



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE EAST **Wednesday 17th January 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 17th January 2024 at 7.00 pm**

Georgina Blakemore
Chief Executive

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

Members: Councillors I Hadley (Chairman), H Brady (Vice-Chairman), C Amos, R Balcombe, N Bedford, P Bolton, L Burrows, P Keska, C McCann, C McCredie, J McIvor, R Morgan, L Paine, J Philip, R Sharif, B Vaz, H Whitbread, J H Whitehouse and J M Whitehouse

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

1. WEBCASTING INTRODUCTION

This meeting is to be webcast and the Chairman will read the following announcement:

“I would like to remind everyone present that this hybrid meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or other such use by third parties).

Therefore, by participating in this meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. 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.

Please also be aware that if technical difficulties interrupt the meeting that cannot be overcome, I may need to adjourn the meeting.

Members are reminded to activate their microphones before speaking”.

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 25 October 2023.

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. EPF/1718/18 LAND AT MILLLANE HIGH ONGAR CM5 9RQ (Pages 8 - 21)

To consider the attached report for the erection of 8 three bedroom houses including new access from Millfield, provision of parking spaces, amenity space and landscaping.

9. EPF/0292/21 LAND NORTH OF FOREST DRIVE THEYDON BOIS CM16 7HH (Pages 22 - 49)

To consider the attached report for the erection of 38 residential dwellings with access from Forest Drive, and provision of associated open space, services and landscaping.

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 25 October 2023, 7.00 pm - Time Not Specified
Council Chamber - Civic Offices**

Members Present: Councillors I Hadley (Chairman) H Brady (Vice-Chairman), C Amos, R Balcombe, N Bedford, P Bolton, L Burrows, P Keska, C McCredie, J McIvor, R Sharif, H Whitbread, J H Whitehouse and J M Whitehouse

Members Present (Virtually): Councillors C McCann

Apologies: Councillor(s) R Morgan, L Paine, J Philip and B Vaz

Officers In Attendance: James Rogers (Principal Planning Officer), Gary Woodhall (Team Manager - Democratic & Electoral Services) and Steven Mitchell (PR Website Editor)

Officers In Attendance (Virtually): Laura Kirman (Democratic Services Officer)

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

41 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.

42 WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable members of the public to address the Sub-Committee, when determining applications for planning permission. The Sub-Committee noted the advice provided for the public and speakers in attendance at Council Planning meetings.

43 DECLARATIONS OF INTEREST

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

44 MINUTES

RESOLVED:

- (1) That the minutes of the Sub-Committee held on 27 September 2023 be taken as read and signed by the Chairman as a correct record.

45 SITE VISITS

Cllr P Keska proposed a site visit for agenda item 7, EPF/1574/23 at Tilegate Farm in High Laver, which was seconded by Cllr J H Whitehouse. However, this proposal was not supported by the Committee and the application remained on the agenda for determination.

46 EPF/1574/23 - TILEGATE FARM, TILEGATE ROAD, HIGH LAVER, ONGAR, CM5 0EA

[This application was granted with conditions.](#)

47 ANY OTHER BUSINESS

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

Agenda Item 8

OFFICER REPORT

Application Ref: EPF/1718/18
Application Type: Full planning permission

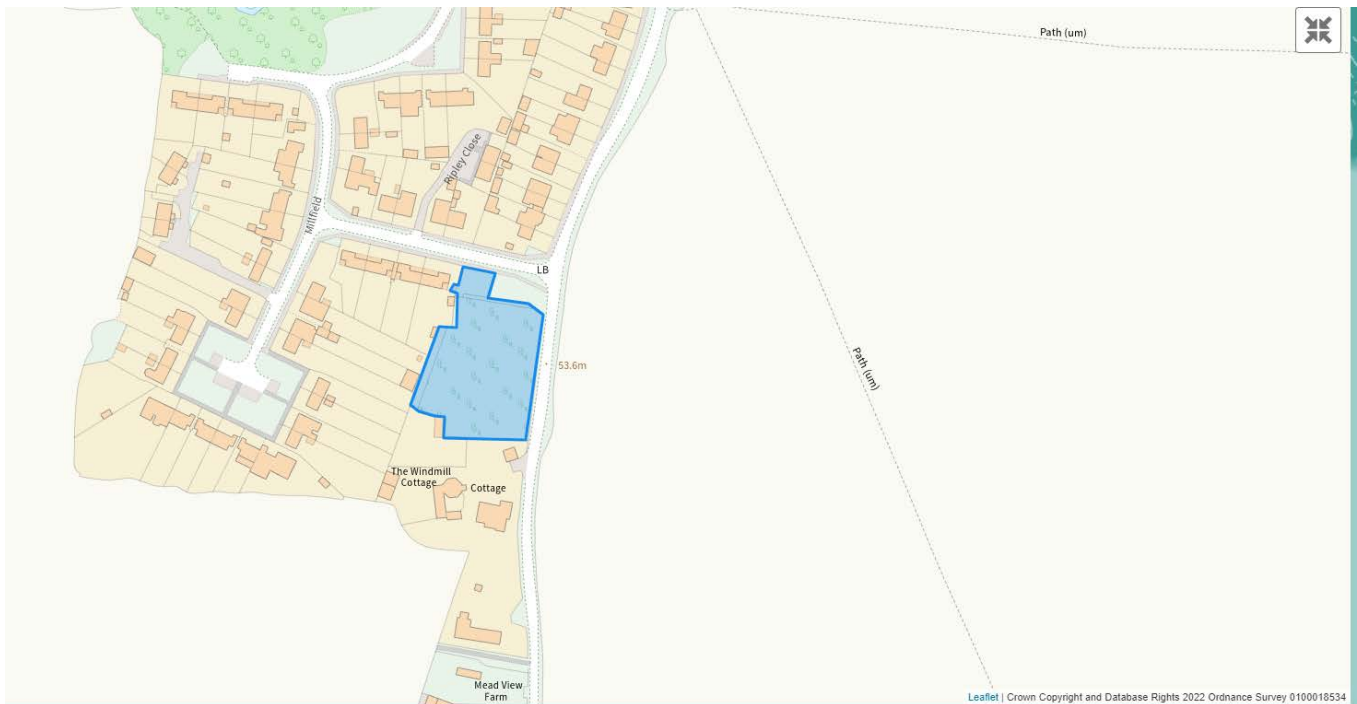
Applicant: Mr D Sherrin
Case Officer: Muhammad Rahman
Site Address: Land at Mill Lane, High Ongar, CM5 9RQ
Proposal: (HONG.R1) - Erection of 8 three bedroom houses including new access from Millfield, provision of parking spaces, amenity space and landscaping.

Ward: High Ongar, Willingale and The Rodings

Parish: High Ongar

View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NxDI>

Recommendation: Approved with Conditions (Subject to s106 Legal Agreement)



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This application is before this Committee since it is for a type of development that cannot be determined by Officers if five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The site is located on the corner of Mill Lane and Millfield within the area of High Ongar and is 0.3Ha in size. The site is located on the eastern side of an existing area of housing development, to the south of

the junction between Millfield and Mill Lane. The site is currently vacant and has a quite substantial number of trees and other greenery, including two trees benefitting from TPO status.

The site is not within the Green Belt or a Conservation Area, nor are there any listed buildings on site.

The site is allocated for residential development within the adopted Local Plan for approx. 10 dwellings (Site Ref HONG.R1).

Proposal

The proposal is for the erection of 8 three-bedroom houses including new access from Millfield, provision of parking spaces, amenity space and landscaping.

