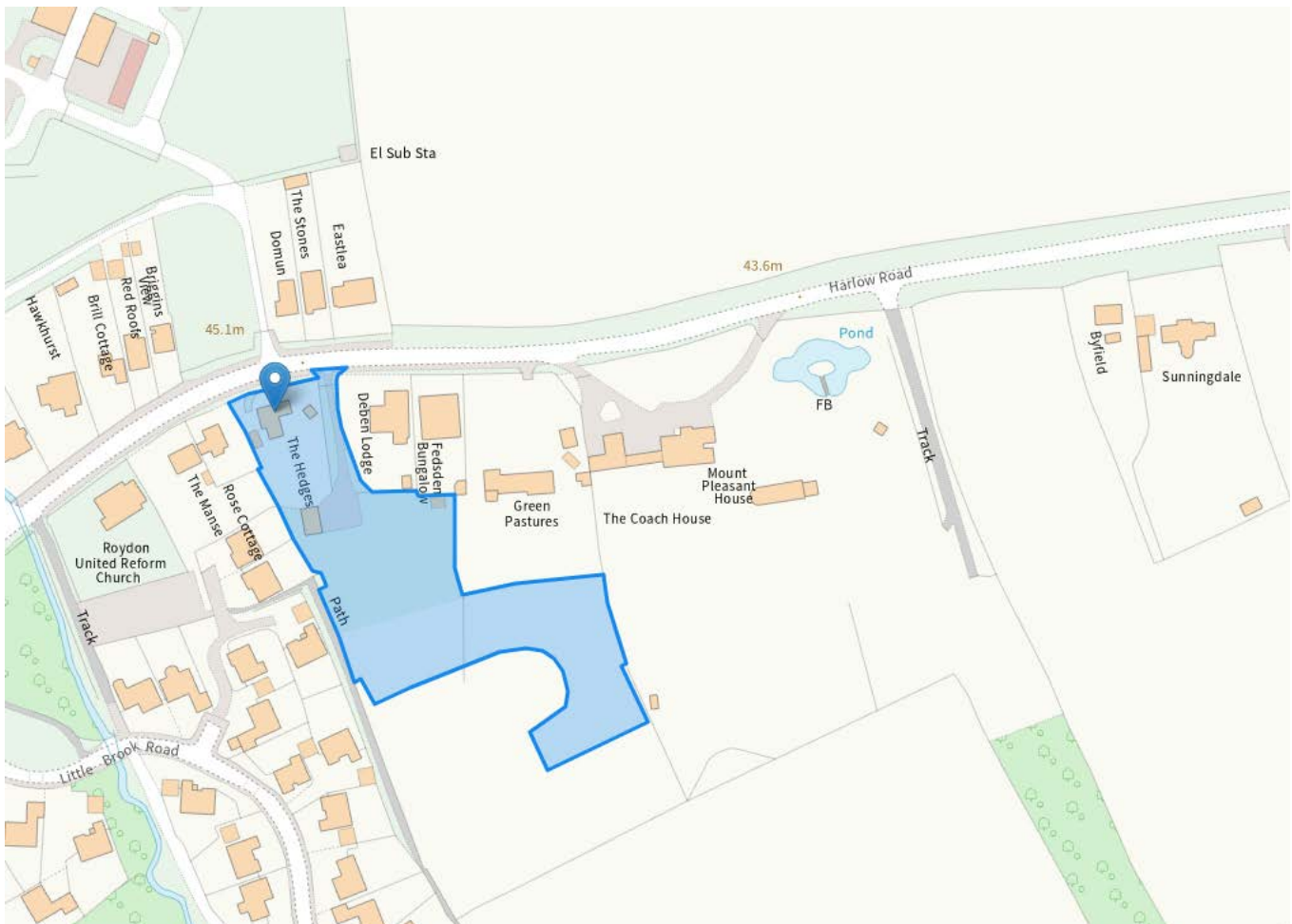


OFFICER REPORT

Application Ref: EPF/1266/24
Application Type: Full planning permission
Applicant: c/o Agent
Case Officer: Muhammad Rahman
Site Address: The Hedges, Harlow Road, Roydon, Harlow, CM19 5HE
Proposal: Erection of four new residential dwellings, retention of existing dwelling, demolition of outbuilding, together with car parking, landscaping and access (Revised scheme to EPF/0325/21)

Ward: Roydon
Parish: Roydon
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv000000Jdor>
Recommendation: Approve with Conditions (Subject to s106 Legal Agreement)



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This application is before this Committee since the recommendation is contrary to at least five contrary representations received on grounds material to the planning merits of the proposal

(Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The site comprises of a detached dwelling, residential garden and open field paddock within the village of Roydon. The host dwelling (The Hedges) is a non-designated heritage asset.

