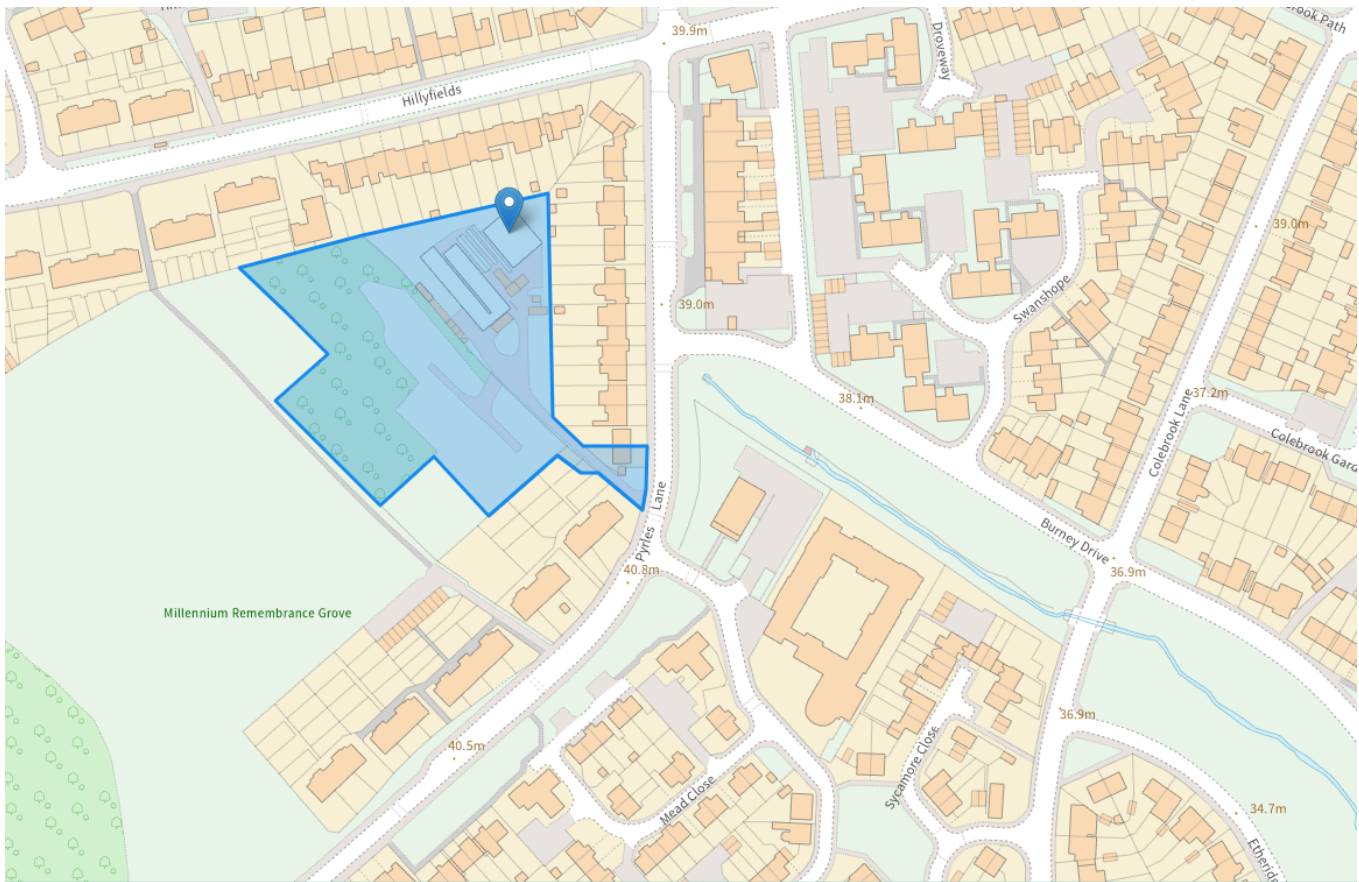


OFFICER REPORT

Application Ref: EPF/2913/22
Application Type: Full planning permission
Applicant: Qualis Commercial Ltd
Case Officer: Muhammad Rahman
Site Address: Former Pyrls Lane Nursery, Pyrls Lane, Loughton IG10 2NL
Proposal: Residential Development of 43 dwellings with associated vehicular access point off Pyrls Lane, car parking, open space, landscaping, and associated infrastructure.
Ward: Loughton Fairmead
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UzZ5>
Recommendation: Approved with Conditions (Subject to s106 Legal Agreement)



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This application was deferred from the 13th February 2024 meeting for a Members site visit, which was arranged to take place on the 6th March 2024.

REPORT TO DISTRICT DEVELOPMENT MANAGEMENT COMMITTEE

Date of Meeting: 06th March 2024

Democratic Services Officer: Gary Woodhall | 01992 564470

This application is before this Committee since it is a "major" application as defined in Article 10 of the Constitution, and the District Council is an owner of the application site (Pursuant to Article 10 of The Constitution).

Site and Surroundings

The site comprises the former Pyrles Lane nursery, a 0.99 ha triangular plot consisting of 5 disused greenhouses and other outbuildings of various states of disrepair forming the plant nursery. The site is surrounded by residential properties (Hillyfields & Pyrles Lane) on the northern, eastern & southern boundaries and the Hillyfields Open Space including a public right of way and the GROW community garden on the southern/western boundary.

