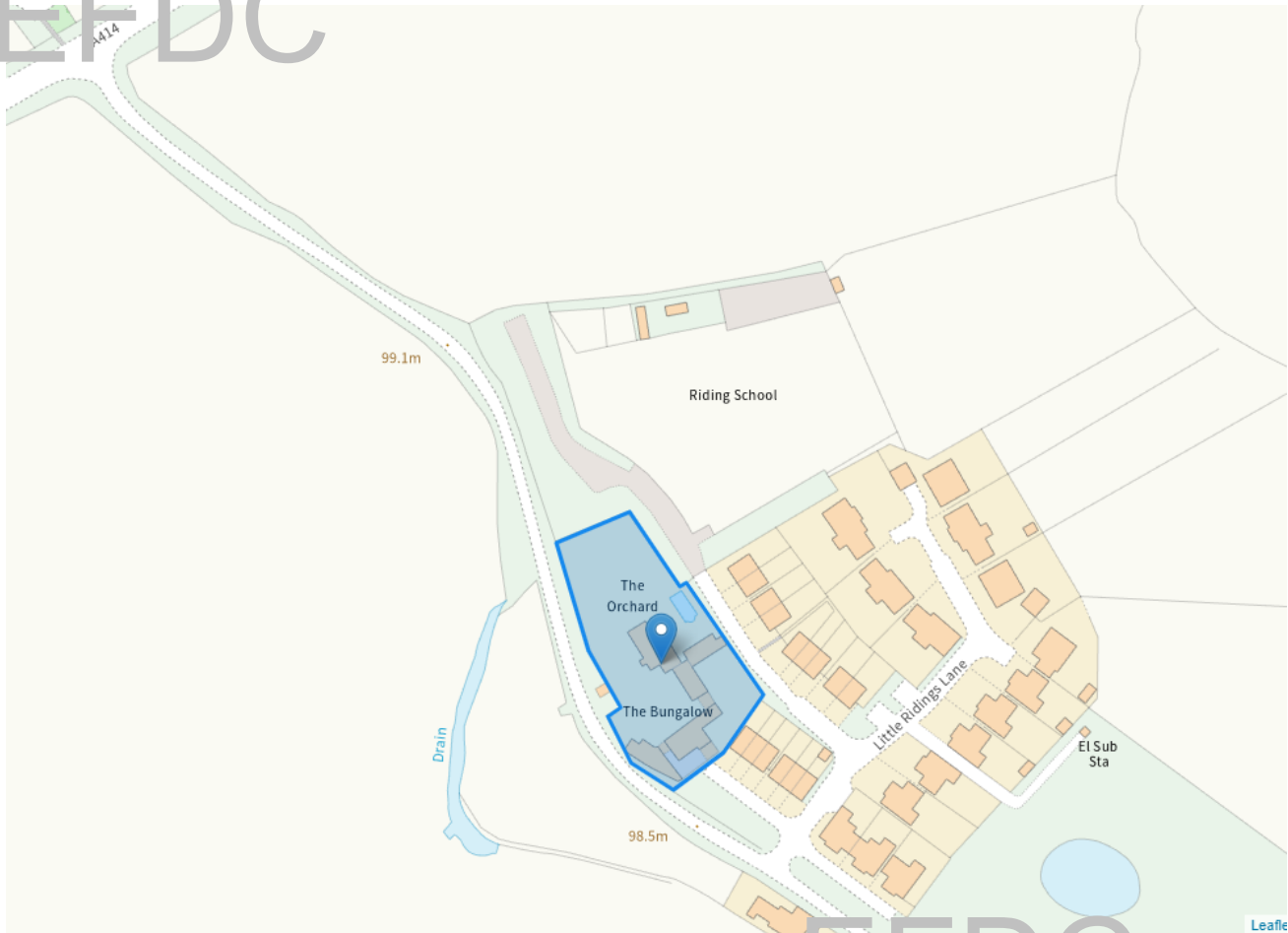




Epping Forest District Council

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Application Number:	EPF/2490/22
Site Name:	The Orchard Fingrith Hall Lane High Ongar CM5 0JP

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OFFICER REPORT

Application Ref: EPF/2490/22
Application Type: Full planning permission
Applicant: Norton Heath Development Ltd
Case Officer: Ian Ansell
Site Address: The Orchard, Fingrith Hall Lane, High Ongar, Ongar, CM4 0JP
Proposal: Proposed residential redevelopment consisting of the demolition of all existing buildings and hardstanding and the construction of 6 no. new dwellings and associated development.
Ward: High Ongar, Willingale and The Rodings
Parish: High Ongar
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UWIk>
Recommendation: Approve with Conditions (Subject to s106 Legal Agreement)

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

Description of Site:

The application site lies on the east side of Fingrith Hall Lane, approximately 250m south of the A414, and 210m north of the boundary with Brentwood DC. The site comprises around 0.35ha and contains a two storey dwelling with extensive additions and outbuildings of part single, part two storey form. In the south western corner of the plot an annexe building known as The Bungalow has also been used as living accommodation. Extensive hardstanding to the front and rear includes a swimming pool. Main access to the site is from the road at the southern end of the frontage.