Relevant Planning History

EPF/0403/17 – Erection of 8 new dwellings – Withdrawn

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023)

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

The following policies within the current Development Plan are considered to be of relevance to this application:

SP1	Spatial Development Strategy 2011-2033
H1	Housing Mix and Accommodation Types
T1	Sustainable Transport Choices
DM2	Epping Forest SAC and the Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM5	Green and Blue Infrastructure
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
DM21	Local Environmental Impacts, Pollution and Land Contamination
DM22	Air Quality
P12	High Ongar
D1	Infrastructure

National Planning Policy Framework 2023 (Framework)

Paragraph	11
Paragraphs	126 & 130

Summary of Representations

Number of neighbours Consulted: 35. 8 response(s) received

Site notice posted: Yes

3 MILL GROVE – SUPPORT

9, 11, 13, 23 MILLFIELD, 76 MILL LANE, MILL COTTAGE, THE WINDMILL COTTAGE –
OBJECTIONS – Summarised as:

- Parking/Traffic Concerns;
- Highway Safety;
- Out of Keeping;
- Overdevelopment;
- Impact on Trees;
- Loss of Privacy;
- Drainage Concerns;
- Infrastructure Concerns; and
- Impact on Heritage Assets.

HIGH ONGAR PARISH COUNCIL – No comments received at the time of writing this report.

Planning Considerations

The main issues for consideration in this case are:

- a) Have the site-specific policy requirements been satisfied with regards to;
 - a. Trees;
 - b. Access; and
 - c. Green Belt Boundary
- b) The impact on the character and appearance of the area;
- c) Parking provision;
- d) The impact to the living conditions of neighbours;
- e) Standard of Accommodation for future occupiers;
- f) The impact on the Epping Forest Special Area of Conservation; and
- g) Planning Obligations.

Site Specific Policy Requirements

Policy P12 of the adopted LP sets out the following site-specific requirement for this allocated site, which are;

Trees

- A. There are trees on the Western part of the site which are protected by Tree Preservation Orders, one of which is also a Veteran Tree. These trees should be incorporated into the development proposals to avoid the loss of, or damage to, them. This could include providing an appropriate buffer zone around the trees or incorporating them within on-site open or amenity space.

On-site Constraints

B. Development proposals should create a new vehicular access for the site from Millfield. This is to ensure a safe access point is provided which has sufficient capacity for the development it serves.

Green Belt Boundary

C. As part of the development proposals, a new defensible boundary to the Green Belt will need to be established along the Southern edge of the site.

With regards to trees and the green belt boundary

Policy DM3 of the LP states that development proposals must have due regard and be sensitive to their setting in the landscape, including local distinctiveness and characteristics.

The Councils Tree Team have raised no objection to the application, subject to recommended conditions and have commented that:

There are two veteran trees on this site – they are both protected by Tree Preservation Orders. The revised proposal amends the layout of plot 1 so as to lessen the impacts on the veteran oak. The only development that is shown to take place within its calculated root protection area is the driveway and car parking area. In both of these areas, a ‘no dig’ solution should be possible. Whilst the applicant has provided a tree report and / or an Arb Method Statement, the above condition does need to be included in full, and updated reports will need to be submitted for approval prior to commencement. This is because the report submitted relates to a different layout of the site.

Subject to the proposed conditions therefore, it is evident that the development can be delivered without harming the protected trees.

In addition to protecting the protected trees, it is a policy requirement as part of the proposed allocation to provide a new, defensible Green Belt boundary on the southern edge of the site. The applicant intends to do this through landscaping. This is an appropriate approach given the context of the site. It is concluded that further details of this landscaping is required and this can be secured through condition.

Access

The access arrangements onto Millfield are suitable, provide appropriate visibility splays and raise no concerns with regards to highway safety or efficiency. This position is endorsed by Essex County Council as the highway authority (subject to recommended conditions), who have commented that:

The Highway Authority is satisfied that the vehicle generation of the proposed development will not be detrimental to highway safety, capacity, or efficiency at this location.

The access will have suitable visibility and geometry for the proposal. The existing disabled bay will need to be relocated to provide safe access in and out of the site and yellow lines will be required to keep vehicles clear of it in the future. Furthermore, the development is improving the accessibility of the location with a wider footway and a dropped kerb crossing, where currently, one does not exist.

For the reasons set out above, the site-specific policy requirements have been satisfied.

Character and Appearance

Policy DM9 is clear that new development proposals must achieve a high quality of design by being respectful to the character and appearance of their setting and to the local distinctiveness of the area.

Whilst the proposed allocation seeks approximately 10 new dwellings on the site, the proposal is for 8. These smaller allocation sites are rightly expressed as 'approximate' numbers on smaller scale allocations in the adopted Local Plan to reflect that the number may fluctuate slightly due to site constraints. In this case, there are two protected trees on the site and the slight reduction is to account for their protection. In such circumstances it is concluded that the 20% reduction proposed is compliant with the proposed allocation in terms of housing numbers.

Turning to the design, the proposed new housing will be, for the most part in a linear layout, along the eastern edge of the site adjacent to Mill Lane other than a detached dwelling to the west. However, it is the rear gardens of the dwellings to the east will front onto Mill Lane, ensuring that they will not appear overly prominent or obtrusive from the street scene.

As for their detailed design, the dwellings are unremarkable albeit conventional and would be respectful to the prevailing character of their setting. A condition to require agreement of materials can ensure a high-quality finish is provided.

Parking Provision

The proposal provides 16 private car parking spaces (2 per dwelling) and 2 visitor spaces. As such, it is in line with the Council's adopted parking standards. No objections were raised by the Highways Officer subject to recommended conditions.

Neighbouring Amenities

The new dwellings are set away from existing neighbours on Millfield and Mill Lane and therefore will not cause substantial harm to their living conditions, in terms of loss of light, loss of privacy, overbearing and visual impact.

Standard of Accommodation

The proposed dwelling would have ample external amenity space and also meet the internal space standards as set out in Policy DM10 of the LP. They are also well related to each other and leave reasonable gaps in between to ensure a good standard of accommodation will be provided.

Epping Forest Special Area of Conservation

A large part of the Epping Forest contains a Special Area of Conservation (EFSAC) which has been identified primarily for its value in respect of beech trees and wet and dry heaths and for its population of stag beetle. As an internationally important site it is afforded the highest level of protection due to its habitats and species that are vulnerable or rare within an international context.

The Council, as a competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations), and Policies DM2 & DM22 of the Epping Forest District Local Plan 2011 – 2033 has a duty to ensure that plans and projects for whose consent it is responsible will not have an adverse effect on the integrity of these designated sites either alone or in-combination with other plans and projects within the adopted Local Plan.

The Council has identified two main issues (known as 'Pathways of Impact') that are currently adversely affecting the health of the Epping Forest.

The first is recreational pressure. Surveys have demonstrated that most visitors live within 6.2km (Zone of Influence) of the Epping Forest. As new residential development within 6.2km is likely to result in more people visiting the Epping Forest on a regular basis this will add to that recreational pressure.

The second issue is atmospheric pollution which is caused primarily by vehicles travelling on roads in close proximity to the Forest emitting pollutants (Nitrogen Dioxide and Ammonia). Development

proposals (regardless of their type, size, and location within the District) which would result in even an increase in just one additional vehicle has the potential to contribute to increases in atmospheric pollution within the Epping Forest.

Stage 1: Screening Assessment

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

1. The site lies outside the 0-3km / 3-6.2 km Zone of Influence as identified in the Epping Forest Strategic Access Management and Monitoring (SAMM) Strategy. Consequently, the development would not result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
2. The development has the potential to result in a net increase in traffic using roads through the EFSAC.

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

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

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 the Air Pollution Mitigation Strategy (APMS), 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 APMS. The applicant has agreed to make a financial contribution in accordance with the APMS. In addition, the application will be subject to planning conditions (EVCP/Broadband) to secure measures as identified in the APMS. Consequently, the Council is satisfied that the 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.

Planning Obligations

It is recognised that larger scale developments have potentially greater impacts on the wider environs beyond the site-specific matters considered above.

Policy D1, Part A of the LP sets out that:

- a. New development must be served and supported by appropriate on and off-site infrastructure and services as identified through the Infrastructure Delivery Plan Schedules.

The Infrastructure Delivery Plan ("IDP") forms part of the evidence base that underpins the Local Plan. The entirety of the report is published online, but part B sets out the necessary contributions for each settlement in the District and an indicative cost for their delivery.

