of Weald Hall Lane, which may include, but not be limited to the extension, widening and reconfiguration of the footway and any associated works to the street furniture required to facilitate this (signage, street lighting, fencing, barriers etc).
 - f, To undertake best endeavours to introduce a new 30mph speed limit through Thornwood, from approximately the point just to the north of the location of the pedestrian refuge island conditioned under application EPF/0332/22, to a point just south of the junction of Woodside, approx. 300m in length, with appropriate signing and lining as necessary, and gateway features to the north and south at the new 30mph signs.(see informative)
 - g, To undertake best endeavours to introduce Traffic Regulation Orders to prohibit parking on the High Road within the vicinity of the site and at the site access for a minimum of 15m into the site (see informative)
- Reason: To ensure that safe and appropriate access is provided in accordance with Policy T1 of the Adopted Epping Forest District Local Plan (2023) and the NPPF.

- 19 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers, and or Oyster cards, for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.
- Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF.

- 20 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

21 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.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

22 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.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

23 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development [or specified phase of development].
The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

g) Details of the body or organisation responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details

for a minimum of 30 years to deliver the required condition of habitats created.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended)

- 24 Prior to first occupation, details of the materials and design of the 'play space' and trail garden must be submitted to and approved by the Local Planning Authority. The play space must be built out and maintained in accordance with the approved plans and maintained as such thereafter.

Reason: To ensure a satisfactory appearance of the development, in accordance with PolicyDM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 25 Prior to any works above slab level, a Biodiversity Enhancement Strategy for biodiversity enhancements, prepared by a suitably qualified ecologist in line with the recommendations of the (Preliminary Ecological Appraisal (Alder Ecology UK Ltd, December 2023), Bat Survey and Assessment (Alder Ecology UK Ltd, June 2024) and Bird Survey and Assessment (Alder Ecology UK Ltd, July 2024)), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (as amended) and in order to ensure measurable net gains are being delivered and effectively maintained and in accordance with LPA's BNG Policy, allowing the LPA to discharge its duties under the NPPF (2023) in accordance with Policies SP2, DM1, DM5, and DM9 of the Epping Forest District Local Plan 2011-2033 (2023).

- 26 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved LEMP/Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

To ensure the GI are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure the high-quality and multi-functional benefits of GI assets in accordance with Policies SP2, DM1, DM5, and DM9 of the Epping Forest District Local Plan 2011-2033 (2023).

- 27 Prior to occupation, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

- 28 Notwithstanding the information shown on the submitted plans, details of the secure cycle parking (including the management of the cycle parking and relocation of visitor cycle parking) for the development shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The development shall be carried out fully in accordance with the approved details prior to first occupation of the development and shall be thereafter maintained as such for the lifetime of the development.
- Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and accessibility. 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, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 29 Prior to the first occupation of the development hereby approved, detailed plans and specifications for refuse storage and a refuse collection plan shall be submitted to and approved in writing by the Local Planning Authority (LPA). The details shall include, but not be limited to:
- The location, design, and capacity of refuse storage areas.
 - The types of refuse bins to be used, including provisions for recycling.
 - Measures to ensure the refuse storage areas are accessible and convenient for all residents.

- Arrangements for the regular collection and disposal of refuse, including collection times and frequency.

The development shall be carried out in accordance with the approved details with refuse, waste and recycling storage being provided before the development is first brought into use and together with the management plan shall be subsequently implemented in full and thereafter maintained and available for use for the lifetime of the development.

Reason: To ensure adequate provision is made in a suitable location, in accordance with Policies DM11 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 30 Prior to the first use or occupation of the community /commercial uses as hereby permitted, the building shall have been constructed or modified to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and agreed, in writing, by the Local Planning Authority. The insulation shall be maintained as agreed thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, In order to minimise the impact of any low frequency noise from music which will affect the amenity of local residents, in accordance with policy DM9 and DM21 of the adopted Local Plan and Policy and the NPPF.

- 31 Prior to first occupation of the development, plans and supporting information of the detailed design of the access points to the Site from Thornwood Common shall be submitted to and approved by the Local Planning Authority.

The details submitted shall include

(1) both access points being no greater than 2m in width.

(2) The provision of staggered barriers to stop motorbikes / quad Bikes, from coming through (it should be pedestrian access only).

The development shall be carried out fully in accordance with the approved details and shall be thereafter maintained as such for the lifetime of the development.

Reason: To ensure the safe movement of vehicles between the highway and off-street parking areas and to ensure a satisfactory appearance of the development, in accordance with Policies T1 & DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 32 Prior to first occupation of the development, plans and supporting information of the detailed design of the access point from the Site to the northern section of the THOR. R1 allocation adjoining the application site shall be submitted to and approved by the Local Planning Authority.

