



# Epping Forest District Council

# EFDC



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Application Number:	EPF/0540/23
Site Name:	Cottis Lane Car Park, Cottis Lane Epping CM16 5LL

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# OFFICER REPORT

**Application Ref:** EPF/0540/23  
**Application Type:** Removal/variation of conditions  
**Applicant:** Qualis Commercial Ltd  
**Case Officer:** Nanayaa Ampoma  
**Site Address:** Cottis Lane Car Park, Cottis Lane, Epping, CM16 5LL  
**Proposal:** Variation to condition planning permission EPF/2925/20 (Full application for the redevelopment of existing surface level car park comprising the demolition of public toilets and the construction of a multi-deck car park, cinema (sui generis), commercial floor space (mixed Class E), replacement public toilets and cycle store, all associated plant, together with new vehicular and pedestrian access, all hard and soft landscaping, and associated works).to amend condition 2 (to include interim Phase drawings), and condition 26 (EV Charging Points)  
**Ward:** Epping Lindsey and Thornwood Common  
**Parish:** Epping  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001VeAy>  
**Recommendation:** Approved with Conditions (Subject to s106 Legal Agreement)

*This application is before this committee as it proposes a ‘major’ development where the Council is a landowner as defined in Article 10 of the Constitution.*

*The site has been transferred from Council ownership to Qualis Commercial Ltd, however given that this is a wholly owned company of the Council, the application is considered to meet the DDMC terms of reference.*

## **Recommendation**

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

The Conditions and s106 Legal Agreement obligations attached to permission EPF/2925/20. The s106 Legal Agreement includes provisions in the case of a s73 application and notes that the provisions shall also relate to and bind and future s73 applications.

A full list of conditions is provided at Appendix 1, which have been amended to reflect where matters that have already been discharged.

## **Site and Surroundings**

The application site lays within the Epping Town Centre to the north of the proposed primary shopping area. The site currently comprises the construction site of the previously approved Cottis Lane multi-storey car park. A small public toilet building maintained by Epping Town Council is located within the site.

The north-west boundary is to Bakers' Villas a sheltered housing complex and to the east/ north-east are the residential properties of Buttercross Lane. To the south is a small staff and customer car park serving M&S, the rear of the M&S store and the Epping in Bloom community garden.

To the west on the opposite side of Cottis Lane there are two, three storey blocks of offices forming part of the Falconry Court development. Kestrel House and Peregrine House are modern buildings, designed in Georgian and Victorian Gothic styles. These properties have been subject of a recent Prior Approval Application (ref. EPF/2056/21) for conversion from office to residential use under the

provisions of Class O of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The prior approval was granted on 20/09/21 which enables these properties to be converted into the 51 residential dwellings if implemented.

### **Description of Development**

The application seeks planning permission for a variation of condition 2 of the original approval for the Cottis Lane redevelopment (EPF/2925/20) to include additional phase drawings; and an amendment to the wording of condition 26 pertaining to the number of EV Charging Points. The original development was for Full Planning permission for the redevelopment of the existing surface level car park comprising the demolition of public toilets and the construction of a multi-deck car park, cinema (sui generis), commercial floor space (mixed Class E), replacement public toilets and cycle store, and all associated plant, together with new vehicular and pedestrian access, all hard and soft landscaping, and associated works).

It is proposed that condition 2, which provides for the approved plans, be modified as follows:

**Table 1**

<b>Current</b>	<b>NEW</b>
n/a	Ground Floor Plan – Interim Phase 1 - Reference 19756 - 2051 P1
n/a	Elevations – Interim Phase 1 - 19756 - 2203 P1
n/a	General Arrangement Plan – Interim Phase 1 – Reference 1270-03-030 P1
	<b>RENAMED</b>
Ground Floor Plan - Phase 1 (Meanwhile Use) 19756 - 2050 P02	Ground Floor Plan – Interim Phase 2 - Reference 19756 - 2050 P05
Elevations - Phase 1 (Meanwhile Use) 19756 -2202 P02	Elevations – Interim Phase 2 – Reference 19756 -2202 P05
General Arrangement Plan -Temporary Works 1270-03-009 Rev P4	General Arrangement Plan – Interim Phase 2 – Reference 1270-03-009 P7

The proposed interim phase proposals now introduced is to allow further clarification on the proposed phasing of the development and so the proposed interim arrangements are made clear. The Section 73 (s73) would result in the application having 2 phases of development as follows:

- Phase 1 – car park (this is phase A in the cross-site Section 106 agreement)
- Phase 2 – car park and commercial space

The design approach for Interim Phase 1 allows for a temporary public space in between the new car park and the remainder of the town centre ahead of the delivery of future phases. The drawings show a temporary landscaped area, including incidental play and seating areas.

The s73 application also proposes to amend the wording of condition 26 to allow for greater flexibility in the implementation of the requirements for electric charging spaces.

**Table 2**

<b>Current wording</b>	<b>Proposed</b>
------------------------	-----------------

Prior to the commencement of above ground works, details and location of the parking spaces equipped with active Electric Vehicle Charging Points (EVCP) must be submitted to and agreed in writing by the Local Planning Authority. The details shall demonstrate that the development will deliver 15 per cent active/85 per cent passive

ECVPs and shall include:

Location of active charge points  
Specification of charging equipment  
Operation/management strategy  
Identify of the 15% active provision which spaces are restricted to use only by Electric

Vehicles (excluding hybrid vehicles)

Where 15% active points are proposed, with 85% passive point provision, a management plan for the charging points should be submitted to and agreed in writing by the Local Planning Authority. The management plan shall include:

Which parking bays will have active charging provision, including disabled parking bays;  
How charging point usage will be charged amongst users and non-users;

Set out the process users can go through to activate passive charging points;

Electricity supply availability. The electricity supply should be already confirmed by UK Power Networks so that the supply does not need to be upgraded at a later date.

The development shall be completed in accordance with the approved details and retained in perpetuity. Prior to occupation, the application shall submit confirmation to the Local Planning Authority that the charging points are operational, with active provision. This must be supported by appropriate evidence.

Prior to the commencement of above ground works, a Management Plan which provides details and location of the parking spaces equipped with active Electric Vehicle Charging Points (EVCP) must be submitted to and agreed in writing by the Local Planning Authority.

The details shall demonstrate that the development is safeguarded and able to deliver 15% active / 85% passive EVCPs and shall include:

- The number of active chargers to be provided on opening of the car park (and if less than 15% supported by appropriate demand evidence)
- A monitoring and implementation strategy to ensure any deficit from the 15% in active chargers on opening is reviewed over the first 3 years of the development and provision increased inline with demand
- Which parking bays will have active charging provision, including disabled parking bays;
- Specification of charging equipment
- Operation/management strategy
- Identify of the active provision which spaces are restricted to use only by Electric Vehicles (excluding hybrid vehicles)
- Electricity supply availability. The electricity supply should be already confirmed by UK Power Networks so that the supply does not need to be upgraded at a later date.
- The Management Plan shall be updated every six months in the first three years of the development opening and then annually until 2030.