The site is not within a Flood Zone, nor a conservation area, although it is sited wholly within the Green Belt.

A public right of way runs adjacent the site on the western/southern boundaries.

Proposal

The proposal is for the erection of four new residential dwellings, retention of existing dwelling (The Hedges), demolition of outbuilding, together with car parking, landscaping and access.

This is a revised scheme to EPF/0325/21, with the main change being the retention of the existing dwelling (The Hedges) and other changes to the layout of the proposed four new dwellings.

Relevant Planning History

EF\2019\ENQ\00334 – Pre-application advice for x2 5-bed dwellings – Advice Given

EPF/0325/21 - Demolition of one existing residential dwelling and associated outbuildings and the erection of five new residential dwellings, together with car parking, landscaping and reconfiguration of access - Dismissed at Appeal

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023)

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

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

SP1	Spatial Development Strategy 2011-2033
H1	Housing Mix and Accommodation Types
T1	Sustainable Transport Choices
DM2	Epping Forest SAC and the Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM4	Green Belt
DM5	Green and Blue Infrastructure
DM7	Heritage Assets
DM9	High Quality Design
DM10	Housing Design and Quality
DM11	Waste Recycling Facilities on New Development

DM15	Managing and Reducing Flood Risk
DM16	Sustainable Drainage Systems
DM17	Protecting and Enhancing Watercourses and Flood Defences
DM18	On Site Management of Wastewater and Water Supply
DM19	Sustainable Water Use
DM21	Local Environmental Impacts, Pollution and Land Contamination
DM22	Air Quality
P9	Roydon

National Planning Policy Framework 2023 (Framework)

Paragraph	11
Paragraphs	131 & 135
Section 13	Green Belt
Paragraph	186
Section 16	Conserving and enhancing the historic environment

Summary of Representations

Number of neighbours Consulted: 29. 6 response(s) received
 Site Notice posted: Yes.

THE MANSE – Letter of Support - It is my pleasure to write a letter to support recent application for erection of four new residential dwellings at The Hedges. It is welcome to revised previous scheme and, in our view, well planned. Access is proportional, space used cleverly and ample. There is a shortage of beautiful new houses in the area so this scheme is an example and we would love to see more support from the neighbourhood community too for similar projects in the future.

FEDSDEN HOUSE, 5, 6, 10 & 11 LITTLE BROOK ROAD & THE ROYDON SOCIETY – OBJECTIONS
 - Summarised as:

- Green Belt Impact;
- Drainage Issues;
- Highway Safety;
- Ecology Impacts;
- Pollution;
- Out of Character/Back Land Development;
- Impact on Local Services;
- Loss of Privacy;
- Overshadowing/Loss of Light; and
- Impact on Trees and landscape.

ROYDON PARISH COUNCIL - Objection

We have concerns regarding the long-term operation of the SUDS proposals as there appear to be numerous maintenance requirements that require to be undertaken at frequent intervals to maintain the efficacy of the system and it is doubtful that these will be maintained into the future resulting in a loss of effectiveness of the system and a resultant increase in flood risk in the area. The previous application on the site involved the demolition of the thatched cottage and this was the primary reason for the refusal of permission at appeal. The fact that they are now proposing to keep the house itself removes the main reason for refusal previously.

However, the issue of impact on the Green Belt has not in our opinion been properly taken into account in this application. EFDC should be asked to consider whether this development is inappropriate

development in the Green Belt, notwithstanding the fact that the appeal decision did not find that it was inappropriate development in the green belt on the grounds that it was infill development.

The council take the view that, rather than infill development it is actually back land development and as such is inappropriate development for the green belt.

The National Planning Policy Framework sets out the policy Local Planning Authorities should follow when applications are received for development in the Green Belt. The construction of new buildings is to be regarded as inappropriate in the Green Belt, with one exception being "limited infilling in villages" (paragraph 154 in the new edition of the Framework).

