

OFFICER REPORT

Application Ref: EPF/0016/19
Application Type: Full planning permission
Case Officer: Ian Ansell
Site Address: Gypsey Mead Works
Ongar Road
Fyfield
Ongar
Essex
CM5 0RB

Proposal: Proposed development of x 23 no. new homes with associated parking facilities, cycle stores and rubbish disposal.

Ward: Moreton and Fyfield
Parish: Fyfield
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NxY7>

Recommendation: Approve with Conditions

AND subject to completion of a suitable legal agreement to secure contributions in respect of affordable housing provision, library upgrade, open space and green infrastructure, EFSAC mitigation, and monitoring fees.

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.

The application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least five non-councillor residents have objected 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 lies to the west side of Ongar Road, and has a return frontage to the north side of Moreton Road. The southern part of the site on which built development is proposed comprises around 0.85ha and has historically been used for industrial and other commercial purposes including a restaurant with associated parking, but these uses have now ceased and most structures have been removed. The open areas contain mostly scrub and there are a number of protected trees across the site.

The site lies on the southern edge of Fyfield, such that properties opposite the entrance lie within the settlement (outside of the Green Belt). The site is adjoined by residential properties on Ongar Road, including a listed building (Mill Hatch) to the south on the corner of the junction and a locally listed building (Woolmongers Cottage) to the north, In the south west corner lies a two storey commercial property.

The site is allocated in the Local Plan Submission Version for residential development, and thus removal from the Green Belt. A public right of way runs along an access road which abuts the western site boundary. A number of significant protected trees lie within the site, and listed buildings adjoin.

Description of Proposal:

The application proposes residential redevelopment of the southern part of the site to provide 23 dwellings comprising 5 x 2 bed, 13 x 3 bed and 5 x 4 bed. Included amongst these are 9 affordable units (3 x 2 bed, 6 x 3 bed). Vehicle access to the development utilises the existing entrance on Ongar Road where a two way route is provided, within the sites a one way route is devised around a central public amenity area which includes a number of the significant trees being retained; a pedestrian access is maintained to Moreton Road. A mix of garages, curtilage, courtyard and roadside parking is proposed comprising 52 spaces, including 6 visitor spaces.

Properties are primarily two storeys with pitched roofs, four of the dwellings (plots 8 and 9, and 13 and 16) are designed with accommodation in the roof space with front and rear dormer windows. Buildings are a mix of detached, semi-detached and a small terrace of 3 units on a similar materials palette designed to be tenure blind. All houses have private gardens.

The northern part of the site (which lies outside the LPSV allocation) is incorporated into the application as part of sustainable drainage proposals. An attenuation pond is to be created towards the north west corner of the site as part of a wider surface water management scheme, Otherwise, no development is proposed on this part of the site.

The application is accompanied by a number of reports, including updated documents following revisions during the application process, covering Arboriculture, Ecology (including bats, newts and badgers), Land Contamination, Drainage, Transport and Highways, and a Habitat Regulations Assessment

Relevant History:

The scheme was the subject of pre-application discussions, including a Quality Review Panel.

Policies Applied:

Adopted Local Plan:

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

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

CP1	Achieving sustainable development objectives
CP2	Protecting the quality of the rural and built environment
CP5	Sustainable buildings
CP6	Achieving sustainable urban development patterns
CP7	Urban form and quality
CP9	Sustainable transport
GB2A	Development in the Green Belt
GB7A	Conspicuous development
GB16	Affordable housing
NC1	SPA's, SAC.s and SSSI's

NC3	Replacement of lost habitat
NC4	Protection of established habitat
NC5	Promotion of nature conservation schemes
RP4	Contaminated land
RP5A	Adverse environmental impacts
H3A	Housing Density
H5A	Provision of affordable housing
H6A	Thresholds for affordable housing
H7A	Levels of affordable housing
H8A	Availability of affordable housing in perpetuity
H9A	Lifetime Homes
U1	Infrastructure adequacy
U2B	Flood Risk assessment Zones
U3A	Catchment Effects
U3B	Sustainable drainage systems
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE4	Design in the Green Belt
DBE5	Design and layout of new development
DBE6	Car parking in new development
DBE7	Public open space
DBE8	Private amenity space
DBE9	Loss of Amenity
LL1	Rural landscape
LL3	Edge of settlement
LL7	Planting protection and care of trees
LL10	Adequacy of provision for landscape protection
LL11	Landscaping schemes
ST1	Location of development
ST2	Accessibility of development
ST4	Road safety
ST5	Travel plans
ST6	Vehicle parking
I1A	Planning Obligations