The development shall be completed in accordance with the approved details and retained in perpetuity.

Prior to occupation, the application shall submit confirmation to the Local Planning Authority that the charging points are operational, with active provision. This must be supported by appropriate evidence.

No other changes are proposed under the application. All other elements remain as under original application EPF/2925/20.

### **Relevant Planning History**

EPF/1810/22: Non-material Amendment to application EPF/2925/20 (dated 25/2/2022) for the alteration to car parking layout, internal floor plans and minor elevational changes. – **Approved**

*EPF/2925/20*: Full application for the redevelopment of existing surface level car park comprising the demolition of public toilets and the construction of a multi-deck car park, cinema (sui generis), commercial floorspace (mixed Class E), replacement public toilets and cycle store, all associated plant, together with new vehicular and pedestrian access, all hard and soft landscaping, and associated works. - **Granted subject to conditions and s106**

### **Environmental Impact Assessment**

The original application was accompanied by two Environmental Impact Assessments (EIA) that provided a comprehensive review covering all five Linked town centre development sites that formed part of the Qualis Commercial Ltd proposals. The s73 is accompanied by these Environmental Statements:

- Environmental Statement dated 31 March 2021 which reports the findings of the EIA for the three residential sites (St John's Road (EPP.R4), Sports Centre (EPP.R5) and Civic Offices (part) (EPP.RS) (the **Residential ES**); and
- Environmental Statement dated 28 July 2021 which reports on the findings of the EIA for the two commercial sites (Cottis Lane (EPP.R6) and Bakers Lane (EPP.R7)) (the **Commercial ES**).

The Epping Town Centre Development: Environment Summary Report (July 2020) sets out how the Commercial ES interact with environmental effects and methods of assessment for each site individually and cumulatively. It was determined by officers under the original application that the submitted ES collectively provide adequate environmental information to enable the original application to be determined. The effects have been analysed and mitigation measures have been applied where necessary.

It is not considered that the proposed changes to the original development, would give rise to new or significant effects on ecology and biodiversity, traffic and transport, socioeconomics, air quality, townscape, cultural heritage or climate change. Therefore, the proposed amendments remain consistent with the findings of the previous Environmental Statements.

### **Policy Context**

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 Local Plan 2011-2033 (2023).

#### ***National Planning Policy Framework (NPPF) (2021)***

The NPPF (2021) represents a material planning consideration for the planning assessment. It provides the framework for producing Local Plans for housing and other development, which in turn provide the policies against which applications for planning permission are decided.

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.

The most relevant chapters are as follows:

- 5 (Delivering a sufficient supply of homes);
- 6 (Building a strong, competitive economy);
- 7 (Ensuring the vitality of town centre);
- 8 (Promoting healthy and safe communities);
- 9 (Promoting sustainable transport);
- 11 (Making effective use of land);
- 12 (Achieving well-designed places);

- 14 (Meeting the challenge of climate change, flooding and coastal change);
- 15 (Conserving and enhancing the natural environment); and
- 16 (Conserving and enhancing the historic environment)

***Epping Forest Local Plan 2011-2033 (2023).***

The Epping Forest Local Plan was adopted on 6 March 2023 and now forms part of the Council's Statutory Policy Framework. The plan aims to help focus development principles and provide robust planning policy for future decision making. The most relevant policies within the Plan are as follows:

- Policy SP1 Spatial Development Strategy 2011-2033
- Policy SP2 Place Shaping
- Policy SP 3 - Space shaping - Significant
- Policy SP6 The Natural Environment, Landscape Character and Green and Blue Infrastructure
- Policy H1 Housing Mix and Accommodation Types
- Policy H2 Affordable Homes
- Policy T1 Sustainable Transport Choices
- Policy DM1 Habitat Protection and Improving Biodiversity
- Policy DM2 Epping Forest SAC and the Lee Valley SPA
- Policy DM3 Landscape character, ancient landscapes and geodiversity
- Policy DM5 Green and Blue Infrastructure
- Policy DM6 Designated and undesignated open space
- Policy DM7 Historic Environment
- Policy DM9 High quality design
- Policy DM10 Housing design and quality
- Policy DM11 Waste Recycling Facilities in New Development
- Policy DM15 Managing and Reducing Flood Risk
- Policy DM16 Sustainable Drainage Systems
- Policy DM18 On-Site Management and Reuse of Wastewater and Water Supply
- Policy DM20 Low Carbon and Renewable Energy
- Policy DM21 Local Environmental Impacts, Pollution and Land Contamination
- Policy DM22 Air Quality
- Policy P1 Epping
- Policy D1 Delivery of infrastructure
- Policy D2 Essential Facilities and Services
- Policy D3 Utilities
- Policy D6 Community Leisure and Cultural Facilities

***Epping Town Council Neighbourhood Plan***

A draft version of the Epping Town Neighbourhood Plan (ETNP) was published for consultation in May 2018. The ETNP has not yet been finalised or adopted as part of the Development Plan. However, the emerging document was given weight during the assessment of the previous application with policies 3, 7, 11, 14, 15 and 19 being deemed most relevant. Given the stage of its development, only limited weight could be given.

**Summary of Representations**

***Neighbour Representations***

The application has been publicised to 60 neighbouring properties. No neighbour responses have been received.

A Site Notice was erected at the site on 30 March 2023 for a period of 30 days in line with the EIA rules. A Press Notice was also issued within the Epping Forest Guardian on the 6 April 2023 to 8 May 2023, in line with the EIA rules.

The consultation period ended on 8 May 2023. No responses were received.

***Statutory and Non-Statutory Consultees***

Statutory and technical consultee comments are summarised below:

- Epping Town Hall: No objection.
- Place Services Ecology: No objection. The proposed alterations would not impact the ecological mitigation.
- EFDC Urban Design: No comment.
- ECC Highways: No comment.
- EFDC Environmental Health Noise: No comment.
- EFDC Environmental Health Light: No comment.
- EFDC Environmental Health Contamination Land: No comment.
- EFDC Environmental Health odour/air quality/Traffic Assessment: No comment.
- EFDC Conservation Officer: No comment
- EFDC Trees and landscaping: No comment.

## **Planning Considerations**

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

- Principle of Development
- Impact On the Epping Forest SAC
- Design
- Impact on Amenity
- Highways and Transport
- Infrastructure

### ***Principle of Development***

The principle of development has already been assessed and deemed acceptable under application EPF/2925.20. There is no change to the proposed use of the site and the original parameters remains as approved:

- 330 space multi-storey car Park
- 1,166 sq m GIA (1,201 GEA) Class E commercial floorspace
- 846 sq m (GIA) (871 sq m GEA) Cinema (Sui Generis)

As such, subject to the development's compliance with all other relevant policies, it is acceptable.