Members will be aware that IDPs are, by their very nature, a 'snapshot in time' and as different infrastructure providers respond to their own unique challenges, the information that they provide will naturally date and alter over time. It therefore needs to be recognised from the outset, that the IDP should be viewed as a 'live document' that is subject to change.

Therefore, if any stakeholders/providers (e.g., Essex County Council) etc. recently consulted, provide confirmation of the contributions/obligation they require, we should work with their advice, as they are best placed to know their up-to-date needs.

Some of the costs may be high in relation to the size of the development and there may be provision made on site that needs to be. Contributions will therefore be subject to negotiations with the developer.

The IDP sets out the infrastructure priorities based on evidence but the level of contribution secured must be considered on a site-by-site basis and the infrastructure priorities that are required for each site.

In the event that planning permission is granted a s106 legal agreement would be required to secure the following financial contributions below.

For clarity, Officers are satisfied that the obligations below are necessary to make the development acceptable in planning terms, that they are directly related to and are fairly and reasonably related in scale and kind to the development, and so meets the tests set out in paragraph 57 of the Framework and the CIL Regulations 2010 (as amended).

1. Additional provision of public parks and gardens = £43,928 (£5,491 per dwelling)
2. Additional provision of amenity greenspace = £16,000 (£2,000 per dwelling)
3. Additional provision for children and young people = £11,152 (£1,394 per dwelling)
4. EFSAC Mitigation = £2,680 (£335 per dwelling)
5. The Provision of public open space including a Management Plan and Details and arrangements of the Management company will be required.
6. The provisions of an Employment and Skills Plan' (ESP) seeking to drive forward an increase in construction employability levels and workforce numbers in accordance with Essex County Council Developers' Guide to Infrastructure Contribution (Revised 2020).

Total Costs = £73,760

Each of these contributions have been derived from objective evidence through the Local Plan making process. This site is a proposed allocation and therefore it is clear that it will need to appropriately contribute to the delivery of infrastructure set out above.

Other Considerations

Officers note the concerns regarding drainage; however this is a matter to be assessed in detail at the approval of conditions stage.

The site is sited more than 400m away from the High Ongar Conservation Area and the Listed Buildings. It is unclear as to how this development would affect the setting of the conservation area.

Planning Balance and Conclusion

In summary, the proposal satisfies the site-specific policy requirements; will relate positively to the locality, safeguard the living conditions of neighbouring properties, the safety operation of the highway network, and trees, and also provide a good level of accommodation for future users. There would also be benefit to the local economy from the construction and occupation of the homes and further contributions towards local services such as early years education provision, primary school education provision, and open space.

For the reasons set out above, having regard to all the matters raised, it is recommended that conditional planning permission be granted subject to a s106 Legal agreement to secure contributions towards the EFSAC and identified obligations including additional payment of monitoring fees.

If you wish to discuss the contents of this report item, please contact the case officer by 2pm on the day of the meeting at the latest. If no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (23)

- 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: 3604/1B, 1780/13 Rev G, 1780/13 Rev G II, 1780.14, 1780.15, 1780.16, 1780.17 Rev A, and 1780.18.

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

- 3 Prior to commencement of the development the existing disabled bay adjacent to the proposed new access shall have been relocated on Millfield (or a suitable alternative location to be agreed with the Highway Authority, in writing), away from the proposed access, and within an appropriate distance of the users address, through the appropriate mechanism, and any associated signing and lining as required.

Reason: To ensure that safe and efficient access can be maintained in and out of the access in the interests of highway safety. 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.

- 4 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.

- 5 Prior to commencement of the development hereby approved a flood risk assessment and management and maintenance plan shall have been submitted to and approved by the Local

Planning Authority, in writing. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

Reason: The development is located in a flood risk area and would likely result in increased surface water run-off, in accordance with Policy DM15 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 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.

- 7 The site will be subject to careful phased clearance to avoid disturbance of any badgers which may be present. A plan for this clearance will be submitted to EFDC for approval, prior to any site clearance works. Should evidence of badger setts be identified during clearance, setts will be left undisturbed until it can be determined if the sett is active. If the sett is active a license and mitigation plan will be submitted to EFDC for approval.

Reason: To ensure effective monitoring and management is undertaken of the ecological assets, in accordance with Policy DM1 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 and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA). The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:

- Location of active and passive charging infrastructure;
- Specification of charging equipment; and
- Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
 - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
 - b) How charging point usage will be charged amongst users;
 - c) The process and the triggers for identifying when additional passive charging points will become activated; and
 - d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.

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 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.

- 10 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.

- 11 No works to buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds nests immediately before the structure is demolished and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Such confirmation shall be submitted to and approved by the Local Planning Authority before the said demolition commences.

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 (Priority habitats & species).

- 12 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. Confirmation of compliance with the requirements of this condition shall be submitted in writing to the Local Planning Authority prior to occupation of the development hereby approved.

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.

- 13 Prior to first occupation of the development hereby permitted, A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. 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 (Priority habitats & species).

- 14 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved, and so retained.

Reason: To maintain and improve the biodiversity of the site and to mitigate any impact from the development hereby approved, in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 15 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.

- 16 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.

- 17 Prior to first occupation of the buildings hereby permitted the window(s) in the flank elevation(s) at first floor level and above, shall have been fitted with obscure glass with a minimum Pilkington privacy level 3 obscurity (or equivalent), and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained at these specifications thereafter.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with Policy DM9 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 drawing no.1780-13 Rev G, shall be fully implemented and shall include, but not limited to, the following:

- Bellmouth access and appropriate radii;
- Footway widened to 2m to the south of the site;
- Provision of two dropped kerb crossing points and tactile paving;
- Implement double yellow lines (parking restrictions), through a Traffic Regulation Order, approximately as shown on the plan with any associated signing and lining as required.

Reason: To ensure that appropriate access is provided. 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.

- 19 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.

Reason: To ensure that appropriate parking and turning is provided, in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 20 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.

- 21 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.

- 22 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.

- 23 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.

Informatives: (3)

- 24 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.
- 25 i. Any structures, non-standard materials/lighting or trees proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a minimum period of 15 years following construction.

ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.

iii. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

26 Works are proposed to or within eight metres of an open or piped watercourse therefore Land Drainage consent is required. Please add Land Drainage Note 2. For further information on the Land Drainage consent process or to find the application forms the applicant should visit the link below.

<http://www.eppingforestdc.gov.uk/index.php/residents/your-environment/drainage/flooding-and-land-drainage>

There may be a public sewer within/adjacent the site therefore the applicant should consult with Thames Water on the exact location of the sewer and determine whether any works are proposed within three metres. Any works within three metres of a Public Sewer requires build over consent from Thames Water Developer Services.

Agenda Item 9

OFFICER REPORT

Application Ref: EPF/0292/21
Application Type: Full planning permission

Applicant: Mr Timothy Chilvers
Case Officer: Marie-Claire Tovey
Site Address: Land North of Forest Drive
Forest Drive
Theydon Bois
CM16 7HH

Proposal: Erection of 38 residential dwellings with access from Forest Drive, and provision of associated open space, services and landscaping

Ward: Theydon Bois

Parish: Theydon Bois

View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d00000Nz7W>

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, and since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The application site is an irregular shaped site located at the end of Forest Drive on the edge of the built up area of Theydon Bois. The site is bounded by properties on Forest Drive and Dukes Avenue to the south and west, the Central Line to the east and a ditch/treeline to the north which opens onto open land which rises to the north.

There is a Public Right of Way (PROW 208_3) that runs through the site directly behind the houses on Dukes Avenue. There are a number of protected trees on or adjacent to the site. A gas easement runs through the site and electricity pylons run along the eastern boundary adjacent to the Central line. The site is approximately 650m from Theydon Bois Underground Station.