The development shall be carried out fully in accordance with the approved details and shall be thereafter maintained as such for the lifetime of the development.

Reason: To ensure the safe movement of vehicles between the highway and off-street parking areas and to ensure a satisfactory appearance of the development, in accordance with Policies T1 & DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 33 The commercial units hereby approved shall be used for Class E (b), and (e) and F.2 (a) and (b) and for no other purpose (including any other purpose in Class E or F of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or reenacting that Order.

Reason: In the interest of proper planning and to ensure that full consideration is given by the Local Planning Authority to any alternative in the interests of In the interest highway safety and safeguarding habitats and species of significant ecological importance within the Epping Forest Special Area of Conservation, in accordance with Policy T 1, DM2 and DM22 of the Local Plan and the NPPF 2023.

- 34 The commercial / community uses hereby approved shall only operate between the hours of 7:30 a.m. to 7:30 p.m. Mondays to Fridays and 8:30 a.m. to 6 p.m. Saturdays, and at no time on Sundays or Bank Holidays.

Reason: To protect the amenities of adjoining occupiers in accordance with Policy DM9 (I) of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 35 The proposed dwelling(s) hereby permitted shall be built in accordance with Part M4 (2) of the Building Regulations.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households, in accordance with Policy H1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF

- 36 The private and communal amenity spaces shall be laid out and implemented in accordance with the approved plans and shall not be used for any other purpose. The communal amenity spaces shall be retained for the use of the occupiers of the development for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the living conditions of future occupier and to comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3, DM5 & DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 37 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 08:00 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.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 38 Prior to the first occupation of the residential units hereby approved, details of the management and maintenance plan, inclusive of responsibilities for all elements of the drainage system as well as the maintenance activities/frequencies shall be submitted to and approved to the Local Planning Authority. It is expected that the final strategy submitted is in line with the principle of the details set out in '5811-BWM-XX-XX-RP-C-0001-ISSUE 7' and the above must be detailed within a written report summarising the final strategy and highlighting any minor changes to the approved design. 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

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 39 The approved Construction Environmental Management Plan: Biodiversity Rev 1 21.8.24 shall be adhered to and implemented throughout the construction period unless otherwise agreed in writing by the local planning authority
Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

- 40 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policies DM15 and DM16 of the Adopted Local Plan and the NPPF.

- 41 Prior to the first occupation of the development hereby approved, an Estate Management Plan shall be submitted to the Local Planning Authority and approved in writing. The Plan will set out the Owners responsibility to manage the following:

- Management of car parking
- Maintenance across the communal areas of the Site including repairs street infrastructure and communal buildings.
- The Site will be managed in accordance with the approved Estate Management Plan in perpetuity unless agreed with in writing.

Reason: The success of the scheme can only be achieved, if it is properly managed and maintained in accordance with Policies SP2, DM5, DM9 and T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 42 Prior to the first occupation of the community uses hereby approved, shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include which use class under the Use Classes Order 1987 (amended) the activities proposed, shall fall within; the hours of use and intensity of use. The development shall be implemented before occupation in accordance with the approved details and so retained.

Reason: In the interests of general amenity in accordance with policy DM9 and DM21 of the Local Plan.

- 43 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written agreement of the Local Planning Authority.

Reason: The ensure further consideration is given with regards to the effect on the character and appearance of the area, and in the interest of highway safety, in accordance with Policy DM9 & T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 44 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.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 45 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, AA, B, C, D and E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: The ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties], in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 46 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows [other than those expressly authorised by this permission shall be constructed on any upper floor elevation, without the prior written agreement of the Local Planning Authority.