### ***Impact on Epping Forest Special Area of Conservation***

Epping Forest is designated as a Special Area of Conservation (SAC), which limits what can be done within the forest, as well as having impacts upon all proposed development in its vicinity. The Conservation of Habitats and Species Regulations 2017, as amended by the 2019 EU Exit Regulations (the Habitats Regulations) transpose the EU Habitats Directive into UK law and require a decision-maker to consider the effects of proposed projects on European protected sites through undertaking a habitats regulations assessment (HRA). Under the Habitats Regulations, the Epping Forest SAC (EFSAC) is a European site. If the result of an initial screening assessment is that a project is likely to have significant effects on a European site, a full assessment of those effects must be carried out. Regulation 63 of the Habitats Regulations requires the competent authority to conduct an 'appropriate assessment' ("AA") if concluding that the project is 'likely to have a significant effect' on a European site, either alone or in combination with other plans or projects. Where an appropriate assessment is conducted, then Regulation 63(5) applies, such that "the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site".

Accordingly, the Council has a legal duty as the 'competent authority' under the Habitats Regulations to protect the EFSAC from the effects of development (both individually and in combination) and in doing so, must have regard to the representations of Natural England (NE).

The Local Plan Habitats Regulation Assessment dated June 2021 ("the HRA 2021") (EB211A). Two specific 'pathways of impact' relating to new development within the District have been identified as

being likely to have a significant effect on the integrity of the EFSAC. Firstly, as a result of increased levels of visitors using the EFSAC for recreation arising from new development (referred to as "recreational pressure"). Secondly, damage to the health of the protected habitats and species of flora within the EFSAC from atmospheric pollution generated by motor vehicles (referred to as "air quality") caused primarily by motor vehicles using roads within 200m of the EFSAC.

Policies DM2 and DM22 of the Local Plan provide the policy context for dealing with the effect of development on the integrity of the EFSAC outlined above. They state that all new development should ensure no harm is caused to the integrity of the EFSAC and identifies its strategic solutions to ensure no such harm.

Policy DM22 sets out that applications for planning permission will be required to identify and deliver necessary mitigation measures, including monitoring mechanisms for the EFSAC before consent is given. This will include, where appropriate, measures identified in the most up to date APMS.

Any potential adverse effect on the integrity of the EFSAC, by way of the recreational pressure, only arises from residential development. Consequently, the development proposals at Cottis Lane were screened out as having no adverse impact under the original scheme. Thus, proposed amendments under the s73 would result in no adverse impact on the recreational pressure, as original approved.

In respect of atmospheric pollution, the proposed amendment to condition 2 and 26, would result in no significant change to the already approved. However, Policy DM22 states that any development proposals which propose a change in traffic movements to what has been modelled in the Local Plan need to be justified through the submission of an air quality assessment taking into the account other plans and projects and if necessary including further and bespoke mitigation measures. The measures put forward will be required to be precise, enforceable (both legally and in practice), quantifiable and effective beyond reasonable scientific doubt.

Policy T1 of the Local Plan requires that any development which proposes vehicle parking spaces must ensure that those spaces have direct access to an electric charging point. The provision of electric charging points are also noted in the APMS as a required mitigation measure.

The current s73 maintains the provision of electrical charging as per the below table:

**Table 3**

Applications	Public car park	Allocated	Visitor	Blue badge	Car club	Total	EV Charging	EV only spaces
Original	330	0	0	12	TBC	330	85% Passive 15% Active	15
Current s73	Unchanged.							

The proposals would also have no impact on the previous approved financial contributions against the 3 other sites (St John's Road, Civic Centre and Bakers Street) or any air quality mitigation measures. These legal agreements would also remain unchanged.

In light of the above, the proposal are considered compliant with the requirements of all relevant policies and with the requirements of the Habitats Regulations.



## ***Design***

The Council's Local Plan Policies SP2, H1, DM9 and DM10 are committed to ensuring that all new developments meet the highest standard of design in the broadest sense. In this respect, good design should result in development which functions well within the surrounding area and encompasses buildings which are durable and adaptable within their context. It further emphasises that good design is not solely a visual concern, but also has social and environmental elements such as the potential to create high quality public realm, improving quality of life for local communities and contributing to the sustainability agenda. All of which are essential components of an integrated, modern-day life. This approach aligns with the NPPF.

Policy SP2 seeks to ensure that developments accord with exceptional place making principles and it is recognised that placemaking is a holistic approach to planning. Meanwhile Policy DM9 sets out an overall design approach.

The proposed s73 amendments would make no significant changes to the previously approved development by way of detailed design, scale, parking layout or other such changes to the approved plans. However, following the approval of the section 278 highways works, the servicing arrangements at the site have been modified to remove the on-street loading bay at Cottis Lane. This was outside the approved application site's redline boundary, and this change was considered acceptable by the ECC Highways Officers.

As the proposed variation would not impact the approved layout or principle design elements, it would also not impact the below approved areas under the original application:

- Archaeology
- Contamination
- Landscaping and Trees
- Ecology
- Sustainability, Energy / Climate Change

In light of the above, it is considered that design matters under the application are acceptable.

## ***Impacts on neighbouring amenity***

Paragraph H of Policy OM 9 requires development proposals to take account of the privacy and amenity of the users of a development as well as that of neighbours. Policy DBE9 of the ALP contains the same objective by seeking to safeguard the living conditions of neighbouring properties. Paragraph H of Policy OM 9 is further split into subsections (i - iv) and the report will consider these issues in turn.

As started above, there are no design changes or other significant amendment to the original scheme by way of its scale or overall design that would affect outlook to neighbouring properties, privacy or noise. As such, there would be no change to the previously approved amenity arrangements.

In light of this, the proposed development is considered acceptable on amenity grounds and fully compliant with all relevant policies governing amenity.

## ***Highways and Transport***

The car parking provisions under the original scheme remain the same; the level of electric vehicle spaces would also remain the same; and the section 278 highways works have been approved by Essex County Council's Highways Officer. These 278 works are in line with the submitted s73, with the loading bay removed from the main Cottis Lane highway. All other measures remain as previously approved.

Under the original approval a number of s106 obligations were secured. These will subsist under the current s73:

- Bus Infrastructure Improvements
- Travel Plan

- Controlled Parking Zones Review
- ECC highways contribution £22,000
- Section 278 legal agreement

In light of the above, the proposed amendments to the original application will not result in an unacceptable impact on highway safety and create further cumulative pressure on the public highway in keeping with Policy T1 of the Local Plan.

### ***Infrastructure***

The Local Plan Policy D1 has identified that significant investment is required in order to deliver sustainable and balanced growth across the District and to continue to meet the needs of residents and businesses. Infrastructure may include a wide remit including transport, utilities, flood and surface water management, open space and social and community infrastructure. In order to set out necessary infrastructure requirements in a detailed and clear way, the Council has produced an Infrastructure Delivery Plan (IDP) to help manage the future growth of the District.