The site is accessed from Pyrles Lane and is not within the green belt, or a conservation area, or an EA flood zone, nor are there any heritage assets within the site.

The site is not allocated for development within the adopted Local Plan, however during the site selection process for the preparation of the Local Plan Submission Version (2017), the site was discounted as it benefited from a planning consent at the time, which has now expired (Ref: EPF/2254/15).

Proposal

The proposal is for the development of 43 dwellings with associated vehicular access point off Pyrles Lane, car parking, open space, landscaping, and associated infrastructure.

The proposal also includes the demolition of No. 79 Pyrles Lane and the relocation of the sub-station to widen the vehicular access into the site. As such there will be a net gain of 42 residential units.

This application was revised since its initial submission, with the main change being the reduction in residential units from 48 to 43, reduction in car parking from 61 to 56, and some amendments to the layout and the main block.

All parties were reconsulted on the above changes. Although, some further minor layout changes were made since this re-consultation, but it was not considered of scale where a further re-consultation would be required, in Officers view. These minor changes were;

- Parking spaces 19 & 39 have been changed to disabled spaces;
- Visitor spaces have been re-allocated and split between the 2 blocks;
- The cycle store next to space no. 36 has been removed and replaced with 2 car spaces; and
- Car parking space no. 40 has been removed and replaced with the addition of another set of two tier stacked cycle spaces, giving a total of approx. 72 cycle spaces.

The proposed housing mix as set out in the Site Accommodation Schedule (Rev P03) & other supporting documents consist of;

- 1-bedrooms units = 4
- 2-bedroom units = 20
- 3-bedroom units = 13
- 4-bedroom units = 6

Of the 43 units, 6 would be affordable housing.

A total of 56 car parking spaces are proposed including cycle provision. This includes;

- 47 private car parking spaces;
- 7 visitor spaces (inc.1 disabled space);
- 1 further disabled space (Located in the main block);
- 1 parking space for the sub-station (located at the entrance); and
- 72 communal cycle stands comprising: 24 spaces in covered shelter in car park, 30 double stacked in ground floor of main block and 18 in private dwellings (1 per house).

A planning performance agreement was entered into to work through some of the issues.

Relevant Planning History

EPF/0458/13 - Outline application for the demolition of tree/plant nursery and erection of up to 36 dwellings (flats and houses, 15 affordable), landscaping, parking, and associated infrastructure. (Revised application) - Refused

EPF/2254/15 - Outline application for the demolition of tree/plant nursery and erection of up to 36 dwellings (flats and houses), landscaping, 75 car spaces and associated infrastructure (Revised scheme following refusal of EPF/0458/13) - Approved with Conditions

EF\2021\ENQ\00335 - Demolition of existing buildings on the site, erection of up to 37 dwellings, associated infrastructure and open space – Advice Given

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023)

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

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

SP1	Spatial Development Strategy 2011-2033
SP2	Place Shaping
H1	Housing Mix and Accommodation Types
H2	Affordable housing
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
DM5	Green and Blue Infrastructure
DM6	Designated and Undesignated Open Spaces
DM9	High Quality Design
DM10	Housing Design and Quality
DM11	Waste Recycling Facilities on New Development
DM16	Sustainable Drainage Systems
DM19	Sustainable Water Use

DM21	Local Environmental Impacts, Pollution and Land Contamination
DM22	Air Quality
P2	Loughton
D1	Delivery of Infrastructure
D2	Essential Facilities and Services
D4	Community, Leisure, and Cultural Facilities

National Planning Policy Framework 2023 (Framework)

Paragraph	11
Section 5	Delivering a sufficient supply of homes
Section 8	Promoting healthy and safe communities
Section 11	Making effective use of land
Paragraphs	131 & 135
Paragraph	186

Summary of Representations

Number of neighbours Consulted: 171. 23 Responses Received.
 Site notice posted: Yes, including a Press advert

23 OBJECTIONS RECEIVED inc. LRA PLANS GROUP – Summarised as:

- Overlooking;
- Noise Disturbance;
- Disturbance from Construction Phase;
- Out of Character;
- Overdevelopment;
- Inappropriate Development
- Highway Safety / Parking Congestion;
- Affordable Housing;
- Housing Mix;
- Impact on Trees/Open Space;
- Impact on Wildlife;
- Impact on EFSAC;
- Impact on Community Garden;
- Infrastructure Concerns;
- Loss of Light;
- Loss of Outlook;
- Security/ Anti-social Concerns;
- Drainage Concerns; and
- Subsidence Concerns.

1 SUPPORT RESPONSE RECEIVED - Based on increase in housing provision and specifically provision of additional affordable housing.

LOUGHTON TOWN COUNCIL – The Committee NOTED the contents of a letter of objection.

Cllr Wixley expressed concern that residents had not been notified of this re-consultation, bearing in mind how many residents had attended the previous Planning Committee meeting when this application was considered. The current planning portal on Epping Forest District Council’s website meant it was no longer possible to identify which residents, if any, had been consulted on planning applications.

Members NOTED the Design and Access Statement claim that this re-consultation “concerns changes to the SW apartment block, block A. The changes have reduced the block from 23 apartments to 21 apartments. No other buildings or other parts of the layout are affected.”

The Committee maintained its OBJECTION to this application stating the application did not consider the proximity of the proposed site to the Forest and the damage likely to be caused by its proposed design. The re-consultation failed to address the adverse effects it would have on the GROW Community Garden, the loss of the trees from Hillyfields, and the excessive height of the blocks had not been addressed.