NPPF (July 2021):

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

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

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

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

- 5 Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 13 Protecting Green Belt land – paragraphs 137, 138, 141, 143, 147, 148, 149
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169
- 15 Conserving and enhancing the natural environment – 174, 175, 179 - 182, 183, 185, 186

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given)."

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the advanced stage of the LPSV, all policies should be afforded significant weight:

No.	POLICY
SP1	Presumption in favour of sustainable development
SP2	Spatial Development strategy
SP3	Place Shaping
SP6	Green Belt and District Open Land
SP7	The Natural Environment, landscape character and green infrastructure
H1	Housing mix and accommodation types
H2	Affordable housing
T1	Sustainable transport choices
T2	Safeguarding of routes and facilities
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM4	Green Belt
DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM10	Housing design and quality
DM15	Managing and reducing flood risk
DM16	Sustainable Drainage Systems
DM19	Sustainable water use
DM20	Low carbon and renewable energy
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality
P12	Site selection process – Coopersale, Fyfield, High Ongar, Lower Sheering, Moreton, Sheering and Stapleford Abbots
D1	Delivery of Infrastructure
D2	Essential facilities and services
D3	Utilities
D4	Community, Leisure and Cultural Facilities
D5	Communications Infrastructure
D6	Neighbourhood Planning

Consultation Carried Out and Summary of Representations Received

Date of site visit: 17 February 2020
 Number of neighbours consulted: 48
 Site notice posted: 19 February 2019
 Responses received: Objections received from 10 addresses
 48 ALBION HILL, LOUGHTON
 PENNYFEATHERS, CLATTERFORD END

YEW TREE HOUSE, DUNMOW ROAD
WHITE LODGE, NORWOOD END
2 LAMPETTS COTTAGES, MORETON ROAD
CLATTERFORD LODGE ONGAR ROAD
BEAUMONT, QUEEN STREET
THE MILL HOUSE, QUEEN STREET
3 WALKER AVENUE
PARSONAGE HOUSE, WILLINGALE ROAD

Comments cover the following issues:

- Impact of character of Fyfield as a village
- Impact on local traffic, adequacy of parking provision
- Existence of a badger sett, impact on ecology from site clearance
- Impact on local services – schools, healthcare
- Flooding issues as a result of hard surfacing, ability of drainage infrastructure to cope
- Affordability of affordable housing units – particularly in relation to house types and specialist accommodation
- Building heights in comparison to existing
- Noise and disturbance to adjacent properties
- Overall scale of development on restricted site, above anticipated number of units

Parish Council: Fyfield Parish Council have objected to the revised scheme, making the following comments:

Whilst the use of the site for future housing is not disputed, the scale and design of the proposed development is inappropriate. The construction of 24 homes on the site does represent high density development and the proposals advocate significant use of 2.5 storey housing within their design. The proposed layout and density is not in keeping with the design of existing housing in Fyfield with properties in the surrounding area being predominantly 1 or 1.5 storey and as such the proposals would not seem to meet the requirements of the Council's Housing Density Policy as set out in the existing Local Plan (Policies H3A and DBE1 refer). In addition, the Local Plan specified 14 houses on the site, whereas this application is for 23 or 24. It is not clear on the application if or where the 24th house would be built.

The Parish Council is also concerned that the proposals fail to address local housing need. The existing policy on the provision of affordable homes as set out in the Local Plan (Policies H4A and H5A) should apply and should ensure that the site provides an appropriate mix of dwellings. Questions were also raised about service charges. As noted on the application, the roads within the complex will not be adopted by the council, so charges would be applied for all residents for maintenance. How will this impact those in the affordable houses?