The IDP is split into development areas and identifies the various interventions necessary within each area. The majority of infrastructure requirements are triggered by residential development and don't apply to the site given the current proposal.

However, areas of particular relevance to this application were considered under the original application and secured by legal agreement. There were:

- ECC Highways and Transportation enhancement to bus infrastructure
- ECC highways contribution £22,000 to provide for ongoing maintenance for a 10-15 year period.
- Employment and Skills Plan

These will continue to subsist under the current s73 if approved by Members.

### **Equality Duties and Human Rights**

Section 149 of the Equality Act (2010) requires that a public authority must exercise its functions having due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic (age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation) and persons who do not share it, and foster good relations between persons who share a relevant protected characteristic and persons who do not. In making this recommendation, due regard has been given to this Public Sector Equality Duty and the relevant protected characteristics. It is considered that there will be no specific implications and that, if approving or refusing this proposal, the Council will be acting in compliance with its duties.

The Human Rights Act (1998) makes it unlawful for a public authority to act in a way which is incompatible with any of the Convention rights protected by the Act unless it could not have acted otherwise. Careful consideration has been given to the rights set out in the European Convention on Human Rights, in particular Article 6 (right to a fair trial); Article 8 (right to respect for private and family life; Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (right to peaceful enjoyment of possessions).

The Council is of the opinion that the recommendation to approve does not interfere with any such rights except insofar as is necessary to protect the rights and freedoms of others. The Council is permitted to control the use of property in accordance with the public interest and the recommendation is considered a proportionate response to the submitted application based upon the considerations set out in this report. Officers have had due regard to all the above Acts and directions and are satisfied the approval of the development would not affect any protected characteristic in a disproportionate manner.

### **Conclusion**

The NPPF para 11(d) states that determinations must be made in accordance with the development framework unless material considerations indicate otherwise. The scheme has been assessed against this framework and officers have worked with the developer to ensure the scheme provides for the most beneficial outcome.

The principle of development has been previously assessed against the adopted Local Plan and deemed to be in compliant. The design language and principles remain as originally approved. The development would result in no additional or further harm to existing residential amenity or the highways. The application will secure all previously approved conditions and s106 obligations. Therefore, benefits secured under the original application will continue.

In light of the above, the application has demonstrated its compliance with the requirements of the Local Plan, the Adopted Local Plan and the NPPF. It is therefore recommended for **Grant**.

***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: Nanayaa Ampoma  
Direct email address: [nampoma@eppingforestdc.gov.uk](mailto:nampoma@eppingforestdc.gov.uk)***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

**Conditions: (37)**

1 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country

2 Planning Act 1990 (as amended).

M4 - Approved Drawings

The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

Location Plan 19756 - 0201 P01

Existing Site Plan 19756 - 0202 P01

Combined Site Plan Cottis and Bakers Lane Car Parks 19756 -0301 P03

Extent of Off-Site Highways and Public Realm Works 19756 -0302 P03

Proposed Site Sections 19756 -0303 P02

Proposed Ground Floor Plan 19756- 2001 P03

Proposed First Floor Plan 19756 -2002 P03

Proposed Second Floor Plan 19756 -2003 P03

Proposed Third Floor Plan 19756 -2004 P03

Proposed Roof Plan 19756 -2005 P03

Ground Floor Plan – Interim Phase 2 - Reference 19756 - 2050 P05

Sections - 1of 2 19756 -2101 P02

Sections -2 of 2 19756 -2102 P01

Elevations 19756 -2201 P02

Elevations – Interim Phase 2 – Reference 19756 -2202 P05  
Detail Bay Elevation 1 -Car Park  
19756 -2301 P02

Detail Bay Elevation 2 - Yard 19756 -2302 P01  
Bakers Lane & Cottis Lane Sites - General Arrangement Plan 1270-03-001 Rev P6  
Cottis Lane Car Park - General Arrangement Plan 1270-03-002 Rev P5  
Cottis Lane Car Park - General Arrangement Plan Roof Level 1270-03-003 Rev P5  
Cottis Lane Car Park -Existing Condition 1270-03-004 Rev P1  
Vegetation Retention & Removal Plan - Phase 1 1270-03-005 Rev P1  
Vegetation Retention & Removal Plan - Phase 2 1270-03-006 Rev P1  
General Arrangement Plan - Public Realm Improvements 1270-03-008 Rev P6  
General Arrangement Plan – Interim Phase 2 – Reference 1270-03-009 P7  
Site Section A-AA -Existing Condition 1270-03-010 Rev P1  
Site Section A-AA - Proposed Condition 1270-03-011 Rev P4  
Site Section B-BB - Proposed Condition 1270-03-013 Rev P5  
Site Section C-CC - Existing & Proposed Condition 1270-03-014 Rev P4  
Site Section D-DD - Existing & Proposed Condition 1270-03-015 Rev P5  
Site Section E-EE - Existing Boundary Condition 1270-03-016 Rev P3  
Site Section E-EE - Proposed Boundary Condition 1270-03-017 Rev P3  
Boundary Condition A-AA 1270-03-018 Rev P2  
Boundary Condition B-BB 1270-03-019 Rev P2  
Boundary Condition C-CC 1270-03-020 Rev P2  
Boundary Condition D-DD 1270-03-021 Rev P2  
Boundary Condition E-EE 1270-03-022 Rev P2  
Planting Plan 1270-03-201 Rev P5  
Planting Plan - Roof Level 1270-03-202 Rev P5  
Planting Plan - Public Realm Improvements 1270-03-203 Rev P3  
Typical Detail - Tree Protective Fence 1270-03-400 Rev P1  
Typical Detail - Tree Pit in Soft 1270-03-401 Rev P1  
Typical Detail - Tree Pit in Hard 1270-03-402 Rev P1  
Typical Detail - Biodiversity Roof 1270-03-403 Rev P1  
Typical Detail - Planter Upstand 1270-03-404 Rev P1  
Surface Detail - Brick Paving Type 1 1270-03-411 Rev P1  
Surface Detail - Concrete Surface 1270-03-412 Rev P1  
Surface Detail - Site Branding 1270-03-413 Rev P1  
Surface Detail - Drainage Rill 1270-03-414 Rev P1  
Surface Detail - Manhole Covers 1270-03-415 Rev P1  
Surface Detail - Kerbs & Edges 1270-03-416 Rev P1  
Surface Detail - Macadam 1270-03-417 Rev P1  
Surface Detail - Granite Setts 1270-03-418 Rev P1  
Street Furniture Detail - Seating Type 1 1270-03-421 Rev P1  
Street Furniture Detail - Concrete Seating Wall 1270-03-422 Rev P1  
Street Furniture Detail - Bollard 1270-03-424 Rev P1  
Street Furniture Detail - Cycle Stand 1270-03-425 Rev P1  
Street Furniture Detail - Litter & Recycling Bin 1270-03-426 Rev P1  
Street Furniture Detail - Bespoke Concrete Seating 1270-03-427 Rev P1  
Street Furniture Detail - Swing Seat 1270-03-428 Rev P1  
Ground Floor Plan – Interim Phase 1 - Reference 19756 - 2051 P1  
Elevations – Interim Phase 1 - 19756 - 2203 P1  
General Arrangement Plan – Interim Phase 1 – Reference 1270-03-030 P1