The Committee reiterated its previous objections to this application which were:

“The reduced proposal of 43 dwellings, from 48, on this site would place extra stress on the EF SAC. Natural England and Loughton Town Council have both advised in their main modifications responses to the Inspector (autumn 2021) that the LPSV cannot yet be considered justified, effective or consistent with national policy in relation to detriment to the SAC. Therefore, we object to this application because of the urbanisation effect, burden on recreational pressure, and damage to air quality in the SAC that the application, alone or with other projects, will engender.

The current proposed solution to bring in a Clean Air Zone (CAZ) in 2025 is not guaranteed to happen and in any event does not stop additional cars associated with new dwellings from polluting the SAC before the CAZ is brought into operation.

Overall, the Committee considered this was an overdevelopment of the site. The design was overbearing. As the application now included 43 dwellings, as opposed to 37 in the public consultation held last March. Members questioned if this would result in the proposed properties being smaller than those in the consultation or would they be packed more tightly into the site? With no drawings available from the consultation this could not be compared and was unacceptable. Members also noted that only 8% affordable housing was included in this proposal which was unacceptable. This being a council promoted site the affordable housing ratio should be policy compliant (40%). No viability report was provided to justify the lower rate.

The proposed 4-storeys for one of the blocks of flats was too high, too bulky, overbearing and out of character with the area. The design of the flats was considered ugly and obtrusive, contrary to the Government’s build beautiful standards, particularly considering this was backland development and it would result in a negative impact on the area, in particular the idyllic nearby Hillyfields.

Concerns were also raised about the potential overlooking from the 3-storey block near the houses towards the junction of Pyrles Lane/Hillyfields and the negative impact this would have on the amenity of those residents.

The Committee objected to the number of trees being lost and the loss of open green space, stating the application amounted to urbanisation of this green area. Members commented that the Inspector had removed the development of Jessel Green from the Local Plan to protect that green space for local residents. A planning objective now encouraged by the Government to be made available to the whole populace to enhance mental health and well-being.

Members drew attention to Point 2.10 of the Planning Statement which they believed to be incorrect. It states that “there are 11 Local Nature Reserves”, whereas they believed that there is just one, that being the Homestead Local Nature Reserve in Englands Lane. The same statement is repeated under “Ecology and Biodiversity” at 7.66 in the document.

The inaccuracy of this statement raised questions as to the validity of other statements made within this report.

The Ecology & Biodiversity report showed that the application would have adverse implications for wildlife on the site e.g. bats, slow worms, toads, bees, and stag beetles.

The Grow Community Garden which borders the site, would also be very negatively impacted by this proposal. There would now be a sheer drop of several metres at its boundary, down to a car park below. This would be as a result of the vast amount of carving into the hillside, that would create a quarry effect, with a very large expanse of high cement walls. It would also create an extremely negative visual impact affecting the amenity and outlook for many surrounding properties and the street scene.

There were no provisions for supporting infrastructure by way of doctors' surgeries and education provision. Loughton is particularly prone to overstretched, under maintained water services, and experiences constant water pipe leaks and sewage problems.

Residents in Pyrles Lane/Hillyfields had existing concerns regarding water run-off from the site and flooding to their gardens which already occurred and could be worsened by this development.

There was concern for a redundant drain on the site, which originated in the nursery and runs down the gardens of 59, 61 & 63 Pyrles Lane, whose residents have in the past, along with the previous nursery site, had to contribute towards costs on several occasions when this drain was blocked. There was no clarification that the drain would be capped off, so that there would be no imposition for the residents of 59,61 & 63, or what the implications would be for those residents if the proposal were allowed to go ahead.

The additional housing would add to further pressure on local services. Rectory Lane was already over congested, with cars backing up from Debden Broadway right back to Church Hill at busy times. This would only be further exacerbated when the current developments on Borders Lane were completed. Pyrles Lane was an exceptionally busy through route to Theydon Bois, which had likely got busier since the opening of the Epping Forest Retail Park and the subsequent congestion this had brought to the area. It was noted that the Transport Report had been carried out during the school holidays, thus giving an inaccurate account of the true transport levels in this location. It should be noted that this is a main route to five local schools, New City College at Borders Lane and the Essex University Campus at E15. Also, it is a main route for local traffic, a cut through for Epping and beyond and those wishing to access the M11 and routes into London.

The Committee considered the access to this site to be most inappropriate. Even though the application included a proposal to demolish no 79 Pyrles Lane to increase the existing narrow entrance from a single width road to a double width road, it was the position of the access point on a very busy and dangerous bend which could not be overcome. This would remain a danger to both pedestrians and road users. The proposal to demolish no 79, which forms part of a semi was also questioned and it was believed would result in a detrimental impact on the amenity of the residents of no 77.

The statement of community involvement, which consulted on a considerably different and less dense development (of 37 dwellings) showed overwhelming opposition to the development. As the application was now significantly different, clearly a second public consultation should have taken place before submitting the planning application.

Members also strongly supported the comments of the LRA Plans Group.”

Planning Considerations

The main issues for consideration under this application relate to;

- a) The impact on the character and appearance of the locality;
- b) Affordable Housing;
- c) The impact to the living conditions of neighbouring properties;

- d) Standard of Accommodation for future occupiers;
- e) Highway safety and parking provision;
- f) Trees and landscaping;
- g) Flood risk;
- h) Loss of Green Space;
- i) The impact on the Epping Forest Special Area of Conservation (SAC); and
- j) Planning Obligations.