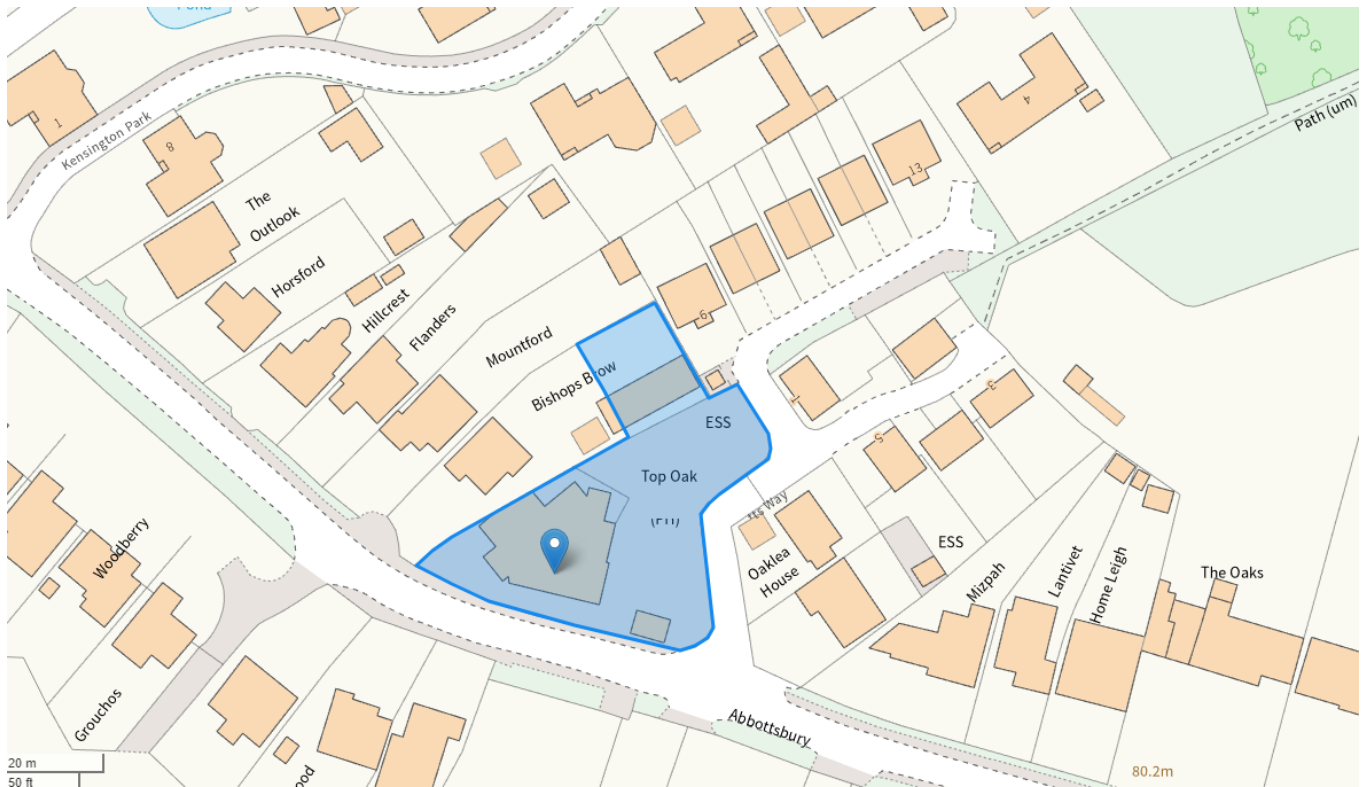
Reason: The ensure further consideration is given with regards to the effect on the living conditions on adjoining properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (2)

- 47 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 48 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.

OFFICER REPORT

Application Ref: EPF/0641/24
Application Type: Full planning permission
Applicant: Mr Peter Lewis
Case Officer: Sukhvinder Dhadwar
Site Address: The Top Oak Public House, Oak Hill Road, Stapleford Abbots, Romford, RM4 1JL
Proposal: The proposed design is for the addition of 5 flats; all of which are housed within new-build structures, with the existing flat retained at first floor within the existing pub.
Ward: Passingford
Parish: Stapleford Abbots
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv0000004V6r>
Recommendation: Approved with Conditions (Subject to s106 Legal Agreement)



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This application is before this Committee since the recommendation is contrary to at least 5 representations received (including from a local council or local amenity group) that are material to the planning merits of the proposal.

Description of Site:

The application site covers an area of 0.22 hectares. It is located on the northern side of Oak Hill and is west of Abbots Way. It is currently in use as a public house.

A public right of way runs along Abbots Way. The site falls outside of the Green Belt.

Description of Proposal:

Permission is sought for the addition of 5 flats; all of which are housed within new-build structures, with the existing flat retained at first floor within the existing pub.

Flat no.	Number of bedrooms	Floor area sqm	Amenity space sqm
Flat 1 (GF)	1 bed 2 person	51.8	22.5
Flat 2 (GF)	2 bed 4 person	73.7	35.9
Flat 3 (GF)	2 bed 4 person	74.4	20
Flat 4 (FF)	2 bed 3 person	68.2	6
Flat 5 (FF)	2 bed 3 person	63.2	8.9

74 sqm of communal amenity space will also be provided.

11 standard and 1 mobility car parking spaces are proposed for the residents and 20 will be retained for the pub /restaurant use.