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended). For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

3 Finished Floor Levels

Prior to the commencement of any above ground works, details of the finished floor levels of the buildings of the development hereby permitted in relation to existing ground levels shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. *Except where permission has already been provided.*

Reason: To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, the amenities of neighbouring occupiers and existing trees, hedgerows and other landscaping, in accordance with Policies T 1, DM 9, DM 18 and DM 19 of the Local Plan Submission Version 2017 and with Policies DBE2, DBE3, DBE4, DBE9, LL11 and RP3 of the Adopted Local Plan and Alterations 2006.

4 Design

H1 Details/Samples of External Materials

Prior to the commencement of development above slab level, detailed drawings and samples of all materials (or documentary and photographic details where samples are unavailable) to be used in the construction of the external surfaces of the development, including any external cladding and internal cladding that is decorative and visible externally, decorative fascia or panels, balustrades and glazing, hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details / samples. Please do not send materials to the Civic Offices. Materials should be kept on site and arrangements made with the planning officer for inspection.

Detailed drawings and samples shall include:

Principal features on the facades e.g. bay studies (1:50 @ appropriate paper size)

Details of each envelope / roof type (1:20 @A3)

Detailed brick elements including mortar joint profile (1:20 @A3)

Details of glazing and curtain walling systems including any manifestation (1:20 @A3)

Key junctions/bonds between materials/finishes (1:20 @A3)

Ground floor frontages including entrances, glazing and signage zones, infill panels on plant rooms/bike stores etc, shopfronts or commercial/workspace frontages (1:50@ appropriate paper size)

Parapets, roof edges, rooftop plant screening, lift over runs etc (1:20 @A3)

Elevational location of all joints e.g. structural, movement, panels (1:100 @ appropriate paper size)

Elevational location of all openings in envelope e.g. ventilation grilles, bird & bat boxes (1:100 @ appropriate paper size)

Elevational location of all items which are fixed to the facade e.g. fins/louvres, rainwater pipes, lighting, CCTV, alarms including any provision for cable runs boxes (1:100@ appropriate paper size)

Head, jamb and sill details, including profiles, for typical openings and all ground floor

entrances and doors to balconies / terraces (1:20 @A3)  
Details of key architectural metalwork / screens / gates (1:20 @A3)  
Details of balconies and terraces including floor finishes (1:20 @A3)  
Balustrade details (1:20 @A3)  
Details of soffits and canopies (1:20 @A3)  
Details of external stairs (1:50 @A3)  
Junctions with neighbouring buildings (1:20 @A3)  
External signage details including elevations and sections (1:50 @A3)  
Details of green / brown roof system (1:20 @A3)  
Any other items not listed but bespoke to building requirement

Reason: To ensure a high quality design and satisfactory appearance to the development in the interests of visual amenity of the area, in accordance with policy DBE1 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

## 5 H2 -Materials

The details of materials to be submitted pursuant to Condition 4 and to be used in the construction of the external surfaces of the development hereby permitted shall match (in colour, style, bonding & texture) those shown on plan numbers:

Combined Site Plan Cottis and Bakers Lane Car Parks 19756 - 0301 P03  
Extent of Off-Site Highways and Public Realm Works 19756 -0302 P03  
Proposed Site Sections 19756 - 0303 P02  
Proposed Ground Floor Plan 19756 - 2001 P03  
Proposed First Floor Plan 19756 - 2002 P03  
Proposed Second Floor Plan 19756 -2003 P03  
Proposed Third Floor Plan 19756 -2004 P03  
Proposed Roof Plan 19756 - 2005 P03  
Ground Floor Plan - Phase 1 (Meanwhile Use) 19756 - 2050 P02  
Sections -1 of 2 19756 - 2101 P02 Sections -2 of 2 19756 -2102 P01  
Elevations 19756 -2201 P02  
Elevations - Phase 1 (Meanwhile Use) 19756 -2202 P02  
Detail Bay Elevation 1 -Car Park 19756 - 2301 P0 2  
Detail Bay Elevation 2 - Yard 19756 - 2302 P01

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 of the adopted Local Plan 1998 & 2006, and DM9 of the Local Plan Submission Version 2017, and the NPPF 2021

## 6 H3 Boundary Treatment

Prior to the commencement of any above ground works of the development, or any phase of the development, whichever is the sooner, hereby permitted, a scale plan of not less than 1:100 indicating the position, design, materials and height and type of boundary treatment to be erected, shall be submitted to and approved in writing by the Local Planning Authority. The details of the boundary treatment to be submitted and used in the construction of the development shall accord with the noise attenuation criteria detailed within the submitted Noise Impact Assessment Technical Report: R8437-2 Rev 1 (24 Acoustics: 10th December 2020). The development shall be carried

out in accordance with the approved details and all boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained. *Except where permission has already been provided*".

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 Local Plan and Alterations policies ST4 & DBE1 and Submission Version Local Plan (2017) policies T1 (paragraph F) & DM 9, all of which are consistent with the National Planning Policy Framework.

## 7 External Lighting

Details of any external lighting of the site, or any phase of the development, whichever is the sooner, shall be submitted to, and approved in writing by, the Local Planning Authority 6 months prior to the occupation of the development. This information shall include layout and elevation plans with beam orientation, light spill and a schedule of equipment to be installed (luminaire type, mounting height, aiming angles and luminaire profiles) and details of when all non-essential external lighting for the development shall be non-illuminated. The lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. *Except where permission has already been provided*".

Reason: To ensure that the use of the lighting 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 and Alterations, and policies DM9 & DM21 of the Local Plan Submission Version 2017, and the NPPF 2021.

## 8 Soft/Hard Landscaping/Trees

### C1 - Retention of Trees and Shrubs

If any tree, shrub or hedge shown to be retained in the submitted Arboricultural Impact Assessment 200659-PD-11a (TMA: June 2021) 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 6 months or during the next planting season (whichever is the sooner) at the same place, unless the Local Planning Authority gives its written consent to any variation. 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 6 months or during the next planting season (whichever is the sooner), be planted at the same place. *Except where permission has already been provided*".

Reason: 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 & LL11 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, the NPPF 2021, and Section 197 of the Town and Country Planning Act 1990 (as amended).