The issue of drainage provision was discussed at length at the Parish Council meeting. It is appreciated that such matters are often seen as a technical Building Regulation issue that can be managed on a site specific basis. In the case of this application for a site on higher ground in Fyfield may not seem to be problematic. However, The Parish Council is keen to ensure that this issue is considered very carefully in the wider context of the existing problems across the village. It is essential that this matter is considered carefully to ensure that any development does not increase the problems and risks to other existing residents in the village. Local knowledge indicates that other developments in Fyfield have made the local drainage issues worse and this cannot be allowed to occur again. Concern was raised about the pond which has been planned for taking away additional water. If this fills, the water will run downhill to an area that is already notorious for flooding (the B184 near the Environmental Station).

In respect of sewage/foul water, an email exchange between Mr Dick and Mr Bliss dated 18 August 2021 says that they "fully recognise a reinforcement system may be required". In view of the recent

failures of the sewage system in the village with sewage bursting out of pipes and sewage being transported by lorry from the Fyfield pumping station to the sewage treatment site in Willingale, the Parish Council must insist that serious improvements are made prior to any houses being completed, and will hold the developers, EFDC and Thames Water responsible for any failures in this matter.

The Parish Council does appreciate that the provision of an appropriate development on this site can add both to the local housing stock and can help to keep the local community viable and sustainable. However, there are questions about the poor pedestrian links. People moving into the houses will need to cross the main B184 to access the school, sports field, village hall and shop. The 30mph sign sits by the development, meaning that cars could still be travelling at 50mph as they pass the crossing point. The Parish Council would ask that the moving of the 30mph signs further south be considered. The Parish Council also questioned the amount of parking on the site. Fyfield is a rural community with sporadic bus service and therefore residents rely on cars. If each of the new houses has 3 cars, that is already 72 cars before adding visitors, deliveries etc. The surrounding roads are not suitable for overflow parking, and were they to be used, would cause even more congestion and danger for drivers and pedestrians. As the development will be un-adopted, all bins will have to be placed by the main road, and the bin, recycling and glass lorries will be parked for some time on the main road whilst collections are done, in an already difficult spot.

The Parish Council are keen to continue discussions with the developer to add value to the development and would welcome a more open approach. Residents are understandably concerned and have questions they would like to address to the developer.

The Parish Council would also question how the S106 funding will be allocated, and feel very strongly that in view of the significant percentage increase in houses to the village stock, it should be used for Fyfield and its residents, and not some project elsewhere.

Main Issues and Considerations:

Housing delivery and the LPSV

In considering the merits of the application, Members should have in mind the objectives of the Local Plan Submission Version in terms of housing delivery in general, and in the Fyfield settlement specifically.

Members will be aware of the national policy requirements to ensure a continuous supply of homes are delivered through the maintenance of a five year supply of housing land. Where such supply cannot be established, the presumption in favour of allowing development will take priority of most local plan policies. This leaves the Council currently vulnerable to development coming forward in locations where it would otherwise be resisted.

The LPSV seeks to provide inter alia new homes to meet the Council's national housing delivery targets. The Council has worked with neighbouring authorities to establish how these needs can be met while recognising differing environmental, policy and infrastructure constraints to arrive at a local requirement of around 11,400 homes. The Local Plan process has sought to further divide the allocation by a range of methods in order to identify sites capable of delivering the required number of homes over the plan period, including review of employment and other underused sites, and the Green Belt review, all of which will be familiar to Members. As a result, the plan identifies the need to supply around 175 of the required homes collectively in the settlements of Coopersale, Fyfield, High Ongar, Lower Sheering, Sheering and Stapleford Abbots.

The site allocation process seeks to meet these targets across the District. These allocations take account of the location of each site and its surroundings in terms of built character. The application site has been allocated due to its location adjacent to the existing settlement where it was considered appropriate to release land from the Green Belt to meet other pressing needs such as the need for

housing land. Such a policy has been applied across a range of sites allocated in the plan. The development of such sites would evidently relieve pressure to release other sites for development in other locations, particularly around the fringes of the settlement area where pressure may otherwise be exerted.

Thus, the early delivery of an allocated site, particularly with a level of development that is close to the allocation has significant benefit in housing delivery terms which should not be underestimated in the wider context. Officers will set out below why they consider the development is appropriate to the site and represents a practical solution to the constraints and opportunities, and why such a development outweighs the unknown alternatives.