The site is an allocated site for housing within the Epping Forest Local Plan (THYB.R1) with the allocation providing an approximate net capacity of 39 dwellings. The site was within the Green Belt but has been removed with the adoption of the current Adopted Plan.

Description of Proposal:

The proposal seeks consent for 38 residential dwellings utilising the access from Forest Drive, an area of open space and associated landscaping and services. The proposal is a mix of 2 and 3 storey flats and houses with 8 houses and 30 flats resulting in a density of 40dph. The breakdown of dwelling sizes are as follows:

1 bedroom properties:	14	(37%)
2 bedroom properties:	16	(42%)
3 bedroom properties:	7	(18%)
4 bedroom properties:	1	(3%)

15 of the homes are proposed as affordable, of these, 4 are proposed for shared ownership and 11 for affordable rent.

32 car parking spaces are proposed for the development, with cycle parking provided for all dwellings

Relevant History:

No relevant applications. However, the scheme was submitted, and following submission extensive discussions have taken place with Planning, Housing and Urban Design Officers resulting in the current scheme.

Policies Applied:

Policy	
SP1	Presumption in Favour of Sustainable Development
SP3	Place Shaping
H1	Housing Mix and Accommodation Types
T1	Sustainable Transport Choices
P8	Theydon Bois
D1	Delivery of Infrastructure
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
DM9 High quality design
DM10 Housing design and quality
DM19 Sustainable Water Use
DM20 Low Carbon and Renewable Energy
DM21 Local Environmental Impacts, Pollution and Land Contamination
H1 Housing mix and accommodation types
H2 Affordable Housing
DM11 Waste recycling facilities on new development
DM16 Sustainable Drainage Systems
DM18 On site management of waste water and water supply
DM22 Air Quality

Consultation Carried Out and Summary of Representations Received

96 objections were received from the following addresses:

4, 5, 6, 7, 8, 9, 10, 12, 14, 17, 18, 21, 22, 23, 24, 28, 30, 32, 33, 34, 36, 70, 80 Dukes Avenue
4A, 16B, 28, 29, 31, 33, 35, 36, 43, 44, 46, 50, 52, 54A, 55, 57, 59, 60, 61, 62, 63, 64, 68, 69, 71, 72,
73, 76, 78, 80, 82, 86 Forest Drive
35 Blackacre Road
1, 7, 38, 50 Purlieu Way
8, 23, 24, 36 Orchard Drive
49, 55 Woodland Way
10, 15 Harewood Hill
6 Thrifts Mead
23 Hill Road
14 Piercng Hill
16 Graylands
24 Buxton Road
1, 20 Elizabeth Drive
12 Hornbeam Road
Red Holm, Coppice Row
19 Station Approach
10 Red Oaks Mead
37 Theydon Park Road
Fallow House, Loughton Lane
Unknown Number, 13, 30, 70 Morgan Crescent
Unknown Number Baldocks Road
25 North End, Buckhurst Hill
Theydon Bois Action Group
Theydon Bois and District Rural Preservation Society
Loughton Astronomical Society
Flat 1 Framlingham Court, Glandford Way, Chadwell Heath
Unknown address x 6

Objections can be summarised as follows:

- Out of character, density to much, urban design in an village
- Overbearing
- Question need for access to adjacent field
- Inadequate parking provision
- Lighting not in keeping with dark skies policy
- Loss of Trees and impact on trees during construction
- Overlooking into gardens and houses on Dukes Avenue

- Houses are too high, three storey flats are too high
- Flooding impacts
Excessive impact on existing infrastructure
- Disruption to footpath
- No pavements within the site
- Houses with chimneys should not be allowed
- Construction issues, lorry movements
- Harm to wildlife
- Loss of Green Belt land
- Impact on EFSAC
- Not a sustainable location
- Increase noise and disturbance
- No community engagement
- Will become a Gated community

Concern raised by Headteacher of Theydon Bois Primary with regards to construction routes

THEYDON BOIS PARISH COUNCIL – Objection – The Parish has submitted an objection on behalf of themselves and also a second objection written by a Planning Consultant. Given the length of these objections these are available to view online and will not be reproduced below.

Main Issues and Considerations:

Principle of Development

The site is allocated for housing in the newly adopted local plan, which went through a robust process of examination before it was adopted. As part of the adoption, the site, which was part of the Green Belt has been removed from the Green Belt and now sits within the built up area of Theydon Bois, therefore the principle of dwellings on this site is acceptable subject to compliance with the Adopted Local Plan as a whole.

The site is within the urban area of Theydon Bois, within easy walking distance of the shops and services within the village and within 400m of the Theydon Bois Underground Station.

The proposal is for 38 dwellings which is 1 below the indicative net capacity as proposed within the Local Plan, however given how close the proposal is to the indicated amount the numbers are considered acceptable.

Design

The proposal results in a mix of 8 two storey houses and 30 flats in two storey and 3 storey blocks, with development located around a central green area. The houses all have a rear garden area with the flats (which are located on the eastern side of the development) all having balconies or terrace access. The current proposal is for a contemporary scheme, whilst utilising traditional features. The houses and flats follow a similar style so that the development will appear as a cohesive scheme. The buildings all have a gable, with an interlink flat roof section and will be a mixture of traditional materials utilised in a more contemporary style with hanging tile, brick, metal panels and corrugated brick.

The Council's Urban Designer has been involved in the revisions to this application and has provided detailed comments with regards to Design:

Site Context

The site is 0.94 Ha area of open land on the eastern edge of Theydon Bois. It is bounded by residential development to the west and south of the site, the London Underground Central Line to the east, and agricultural land to the north.

The surrounding existing residential context to the west and south of the site is characterised by 2 to 2 and half storey detached and semi-detached houses, set within generous gardens.

The site is an 8 minute walk from Theydon Bois station which is served by the London Underground Central Line.

It is noted that there are number of constraints on the site including; a gas main which runs north to south through the centre of the site, a number of TPO's on the western boundary, noise concerns related to the proximity of the central line along the eastern boundary and an area of flood risk in the northeastern corner of the site.

Planning Context

The planning application (ref EPF/0292/21) for the site was originally submitted in March 2021. This initial submission raised a number of significant concerns including but not limited to, low density, inefficient housing typologies, lack of landscape led approach, lack of sustainability, and disparity between the affordable and market sale dwellings.

Following this initial submission EFDC officers have liaised with the applicant and their design team during which time the applicant has developed a revised proposal. The revised proposal was discussed during these meeting and feedback was provided.

Site allocation requirements

The specific site allocation requirements include consideration for the visual amenity provided by the existing trees and hedgerows to the west and north of the site. The development proposal should minimise harm to the wider landscape, demonstrating consideration for the character of the existing local landscape. Existing landscape features should be utilised to provide a new defensible boundary to the Green Belt, this should include strengthening the existing landscape features along the northern edge of the site.

There are a number of constraints that need to be consideration including the proximity of the London Underground. The proposal should seek to mitigate impact of any associated noise as a result of this proximity through careful design.

The site has been identified as being at risk of surface water flooding. The design and layout of any development proposals should reduce the vulnerability and consequences of surface water flooding to the site and its surroundings.

There is a permissive path that runs from the southwest corner of the site to the Northern boundary of the site, any development proposals should seek to integrate the existing path or provide an alternative path within the development layout in order to maintain, and where possible improve connectivity to the wider Public Rights of Way network.

The site is located in close proximity to local transport connections. Most notably the site is within 400m of Theydon Bois Under Ground Station. The proposed scheme should promote sustainable modes of transport and encourage active travel though measures such as; limited provision of on-site residents parking to that required to service the essential needs of the development...

Vision and Placeshaping

Policy SP 3 notes that development proposals of a larger scale must demonstrate strong vision, leadership, and community engagement, and must provide high quality and imaginatively designed homes. Policy DM9, notes that development proposals must relate positively to their context and make a positive contribution to place. The supporting information included in the Design and Access statement is welcome and sets out a clear understanding of the development of the scheme as well as the intended vision and character. The proposed scheme responds sensitively to the existing context and the constraints of the site while providing a high-quality contemporary scheme with a distinct character of its own.