Relevant History:

Reference	Description	Decision
EPF/0717/11	New metal external staircase.	Refused
EPF/2190/13	Outline application for five detached dwellings with garages.	Withdrawn
EPF/1023/14	Rationalisation of public house grounds and revised access	Approved
EPF/1024/14	Outline application for five dwellings including determination of access, layout and scale.	Approved
EPF/0090/15	Erection of five dwellings (Revised application to outline consent EPF/1024/14)	Withdrawn
EPF/1601/15	Five detached four-bedroom houses.	Approved
EPF/0267/16	Revised application to existing approval for five houses. Internal layout changes and insertion of dormers and rooflights.	Refused
EPF/1429/16	Existing approval for five houses ref: EPF/1601/15. Internal layout changes and insertion of dormers and rooflights.	Approved
EPF/2852/19	Provision of a gate which will allow vehicular access to the site with open pedestrian access.	Approved
EPF/0624/23	the addition of 6 flats; all of which are housed within new-build structures, with the existing	Refused

flat retained at first floor within the existing pub.

The development would result in the loss of floorspace serving a community, leisure and cultural purpose. The existing public house is further compromised by the lack of detail provided to satisfy the Council that remaining facilities will be equivalent or better in terms of quality, quantity and accessibility and it has not been demonstrated that there will be no overall reduction in the level of facilities in the area in which the existing development is located. In addition the residential use in close proximity to the pub will further undermine its usability and as a result, its viability. The loss of the facility would reduce employment in the area; undermine the village as a sustainable place and would be harmful to local community cohesion. The proposed development is therefore contrary to policy D4 of the Adopted Local Plan (2023) and chapter 8 of the NPPF.

The proposed dwellings due to their number, bulk, mass and position represents an overdevelopment of the site resulting in a cramped appearance. This is demonstrated by the distances between the dwellings and the existing pub and neighbouring properties resulting in poor usability of the amenity space, overlooking and noise and other disturbances for the future occupiers. The proposal would therefore be a poor-quality form of development which is contrary to the requirements of chapter 12 of the NPPF, DM5, DM9, DM10 and DM21 of the Adopted Local Plan (2023).

As far as can be determined from the submitted plans the applicant does not appear to control sufficient land to provide the required vehicular visibility splays for the speed of the road, for the proposed access. The lack of such visibility onto Oak Hill Road, a classified 'Class B' road, would result in an unacceptable degree of hazard to all road users to the detriment of highway safety and as such is contrary to the requirements of Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023).

The application does not provide sufficient information to satisfy the Council, as competent authority, that the development has not adversely affected the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the development should be permitted. As such, the development is contrary to policies DM2 of the Adopted Local Plan (2023), and the requirements of the Habitats Regulations 2017.

DEVELOPMENT PLAN

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Epping Forest Local Plan 2011-2033 (2023):

On the 06 March 2023 at an Extraordinary Council meeting the Submission Version Local Plan was adopted by Epping Forest District Council. The now adopted Local Plan will be referred to as the Epping Forest District Local Plan 2011-2033.

The relevant policies are listed below:

Policy

SP1 - Spatial Development Strategy 2011-2033

SP2 - Place Shaping
H1 - Housing Mix and Accommodation Types
T1 - Sustainable Transport Choices
DM1 - Habitat Protection and Improving Biodiversity
DM2 - Epping Forest SAC and the Lee Valley SPA
DM5 - Green and Blue Infrastructure
DM7 - Heritage Assets
DM8 - Heritage at Risk
DM9 - High Quality Design
DM10 - Housing Design and Quality
DM15 - Managing and Reducing Flood Risk
DM16 - Sustainable Drainage Systems
DM17 - Protecting and Enhancing Watercourses and Flood Defences
DM18 - On Site Management of Wastewater and Water Supply
DM19 - Sustainable Water Use
DM20 - Low Carbon and Renewable Energy
DM21 - Local Environmental Impacts, Pollution and Land Contamination
DM22 - Air Quality
D4 Community, Leisure and Cultural Facilities

NATIONAL PLANNING POLICY FRAMEWORK (JULY 2021)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either; (a) approving development proposals that accord with an up-to-date development plan without delay; or (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

Consultation Carried Out and Summary of Representations Received

Responses received:

13 ABBOTTS WAY, BROOKEND OAK HILL ROAD, HARWOOD OAK HILL ROAD, CLOVERLY OAK HILL ROAD, MON ABRI OAK HILL ROAD, FLANDERS OAK HILL ROAD, , THE GAYTONS OAK HILL ROAD, 3 emails no address given OBJECT on the following grounds:-