Green Belt considerations

As members consider the application at this meeting, the existing adopted Local Plan and Alterations remains the statutory development plan until such time as the LPSV formally replaces it. It is necessary therefore to address the broader context of the existing site allocation within the Green Belt.

In this historic context, a proposal for new residential development would be considered inappropriate and therefore harmful to the Green Belt, having an adverse impact on its openness. Substantial weight is given to this harm. Thus, the application must be considered in the context of paragraphs 148 and 149 of the NPPF 2021 which state that such development should only be approved where very special circumstances exist, which will not exist unless potential harm resulting from the development, particularly harm to the Green Belt, is clearly outweighed by other considerations.

The Green Belt Review as part of the Local Plan process recognised the need to review Green Belt boundaries in order to meet other plan objectives for housing delivery. The removal of sites and allocation for development recognises opportunities to promote settlement rounding in a lower performing Green Belt location immediately adjacent to the settlements. The LPSV recognises that the site assessment establishes that it meets the criteria in the site selection process as appropriate to remove the site from the Green Belt.

Paragraph 48 of the NPPF makes clear that policies at an advanced stage in the preparation process can be given increased weight taking account of the following issues – the stage the emerging plan has reached in the process, the extent of any objection to the allocation and the degree of consistency with the NPPF. Officers are satisfied that all these criteria are met – the LPSV is at a very advanced stage in the preparation process, there are no changes to the allocation of the application site before the Inspector in the main modifications submissions, and the plan is consistent with the NPPF in terms of policies to protect the wider Green Belt.

Members should also have regard in this context to the provisions of Paragraph 11 of the NPPF which promotes a 'tilted balance' in favour of development in sustainable locations where it can be demonstrated that policies are not up to date, and where the adverse effects of development significantly and demonstrably outweigh the benefits. Such a case was successfully argued in the appeal decision issued in October 2021 in relation to a scheme for 52 dwellings at Langley and Mile Nurseries, Waltham Abbey - a Green Belt site immediately adjacent to the settlement.

Officers also consider that the proposal would not set a precedent for development in the Green Belt, other than in the case of other sites proposed to be allocated for removal from the Green Belt in the LPSV. Officers conclude therefore that very special circumstances exist in that the site is to be removed from the Green Belt through its allocation within the LPSV. As a result of the site's removal from the Green Belt, any harm to the Green Belt would be greatly reduced and thus outweighed.

In broader terms, it should be noted that the LPSV is altering Green Belt boundaries and allocating land for a significant number of new homes in order to meet identified future housing requirements and is

critical to the Council's obligation under the NPPF in maintaining provision of a five year housing land supply.

Design, scale and form

The application proposes a built form comprising mostly two storey dwellings with limited additional space at roof level. Such a scale of development is broadly consistent with a redevelopment on the edge of an existing rural settlement. Local comments refer to the scale of built development in the settlement as being lower scale which may be true of some parts, but there is far greater variety than is being suggested, properties in Walker Avenue include two storey terraced housing for example. The scale and density proposed are not inconsistent with the setting.

Consistent with the general local form, buildings on the road frontages are minimised, retaining an open spacious form, set back from the immediate kerbside. Buildings are of a variety of house types using a variety of materials consistent with the local area – brick, painted render, weatherboarding, tiled roofs. All dwellings are provided with private gardens of sufficient size for domestic use, with access to public open space.

Officers conclude therefore that the proposals are appropriate to the location.

Parking and access

The development utilises the existing access on Ongar Road which has previously been used for commercial vehicle access. Subject to minor design details, this adequately serves as access for the level and type of development proposed. This is recognised by the Highway Authority which confirms that following a site visit and revisions to the scheme, the proposals satisfy highway safety criteria subject to detailed design matters covered by conditions.

The scheme has ample parking, equivalent to 2 per dwelling and 6 additional visitor spaces. While such provision is high in the context of current guidance to reduce the reliance on private car usage, it reflects the poor public transport accessibility of the site and does not unduly compromise other aspects of the development.

The Parish Council have commented on the accessibility of the site in relation to pedestrian access to the village. It should be noted that the main pedestrian footway from the site into the heart of the village lies on the west side of the road, the footway on the east side is not continuous. The road is relatively narrow and the site lies on a shallow curve in Ongar Road giving good visibility for pedestrians.