Layout, Access, and Permeability

Policy SP3 notes that development must provide homes which combine the very best of urban and rural living to promote healthy active lifestyles and vibrant communities. Policy SP 3 (x) also notes that development should ensure positive integration and connection with adjacent rural and urban communities thereby contributing to the revitalisation of existing neighbourhoods. Policy DM 9 notes that proposals must maximise connectivity and integrate landscape into the development as a whole, *'Connectivity and Permeability. G, where appropriate, development proposals must maximise connectivity within, and through, the development and to the surrounding areas...'*

The general principle of the layout, that of dwellings configured around a central open space is supported. The central green space helps to structure the layout and circulation through the site, providing a focal point that benefits from active frontages and natural surveillance. The legibility and movement through the site as well as the spatial hierarchy has improved considerably from the earlier scheme. The use of a primary marker building to help frame the entrance and create a sense of arrival and improving legibility is successful. The use of secondary marker buildings provides additional focal points helping to further structure to the layout.

The proposed main vehicular (cycle and pedestrian) access to the site from Forest Drive and the general principal of a primary spine road that serves as a continuation of Forest Drive is supported. As is the retention and integration of the existing connection to the agricultural fields to the north, and the new connection to the PRow to the west.

The retention of the existing access to the north and the proposed access to the west are supported. These points of access are vital in terms of integrating the scheme within the wider context, encouraging both connectivity and permeability. Policy DM5 states that development proposal must, *'enhance connectivity and integration by providing pedestrian/cycle access to existing and proposed Green Infrastructure networks and established routes, including footpaths, cycleways and bridleways/Public Rights of Way.'* The proposed pedestrian only access connecting the existing PRow that runs along the western boundary of the site, through the site to the agricultural fields to the north is supported, providing an alternative to the current permissive path. While the location of the permissive path has been altered, the function remains the same connecting the PRow along the western edge to the agricultural access on the norther boundary. The spine road also serves as an additional alternative route.

In general pedestrian movement through the site has been considered in the design and layout, with routes benefiting from active frontages and natural surveillance. While the proposed use of shared surfaces would be supported, further information on the nature of the shared surfaces would be welcome. The landscape plan included in the application implies that the primary spine road and secondary road that runs parallel to the norther boundary (both noted as shared surface in the DAS pg.48) are finished in asphalt. The use of this material would imply a road and not a shared surface. The Manual for Streets, *'7.2.15 Shared surface streets are often constructed from pavements rather than asphalt, which helps emphasise their difference from conventional streets. Research for MfS has shown that block paving reduces traffic speeds by between 2.5 and 4.5 mph, compared with speeds on asphalt surfaces'*. Clear and continuous pedestrian routes should be provided across the site.

Landscape Design

Policy DM 9, Part E states development proposals must demonstrate how landscape and planting has been integrated into the development as a whole. Parts A i) and ii) require all developments to be designed and relate positively to the context and make a positive contribute to a place. Part F requires relevant developments to contribute positively to the public realm and to public spaces to which it is physically or functionally connected.

Policy SP3 requires development sites to, *'extend, enhance and reinforce strategic green infrastructure and public open space'*. As already noted, the proposed additional access on the western boundary and the retention of the access to the agricultural field to the north are welcome. Connection between these existing green spaces and other proposed green spaces within the site would be considered successful provided further clarification on the nature of the shared surfaces for the identified shared routes is provided which can be agreed by condition.

The central open space has the potential to provide valuable amenity and outlook for future residents. As already noted, its centralised location benefits from active frontages and natural surveillance providing a safe, attractive, and accessible communal amenity. The integration of a swale and use mixed naturalistic planting and meadow grasses is welcome providing an opportunity to contribute towards biodiversity net gain.

Despite some of the constraints of the site including the realignment of the gas easement, which will result in the loss of some young trees and shrubs efforts have been made to retain and enhance existing landscaping features and to integrate areas of new planting throughout the scheme. The proposed new trees which are dispersed through the scheme are also welcome, helping to frame/shelter the central green space and soften the impact of the proposal in other areas.

The norther boundary to the site is verdant in nature with existing hedges and trees that help to provide screening to the site, and a buffer to the green belt. This is also the location of the existing brook. Policy DM5 States that development proposals must, *'retain and where possible enhance existing green infrastructure, including trees, hedgerows, woods and meadows, green lanes, wetlands, ponds and watercourses'*. The proposed works to the brook as part of the flood mitigation strategy will result in the loss of some young trees, however this is considered acceptable as these will be replaced by semi mature trees and other native species of shrubs planting.

The western boundary to the site is also of a verdant nature and including 5 TPO's, 4 Oak trees and an Ash tree. There is a further TOP (oak) on the southern boundary of the site, near to the existing substation. The location of the root protection areas to these trees has been considered in the design and layout of the proposal, and strategies to minimise the impact of any works have been identified. Please refer to comments from the EFDC Trees and Landscape Officers regarding the protection of the existing hedgerows, and trees within and adjacent to the site.

Scale, Form & Massing

Policy DM9 notes that *'development proposals must relate positively to their locality, having regards to (i) building heights (ii) the form, scale, and massing prevailing around the site, (iv) the rhythm of any neighbouring or local regular plot widths, and, where appropriate, following existing building lines'*.

In general, the height of the proposed development is sympathetic to the existing context. The majority of the proposed development is 2 storeys plus pitched roofs. The apartment blocks along the eastern boundary rise from a height of 2 storey in the southern corner adjacent to the existing residential buildings on Forest Drive, to 3 storeys towards the northern end of the site. The use of stepping helps to mediate between the proposed and the existing residential dwellings and is therefore supported. The additional height along the eastern edge, provides a buffer to the railway sheltering the wider proposal.

The proposed form and use of pitched roofs references the existing adjacent residential context of 2 of detached/semidetached house typology that dominates the immediate surrounding area. Throughout the scheme the pitched roofs are interspersed with small areas of flat roof between. This helps to visually break up the massing of the terrace houses and the apartment blocks, articulating the pitched roofs providing a clean and contemporary profile to the form of the buildings.

The subtle chamfer to the front elevations of the apartment blocks and the use of inset balconies, add interest providing a contemporary take on traditional forms while also providing privacy for future residents. The main elevations have a clear sense of rhythm and hierarchy, further articulated by the placement of materials.

Similarly, the form of both the detached and terraced houses are a successful contemporary interpretation of traditional forms found in the surrounding area.

The mix of housing typologies including terraced, detached, and apartments is supported inline with creating a mixed community and making an efficient use of the site. It is noted that the scheme provides 38 homes which is one less than the site allocation of 39 homes, however the proposed density of the site feels appropriate to the context taking into consideration the constraints of the site.

Transportation

Policy T1, states that, *'Development will, where appropriate, ensure that transport infrastructure will be of a high quality, sustainable in design, construction and layout, and offer maximum flexibility in the choice of travel modes, including walking and cycling, and with accessibility for all potential users.'* Regarding car parking, Policy T1 states that developments must provide, *'appropriate parking provision, in terms of amount, design and layout and cycle storage arrangements'*.

The proposal provides a total of 31 parking spaces (29 allocated and 2 visitor spaces). The one-bedroom apartments are proposed to be car free. Given the highly sustainable location in close proximity to Theydon Bois station and other local amenities this would be supported in line with the council's Policy T1 Sustainable transport choices which states. *'Reduced parking, including car free, development in sustainable locations will be supported'*. A reduction in the level of residents parking is also identified in the site allocation.

The proposal includes the provision for a car club service.

Essex design guide states that, *'communal parking areas should be divided and distributed around the layout'*. The Building for Healthy Life (BHL) toolkit (2020) encourages a range of parking solutions including small and overlooked parking courtyard and shared/unallocated on street parking. general approach to the provision and location of carparking throughout the site is supported. Carparking has been successfully distributed across the site and is largely removed from the central public realm through the use of rear parking courts, on plot parking in the form of garages, and limited on street visitor parking. The highest concentration of car parking is in the rear parking courts along the eastern boundary. While high concentrations of parking should be avoided, in this case, locating the parking here utilises this edge providing an additional buffer between the railway and the proposed development.