- Overdevelopment of the site and village

- Out of character with area
- Will cause traffic congestion
- Inadequate parking
- Loss of highway safety
- Over saturation of homes in this location already, infrastructure cannot cope with more.
- This site has already avoided any obligation to build social housing due to filing now three separate planning applications. Initially one for 5 houses, this followed by an application for 8 and now another 5 making 18 in total for the same developer and site. Whilst this is a technicality it is still overdevelopment of a site which used to comprise of a pub and restaurant, a garden and a large car park. The proposals will mean a site with 18 properties and a small bar.
- The restaurant will under the current plans be lost, causing partial loss of a community facility contra to statements on page 38. The documents provided state that ‘ the proposed side extension should not appear as a bulky addition and as an unsympathetic addition as this will have an impact to the street scene and wider area’
- Despite changes to the original plans in pre application the structure will still affect surrounding neighbours and create an unsightly view.
- In relation to Bishops Born, the residents parking is planned for Bishops Born garden where the structure referred to in the documents has already been removed. Should parts of this application therefore be for Bishops Bron rather than the Pub site?
- The plans suggest over 50% of the existing property to change to residential accommodation from what is currently a service provider.
- The plans refer to removing an illegally built building which has already been removed.
- The planning committee have failed to listen to residents over recent years and have continued to permit over development not in keeping with a village. Some even on green belt land. This needs to stop as the village just can’t cope and is beginning to resemble a concrete town not a village.
- We have a skeleton bus service with none on a Sunday, so cars are essential. One small village shop, overhead power which often fails, and inadequate drainage causing flooding on a regular basis.

PARISH COUNCIL: We as Stapleford Abbots Parish Council object to the proposal to build further residential properties in Stapleford Abbots; this is unacceptable as the local plan identifies 47 new properties and we currently have 153 agreed for planning which is an excess of 106 in a village of approximately 1000 properties.

· Overdevelopment on site and overcrowding in the village: This site has been developed very heavily over the last few years, and this proposal would create an overdevelopment of site and the confined, built-up area as a whole. Ironically, many new build houses in the vicinity have not yet sold and are rented or empty, which suggests that the village does not need any extra buildings.

As seen below, the new applications vastly exceed the recommended number of new dwellings laid down in the Local Plan for the village:

ADDRESS	EPF NO	DWELLINGS ON RECORD
Esperanza Nursery	3242/21	8
Woodside Farm	3180/21	9
Woodlands Farm	3073/21	9
The Drive	2875/21	6
The Haven	2449/21	2
Redbridge	1451/20	2
High House Farm	0524/20	20

Spencers Farm	2579/19	6
Rear Royal Oak	We already have	5
Maes Mawr	We already have	3
Argyl	EPF/0291/19	1
Oak Hill Green	EPF/0216/20	42
Kensington Park Tower	EPF/2622/22	1
Land adj. Esperanza	EPF/0557/23	2
The Cot	EPF/0637/23	1 (barn conversion)
Rowlands	EPF/1647/22	2 from 1 demolition of 1
Olives Farm	EPF/1428/23	2
Chatsworth Mews	EPF/3242/21	8
Kensington Park	EPF/0129/23	3
Stapleford Farm	EPF/0238/19	6
The Stables	EPF/0933/23	1
The Pillars	EPF/0311/23	8 (3 conversions 5 new build)
Top Oak Flats	EDF/0624/23	6
		153 as of 8/8/23

SUBMISSION VERSION OF THE LOCAL PLAN STATES:

Stapleford Abbots 5.153

· There are site allocations in Stapleford Abbots - these settlements are inset from the Green Belt.

Residential Sites 5.154

Policy SP 2 sets out the number of homes the Council will plan for in Stapleford Abbots over the Plan period which is as follows:

· **Stapleford Abbots approximately 47 homes.** *(Officer comment: Adopted Local Plan has reduced this to approximately 33 para 5.150 and policy P12 (B)).*

5.155 The Council considered the possible spatial options to accommodate new homes.

· Stapleford Abbots Intensification - This option provides opportunities to maximise existing brownfield land and promote infill by focusing development on lower performing Green Belt land immediately adjacent to the settlement.

Further objections from the Parish Council

· Out of keeping with the rest of the village: The proposed development is denser than any other in Stapleford Abbots, and its design is very bland and is not the same aesthetic as the pub building, let alone the settlement's detached & semi-detached housing. It states that flat sizes meet London minimum sizes -

do we follow the London sizing, which is news to us. It sounds like an extremely small scale.

· Social impact: The Top Oak is central to Stapleford Abbots literally and figuratively. It is a popular social meeting point and social hub for residents and more. The village has very few amenities – a limited bus service and currently, no shop, so this development both burdens and robs the infrastructure.

· Impact on the pub as a viable business: The plans say half of the existing property would become residential from what was a service provider. The proposal reduces the size of the Top Oak as a pub and restaurant, which we fear would affect its commercial viability and cause it to be closed as a business and social amenity (and encourage the site to be put up for residential usage) There are very few commercial businesses in this parish, so the loss of local employment would be detrimental too.