Character and Appearance

This application follows on from a recent pre-application submission which was for approx. 37 dwellings. This earlier iteration of the scheme did go before the Councils Quality Review Panel on the 6th August 2021. These comments are appended to the applicants Planning Statement. Some of the comments which are still relevant are highlighted below;

- The panel supports the development of housing on the site and welcomes the different design options explored by the team.
- Flats or duplexes could create more active frontages, and better articulation of corners. There is also an opportunity for 'specials', rather than repeated typologies, which will better respond to the complex geometry of the site – for example at the entrances into the development. This could improve natural surveillance, especially along the main access route and the proposed pedestrian link.
- Houses or flats with balconies instead of gardens could further expand the target market for the scheme and appeal to people who prefer not having a garden.
- The panel would like to see the number of car parking spaces reduced and thought given to the adaptability and resilience of the layout, should parking demand reduce in the future.
- The design team should also consider adding a secured communal space for cycle parking, as an alternative to cycling on the steep topography.
- The panel welcomes the idea of a shared space in the centre of the development that is pedestrian orientated and an opportunity to create interaction among residents

Too add, the principle of 36 units on this site (along with 75 car spaces) was approved under EPF/2254/15. Officers consider that the proposal, having evolved since the initial pre-app scheme (taking on board, Officer & QRP comments) is of a better layout, than the previous consented scheme as highlighted above and thus satisfied that the resulting development sits comfortably and successfully assimilates with its existing residential context, which is a highly sustainable location.

Furthermore, there is no one consistent or predominant style of building or materials within the locality. As such, the design of the houses would have a positive impact on the character and appearance of the locality. Turning to the flats, 2 blocks are proposed. The northeast block is 3-storeys in height and would not be materially higher than the proposed houses on site. There are also clear examples of 3 storey flats of a similar scale on both Pyrles Lane and Hillyfields which surround the site. Turning to the southwest block (Main Block), this is proposed to be of four storeys and of a modern appearance. It would not be materially higher than the proposed houses within the site, and far below the treeline abutting the common boundary with Hillyfields Open Space. (This are indicated on the site sections plans and the landscape visual impact assessment). Thus, it would not be readily visible from the street and any visual relationship would be limited with the properties surrounding the site.

On balance, the proposal would therefore not appear visually incongruous or harm the appearance of the area.

Thus, in Officer opinion, the proposed development would have an acceptable effect on the character and appearance of the area. It would be in accordance with Policy DM9 which requires development to respond positively to their locality and draw on local character.

Affordable Housing

Policy H2 (Part A) states; development sites which provide for 11 or more homes or residential floorspace of more than 1000m² (combined gross internal area), the Council will require 40% of those homes to be for affordable housing and provided on site. Part D further states; Proposals that do not accord with the requirements of Part A (above) must be accompanied by a viability assessment (with supporting evidence), which is transparent and complies with relevant national or local planning policy and guidance applicable at the time.

In accordance with the policy noted above, a financial and viability appraisal was submitted by the applicant which has been assessed by the Council's affordable housing consultants (BPS Surveyors).

Having reviewed the submitted information, BPS have concluded that the proposed scheme, if it were to deliver 40% (17 units) affordable housing would be unviable and the deliverance of 15% (6 units) scheme effectively presents a break-even position and thus viable.

To add, the preamble to Policy P2, Para 3.17 states: In developing its approach to the delivery of affordable homes the Council needs to take into account the fact that not all development sites will contribute to the provision of affordable homes. This could be due to a number of factors including:

....that site specific complexities and costs would not generate sufficient 'value' to be viable if the proportion of affordable homes sought were to be provided.

Thus, noting the concerns raised in this regard, Officers are satisfied that this policy has been satisfied with the delivery of 6 on-site affordable housing.

Living Conditions of Neighbouring Properties

Officers note the concerns raised by local residents regarding overlooking, however, this a heavily built-up urban area, where a level of overlooking is expected. The question is whether the proposal would lead to harmful overlooking that justifies a reason for refusal.

Other than the main block which is sited well away from the existing dwellings surrounding the site, the remainder of the houses and the northeastern block which back onto the rear gardens vary in distance from the common boundary which ranges from 10m at the lowest point, and 18m at the furthest point.

It is Officer opinion that proposed dwellings including the 2 blocks are sited a reasonable distance from the common boundary with the properties on Hillyfields and Pyrles Lane, thus, whilst there would be a level of overlooking it would not be significantly harmful. For this same reason, there would be no material overbearing and visual impact and loss of daylight.

Standard of Accommodation

The proposed development would have sufficient internal amenity space for occupiers of the proposed dwellings in accordance with the National Described Space Standards and Policy DM9 & DM10 of the LP.

With regards to the external amenity space, the full schedule is set out in the site accommodation schedule and whilst some private gardens (namely units 24, 25, 26, 45, 46, 47 & 48) may be considered small, however, it is important to note that the site is adjacent to the Hillyfields Open Space in addition to the on-site central green space. Taking this into account, the proposal, on balance would provide an acceptable level of external amenity space for future users of the whole development.

Too add, some of the amendments undertaken during the life of the application were to address concerns about the outlook and quality of accommodation to residents of the ground floor in the main block. Due to these amendments, it is now considered that all the dwellings would receive adequate daylight/sunlight, with reasonable outlook.