The site is adjoined on the east and south by the former Norton Heath Riding Centre which was redeveloped to create 30 dwellings under application reference EPF/3034/16 now known as Little Ridings Lane, and it would appear historically the two were linked. There is a dwelling to the south on the opposite side of the road, but otherwise the surrounding area is largely open fields.

Description of Proposal:

The application proposes demolition of all existing buildings and replacement with six x 4 bedroom, two storey dwellings. The buildings are of modest scale, built with a mix of brick and timber cladding with tiled roofs. The existing site access is retained and widened, and the dwellings are served off a central shared courtyard which provides each dwelling with two curtilage parking spaces.

The application is accompanied by a number of supporting documents, including Arboricultural Assessment, Contaminated Land Assessment, Ecological Appraisal, Flood Risk Assessment, Habitat Regulation Assessment, Lighting Assessment and Sustainability Statement.

Relevant History:

None

Policies Applied:

Epping Forest Local Plan 2011-2033 (2023);

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

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

SP1 Spatial Development Strategy
SP2 Place Shaping
SP5 Green Belt and Local Greenspace
SP6 The Natural Environment, Landscape Character and Green and Blue Infrastructure
T1 Sustainable transport choices
DM1 Habitat Protection and Improving Biodiversity
DM2 Epping Forest SAC and the 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
DM17 Protecting and enhancing Watercourses and Flood Defences
DM19 Sustainable water use
DM20 Low Carbon and Renewable Energy
DM21 Local Environmental Impacts, Pollution and Land Contamination
DM22 Air Quality

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:

- 2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 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 – paragraphs 174, 175, 179 - 182, 183, 185, 186
- 16 Conserving and enhancing the historic environment – paragraphs 194, 195, 197, 199 – 205, 208

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 31

Site notice posted: No, not required

Responses received: Eight responses received from neighbours at 15, 16, 23, 24, 26, 27, 29 and 30

LITTLE RIDINGS LANE commenting on the issues below:

- Drainage concerns – relating to both foul and surface water disposal
- Direct impact on adjoining properties – loss of light and overlooking
- Access and highway impact – specifically around the location and design of the vehicle access
- Other issues not relevant to determination of the application cover disturbance from construction traffic, concerns about rear access to the site over land not within the applicants control and issues around the standard of work on the Little Ridings Lane development.

Parish Council: No comments received

Main Issues and Considerations:

The site was not included in the residential allocation in the Local Plan (site of the Little Ridings Lane development) and despite the presence of this recently completed scheme, the application must be considered as a new development within the Green Belt. In principle, new residential development in the Green Belt should be treated as inappropriate.

In assessing whether the development should be considered as an exception under paragraph 149 of the NPPF. It is evident that the site would meet the definition of previously developed land, being occupied by a permanent structure and including only its curtilage and not used for any purpose to which this definition does not apply. Therefore development could be acceptable provided it does not have a greater impact on Green Belt openness.

The existing buildings on the site are extensive. The main dwelling is two storey (some parts of which are formed with dormers) and has been extended at two storeys. The outbuildings and annexe are sprawling and extend to the south and east. In addition, much of the southern part of the site is hard surfaced.

While the development results in creation of more units, these comprise detached buildings set within their own curtilages, with garden areas replacing much of the existing hardstanding. In addition, development presents extensive opportunities for new landscaping in the form of open spaces in the public areas and enhance tree planting. A comparison of the existing and proposed (below) indicates a reduction in overall built footprint and hardstandings balanced by an increase in built volume.

	<u>Existing</u>	<u>Proposed</u>	<u>Difference</u>
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Footprint (M ²)	586	533	-53
Volume (M ³)	2,348	2,934	+586
Hardstanding (M ²)	1,721	728	-993
Soft Landscaping (M ²)	1,277	2,303	+1,026

Officers consider the increase in volume is more than balanced by the decrease in footprint and hardstanding, while the more open layout provides breaks in the built form in comparison to the existing mass and form. Accordingly, the development does not have a greater impact on openness and therefore meets the tests in paragraph 149 g) of the NPPF to be seen as an exception.

In terms of the site access, this is hampered by the location of the site on the inside of a long bend in the road, which makes visibility difficult for vehicles exiting the site. The siting of the access has previously been agreed with the Highway Authority, and the improvements proposed thereto in terms of widening the access to allow ingress and egress, the junction layout at right angles to the carriageway, and the cutting back of overgrown vegetation around the entrance will meet design requirements. Conditions can be imposed around the detailed design and timing of the works.