Cycle storage provision has been considered across the site as a whole, including 4 external visitor spaces. A minimum of 1 cycle spaces per dwelling has been provided. Local Transport Note 1/20 (July 2020) (a Department for Transport note specific to cycle infrastructure design) advises that, *'cycle parking in dwellings must be convenient, either in the home, within the building or in the immediate vicinity.'* For the houses the cycle provision is either within the garage for the terraces or within external cycle stores for the detached houses. Secure cycle storage has been provided in blocks A, B and C in the form of communal cycles stores. For blocks B and C the cycle store has been integrated into the ground floor plan. A separate external cycle store has been provided for block A. While it is preferable for the cycle

store to be provided within the built footprint for ease of access, the proposed external cycle store to block A is in an accessible location and is therefore acceptable.

Local Transport Note 1/20 (July 2020) regarding external cycle parking (visitor cycle parking) recommends that, *'Cycle parking, and routes to and from it, should be clearly marked, overlooked, well-maintained, well-lit and integrated into the built environment.'* The visitor parking is provided just off the main spine road adjacent to the vehicular access point to the rear parking courts. More information on these external cycle stores (both residents and visitors) would be welcome and can be conditioned so that the style/type is agreed.

Residential design:

Policy H 1 notes that, *'Development will be permitted where the mix of new homes, includes a range of house types and sizes to address local need... is appropriate to the size, location and characteristics of the site and its surroundings'*. Policy SP 3 notes the development proposals must follow the principle of providing high quality and imaginatively designed homes with gardens or access to usable and accessible amenity space. Policy DM 10 requires new housing to meet or exceed Nationally Described Space Standards, as well as meet the requirements of Building Regulations M4(2). It also notes that, *'Mixed tenure residential development proposals must be designed to be 'tenure blind' to ensure homes across tenures are indistinguishable from one another in terms of quality of design, space standards and building materials.'*

Policy H2, Affordable Housing states that, *'On development sites which provide for 11 or more homes, or residential floorspace of more than 1,000 sqm (combined gross internal area), the Council will require 40% of those homes to be for affordable housing provided on site. The mix of affordable homes will be required to reflect the latest available housing need.'* The proposed provision of 39% affordable housing units is just below the policy requirement, this is discussed in further detail below.

The mix of dwelling sizes is heavier with regards to the 1 and 2 bedroom properties (79%). However, given that the total allocation for the site is 39, it is considered on balance acceptable to meet this allocation and provide a good availability of new dwellings within Theydon Bois. The proposed affordable homes are located together towards the southern end of the site and include a mixture of dwelling types. In line with Policy H2 the proposed affordable homes are indistinguishable from the wider development and are therefore supported.

Policy H1 requires all new dwellings to meet the requirements of M4 (2) 'Accessible and adaptable dwellings' of the building regulations. This means that all new dwellings must achieve level access. It is noted that given the lack of lifts, dwellings on the upper floors of the apartment blocks will not achieve this. However, it is also noted that 4 of the ground floor units exceed the requirements of Policy H1 by meeting the requirements M4(3) 'Wheelchair users dwellings'. These units are also located in close proximity to the accessible parking spaces.

The approach to the provision of amenity across the scheme is supported with each dwelling being provided with private external amenity in the form of either a garden or patio for ground floor dwellings, and a balcony for dwellings at the upper levels. As already noted the design of the inset balconies provide residents with privacy and the additional details for the balustrade included within the submission is welcome. As well as private amenity the proposal also includes the provision of shared communal amenity.

The entrance/arrival sequence and layout of the communal circulation has a significant impact on the quality of the journey that residents (and visitors) experience when navigating from the public realm to the private front door. The main entrance to each of the 3 apartment blocks is located on the front (west) elevation, providing an active frontage at ground level. The ground floor apartments are accessed on the rear elevation. Each block has a generous lobby which provide through access from front to back,

facilitating alternative access routes for residents to both the bin and bike stores, as well as the rear parking courts.

The use of an open access deck to the dwellings on the upper floors on the blocks would have allowed for a greater number of dual aspect dwellings, however given the proximity to the railway and the concerns regarding the associated noise internal corridors are considered acceptable in these circumstances. While internal corridors should be avoided, a number of windows have been provided to give access to natural light, ventilation and to assist legibility.

In general, the internal layouts of the apartments are supported. It is clear that an effort has been made where possible to provide dual aspect (in some instances triple aspect) main living/kitchen/dining spaces, including direct access to the external amenity spaces. The internal arrangements maximise opportunities for natural light, and it is good to see that the location for the Air Source Heat Pump necessary infrastructure and storage has been clearly identified on the plans.

Similarly, the internal layouts for the different house types demonstrate consideration for the future users with functional layouts that utilise opportunities for light natural.

Appearance and materials

Policy DM 9 states, *'Development proposals must relate positively to their locality, having regard to... (vi) distinctive local architectural styles, detailing and materials.'* Building for a Healthy Life advocates. *'Drawing inspiration from local architectural and/or landscape character'*, however it also warns against, *'attempting to create character through poor replication of architectural features or details'* and *'referencing generic or unforgettable architecture nearby to justify more of the same'*. The general approach to the architectural expression of the scheme referencing traditional forms and materials while reflecting contemporary architecture and avoiding architectural pastiche is supported.

The use of brick alongside the other local/traditional materials including terracotta hanging tiles identified in the submitted Design and Access Statement are in keeping with the character of the local area and would therefore be supported. Varying the colour and/or texture of the brick/tiles in selected areas creates variety and visual interest providing further articulation of the forms while not becoming too 'fussy'. Further information with regards to material choices and the quality of the fenestration can be conditioned.

The use of the same material pallet across the different dwelling types is supported helping to unify the different elements the scheme.

The quality of materials can be secured through a planning condition and samples, including sample panels of the proposed brickwork showing intended mortar colour & jointing and the proposed hanging tiles should be requested. Samples of the any other proposed cladding material and window frames should also be requested.

Sustainability

The Council declared a Climate Emergency in September 2019 noting the intention of doing everything within our power to be carbon neutral by 2030. Policies DM 9, DM 11, DM 15-21 set out expectations around sustainability measures and information to ensure that development incorporates sustainable design and construction principles and clear approaches to climate change. Sustainable principles should be informing the design process from the outset including but not limited to, considering site layout and building orientation, form factor, fabric performance, fenestration, solar shading, SuDs, and opportunities to encourage active travel as well as improve biodiversity across the site as a whole.

While sustainability has been incorporated into some areas of the proposal it is noted that at the initial stage the EFDC sustainability check list had not been submitted. This was later submitted as at the time

of the original submission was not part of the validation requirements. The checklist, shows that the proposal either meets or surpasses the minimum requirements. The sustainability checklist, although a useful tool not all questions can be answered at planning stage.

In terms of renewable energy proposed solar panels and air source heat pumps are proposed (and can be conditioned to be sure are installed). All houses and flats are proposed as dual aspect to allow cross ventilation and reduce potential overheating. Water efficient appliances and fixtures are also proposed. Rainwater will be harvested for irrigation. As above, these can be conditioned to ensure these measures are implemented.

Neighbouring Amenity

The site is bordered by dwellings on the west and part of the south of the site.

To the south, the nearest property is No. 86 Forest Drive. This property will retain a good level of separation from the development site due to the location of the substation and the Preserved Oak Tree between this property and the application site. In addition, No. 86 is situated to the south of its plot and therefore there is some 20m between the side of 86 and the application site. Due to this good level of separation it is not considered the proposal will give rise to any excessive loss of privacy, light or outlook to the occupiers of No. 86.