Overall, the proposal would provide a good level of accommodation for future users.

Highway Safety and Parking Provision

The proposal seeks to provide 56 car parking spaces for the 43 dwellings proposed, which equates to 1.3 spaces per dwelling. The site is within a sustainable location with good public transport available, with Debden Station nearby and the Number 20, 804, 66 & 66A bus routes through Rectory Lane and Hillyfields. The level of parking provision proposed, in Officers view, is acceptable since it strikes a balance between providing enough parking to serve the site, whilst seeking to encourage the use of sustainable transport options and in mitigating harm to the EFSAC.

The Highways Officer has provided the following comments below;

The Highway Authority has considered the above planning application, visited the site, and thoroughly assessed the submitted transport information and has concluded that the proposal is not contrary to national or local highways and transportation policy and current safety criteria.

The applicant has submitted a robust Transport Statement (TS) that demonstrates, to the satisfaction of the Highway Authority, in terms of capacity, that the impact of the proposed development will be minimal on the highway in the vicinity of the site and on the wider highway network.

The site is very well located to other modes of sustainable travel and as such is considered to be very accessible. Also, given the aforementioned, the parking provision is also considered to be acceptable.

The proposed access will have more than suitable visibility for the speed of the road and will be prioritising pedestrian movement.

Consequently, the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity, or efficiency at this location or on the wider highway network.

Trees, Landscape and Ecology

The submissions recognise a number of assets exist within the site in landscape and ecological terms. This includes a range of existing trees and extended natural environments which may include nesting sites for bats and birds etc., and the likelihood that other ground foraging fauna exist.

Opportunities for biodiversity enhancement evidently exist and will form a key component of the of the wider site, likely to include new habitats.

The broad principles established in the Ecological Assessment and Supporting surveys are accepted by Officers, ECC Ecology Team and the Councils Tree Team, and further details can be progressed at the discharge of conditions stage, along with suitably worded planning conditions and a completed s106 legal agreement.

Flood Risk

The Councils Drainage Officer and the Lead Local Flood Authority (Essex County Council) have raised no objections subject to recommended conditions.

Loss of Green Space

During the pre-application the following assessment was made;

Within the adopted Local Plan, the site is split between two designations as white land and as 'urban open space'. Under Policy LL5 of the adopted plan the partial redevelopment of such space was allowed subject to the retention of a wider space which in this case comprises Hilly Fields public open space. This site designation as 'urban open space' has not been carried forward into the LPSV and the site would not be considered as forming part of the open space. The site has long been declared surplus to Council requirements and has benefited from a previous planning permission for redevelopment.

Policy DM6 of the adopted LP replaced the revoked policy LL5 from the old local plan. Part B of Policy DM6 states;

Development on open spaces will only be permitted if it does not result in a net loss of usable publicly accessible open space or reasonable publicly accessible access to alternative publicly accessible open space within a settlement.

Existing open space should not be built upon unless:

- (i) an assessment has been undertaken showing the land to be surplus to requirements; or
- (ii) development would not have a detrimental impact on public accessibility to open space.

As previously highlighted in the pre-app response the site has been declared surplus to the Councils requirement as demonstrated with the grant of the previous approval for some 36 dwellings. The Hillyfields open space would still be retained and the proposal, in Officers view, for the above reasons would not have a detrimental impact to the Public accessing this open space.

Epping Forest Special Area of Conservation (EFSAC)

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

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

The Council, through the Local Plan Habitats Regulations Assessment 2022, (the HRA 2022) has identified two main issues (known as 'Pathways of Impact') that are currently adversely affecting the health of the Epping Forest.

The first relates to recreational pressure. Surveys have demonstrated that the 75th percentile of visitors live within 6.2km (Zone of Influence) of the Epping Forest. As such new residential development within this 6.2km 'Zone of Influence' is likely to result in more people visiting the Epping Forest on a regular basis which will add to that recreational pressure.

The second issue is atmospheric pollution which is caused primarily by vehicles travelling on roads within 200m of the EFSAC which emit pollutants harmful to the EFSAC's interest features (Nitrogen Dioxide and Ammonia). Development proposals (regardless of their type, size, and location within the District) which would result in even an increase in just one additional vehicle using roads within 200m of

the EFSAC has the potential to contribute to increases in atmospheric pollution within the EFSAC when taken in combination with other plans and projects.

Stage 1: Screening Assessment

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

- The site lies within the 0 - 6.2 km Zone of Influence as identified in the adopted Local Plan and the Epping Forest Strategic Access Management and Monitoring (SAMM) Strategy. In addition, the site lies within the parish of Loughton. Consequently, the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
- Based on the information provided by the applicant the development would result in a net increase in Annual Average Daily Traffic (AADT) using roads within 200m of the EFSAC. Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to atmospheric pollution Pathway of Impact.

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

Stage 2: 'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the SAMM strategy and the Epping Forest District Green Infrastructure Strategy has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals, and Infrastructure Enhancement Projects specifically related to development within the parishes of Loughton, Buckhurst Hill and Theydon Bois. Consequently, this application can be assessed within the context of the above strategies. The applicant has agreed to make a financial contribution in accordance with the Council's approach to avoidance and mitigation as set out in the above-mentioned strategies. Consequently, the Council is satisfied that the proposal would not have an adverse effect on the integrity of the EFSAC in relation to the Recreational Pressures Pathway of Impact subject to the satisfactory completion of a Section 106 planning obligation.