· Traffic safety re. parking: The reduction in car parking to the pub (there are mooted to be 13 parking spaces for the Top Oak's customers) will result in inadequate provision and encourage parking on Oak Hill Road, which is notorious enough in the neighbourhood already. The 13 spaces for the pub are not enough –

the car park has been whittled down over the years by two other developments in back.

- Anomalies: The plans mention removing an illegally built building, but this has already been removed. The neighbouring garden is being included for parking, but this is not clear on the plans: residents parking is planned for Bishops Bron garden where the structure in the documents has been removed. Should parts of this application therefore be for Bishops Bron rather than the pub site? The application also affirms that no trees are affected but the proposal says that some will be removed.
- Road safety: Oak Hill Road is a busy road, potentially busier once High House Farm and Oak Hill Green are built, and this development will create traffic congestion and an increased risk of road traffic accidents. The small size of the access point and smaller yard space will also force delivery lorries to park in the road, adding to the hazard.
- Serious safety hazards: There are two entrance/exits to this site and both are on a bend which is notorious for near misses. The vehicular access point itself is on a bend with poor sight lines, also creating the risk of road traffic accidents for both drivers and pedestrians. We require clarity over our concerns of the accessible parking entrance being on a blind bend. This will also create problems for emergency services, and refuse collections; being on a bend, it won't be an ideal collection point.
- We request an updated highways report due to the locality.
- Noise nuisance: A pub and restaurant next to or on the site of this proposed residential development would pose an obvious risk of noise disturbance to its new immediate neighbours.
- Utilities: More development in Stapleford Abbots, here and nearby, risks extra strain on underground drainage, which is already overstretched and struggles especially in severe weather conditions. The area suffers from regular power cuts and this development would further strain the electricity system.
- Social housing: This site has already circumvented the obligation to build social housing, as it has put in three separate planning applications - one for 5 houses, one for 8 and now another 6, which adds up to 19 in total; the developers are different, but the site is the same.
- Local knowledge: The map that marks places of historical interest does not reflect the locality – it lists Havering Atte Bower and not nearer places like Stapleford Hall. We are concerned that the planning officer does not know the area. We also note that the 2001 and 2011 census results are quoted – there has been a more recent census in 2021 and the village has expanded greatly in number between 2001 and now. It also says the village is about a mile long, but we believe it is longer than that – perhaps cancelling our traditional designation as a small village. The application fails to mention that the map produced in areas of local special interest is not of our village (Page 12).

Please note that should this come to Committee our Chair will register to speak.

Letters of **SUPPORT** from **1 ABBOTS WAY and BISHOPS BROW (Applicant's ownership)**

Positive addition to the area.

The proposal will not negatively impact Bishops Brow, our windows face the boundary fence and will remain unaffected by the new construction. Additionally our rear garden will not be affected. The new carpark will benefit pub and apartments.

Pub will suffer if not approved.

Main Issues and Considerations:

Local Plan

As part of the process of producing the emerging Local Plan, work was undertaken to establish what economic and housing growth was required for the plan period 2011-2033. This application site has not been through the site selection process carried out by Arup.

Policy SP 1 of the LP indicates that Coopersale, Fyfeild, High Ongar, Lower Sheering, Sheering and Stapleford Abbots has a combined growth requirement of 161 homes over the plan period. This target will be achieved through sites allocated under policy P 12, of which the application site is not one.

Policy P12 has one allocation for residential development. Its reference is STAP. R1, this site was allocated to provide 33 homes within the LP, however, the planning approval under reference EPF/0216/20 permitted for 42 homes.

Additional 'windfall' sites will be permissible under Part B of Policy SP 1, within defined settlement boundaries, where it is demonstrated that there will be no harm to integrity of the EFSAC and where they comply with all other relevant policies of the Local Plan.

The number of units proposed are less than 6 and therefore the development falls within the 'windfall' category. The site is also within a settlement outside of the Green Belt and in flood zone 1. The proposal therefore meets the requirements of a windfall site.

Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)

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

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concludes 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 parts of the methodology underpinning the appropriate assessment HRA 2019, 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 the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

Recreation activities arising from new residents (recreational pressures); and

Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

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

The site lies outside of the 6.2 km 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 will not result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.

The development has the potential to result in a net increase in traffic using roads through the EFSAC. Therefore the proposal has the potential to result in a likely significant effect on the integrity of the EFSAC as a result of atmospheric pollution.

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 Pathway 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.

Conclusions:

The Council is satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions as set out above, the application proposal would not have an adverse effect on the integrity of the EFSAC.

Viability Pubs Community facilities

Paragraph 92 of the NPPF requires local authorities should:

c) guard against the unnecessary loss of valued facilities and services, particularly Where this would reduce the community's ability to meet its day-to-day needs;

The proposal will result in the loss of around 193 square metres of ancillary pub space, this area currently houses restaurant space, toilets and back of house facilities.