9 C3 - Hard and Soft Landscaping

Prior to any above ground works, a scheme of hard and soft landscaping for the site, including details of materials, species and a planting schedule shall be submitted to and approved in writing by the Local Planning Authority. The hard landscaping details shall include:-

- a) details of existing features to be retained;
- b) proposed finished levels or contours;
- c) hard surfacing materials;
- d) means of enclosure;
- e) car parking layouts;
- f) other vehicle and pedestrian access and circulation areas;
- g) secure cycle storage facilities;
- h) refuse facilities;
- i) other minor artefacts and structures, including furniture, play equipment, signs, functional services above and below ground (e.g. drainage, power, communications cables, pipelines) including heating strips, indicating lines, manholes, supports etc.;
- j) retained historic landscape features and proposals for restoration where relevant;
- k) existing trees and hedgerows to be retained; .
- l) soft landscaping details including 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;
- m) tree/hedgerow removal;
- n) tree planting including species, planting location, timing of planting, specification and maintenance;
- o) tree protection measures;
- p) programme of management of the soft planting;

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. If any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. *Except where permission has already been provided*".

Reason: To secure the provision and retention of the landscaping in the interests of the visual amenity of the area in accordance with policies CP2 & LL11 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, the NPPF 2021, and Section 197 of the Town and Country Planning Act 1990 (as amended).

10 Soft Landscape

Soft landscape works pursuant to Condition 9 shall comply with the approved planting plans (1270-03-201 P5, 1270-05-202 P5 and 1270-03-203 P3) and include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme. All



planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation. *Except where permission has already been provided.*

Reason: To ensure a satisfactory appearance to the development and landscape treatment of the site. To safeguard the visual character of the immediate area in accordance with Policies DM 3, DM 5 and DM 9 of the Local Plan Submission Version and with LL10 and LL11 of the Adopted Local Plan and Alterations 2006, and the NPPF 2021.

11 C6 - Tree Protection Measures

The development hereby permitted shall proceed in accordance with the terms of the Arboricultural Impact Assessment 200659-PD[1]11a (TMA: June 2021). Its implementation shall include the supervision of the tree protection during the demolition and construction phases by an Arboricultural Consultant (provided by the applicant with the agreement of the local planning authority). *Except where permission has already been provided.*

Reason: To protect existing trees during the construction works in order to ensure that the character and amenity of the area are not impaired, in accordance with Policies DM 3, DM 5 and DM 9 of the Local Plan Submission Version and with LL10 and LL11 of the Adopted Local Plan and Alterations 2006.

12 Construction Environmental Management Plan (CEMP)

Prior to the commencement of the development hereby permitted (including ground works, vegetation clearance), 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) Measures to protect badgers from being trapped in open excavations and/or pipe culverts.
- e) The location and timings of sensitive works to avoid harm to biodiversity features.
- f) The times during which construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or Similarly competent person.

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. *Except where permission has already been provided.*

Reason: To avoid or mitigate the effects of the construction of the development on ecological receptors, in accordance with Policies DM 3, DM 5 and DM 9 of the Local Plan Submission Version and with LL10 and LL11 of the Adopted Local Plan and Alterations 2006.

13 Landscape and Ecological Management Plan (LEMP)

Prior to the first occupation of the development, or any phase of the development, whichever is the sooner, a landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Prescription of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) 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 maintenance schedule shall be for a minimum period of 5 years and include details of the arrangements for its implementation. The development shall be carried out in accordance with the approved schedule. The management plan & maintenance schedule 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. *Except where permission has already been provided.*

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). To ensure habitat enhancement within the landscape of the development, in accordance with Policies DM 1, DM 3, DM 5 and DM 9 of the Local Plan Submission Version and with LL7, LL10 and LL11 of the Adopted Local Plan and Alterations 2006, the NPPF 2021 and Section 197 of the Town and Country Planning Act 1990 (as amended)

14 Highway Works

Prior to any above ground works of the development hereby permitted, the improvement works to the public highway as shown in principle on Meinhardt drawing no. 2748-MHTCV-003 Rev P02 shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with Essex County Council. The improvement works shall be implemented prior to the occupation of the development in accordance with the approved details and these details shall include phasing of the works that broadly accord with drawing 19756-XX-00-DR-0302-P P2. The design details to be agreed shall include but not be limited to the following:

- New vehicular/pedestrian/cycle accesses for Cottis Lane development and Bakers Lane development.
- The provision of a new junction arrangement and street materials including increasing existing footway widths and provision of dropped kerb crossing points with tactile paving;
- Provision of a new layby and road widening on Bakers Lane with an adoptable 2m footway to rear of each;
- Implementation or amendment of Traffic Regulation Orders (TROs) as appropriate for parking and loading restrictions considered relevant and necessary along Cottis Lane and Bakers Lane;
- To implement an appropriate TRO and works as necessary, on Cottis Lane, to prevent motor vehicles along approx. 50m of its length from the High Street to the turning head to the rear.

*Except where permission has already been provided.*

Reason: To ensure that safe, efficient and improved accessibility is provided for all highway users. In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Policy T 1 of the Local Plan Submission Version and with Policy ST4 of the Adopted Local Plan and Alterations 2006.

#### 15 Vehicle Turning Areas

Prior to the first occupation of the development the vehicle/cycle parking and turning areas as indicated on the approved plans shall be implemented, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose. *Except where permission has already been provided.*

Reason: To ensure that appropriate parking and turning is provided, in accordance with Policy T 1 of the Local Plan Submission Version 2017 and with Policy ST4 of the Adopted Local Plan and Alterations 2006

#### 16 Delivery and Servicing Plan

Prior to the commencement of any above ground works for the development, or any phase of the development, whichever is the sooner, hereby permitted, a highways management plan shall be submitted to and approved in writing by the Local Planning Authority. The highways management plan shall include the management responsibilities and maintenance schedule for the private access road; the on-site car and cycle parking; electric vehicle charging points; servicing, loading and unloading, turning and waiting areas. The management plan shall be carried out in accordance

with the approved details and its requirements adhered to thereafter. *Except where permission has already been provided.*

Reason: In the interest of highways and pedestrian safety and the character and appearance of the development, in accordance with Policies T 1 and DM 9 of the Local Plan Submission Version and with Policies DBE1, DBE4 and ST4 of the Adopted Local Plan and Alterations 2006.