The application is accompanied by a detailed Flood Risk Assessment and drainage strategy. This proposes to deal with foul sewage by way of a package treatment plant within the curtilage of each dwelling, pumped to the wider network. Surface water measures include an onsite storage tank and creation of an attenuation pond on adjoining land within the applicant's control. The measures have been reviewed by the Environmental Protection and Drainage Team and subject to conditions the measures are deemed to be acceptable in principle.

Comments from residents in relation to potential direct amenity impacts have been reviewed. Properties to the east face the proposed development but are separated from the site by the access road serving the dwellings and land to the north. No building lies within 5m of the shared boundary, and the new dwellings are laid out in a manner that limits the impact from mass. In terms of daylight and sunlight, there is little direct impact, and any potential overlooking of the frontages of neighbouring properties is not significantly greater than from the existing dwelling. Neighbour amenity is not therefore substantially impacted.

As referenced above, the application proposes extensive landscape enhancements, associated with the introduction of biodiversity enhancements within the site. The ecological measures proposed include provision for birds and bats and ground foraging species. These general provisions, and the surveys which support them are accepted in subject to appropriate conditions.

The site lies more than 6km of the EFSAC area and has been considered in terms of air quality impact only. The Habitat Regulation Assessment accompanying the application recognises that development could result in vehicle movements through the protected area. The applicants have agreed to make contributions for the additional units proposed of £1,675, in accordance with the current mitigation strategy. Contribution will be subject to a monitoring fee of 5% of the contribution (£83.75).

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.

The Council published a Habitats Regulations Assessment in June 2021 (the HRA 2021) to support the examination of the LPSV. The screening stage of the HRA 2021 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):

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 Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation, and the agreed SAMM Strategy. 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.

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 matters raised in consultations have identified the opportunity for archaeological assessment of the site, and the potential for contamination that would need to be remediated. Such matters can be adequately provided for by conditions.

Conclusion:

The application proposes new development on previously developed land within the Green Belt. Despite the limited increase in built volume proposed, the reduction in built footprint and the extent of hardstanding provide greater benefits. The overall built form is of appropriate scale to the location and surroundings and break up the mass of built development on the site in comparison to the existing.

The access meets highway requirements, and issues around drainage raised in consultations have been reviewed and are found to be acceptable subject to conditions.

The application is therefore recommended for approval, subject to conditions and completion of a legal agreement to secure contribution to air quality mitigation in the EFSAC of **£1,675** and 5% monitoring fee of **£83.75**.

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: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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

Conditions: (25)

- 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:

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.22-019-001 (Location Plan), 001 (Topographic Survey),003 Rev P02, 004 Rev P01, 005 Rev P01, 006 Rev P01, 007 Rev P01, 010, 011 and 012, and WLC809-1300-001 Rev RO

- 3 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.

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

- 4 Prior to preliminary ground works taking place, details of foul and 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 foul and surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

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

- 6 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 DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 7
1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.
 2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.
 3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: The site is an Archaeological site where any remains are irreplaceable and are an interest of acknowledged importance which may be highly vulnerable to damage or destruction. Unless the Authority is satisfied that a proper scheme for investigation has been agreed the remains should be left undisturbed, in accordance with Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 8
- A Great Crested Newt Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

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), policy DM1 of the adopted Local Plan 2011-2033 (2023) and the NPPF 2021.

- 9 A Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
 - d) persons responsible for implementing the enhancement measures; and
 - e) details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To allow the Local Planning Authority 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), policy DM1 of the adopted Local Plan 2011-2033 (2023) and the NPPF 2021

- 10 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 11 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

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

- 12 Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials, and type of boundary treatment to be erected, shall have been submitted to an approved by the Local Planning Authority, in writing. The approved boundary treatment shall be implemented prior to the occupation of the development and so retained.

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

- 13 All tree and shrub clearance works on the site shall only be undertaken outside the bird nesting season (1st March - 31st August unless otherwise agreed by the Local Planning Authority).

Reason: To protect existing habitat in accordance with policy DM1 of the adopted Local Plan 2011-2033 (2023) and the NPPF 2021, and to comply with the requirements of the Wildlife and Countryside Act 1981 (as amended)

- 14 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

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

- 15 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

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

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

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

Prior to any above groundworks, all material excavated from the below ground works hereby approved shall have been 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 DM9, DM12 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 18 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection (Open Spaces, November 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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), policy DM1 of the adopted Local Plan 2011-2033 (2023) and the NPPF 2021.

- 19 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 NOx 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.

- 20 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

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

- 21 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed within the curtilage of each dwelling and retained thereafter for use by the occupants of the site.

Reason: To help support improvements to air quality in accordance with Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: To ensure that appropriate access, vehicle parking and turning is provided. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 23 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties and the Green Belt, in accordance with policies DM4, DM9 and DM10 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

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

Informatives: (2)

- 26 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.

- 27 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.