The Council's own Local Plan (approved March 2023) says this about infilling: "limited infilling" means the development of a small gap in an otherwise continuous built-up frontage, or the small-scale redevelopment of existing properties within such a frontage. It also includes infilling of small gaps within built development. Limited infilling should be appropriate to the scale of the locality and should not have an adverse impact on the character of the countryside or the local environment." This is set out in their Policy DM4. This application doesn't seem to be consistent with this policy - it is hardly "development of a small gap". The point of the Local Plan is that it sets out what development can - and can't - take place in the District up to 2033. So, this application appears to me to be contrary to Policy DM4.

The Planning Inspector claimed that the development (i.e. the 2021 application) was surrounded on "three sides" by existing development. This claim is repeated in the key documents of this new application. The three sides argument was key to the decision that the application amounted to limited infilling. We cannot see that this is actually the case. Google maps shows no built development to the east of the site, apart from the houses fronting the road. Little Brook appears to be the last development east of the village that extends away from Harlow Road. The land belonging to the other properties along the road is not built on, so there is just green space. Most of the site is bordered by development to the west and north, not to the east, so on two sides only. Indeed the Planning Statement itself says "the appeal site is immediately adjacent to the existing built up area of Roydon" not, as would be the case with infill development, within the existing built up area of Roydon.

The question therefore arises as to whether the Planning Inspector's findings on the previous case provide a clear precedent which must be followed (even if contrary to the District's own policy). Inspector decisions can be considered as material considerations in subsequent planning applications, but a new application should be judged on its merits. We ask that EFDC consider disregarding the inspectors conclusion regarding infill development as it appears to us to be misguided and factually incorrect.

The Local Plan, this has a section on Roydon (Page 119) which says that "Site allocations will focus on maintaining the existing settlement pattern and ensure the continued preservation of important Green Belt, preventing coalescence between Roydon and Harlow Town." The overall intention is expressed that Roydon will "maintain its rural and local character". The Plan provides only for development on three sites in Roydon (Kingsmead, the Old Coal Yard, and Parkfields). Notably, any further development is required to meet the policies in the Plan - so an impact on the existing settlement pattern, as this would have, is out with the Plan, and I mentioned, appears to be contrary to EFDC's Policy DM4.

As regards access to the site we have concerns regarding the access out on to Harlow Road, The Hedges is located on a blind bend & the access road will be particularly dangerous. In the Highways Technical Note (attached) 4.5 it talks about a contribution to a VAS/VMS signage.

If EFDC are minded to approve the application the Applicant should fully fund the provision of VAS/VMS signage together with a "Village Gate" at the entrance to Roydon & a coloured road surface as you approach the development similar to the proposals being put forward for the development at Kingsmead.

Planning Considerations

The core reason the appeal was dismissed was due to the loss of the existing building (The Hedges) which was identified as a non-designated heritage asset. With the revised scheme now retaining this dwelling this harm has been overcome.

The Appeals Inspector found the four dwellings (excluding the replacement dwelling for The Hedges) to be 'limited infilling in a village' and so not inappropriate development within the Green Belt. This is accepted and notwithstanding the concerns raised by local residents and the Parish there is no defensible reason to refuse in this regard and the Council will likely be open to costs should this be a reason for refusal again.

Furthermore, the Council's Conservation Team has raised no objections to the revised scheme and Officers consider the proposal is acceptable in design terms (in terms of its layout, scale and appearance), will safeguard the living conditions of neighbouring amenities (Subject to conditions) from any harmful impacts such as loss of privacy, loss of light, overbearing and visual impact, and acceptable with regards to Ecology (Inc Biodiversity Net Gain), highway safety and the Epping Forest Special Area of Conservation subject to securing the appropriate mitigation measures via conditions and/or s106 Legal Agreement.

Lastly, in terms of drainage concerns, the Council's Drainage Team are satisfied with the submitted drainage strategy and Officers see no reasons to come to a different conclusion. For Members benefit below is a detailed analysis by the Council's Drainage Team in response to this concern raised by a local resident, in particular the drainage issues already suffered by Little Brook Road residents caused by the difference in elevation between them and the Hedges.