Atmospheric Pollution

The information provided by the applicant has indicated that the proposal would result in a net increase in Average Annual Daily Traffic (AADT) using roads within 200m of the EFSAC. The application site has not been allocated in the adopted Local Plan for the provision of residential development and as such the proposal has not been assessed through the modelling undertaken to inform the HRA 2022 and the Council's Adopted Air Pollution Mitigation Strategy.

The Council, through the adoption 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.

It is important to note that the evidence base that has been developed to inform the IAPMS has taken into account Annual Average Daily Traffic (AADT) that would arise from development planned through the adopted Local Plan. The use of AADT is the appropriate method for understanding the effects of atmospheric pollution on ecological health. The measures identified within the IAPMS provide the

mechanism by which the competent authority can arrive at a conclusion of no adverse effect on the EFSAC as a result of planned development.

The applicant has indicated that they would be prepared to make a financial contribution towards the implementation of monitoring and mitigation measures identified in the IAPMS. However, in this particular case, as the proposal has not been allocated in the adopted Local Plan and, having regard to the scale of development proposed and resultant net increase in AADT, the applicant cannot rely solely on the measures contained in the IAPMS to mitigate any adverse effect on the integrity of the EFSAC. A scheme of this scale therefore needs to go beyond making a financial contribution towards the monitoring and mitigation measures and identify further measures.

The applicant has identified the following bespoke mitigation measures (to be secured via planning conditions where appropriate), namely;

- Reduction in the overall parking spaces;
- Significantly enhanced Cycle Parking Provision;
- Travel Pack – including £500 per dwelling towards travel vouchers, oyster cards etc; and
- That all parking spaces will have access to an active Electric Vehicle Charging Point.

The Council is satisfied that the combination of providing financial contributions towards the implementation of the monitoring and mitigation measures contained within the IAPMS and the bespoke measures identified above that the proposal would not have an adverse impact on the integrity of the EFSAC subject to the imposition of relevant planning conditions and completion of a Section 106 planning obligation.

As such the Council, as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations), and in accordance with Policy DM2 of the Epping Forest District Local Plan 2011 – 2033 (whereby it has a duty to ensure that plans and projects for whose consent it is responsible) has been satisfied that the proposal would not have an adverse effect on the integrity of the EFSAC either alone or in-combination with other plans and projects including the adopted Local Plan.

Planning Obligations

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

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

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

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

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

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

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

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

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

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

Officers consider that delivery of the 15% affordable housing is top priority. As part of the submitted viability assessment, there is an allowance of £381,000 for s106 contributions. Officers consider the following below as the top priorities;

- 1) 6 (15%) Affordable Housing + Review Mechanism;
- 2) Early Years Education; £39,630 index linked to January 2020;
- 3) Primary school transport places; £169,201.94 index linked to January 2020;
- 4) Debden Library - £3,734.40
- 5) EFSAC Mitigation;
 - a. £335 (Air Quality) (x43) = £14,405
 - b. £1852.63 (Recreational Pressure) (x43) = £79,663.09
 - c. £716 (Green Infrastructure Strategy) (x43) = £30,788
 - d. £500 (Travel Pack) (x43) = £21,500
- 6) The Provision of public open space including a Management Plan and Details and arrangements of the Management company will be required.

Total Costs = £358,922

Above are critical services required. Officers consider that the remaining £22,078 can contribute towards the delivery of off-site infrastructure to support greater walking/cycling opportunities within the local area as identified in the IDP that are reasonable and can be justified. It is open to Members to determine where the remaining funds should contribute towards. The suggested footway/cycle Improvements options as outlined in the IDP are:

1. TfL style signed on-road Quietway along Willingale Rd, Grosvenor Drive Chester Road, as far as Pyrles Lane junction (£238 per dwelling = £10,234)
2. New signage and road markings from the south along Pyrles Lane, Lawton Road and Rectory Lane (£597 per dwelling = £25,671)
3. Provide a new dedicated space for cyclists on approach to the junction at crossroad at Pyrles Lane, Hillyfields and Chester Road (£597 per dwelling = £25,671)

Planning Balance & Conclusion

In summary, the proposal would make effective use of land that is surplus to the Councils requirements and sited within a highly sustainable location. It would deliver a net gain of 42 homes including 6 affordable housing (plus a better designed scheme than the previous consented scheme for 36 units). There would be benefit to the local economy from the construction and occupation of the homes and further contributions towards local services such as early years education provision, primary school transport places, improvements to Debden library, and Footway/Cycle improvements. The proposal

would relate positively to the locality, safeguard the living conditions of neighbouring amenities and the safety operation of the highway network.