17 Construction Management Plan

Prior to the commencement of development, or any phase of the development, whichever is the sooner, hereby permitted, a Construction Management/Method Plan and Statement with respect to the construction phase of the development shall be submitted to and approved in writing by the local planning authority. Development works shall be undertaken in accordance with the approved Construction Management/Method Statement. The details shall include:

- a) Construction vehicle numbers, type and routing;
  - b) Traffic management requirements, including crossing the public highway and other rights of way;
  - c) Vehicle parking for site operatives and visitors (inclusive of travel plan measures to
  - d) Loading/unloading and storage of plant and materials used in constructing the development;
  - e) Construction and storage compound areas;
  - f) The erection and maintenance of security hoarding;
  - g) Siting and details of wheel washing facilities including location of petrol/oil interceptors in all car parking/washing/ repair facilities;
  - h) Frequency and method of cleaning of site entrances, site tracks and the adjacent public highway;
  - i) Minimisation of dust emissions arising from construction activities on site and any temporary access to the public highway;
  - j) Details of the responsible person (site manager/office) who can be contacted; and
  - k) A scheme of recycling/disposing of waste resulting from demolition and construction works.
- Except where permission has already been provided.*

Reason: In the interest of highways and pedestrian safety and the character and appearance of the development. To prevent oil-polluted discharges entering local watercourses. To ensure satisfactory provision in relation to adjoining properties and circulation within the site, in accordance with Policies T 1 and DM 9 of the Local Plan Submission Version and with Policies DBE1, DBE4 and ST4 of the Adopted Local Plan and Alterations 2006.

18 Vehicle Wheel Washing

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 1998 & 2006,

Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.

19 Swept Path Analysis

Prior to commencement of the development hereby permitted, swept path assessments for the specified phase of development shall be submitted to and approved in writing by the Local Planning Authority and shall include the following:

- a) Large car accessing car parking spaces to demonstrate that they can be safely entered and departed from. This should be demonstrated for the car parking spaces that are in corners and for one midway in a row. This will be necessary for any public or employment car parks;
- b) Swept path assessment for a fire tender manoeuvring within the site to demonstrate that a fire tender can safely manoeuvre within to access all units;
- c) Swept path assessment for a refuse vehicle to demonstrate that refuse collection and servicing can take place to serve development site;
- d) Swept path assessments for servicing and delivery vehicles for any commercial land uses to demonstrate that servicing and deliveries can be accommodated to serve the development site and within the respective land use sites. Thereafter, the development, or the specified phase(s) of the development (whichever is the sooner) shall only be carried out in accordance with the approved details.

*Except where permission has already been provided.*

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Policy T 1 of the Local Plan Submission Version 2017 and with Policy ST4 of the Adopted Local Plan and Alterations 2006.

20 Sustainability

Prior to the commencement of any above ground works for the development hereby permitted, a method statement that demonstrates the way in which the development will meet the minimum sustainability levels and standards as set out in the Energy Strategy Report (Elementa: December 2020) and Sustainability Statement (Elementa: December 2020) shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include both passive and active sustainability measures to be incorporated into the built fabric of the development and those measures to be carried out during the construction phase of development. The development shall be carried out in accordance with the approved details. *Except where permission has already been provided.*

Reason: In the interest of delivering positive sustainability and environmental benefits. To support the move towards a low carbon economy, in accordance with the National Planning Policy Framework and Policies DM 20 of the Local Plan Submission Version and with Policy CP8 of the Adopted Local Plan and Alterations 2006.

21 Flood Risk and Drainage

No development hereby approved (except demolition and enabling works) shall take place until a detailed surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by Meinhardt (Issue

P02 - 10 December 2020) and the Drainage Strategy indicated on drawing nos. 2780-MHT-CV-100 P03; 2780-MHT-CV-110 P03; 2780-MHT-CV-120 P03 in the Below Ground Drainage Strategy (Issue P02 - 10 December 2020).

The surface water drainage scheme should include:

Limiting discharge rates to 1.95/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.

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.

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. All proprietary treatment devices should have the simple index mitigation indices provided by the manufacturer. If these are not available then an alternative device should be used.

Please note that silt traps, gullies, and catchpits are not accepted as suitable means of treatment.

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.

*Except where permission has already been provided.*

Reason: To prevent an increased risk of flooding and to prevent the pollution of the water environment, in accordance with policy RP3, RP5 and U3B of the adopted Local Plan 1998 & 2006, Policies DM16, DM18 and DM19 of the Local Plan Submission Version 2017, and the NPPF 2021.

## 22 Drainage Maintenance 1

Prior to occupation of the development hereby permitted, 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 shall be submitted to and agreed in writing, by the Local Planning Authority. *Except where permission has already been 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, in accordance with policies RP3, RP5 and U3B of the adopted Local Plan 1998 & 2006, Policies DM16, DM18 and DM19 of the Local Plan Submission Version 2017, and the NPPF 2021.

## 23 Ecology

The development hereby permitted shall be carried out in accordance with the Ecological Appraisal (BSG Ecology: December 2020) and the Ecological Mitigation and Enhancement Measures (detailed in Section 6.11 of Epping Forest Environmental Impact Assessment - Commercial Sites Chapter 6 - Ecology and Biodiversity (Stephenson Halliday: July 2021)). Prior to the commencement of above ground works a timetable for the implementation of the ecological mitigation measures shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details. *Except where permission has already been provided.*

Reason: To enable proper consideration of the impact of the development on the contribution of nature conservation interests to the amenity of the area, in accordance with Policy DM 1 of the Local Plan Submission Version and with CP1 of the Adopted Local Plan and Alterations 2006.

#### 24 Biodiversity Enhancement Strategy

A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority prior to above ground works, following the details contained within the Ecological Appraisal (BSG Ecology: December 2020) and Section 6.11 of Epping Forest Environmental Impact Assessment - Commercial Sites Chapter 6 - Ecology and Biodiversity (Stephenson Halliday: July 2021). 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. *Except where permission has already been provided.*

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 Local Plan Submission Version 2017, and the NPPF 2021.

#### 25 Air Quality

##### Ultra Low NOx Boilers Condition

Prior to completion of the development hereby permitted, or the relevant phase of the development, whichever is the sooner, details of boilers shall be submitted to and approved in writing to the Local Planning Authority. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%). The development shall be carried out in accordance with the approved details. *Except where permission has already been provided.*

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 NO<sub>2</sub> 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

26 Electric Charging Points

Prior to the commencement of above ground works, a Management Plan which provides details and location of the parking spaces equipped with active Electric Vehicle Charging Points (EVCP) must be submitted to and agreed in writing by the Local Planning Authority.

The details shall demonstrate that the development is safeguarded and able to deliver 15% active / 85% passive EVCPs and shall include:

- The number of active chargers to be provided on opening of the car park (and if less than 15% supported by appropriate demand evidence)
- A monitoring and implementation strategy to ensure any deficit from the 15% in active chargers on opening is reviewed over the first 3 years of the development and provision increased inline with demand
- Which parking bays will have active charging provision, including disabled parking bays;
- Specification of charging equipment
- Operation/management strategy
- Identify of the active provision which spaces are restricted to use only by Electric Vehicles (excluding hybrid vehicles)
- Electricity supply availability. The electricity supply should be already confirmed by UK Power Networks so that the supply does not need to be upgraded at a later date.

The Management Plan shall be updated every six months in the first three years of the development opening and then annually until 2030.