Trees, landscape and ecology

The layout is heavily influenced by the number of significant, good quality trees on the site, and every effort has been made to retain a significant number of these. Trees are retained within public areas at the centre of the site and on the southern edge. At the eastern end of the site, plot 23 will have a number of trees within the garden area and buildings and hard surface areas outside the crown spread and root protection areas. Additional tree planting and general landscaping enhancements can be secured by condition.

The application was accompanied by a Preliminary Ecological Assessment, including reptile, bat and badger monitoring, which has been reviewed by the County Council Ecology Advisor. Other than existing scrub providing nesting opportunities for birds, no other activity by protected species was identified. The assessment recognises a need to secure biodiversity net gain within the scheme, and measures proposed include nesting boxes, wildlife sensitive lighting and habitat enhancement. These matters can be secured by condition.

Drainage issues

In response to consultation, Thames water identified concerns at the capacity of the foul and surface water drainage network to accommodate the needs of the development and identified a need for reinforcement work to provide sufficient capacity. In order to reduce demand, measures including surface water run-off to greenfield sites and rainwater harvesting was recommended.

In relation to surface water drainage, site levels are such that there is no immediate risk of flooding if surface water is managed in a sustainable drainage system. Following extensive discussion, a drainage strategy and updated Flood Risk assessment has evolved to include underground cellular attenuation storage within the site connecting to a balancing pond on land to the north, where levels are such that the land falls from the site down to the pond. The principles have been found to be deliverable subject to detailed design.

The applicant have held initial discussions with Thames Water in relation to foul drainage capacity and this again is a matter of detailed design which it would not be reasonable to expect to be sufficiently advanced ahead of a decision on the principle of development. Thus, a condition in this regard condition is also appropriate.

Impact on EFSAC

The site lies beyond the 3km core EFSAC area and has been assessed in terms of potential air quality impact only. Despite historic commercial uses on the site, it has been vacant for a number of years. As part of the wider air quality assessment, all sites allocated for development in the LPSV have been taken in consideration as to the allocated number of units. Thus, additional impact can be identified as a result of the number of units proposed, but this impact does not require additional mitigation beyond standard contributions and provision of electric vehicle charging points. In such circumstances, an appropriate assessment has been completed as under;

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

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

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

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

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

1. The site lies outside of the 6.2 km Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently the development will not result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
2. The development has the potential to result in a net increase in traffic using roads through the EFSAC. Therefore the proposal has the potential to result in a likely significant effect on the integrity of the EFSAC as a result of atmospheric pollution.

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

Stage 2: Appropriate Assessment

Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. The applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

Appropriate Assessment 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.

Other mitigation measures

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

AFFORDABLE HOUSING – Nine units comprising 3 x 2 bed and 6 x 3 bed houses, provided by a partner from the Council's approved list

LIBRARY IMPROVEMENTS - £1,789 to improve, enhance and extend nearest library facilities.

OPEN SPACE AND GREEN INFRASTRUCTURE - £4,262 per dwelling as identified by the Infrastructure Delivery Plan.

EFSAC MITIGATION - £335 per dwelling.

MONITORING FEES - %5 of contributions to EFDC, £550 in respect of Library Contribution to ECC.

It should be noted that the development is not of sufficient scale to require other contributions, including education and health contributions in accordance with Community Infrastructure Levy Regulations.

Neighbour amenities

Officers note that surrounding occupiers have not raised concerns about direct physical impact from development (overshadowing etc) which reflects the lack of any direct relationship with surrounding properties. Comments in relation to noise and disturbance are noted, but the overall level of development and the use thereof is consistent with any residential location and the level of development will not result in disproportionate levels of noise and activity as to make this unacceptable.

Heritage assets

The site adjoins Mill Hatch, a Grade II listed building which has been substantially extended. Development has been carefully sited to maximise the separation between this building and any new properties such that the setting and curtilage of the listed building are not compromised.

Land contamination issues

An initial assessment of the potential for contamination has been undertaken. This recognises that historic uses have the potential to have resulted in contamination, and that future users could be vulnerable to any such contamination. Further detailed consideration of the issues is required, and can be dealt with by conditions.