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

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

Conditions: (31)

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

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

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

- 1000 Location Plan P01
- 1001 Existing Site Plan P02
- 1002 Existing Site Section P02
- 1005 Demolition Site Plan P02
- 1006 Demolition Section P02
- 2000 Proposed Site Plan P07
- 2001 Proposed Block Plan P08
- 2002 Proposed Site Sections P03
- 2015 Units 1-23 Ground Floor Plan P10
- 2016 Units 1-23 First and Second Floor Plan P05
- 2017 Units 1-23 Third Floor and Roof Plan P05
- 2019 Units 1-23 North and East Elevation P05
- 2020 Units 1-23 South and West Elevation P05
- 2021 Units 24-31 Ground Floor Plan P02
- 2022 Units 24-31 First Floor Plan P02
- 2023 Units 24-31 Roof Plan P02
- 2024 Units 24-31 North and East elevation P02
- 2025 Units 24-31 South and West Elevation P02
- 2026 Units 32-38 Ground Floor Plan A1 P02
- 2027 Units 32-38 First Floor Plan P02
- 2028 Units 32-38 Second Floor Plan P02
- 2029 Units 32-38 Roof Plan P02
- 2030 Units 32-38 North and East elevation P02
- 2031 Units 32-38 South and West Elevation P02
- 2032 Units 39-40 Ground Floor Plan P02
- 2033 Units 39-40 First Floor Plan P02

2034 Units 39-40 Roof Plan P02
2035 Units 39-40 North and East Elevation P02
2036 Units 39-40 South and West Elevation P02
2037 Units 41-42 Ground Floor Plan P02
2038 Units 41-42 First Floor Plan P02
2039 Units 41-42 Second Floor Plan P02
2040 Units 41-42 Roof Plan P02
2041 Units 41-42 North and East Elevation P02
2042 Units 41-42 South and West Elevation P02
2043 Units 43-44 Ground Floor Plan P02
2044 Units 43-44 First Floor Plan P02
2045 Units 43-44 Second Floor Plan P02
2046 Units 43-44 Roof Plan P02
2047 Units 43-44 North and East Elevation P02
2048 Units 43-44 South and West Elevation P02
2049 Units 45-48 Ground Floor Plan P02
2050 Units 45-48 First Floor Plan P02
2051 Units 45-48 Second Floor Plan P02
2052 Units 45-48 Roof Plan P02
2053 Units 45-48 North and East Elevation P02
2054 Units 45-48 South and West Elevation P02
2060 Sub-Station P01
2061 Site Entrance Wall P01
2062 Nos. 77-79 Pyrles Lane P01
2063 Nos. 77-79 Pyrles Lane P01
2064 Northern Bin Store and Mechanical Plant P01
2066 Southern Services Building P01
2068 Refuse and Recycling Strategy P01

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

- 3 Tree protection shall be installed as shown on Wynne-Williams Associates 'Tree Protection Plan' drawing number: 2043-WWA-22-XX-DR-L-0701 Rev PL06' (dated 21st June 2022) prior to the commencement of development activities (including any demolition).
The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

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.

4 *Dust Monitoring*

1a) For a minimum of 3 months prior to works commencing, baseline dust monitoring with a minimum of 2 real time dust monitors must be conducted. The location of the monitors must be agreed with the Local Planning Authority's Environmental Health Team prior to monitoring

commencing and must not be moved unless agreed with the Local Planning Authority's Environmental Health Team. Reference should be made to IAQM's Guidance on Monitoring in the Vicinity of Demolition and Construction Sites and/or the GLA's The Control of Dust and Emissions during Construction and Demolition SPG when proposing monitoring locations.

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

Demolition/Construction

2) Prior to demolition/construction works commencing a Construction Management Statement shall be submitted to and approved in writing by the Local Planning Authority. This should include a risk assessment and a method statement in accordance with relevant guidance such as IAQM's assessment of dust from demolition and construction guidance and the control of dust and emissions from construction and demolition best practice guidance published by the Greater London Authority. The scheme shall set out the secure measures, which can, and will, be put in place. The submitted management statement shall include details of:

1. The parking for 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. Wheel washing.
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
7. A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution.
8. Dust suppression methods and kit to be used.
9. Bonfire policy.
10. Confirmation that all Non-Road Mobile Machinery (NRMM) comply with emission Stage IIIB as a minimum.
11. Confirmation if a mobile crusher will be used on site and if so, a copy of the permit and intended dates of operation.
12. Site plan identifying location of:
 - a. The parking for vehicles of site operatives and visitors
 - b. Loading and unloading of plant and materials
 - c. Storage of plant and materials used in constructing the development
 - d. site entrance and exit
 - e. wheel washing

- f. hard standing
- g. hoarding (distinguishing between solid hoarding and other barriers such as heras and monarflex sheeting)
- h. stockpiles
- i. dust suppression
- j. dust monitoring
- k. location of water supplies and
- l. location of nearest neighbouring receptors

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

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

- 5 No development except the demolition of 79 Pyrles Lane and the Sub-Station shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 3.5l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event. 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 (attenuation tank, permeable paving etc) can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Provision of 10% urban creep allowance.
- 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. Treatment should be provided for both the runoff from the road and the roofs. Any pipework from the roofs to the permeable paving or rain gardens for treatment should be shown on the drainage plan.
- Detailed engineering drawings of each component of the drainage scheme.
- Details expanding on the interaction of the cellular storage features with the wider drainage network, ensuring they attenuate prior to discharge into the permeable paving. Alternatively, if these features act as 'offline', further details are required to demonstrate their functionality.
- Provision of a water butt for each dwelling.

- Confirmation of the CL and IL of the outfall.
- A final drainage plan which details exceedance and conveyance routes, all pipework, FFL and ground levels, and location and sizing of any drainage features. Piped connections to/from all raingardens should be shown.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

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.

6 No development except the demolition of 79 Pyrles Lane and the Sub-Station shall take place until, A construction environmental management plan (CEMP: Biodiversity) has been 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) Reptile mitigation strategy as detailed in slow-worm mitigation programme (BSG Ecology, 2022).
- c) Identification of “biodiversity protection zones”.
- d) 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).
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during 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.
- i) Use of protective fences, exclusion barriers and warning signs.
- j) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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

7 No development except the demolition of 79 Pyrles Lane and the Sub-Station shall take place until, A Landscape and Ecological Management Plan (LEMP) has been submitted to, and be 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) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

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)

- 8 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.

Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

- 9 Prior to any above groundworks, 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 enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species).

10 Prior to the any above groundworks, a Parking Management Strategy shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The development shall be carried out in accordance with the approved details, made operational prior to first occupation and retained as such thereafter. The details shall include:

- The location of active vehicle plug-in charging infrastructure;
- The specification of the vehicle plug-in charging equipment;
- The parking bays to be allocated/unallocated, including disabled parking bays;
- That all vehicle parking bays will be provided with direct access to active charging provision, including disabled parking bays (Consideration should be given to BSI PAS 1899:2022, Electric vehicles – Accessible charging – Specification in the design of any disabled bay including EV specific disabled bay);
- The location of visitor parking spaces; and
- The parking bays to be restricted to use by Plug-In Hybrid (PHEV) and Battery-only Electric Vehicles (BEV).

Reason: To ensure the development mitigates the effects of atmospheric pollution in regard to the Epping Forest Special Area of Conservation, in accordance with Policies DM2 & T1 of the Epping Forest District Local Plan 2011-2033 (2023), the NPPF and the Habitats Regulations 2017 (as amended).

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 any above ground works, a Site Remediation Strategy and Materials Management Plan/Strategy shall have been submitted to and approved by the Local Planning Authority, in writing. The development shall be carried out in accordance with those approved details.

Reason: To ensure the impact of the intended development upon adjacent properties and the street scene is acceptable and to minimise any off-site disposal of material, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 13 Prior to the first occupation of the development the vehicular and pedestrian access arrangements, as shown in principle on the approved drawings, shall be fully implemented, and shall include, but not be limited to the following:

- The visibility splays as shown
- The vehicular access shall be provided by way of a dropped kerb crossing, with a minimum accessway width of 5.5m
- Full construction reinstatement of the footway and kerbing, as necessary, across the site frontage, for any redundant dropped kerbs or access points
- The provision of a pair of pedestrian dropped kerb crossing points, with tactile paving, to the north of the site access across Pyrles Lane
- The implementation of 'No Stopping at Any Time' - Red Route parking restrictions, on the western side of Pyrles Lane, from the end of the parking layby to the south of the proposed access, for approx. 60m to the north, to a point just to the northern edge of property no.77.

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

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

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and accessibility and the impacts on the EFSAC. 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, Policies DM2 & T1 of the Epping Forest District Local Plan 2011-2033 (2023), the NPPF, and the Habitats Regulations 2017.

- 15 Notwithstanding the submitted plan number 2065 Southern Bin Store P01, Prior to the first occupation of the development hereby approved, details of the waste/recycling storage shall have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details and available for use prior to first occupation of the residential units and thereafter maintained in accordance with the agreed details.

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

- 16 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Qualis Commercial, December 2022) as already submitted with the planning application and agreed in principle with the local planning

authority prior to determination. The scheme shall be implemented in full prior to the occupation of the development hereby approved, and so retained.

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

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

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

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

- 18 Prior to first 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, has been submitted to and agreed, in writing, by the Local Planning Authority. This should include the rain gardens. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

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

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

- 20 Prior to the first occupation of the development hereby permitted, information shall be submitted to and approved in writing by the Local Planning Authority detailing how the development would adhere to the principles of Secure by Design. The development shall be carried out and retained in accordance with the agreed details.

Reason: To ensure that the development meets Secured by Design principles as required by the Essex Police, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 21 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.

- 22 Prior to first occupation of the development the details of a Residential Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The Developer shall be responsible for the provision, implementation and distribution of the approved Residential Travel Information Pack (inc. travel vouchers/tickets) for sustainable transport upon first occupation of each dwelling. These packs are to be provided by the Developer to the occupiers of each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in mitigating the effects of development on the Epping Forest Special Area of Conservation. The above measures are to ensure that this proposal is in accordance with Policies DM2 & T1 of the Epping Forest District Local Plan 2011-2033 (2023), the NPPF and the Habitats Regulations 2017 (as amended).

- 23 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 and approved by the Local Planning Authority, in writing. The approved boundary treatment shall be implemented prior to the occupation of the development and so retained.

Reason: To ensure 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.

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

Reason: To ensure that appropriate 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.

- 25 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on the approved plans.

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

- 26 The development shall be carried out in accordance with the flood risk assessment (Ref 076946-CUR-00-XX-RP-C-92001, Revision P07) prior to the substantial completion of the development and shall be adequately maintained in accordance with the agreed details.

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

- 27 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.

- 28 An assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced) shall be undertaken. If any contamination is found then the site shall be remediated. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. Confirmation of compliance with the requirements of this condition shall be submitted in writing to the Local Planning Authority prior to occupation of the development hereby approved.

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

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

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

- 30 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.

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

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

Informatives: (4)

- 32 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 33 i. There shall be no discharge of surface water onto the Highway.

ii. Owing to the layout and construction of the proposal the Highway Authority would not consider the development for adoption.

iii. Please note that there will be no ECC comments on the submitted Interim Travel Plan as the scale of development falls below ECCs threshold for requiring a Residential Travel Plan.

iv. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.

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

vi. Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

- 34 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed online via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>.

- 35 • Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.