With regards to the properties that back onto the site which are located on Dukes Avenue, these properties have rear gardens in the region of a minimum of 17.5m in depth. Two proposed dwellings back on to these properties (plot 1 and 3) but these are set in from the site boundary by some 12 and 8m, with an additional separation distance provided by the PROW and a very good level of screening provided by the existing tree line.

Notwithstanding the acceptable distance between these properties, at first floor Plot 1 only has one rear facing window (and a terrace than can be screened). Plot 3 (the closer of the two plots to the rear boundary, has only 2 small rear facing windows at first floor and one is a bathroom and the other a secondary window so both could be conditioned to be obscured glazed.

Plot 38 in the north west corner of the site, sides onto the properties on Dukes Avenue. Again the distances are acceptable and although there are side facing windows, these again are secondary windows and again can be conditioned to be obscure glazed.

Given, the distances, the separation provided by the PROW, the carefully positioned windows and the existing screening the proposal is not considered to result to excessive harm to the amenities of those properties that back onto the site.

There will clearly be a change to the current open nature of the application site, however this is not harmful to amenity. There will clearly be a greater level of activity within the site compared to the current use, but again given the design of the layout this will be minimised and the most activity will be located to the west of the site with the larger parking areas.

Amenity of Future Occupiers

The proposal meets the current nationally prescribed space standards for all dwellings and is therefore inline with Policy DM10 of the SVLP. With regards to the provision of amenity space, this has been significantly increased and all houses have adequately sized gardens and flats have access to a balcony or terrace. The proposal also includes a generous central landscaped space which provides a useable amenity space and the proposal has enhanced the access to the Public Right of Way for further amenity options. The plans were slightly revised to ensure the dwellings all had sufficient amenity space with the entrance dwelling moved slightly to the north and east to ensure the rear garden was not completely overshadowed by the protected tree to the rear.

All of the flats have dual aspect, to create a better form of living accommodation for future occupiers. Small details like angled balcony railing work as both a safety feature and retain privacy, with the intention that future occupiers will hopefully not need to DIY privacy screens.

A noise report has been submitted as part of the application and this report focuses on the impact of noise from the Underground line on occupiers of the proposal. The report concludes that suitable residential amenity can be met with suitable mitigation measures which can be secured by condition.

Affordable Housing

This scheme proposes 38 units and the applicant will need to provide at least 15 of the overall number of homes as affordable to comply with policy H1. It is useful to note that where affordable dwelling numbers do not result in whole numbers, it should be rounded up.

The planning statement included with this application, suggested that 40% affordable housing is proposed; in line with the adopted Local Plan. However, the proposed provision is 39.47% (39.5%) just below the policy requirement. In this case an increase in units, from 15 units to 16 units will be 42% of the overall number of homes as affordable housing; in excess of the policy requirement.

Given this 'technical' percentage issue, the Housing Officer is supportive of the application as the proposal will provide much needed affordable home within the District and is exceptionally close to the target of 40%.

As noted above within the Design section, the affordable homes within this proposal have been designed to be tenure blind.

Highways and Parking

32 parking spaces are proposed for this development (an error was picked up within the Design and Access Statement that stated 31). This is below the Essex Parking standards suggested amount of parking. However, this site is within an easy walk of the shops and services of Forest Drive and Theydon Bois Station and is considered a fairly sustainable site. Local Plan policies promote sustainable development and car free developments, and the Essex Parking Standards also allows for reductions in parking numbers.

The site specific allocation for this site is also clear in that:

Infrastructure

F. The site is located within a 400 metres radius of a London Underground Station. Measures must be adopted to promote sustainable transport modes and encourage active transport. Such measures should include: (i) limiting the provision of on-site residents' parking to that required to service the essential needs of the development...

This suggests that there is not a need for resident parking.

Despite the site-specific allocation stating the application site is within a 400 metre radius of the station, Officers are aware that this is an 'as the crow flies' measurement and in reality to walk to the station would be approximately 600m. Given that it is not within 400m of the station it is considered that there will be some reliance on private car use and despite the site-specific policy requirements suggesting no residents parking Officers have negotiated the current parking numbers.

The proposed provision of parking, given the above is considered a careful balance of providing sufficient parking spaces appropriate for the location, whilst promoting the sustainability of the site. In addition it balances the provision of car parking spaces without creating a development dominated by cars.

Cycle storage has been proposed for all units, and following clarification from the Agent many of these will be capable of accommodating more than one bike (i.e. for family use).

The Essex County Council Highways Officer has no objections to the scheme and comments:

The Highway Authority has assessed the application and submitted information, visited the site, and has concluded that in highway terms it is not contrary to National and Local highway and transportation planning policy and current safety criteria. It is also noted that the site is allocated, THYB.R1, in the Epping Forest District Local Plan 2011-2033 (2023).

The Transport Statement (TS) has analysed the impact of the traffic generation, to the satisfaction of the Highway Authority, and is not considered to have a significant or severe impact at this location, or on the wider highway network.

With regards to the parking provision for the development, ECC would defer to EFDC, as the Parking Authority for the District, but, whilst the Highway Authority considers the parking provision is likely to have little or no impact upon highway safety, it is highly likely to have an adverse impact on the overall amenity of the site, with people parking outside any designated spaces within the private development. The applicant should consider how the on-site parking is going to be managed in the future.

Further to the above, and in consultation with the NEPP, it is considered necessary to secure double yellow lines along the northern section of Forest Drive to prevent the development from being blocked, as the existing single yellows will not be sufficient for this purpose.

Consequently, the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity, or efficiency.

The comments relating to the onsite parking are noted and the developer has added details to the landscaping areas such as timber bollards to prevent ad hoc parking on site.

Landscaping

Notwithstanding the design comments above, the Council's Tree and Landscape Officer has no objection to the scheme subject to conditions to ensure the retained trees are protected, the retention of tree and shrubs and the submission of a hard and soft landscaping scheme. A landscape concept plan was also submitted as part of the application, at the request of the urban design officer and this shows how the layout of the built form has been designed around and to enhance existing landscaping.

SAC and Air Quality

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 concluded that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology

underpinning the appropriate assessment of the LPSV, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

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

Stage 1: Screening Assessment

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

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

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

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

Stage 2: 'Appropriate Assessment'

Recreational Pressures

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

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.

Local Infrastructure

Local residents raise concerns about the potential impact of development on local infrastructure and these concerns have been recognised by officers and consultees.

The Infrastructure Delivery Plan establishes the broad mechanism by which such matters can be resolved through appropriate contributions to improve local services and facilities to meet the increased needs placed on them by increased demand arising from development. Additional information from key service providers will inform the local requirements.

Discussions in relation to such impacts arising from the proposed development have resulted in a range of measures that would need to be addressed if development is to proceed, these can be secured by a s106 agreement. The following matters are included therefore as part of the application:

Obligations to be managed by EFDC:

Affordable Housing – on site provision of 15 affordable homes, of these, 4 are proposed for shared ownership and 11 for affordable rent

Open Space - Children & Young People	£4,239.32 x 38 (IDP requirement) =£161094.16
Community Facilities	£1363.65 x 38 (IDP requirement) =£ 51,818.70
Epping Forest Special Area of Conservation (comprising Air Quality Mitigation	£335 x 38 = £12730
Recreational Mitigation	£1852.63 x 38= £70,399.94
EFDC Monitoring Fee	£ 14,802.14 (5% of total)

Obligations to be managed by ECC:

Early Years and Childcare (IDP Requirement)	£2142.86 x 38 =	£81,428.68
Improvements to Footpath No. 3	£122.81 x 38 =	£7000
ECC Monitoring Fee		£1,100

These contributions, amounting to around £10,536 per dwelling in addition to the affordable housing provision have been agreed with the applicants and a legal agreement is in preparation.

In addition there will be onsite provision of public open space and provision of access to a car club as per the site specific requirements.

Conclusion:

The proposal results in new dwellings within an urban part (i.e. not within the Green Belt) of the District, it proposes a well-conceived design and layout, has limited harm to surrounding neighbours, provides sufficient parking in this sustainable part of the District, and provides onsite affordable housing. Therefore given the above assessment and subject to a legal agreement the application is recommended for approval.