Policy D4 (G) of the Local Plan requires:

G. Proposals that would result in the loss of valued facilities currently or last used for the provision of community, leisure and cultural activities will only be permitted if it is demonstrated that:

(i) the facility is no longer needed for any of the functions that it can perform; or

(ii) it is demonstrated that it is no longer practical, desirable or viable to retain them

and the applicant can demonstrate through evidence, including marketing of the site, that there is no longer a reasonable prospect of the site being used for the existing community use; or

(iii) any proposed replacement or improved facilities will be equivalent or better in terms of quality, quantity and accessibility and there will be no overall reduction in the level of facilities in the area in which the existing development is located; or

(iv) the proposal will clearly provide sufficient community benefit to outweigh the loss of the existing facility, meeting evidence of a local need.

The applicant has provided a statement which indicates that due to the cost of living crisis and the cost of food increasing to such an extent that the restaurant is now no longer viable. This statement has not been independently verified, however the case officer when dealing with other applications, where independent assessments have been given and reviewed, it was found that the circumstances outlined by the applicant are indeed correct for the whole sector (EPF/3081/21 Cock and Magpie Public House Epping Road), it is on balance therefore accepted.

Dwelling mix

The dwelling mix is considered suitable for smaller households; the proposal would therefore meet an existing housing need within the District in line with the requirements of policy H1 of the Local Plan.

Design

Policies SP3, DM5, DM9, DM10 and DM20 of the Local Plan require that Plan requires that new development is satisfactorily located and is of a high standard of design and layout. The appearance of new developments should be compatible with the character of the surrounding area. These policies also seek to ensure that design is considered more holistically in order to contribute to public health, quality of life, sustainability as well as contributing positively to visual amenity.

The pub was built in the early 20th century and is a good example of its type and period as it retains most of its original features and detailing. This includes windows, doors, chimneys, exposed rafters and eaves details. It is therefore considered that the building has sufficient social, architectural and historical merit to be designated as a Non-Designated Heritage Asset (NDHS).

The proposal will result in the removal of 216 square metres of modern extensions.

The front proposed extension is in a similar position to that of the existing restaurant extension but then extends a further 15.3m northwest into the site at ground floor level.

The first floor is set 8.6m back from the ground floor front elevation and then extends a further 24m. The visuals exclude the boundary treatment between the units, which will add to the built form in this location. Whilst the north elevation will be obscured by the development, the removal of the modern extensions, the splayed position of the extension and the first floor set back of the proposal will ensure that the presence of the building is still read. It is for these reasons considered that the proposal will preserve the character and appearance of the NDHS.

The exterior finishes of the extension containing the residential accommodation will include Dentil handmade brick courses, exposed timber trusses, sprung window and door, shiplapped timber / slates / clay pantiles etc. are proposed are proposed. These high-quality materials and detail will have a positive impact on the character and appearance of the area.

The proposal will facilitate the renovation of the exterior of the existing pub building. All modern-day additions (soil pipes / alarm boxes etc.) will be stripped away (drainage will become internal), and the facades and roof will be carefully restored or upgraded. The proposed extension to the pub will be in a style in keeping with the main pub building.

The number of units has reduced from seven to six (net five) has resulted in an approximately 20% decrease in proposed mass and footprint.

Quality of resulting residential accommodation

The proposed self-contained units have an acceptable internal size outlook, layout and ventilation in accordance with principles laid out in the National Technical Housing Standards (2015) and the Essex Design Guide.

Whilst it is noted that the private gardens are very small, they remain useable, and the proposal also includes a high quality landscaped communal garden. The amenity space provision is on balance therefore considered acceptable.

The beer garden has been relocated further away from neighbouring dwellings, now standing at 18.5m as opposed to the previous 2m, with the addition of a buffer zone of soft landscaping.

While Flat 2 is situated in close proximity to the pub, the internal layout of the pub has been strategically arranged to create a noise buffer zone, incorporating circulation areas and WCs. Additionally, high-specification acoustic separating walls with sound insulation will be installed to enhance noise insulation further.

Addressing overlooking concerns, a 1.8m high native species-rich hedge planting will be implemented along the boundary dividing Flat 1 from the pub.

Details in regard to the secure covered cycle storage are considered acceptable.

One of the units will have its own separate access to allow close parking and will therefore be suitable for occupiers with mobility issues.

The residential units will be in close proximity to an existing pub.

The homes are located in close proximity to an existing pub. Paragraph 193 of the NPPF requires:

“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

Given that the proposal is for market housing and the new occupiers will be aware of the existing pub prior to their agreement to move in, it is considered reasonable in light of paragraph 182 of the NPPF that a reasonable amount noise will still occur, however, subject to sound insulation conditions this in itself is not a sufficient reason for refusal.