Conclusion:

The application brings forward an allocated site in the draft Local Plan with a level of development which meets a number of objectives in terms of housing delivery in the settlement and the wider District. Although the Plan has not been finally adopted, modifications do not propose any amendments to this site allocation, either in terms of housing numbers or site boundaries, so should be given significant weight. The delivery of this site at an early stage in the life of the plan will significantly reduce pressure for development on other, less suitable sites around the settlement.

Any development of more than 10 units has the potential to create benefits and enhancements which need to be balanced against the compromises. Benefits arise from provision of a policy compliant level of affordable housing, the mix of which has been agreed with by Housing Officers, measures to manage surface water drainage within the site, biodiversity, ecological and landscape improvements, and relevant mitigation to ameliorate impact on wider community infrastructure. In comparison, compromises in terms of residential amenity are limited. The scheme has evolved during the application period to address concerns around highway issues and the character and form of the built development.

Officers therefore conclude that the positive benefits far outweigh the concerns and therefore recommend that permission is granted, subject to conditions and an appropriate legal agreement.

Should you wish to discuss the contents of this report item please use the following contact details by 12pm on the day preceding the meeting at the latest:

Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481

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

Conditions: (31)

- 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: MP-001 Rev C and MP002, 61238-C-100 Rev A and 200 Rev A, L8670/1 Rev 0, GM-A GA001, GM-B EL001 and GA001, GM-C EL001 and GA001, GM-D EL001 and GA001, GM-E EL001 and GA001, GM-F EL001 and GA001, GM-H GA001, GM-J EL001 and GA001, GM-C-001, 002, 0021, 003, 004, 005, 0051, 0052, 0053 and 006, and TCTC-18332-PL-02 Rev A and 03 Rev A.

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

- 3 Development shall not commence until the developer has completed a binding agreement with an affordable housing provider agreed by the Council to facilitate delivery of the affordable housing units shown on the approved plans and required by the associated legal agreement accompanying this permission.

Reason: The development requires sufficient safeguards to ensure delivery of the affordable housing element in order to comply with policies H5A - H8A of the adopted Local Plan and Alterations, policies H1 and H2 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 4 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 RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policies DM21 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 5 A construction environmental management plan (CEMP:Biodiversity) shall be submitted to and approved in writing by the local planning authority. This should include, but is not limited to, precautionary working methods enabling mitigation of any potential impacts on retained habitats hedgerows and trees, nesting birds, bats, reptiles, great- crested newts, badgers and Priority species (Hedgehog).

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) as updated by the Environment Act 2021.

- 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 policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF.

7 Prior to the commencement of development , confirmation shall be provided that either:

1. Foul drainage capacity exists off site to serve the development, or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents in accordance with policy RP5A of the adopted Local Plan and Alterations, policy DM118 of the Local Plan Submission Version 2017, and the NPPF 2021.

8 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy RP4 of the adopted Local Plan 1998 & 2006, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 9 No development, including works of demolition or site clearance, shall take place until Tree Protection measures in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) have been installed in accordance with the details set out in the approved drawings and Arboricultural Assessment. The development shall be carried out only in accordance with the approved documents.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 10 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 policies CP2, DBE1 and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM12 of the Local Plan Submission Version 2017, and the NPPF.

- 11 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA). 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 policy CP1 of the adopted Local Plan 1998 & 2006, Policies T1 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

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

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 policy CP1 of the adopted Local Plan 1998 & 2006, Policies D5, DM2, DM9, DM10 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 13 Prior to commencement of slab level works, A Biodiversity Enhancement Strategy for protected and priority species shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Preliminary Ecological Appraisal (Crossman Associates October 2021), and the Preliminary Ecological Appraisal (Open Spaces , April 2017). The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).

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

Reason : To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021 and in accordance with policies NC3, NC4 and NC5 of the adopted Local Plan and Alterations, policies DM1, DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF2021.

- 14 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 DBE1 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 15 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 the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 16 Prior to commencement of above ground works, a plan indicating the position, design, materials and type of boundary treatment to be erected, shall have been submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained.