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: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564414

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

Conditions: (43)

- 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 and retained strictly in accordance with the following approved plans:

15530-A-PL-(03)-001
15530-A-PL-(03)-002
15530-A-PL-(03)-003
15530-A-PL-(03)-004
15530-A-PL-(03)-100
15530-A-PL-(03)-101
15530-A-PL-(03)-102
15530-A-PL-(03)-103
15530-A-PL-(03)-104
15530-A-PL-(05)-100
15530-A-PL-(05)-101
15530-A-PL-(05)-102
15530-A-PL-(05)-103
15530-A-PL-(05)-104
15530-A-PL-A-(03)-100
15530-A-PL-A-(03)-101
15530-A-PL-A-(03)-102
15530-A-PL-A-(03)-103
15530-A-PL-A-(05)-100
15530-A-PL-A-(05)-101
15530-A-PL-A-(05)-102
15530-A-PL-A-(05)-103
15530-A-PL-B-(03)-100
15530-A-PL-B-(03)-101
15530-A-PL-B-(03)-102
15530-A-PL-B-(03)-103
15530-A-PL-B-(05)-100
15530-A-PL-B-(05)-101
15530-A-PL-B-(05)-102
15530-A-PL-B-(05)-103
15530-A-PL-C-(03)-100
15530-A-PL-C-(03)-101

15530-A-PL-C-(03)-102
15530-A-PL-C-(03)-103
15530-A-PL-C-(05)-100
15530-A-PL-C-(05)-101
15530-A-PL-C-(05)-102
15530-A-PL-C-(05)-103

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

- 3 A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. 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 (Priority habitats & species)

- 4 Prior to the first occupation of the development the access arrangements, as shown in principle on Waterman drawing no. 0003 Rev A03, shall be fully implemented, with all details being agreed with the Highway Authority, to include, but not limited to the following:
- The access road into the development shall match the existing width of Forest Drive, from its connection with it, with no unadoptable construction methods or materials to be used within the highway
 - Extension of the existing footway on the eastern side of Forest Drive into the site, at a minimum width of 1.8m, where possible
 - Provision of a pair of dropped kerb crossing points with tactile paving across the northern end of Forest Drive
 - Implementation of an extension to the existing ‘no waiting at any time’ Double Yellow Line restrictions, from the junction with Dukes Avenue, to the northern end of Forest Drive, on either side of the road.

Reason: To ensure that appropriate and safe access is secured for all highway users.

- 5 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, C, D, E and F of Part 1 and Class A of Part 2 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 and DM10 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 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, 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.

- 7 Prior to any above ground works, details of levels shall have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

Reason: To ensure the impact of the intended development upon adjacent properties and the street scene is acceptable, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 8 Prior to first occupation of the building/extension hereby permitted the windows in the rear of Plot 1 and Plot 3 at first floor level and above, shall have been fitted with obscure glass with a minimum Pilkington privacy level 3 obscurity (or equivalent), and no part of that/those windows that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained at these specifications thereafter.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 9 Prior to the first use of the balcony, details of a privacy screens to the side of the balcony on Plot 1 shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented before occupation in accordance with the approved details and so retained.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 10 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.

- 11 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.

- 12 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.

- 13 Access to Electric vehicle charging points shall be provided for all of the car parking spaces shown on the approved plans. The spaces shall be constructed and marked out and the charging points installed prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.

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.

- 14 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 2015 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage/carports hereby approved shall be retained so that they are capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site and shall at no time be converted into a room or used for any other purpose.

Reason: To satisfy the requirements of the Council's adopted vehicle parking standards, in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 15 Details of the proposed surface materials for all hard surfacing areas shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be

completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.

Reason: To ensure that a satisfactory surface treatment is provided in the interests of highway safety, visual amenity and to reduce the risk of flooding and pollution, in accordance with Policies T1, DM9, DM15, DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 16 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped 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.

- 17 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.

- 18 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.

- 19 The development shall not be occupied until a scheme of sound insulation for all external windows on the rear; facing elevation of Block A, B and C has been submitted to and approved

in writing by the Local Planning Authority. The scheme of sound insulation for the external windows shall be implemented prior to the occupation of the development and thereafter permanently retained.

Reason: To maintain reasonable levels of protection for the occupiers of the development from external noise, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

20 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.

21 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.

22 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.

- 23 Prior to first occupation of the development hereby permitted the recommendations as outlined within Planning Noise Assessment report WIE16261-108-R-1-3-3 and Planning Noise Assessment Addendum WIE16261-119-R-1.1.4_Noise shall be implemented prior to the occupation of the development and so retained.

Reason: To ensure an acceptable level of amenity for new occupiers with regards to noise and vibration, in accordance with policies DM9 and DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 24 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. 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.

- 25 Prior to any above groundworks of the development hereby permitted, details of provision for adequate storage for waste and recycling for the residential units hereby permitted shall be submitted to and approved by the Local Planning Authority. The measures as agreed shall be complete and available for use prior to first occupation of the residential units and thereafter maintained in accordance with the agreed details.

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.

- 26 Prior to the first occupation of the development the cycle parking, including any proposed in rear gardens, as indicated on the approved plans, shall be provided and retained as such for the life of the development.

Reason: To ensure that appropriate cycle parking is provided and promoting sustainable development and transport.

- 27 Prior to the first occupation of the development the parking and turning areas as indicated on the approved plans shall be provided and retained as such for the life of the development.

Reason: To ensure that appropriate parking and turning is provided.

- 28 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for the following all clear of the highway:

- Safe access into the site
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel and underbody washing facilities.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- 29 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.

- 30 Hard and soft landscaping shall be implemented as shown on Elwood Landscape Design 'detailed soft landscaping proposals' drawing number 'ANDE 570/1-002Rev P05' (dated October 2020); and the accompanying planting schedule. The works shall be carried out prior to the occupation of the building or completion of the development. 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.

- 31 No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 1.4l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party.

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- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.

- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2

- 32 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 and prevent pollution 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 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

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.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

- 33 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 34 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.

- 35 Prior to commencement of development above ground, details of the proposed solar panels and air source heat pumps, including specification, fixing and location (as per the approved plans) shall be submitted and agreed by the Local Planning Authority and implemented as such.

Reason: In the interests of incorporating low carbon and renewable energy measures into new development in accordance with policy DM20 of the Local Plan which is consistent with the NPPF.

- 36 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Updated Preliminary Ecological Appraisal (SES, March 2023) 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 and enhance 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 (Priority habitats & species).

- 37 A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, 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 (Priority habitats & species).

- 38 A Updated Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development [or specified phase of development].

The content of the Updated 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 habitat creation and 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 for a minimum of 30 years).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The Updated 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.”

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 (Priority habitats & species)

- 39 Prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use, a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.

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

- 40 Prior to first occupation of the development, a schedule of landscape implementation and maintenance specifically for the as approved 'green roofs' on the flat roof areas of the development, for a minimum period of five years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the

approved schedule. Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 and DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 41 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 and DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 42 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan. The Flood Risk Assessment and Management and Maintenance Plan shall include the following information: Final design, modelling and calculations for all areas of the drainage system in line with the principles of the approved design. • Demonstrate that all storage features can meet that half drain requirements. • 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 scheme. • A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features and final flow control limiting surface water. • Ensure that the drainage plan is clearly labelled where Permeable Paving provides attenuation, the subbase depth and if areas are located over any constraints, such as RPZ's, how they will be constructed i.e hand dug. • Details of management and maintenance of the drainage system inclusive of who will be responsible. • Clarification of the isolated pockets of detriment throughout the site and off site downstream highlighted in the findings of the Hydraulic Modelling and how they will be mitigated. Reason: The development is located in a flood risk area and would likely result in increased surface water run-off, in accordance with Policy DM15 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 43 Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles), and the impact on neighbouring residential properties. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from light pollution.