The development shall be completed in accordance with the approved details and retained in perpetuity. Prior to occupation, the application shall submit confirmation to the Local Planning Authority that the charging points are operational, with active provision. This must be supported by appropriate evidence.

Reason: In the interest of promoting increased choice of sustainable transport options. To encourage the use of electric vehicles in order to reduce air pollution on the District and help support improvements to Epping Forest SAC in accordance with Policy T1 and DM22 of the Epping Forest District Local Plan Submission Version 2017, and the NPPF 2021

27 Land Contamination Survey

Prior to the commencement of development hereby permitted (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), an assessment of the risks posed by any land contamination shall be 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 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.

If following the risk assessment (pursuant to the details outlined above) unacceptable risks are identified from land affected by contamination, no work on any part of the development shall take place, until a detailed land remediation scheme has been 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. *Except where permission has already been provided.*

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 2021

28 Car Park Management Plan [Cottis Lane]

Prior to first occupation of the Multi-Storey Car Park hereby permitted, a Car Park Management Plan, shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include details of operation, security, CCTV and provide evidence that Park Mark accreditation has or is to be obtained (or other recognised similar scheme). The development shall be carried out in accordance with the measures and accreditation approved pursuant to this condition and shall be maintained throughout the operational use of the site.

Reason: In order to ensure good management and security within the Car Park, in accordance with Policies DM 9 and T 1 of the Local Plan Submission Version 2017.

29 Restriction on Operating Hours & Times [Cottis Lane]

The commercial uses hereby permitted (excluding the use of the multi-storey car park) shall not be open to customers outside the hours of 06.30 to 23.00 on Monday to Saturday and 08.00 to 23.00 on Sundays and Bank Holidays.

Reason: In order to minimise disturbance to local residents, in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, Policy DM21 of the Local Plan Submission Version 2017, and the NPPF 2021

30 Extract Ventilation [Cottis Lane]

Prior to the commencement of the use or operation of a unit, details of any extraction system for food preparation areas, or other processes which may produce odours and/or noise and vibration, shall be submitted to, and approved in writing by, the Local Planning Authority. The details submitted shall include the extract ventilation system and/or odour control equipment, including details of any external ducting and measures to control noise and vibration. The development shall be carried out in accordance with the approved details and such approved equipment shall thereafter be operated at all times when cooking is carried out and maintained in accordance with the manufacturer's instructions. The external ducting shall be removed when the authorised use of the premises for the sale of hot food ceases. *Except where permission has already been provided.*

Reason: To safeguard the appearance of the premises and minimise the impact of cooking smells and odours in accordance with policy DBE9 of the adopted Local Plan 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021

31 Noise Management: Cottis Yard Terrace

Prior to first occupation of the unit or unit(s) containing or using the upper floor terrace hereby permitted, a noise management plan in relation to the use of the terrace area on the upper floor of the development, shall be submitted to and approved in writing by the Local Planning Authority. The noise management plan shall include details of measures to minimise noise from proposed activities on the open roof terrace space fronting Cottis Yard. The development shall be carried out in accordance with the approved details and shall be adhered to at all times. *Except where permission has already been provided.*

Reason: In order to minimise any noise from the use of the terrace which will affect the amenity of local residents, in accordance with policy DBE1 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

32 Plant Noise

The use of any plant which services this development must cease during any period that the rating level of noise (as defined by BS4142:2014) exceeds the prevailing background noise level at the affected noise sensitive premises. The measurement position and assessment shall be made according to BS4142:2014, and shall include the cumulative effect of all of the plant on the site. The cumulative plant noise limit for this site shall not exceed 39dB LAeq, 1hr between 07.00-23.00 hrs, and 32dB LAeq, 15 mins between 23.00-07.00 hrs.

Reason: In order to minimise any noise which will affect the amenity of local residents, in accordance with policy DBE1 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

33 Low Frequency Noise

Low frequency, unweighted noise levels should be controlled to a maximum of 50 dB

Leq, 63Hz, 5 min and 40 dB Leq, 125Hz, 5 min at the façades of nearby noise sensitive premises.

Reason: In order to minimise the impact of any low frequency noise from music which will affect the amenity of local residents, in accordance with policy DBE1 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

34 Meanwhile Use Area [Cottis Lane]

Prior to the completion of the development hereby permitted (excluding the Sui Generis Cinema Use) and in the event the Sui Generis Cinema Use is not implemented (defined as being capable of operational use) within a period of five years following first commencement of development hereby permitted, details of the proposed meanwhile use strategy shall be submitted to and approved in writing by the Local Planning Authority. The proposed meanwhile use strategy shall include an alternative landscape scheme for the site to create publicly accessible open space. The meanwhile use shall be implemented within one year of first occupation of any part of the development hereby permitted. *Except where permission has already been provided.*

Reason: To make the most efficient use of land within the town centre of Epping. In the interest of the character and appearance of the site and surrounding area and to protect the amenities of neighbouring commercial and residential occupiers. To comply with policies DBE1 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

35 Restriction on Use [Cottis Lane]

The ground floor commercial premises shall be used for Class E (a-f) and for no other purpose (including any other purpose in Class E of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order. *Except where permission has already been provided.*

Reason: In the interest of proper planning and to ensure that full consideration is given by the Local Planning Authority to any alternative in the interests of safeguarding the vitality and viability of Epping Town Centre, in accordance with policies E1, E4A and E4B of the adopted Local Plan 1998 & 2006, Policies E 1 and E 2 of the Local Plan Submission Version 2017, and the NPPF 2021. In the interest highway safety and safeguarding habitats and species of significant ecological importance within the Epping Forest Special Area of Conservation, in accordance with Policy T 1, DM2 and DM22 of the Local Plan Submission Version 2017, and the NPPF 2021

36 Permitted Development Rights Removed

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 generally permitted by virtue of Class MA of Part 3 of Schedule 2 shall be undertaken without the prior written permission of the Local Planning Authority.

Reason: To allow the Local Planning Authority to retain control over the development and 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 E4A and DBE2 of the adopted Local Plan 1998 & 2006, policies E 1, DM 9 and DM 14 of the Local Plan Submission Version 2017, and the NPPF 2021. In the interest highway safety and safeguarding habitats and species of significant ecological importance within the Epping Forest Special Area of Conservation, in accordance with Policy T 1, DM2 and DM22 of the Local Plan Submission Version 2017, and the NPPF 2021.

37 Air Extraction/Ventilation

Notwithstanding the development hereby approved, details of any extract/air conditioning/refrigeration and /or ventilation system proposed for installation outside of the approved roof plant enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to its installation within or on any individual unit. The development shall be carried out in accordance with the approved details.

Reason: To protect nearby noise sensitive residential and commercial premises from significant loss of amenity due to noise, in accordance with policy DBE9 of the Adopted Local Plan and Alterations 2006, policy DM 9 of the Local Plan Submission Version 2017, and the NPPF 2021.