Reason: To ensure the safe movement of vehicles between the highway and off-street parking areas and to ensure a satisfactory appearance of the development, in accordance with Policies ST4 & DBE1 of the adopted Local Plan and Alterations 1998 & 2006, Policies T1 & DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 17 Prior to commencement of any above ground works, details of all external lighting 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. No additional external lighting, including any lighting within the curtilage of any dwelling within the development shall thereafter 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) as updated by the Environment Act 2021, policies NC3, NC4, NC5 and DBE2 of the adopted Local Plan and Alterations, policies DM1, DM9 and DM210 of the Local Plan Submission Version 2021, and the NPPF 2021.

- 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 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

- 19 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 ST4 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 20 No removal of hedgerows, trees or shrubs, or works to or demolition of 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 detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared, provided a written report of confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site, and that written confirmation has been approved by the Local Planning Authority

Reason: To ensure adequate protection is afforded to local wildlife in accordance with policies NC3 and NC4 of the adopted Local Plan and Alterations, policy DM1 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 21 All material excavated from the below ground works hereby approved shall be removed from the site.

Reason: In order to ensure that levels are not altered across the site as a result of deposited materials, in the interests of amenity, in accordance with Policies CP2, DBE1 and DBE9 of the adopted Local Plan 1998 & 2006, Policies DM9 & DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 22 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

Reason: To comply with the duties indicated in 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 LL10 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, and policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 23 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 and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF.

- 24 Prior to completion of the development hereby permitted, details of boilers shall be submitted to and approved in writing to the Local Planning Authority.
The boilers shall have dry NO_x emissions not exceeding 40 mg/kWh (0%). The development shall be carried out in accordance with the approved details.

Reason: To help improve local environmental conditions and limit emissions to air as required by the national planning policy framework. Boilers can be a significant source of NO₂ emissions and worsen local air quality. To help support improvements to air quality in accordance with the NPPF and Policy T1 and DM22 of the Epping Forest District Local Plan Submission Version 2017.

- 25 Prior to the first occupation of the development the access arrangements, as shown in principle on the approved plans, shall be fully implemented. All details to be agreed with the Highway Authority, and must include, but not limited to, the following:
- A new bellmouth junction with suitable radii;
 - Pedestrian dropped kerbs with tactile paving across the bellmouth;
 - Provision of safe pedestrian access into the site;
 - A pair of pedestrian dropped kerb crossings with tactile paving across the B184 – exact location to be agreed;
 - Provision of new footway as necessary to implement the crossing point of the B184;

Reason: To ensure that safe, efficient and improved accessibility is provided for all highway users, in accordance with the Highway Authority's Development Management Policies, adopted

as County Council Supplementary Guidance in February 2011, policies ST2, ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017 and the NPPF 2021

- 26 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: In the interests of highway safety, in accordance with policies ST4 and ST6 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 27 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 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: To ensure that safe, efficient and improved accessibility is provided for all highway users, in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST2, ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017 and the NPPF 2021

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

Reason: The ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties, in accordance with policies DBE2 and DBE 9 of the adopted Local Plan 1998 & 2006, Policies DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF.

- 29 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 plant, machinery, buildings or above ground structures shall be constructed on the land north of the residential curtilages of plots 4 - 6 on the approved plan 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 and the Green Belt, in accordance with policies GB2A, GB7A, DBE2 and DBE9 of the adopted Local Plan 1998 & 2006, Policies DM4, DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF.

- 30 No increase in residential curtilages beyond those shown on drawing MP001 Rev C and MP002 shall take place without prior consent 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 and the Green Belt, in accordance with policies GB2A, GB7A, DBE2 and DBE9 of the adopted Local Plan 1998 & 2006, Policies DM4, DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF.

- 31 The public open space areas within the site shall be retained in perpetuity for use by all residents of the development and shall be enclosed nor access restricted without prior consent from the local planning authority through a planning application.

This aspect of the application has been justified as a public facility and any change thereto requires appropriate consideration in accordance with policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policies DM5, DM9 and DM10 of the Local Plan Submission Version, and the NPPF 2021.

Informatives: (4)

- 32 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.
- 33 Note: Under the Land Drainage Byelaws of this Council, Land Drainage Consent is also required before any work commences. Please contact the Land Drainage team on 01992 564000 for application forms. The grant of planning permission does not imply the automatic grant of Land Drainage Consent.
- 34 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.
- 35
- i. The internal layout would not be considered for adoption by the Highway Authority.
 - 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
 - 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.