The design changes are therefore considered sufficient by officers to overcome reason 2 of EPF/0624/23 and now meet the requirements of policies DM9, DM10 and DM21 of the Local Plan.

Impact on the living conditions of neighbouring residential occupiers

The occupiers of Bishops Brow and 1 Abbots Way support the application. The section of land within the rear garden of Bishops Brow has already been fenced off.

The proposal will result in the change of use of the rear garden at Bishops Brow being turned into a car park. However 11 spaces within this area will be reserved for residents only and conditions are recommended to ensure that the patrons from this existing pub do not disturb neighbours. It is therefore on balance considered that the impact on 6 Abbots Way and Mountford will not be excessive in accordance with the requirements of policies DM9(I) and DM22 of the Local Plan.

All other properties are sufficiently distant to ensure that they will not be materially affected.

Highways

Plans have been amended to address the concerns raised by the Highways Authority in the previous application. The Highway Authority are now satisfied that adequate visibility can be provided and therefore subject to conditions raise no objections. The proposal therefore accords with the requirements of policy T1 of the Local Plan.

Flood Risk and Drainage

The Land Drainage Team have no objection to this proposal subject to a condition requiring surface water drainage details. It is on this basis that the proposal complies with the requirements of policy DM16 of the Local Plan.

Conclusion:

The proposal is located on previously developed land which is outside of the Green Belt. The proposal will provide homes to meet local housing needs. The impact on neighbours, highway safety and parking will not be excessive.

Approval is therefore recommended subject to conditions and the completion of an unilateral undertaking to secure contributions to mitigate against any harm caused by the proposal either alone or in combination to the integrity of the EFSAC.

***Should you wish to discuss the contents of this report item please use the following contact details above by 2pm on the day of the meeting at the latest, or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk
Planning Application Case Officer: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

Conditions: (17)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Design and access statement including plans 0500, 0501, 1000, 1001, 1002, 1003, 2000, 2001, 2002, 2003, 2004, 3000, 1500, 1100, 1101, 1103, 1105, 1501, 2100, 2101, 2102, 2103, 3100, 3101, 3102, TOP-PPC-00-XX-DR-C-0001 P3. Sustainability checklist, Habitats Regulations Assessment (HRA) Screening Report by Arbtech, Sustainability Statement,

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 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 and 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 be undertaken. If any contamination is found then the site shall be remediated. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

Reason: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development is carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 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.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 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. With regards to dust control measures and wheel washing, reference shall be made to the Institute of Air Quality Management (IAQM) best practice Guidance on air quality monitoring in the vicinity of demolition and construction sites and Guidance on the assessment of dust from demolition and construction.
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
7. Tree protection measures.

Reason: To limit the impact of the construction work on the living conditions of residents living in close proximity to the site, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 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.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 7 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.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 8 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active 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 must include details as follows:

- Location of active charging infrastructure; and
- Specification of charging equipment to be used.

Reason: To ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the

EFSAC, in accordance with Policies T1, DM2 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 9 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council.
Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2023.
- 10 Prior to the occupation of the new residential units hereby permitted; a noise assessment following the guidelines of BS8233 and a scheme for sound insulation and noise control measures for the new residential units hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.
Reason: To protect neighbouring residential amenity in accordance with policy DM9 and DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.
- 11 Prior to the first occupation of the residential units hereby approved, an Operational External Noise and anti social behaviour Management Plan for external areas shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail the management systems that will be implemented to control and reduce noise from the uses of external areas of the public house /restaurant within the red line of the site.
The management plan shall be reviewed by the operators of the public house:
- o Prior to launching / introducing any new entertainment
 - o When alterations to the building are proposed
 - o Following a complaint
 - o When monitoring procedures identify that controls are inadequate
- The approved management plan (and/or any subsequent revisions) shall be fully implemented and maintained thereafter.
- Reason: To protect the amenity of adjoining / nearby properties from noise in accordance with the National Planning Policy Framework and Policies DM9 and DM21 of the Adopted Local Plan (2023).
- 12 Prior to occupation of the development, the new access adjacent to Bishops Brow, shall at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2023.

- 13 Prior to first occupation, the applicant/developer shall ensure that each dwelling has been provided with the necessary infrastructure to enable its connection to a superfast broadband network or alternative equivalent service.

Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with Policies D5, DM2, DM9 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 14 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 in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2023.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Class A, AA, B, D, E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 16 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.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability, in accordance with Policy DM19 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 17 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 08:00 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.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (2)

- 18 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant

planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 19 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.