Drainage Team Response

I am all too aware of the elevation changes in the vicinity, and new development aside, there is a common law responsibility upon a person owning lower-level land to accept natural land drainage water (that is, spring water, ground water or surface water run-off) from adjacent land at a higher level. This doesn't apply where the owner of the adjacent land has carried out "improvements" such that the run-off from the land isn't "natural" - for example if an entire back garden has been paved over.

However, the drainage design that has been submitted as part of The Hedges application is likely to bring about a degree of easing of the issues you describe. Surface water run-off associated with new development is required to be managed in line with local and national policies that are designed to lessen flood risk. In this case, by far the majority of the run-off generated by the roofs, paths, roads and driveways proposed, is collected, stored and discharged into the drain on Harlow Road at a rate that doesn't exceed what's known as the greenfield run off rate for the area being drained, plus an allowance for climate change. Additionally, the areas of permeable paving, and attenuation tanks are sealed entities, and are not soakaways albeit that the sealed nature of these features has not been annotated on the plan. On pages 10 and 11 of the 250-page Drainage Report available online it explains the methodology chosen for dealing with the surface water and that infiltration is not fully feasible, albeit the geology is favourable. Of course, grass areas within the development are allowed to remain free draining.

Conclusion

The previous reasons for refusal including those raised in the appeal decision have been overcome.

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 completed s106 legal agreement to secure the financial contributions towards the EFSAC including additional payment of monitoring fees.

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

Conditions: (27)

- 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: 8595 - PD-50, 8595 - PD-60, 8595 - PD-70 Rev A, 8595 - PD-100, 8595 - PD-110, 8595 - PD-120 and 8595 - PD-150.

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

- 3 Prior to commencement of the development hereby approved, a Habitat Management and Monitoring Plan (HMMP), in line with the approved Biodiversity Gain Plan, must be submitted to the local planning authority and approved in writing. The content of the HMMP should include: A management and monitoring plan for onsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2, 5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

Thereafter, the development shall be implemented in full accordance with the requirements of the approved Habitat Management and Monitoring Plan, with monitoring reports submitted to the council at the specified intervals via the Councils monitoring officer.

Reason: To allow the development to demonstrate mandatory biodiversity net gain and allow LPA to discharge its duties under Schedule 7A to the Town and Country Planning Act 1990, and Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 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.

- 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 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.

- 7 Any works which will impact the breeding / resting place of bats, shall not in any circumstances commence unless the local planning authority has been provided with either:

- a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- a method statement relating to a registered site supplied by an individual registered to use a Bat Mitigation Class Licence for Bats; or
- a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.”

Reason: To conserve protected 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 s17 Crime & Disorder Act 1998, in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 8 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.

9 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA). The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details must include details as follows:

- Location of active charging infrastructure; and
- Specification of charging equipment to be used.

Reason: To ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the EFSAC, in accordance with Policies T1, DM2 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

10 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 following the recommendations made within the Preliminary Ecological Appraisal Memo Report (Temple, May 2024) and the Bat Survey Report (Temple, May 2024). The content of the Biodiversity Enhancement Strategy shall include the following:

1. Purpose and conservation objectives for the proposed enhancement measures;
2. detailed designs or product descriptions to achieve stated objectives;
3. locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
4. persons responsible for implementing the enhancement measures; and
5. 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 minimise damage to biodiversity, in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

11 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.

12 The development shall be carried out in accordance with the drainage strategy (Ref C3089-R2-REV-B, May 2024) and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 13 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.

- 14 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.

- 15 Prior to first occupation of the dwellings hereby permitted a lighting design strategy for biodiversity, detailing that no external artificial illumination of the boundary trees, hedgerows and watercourse will occur, shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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), in accordance with Policy DM1 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 Preliminary Ecological Appraisal Memo Report (Temple, May 2024) and the Bat Survey Report (Temple, May 2024) prior to first occupation of the dwellings hereby approved.

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

- 17 Prior to the first occupation of the development the access arrangements, including the visibility splays, as shown in principle on the submitted drawing no. 2301017-05 Rev C, shall be fully implemented.

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

- 18 Prior to the first occupation of the development, a Vehicle Activated Sign (VAS) on Harlow Road to the east of the development, within the 30mph limit shall be installed.

Reason: To help mitigate the speed of vehicles into Roydon, in the interests of highway safety, for the benefit of the users of the development and all highway users, in accordance with Policies T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 19 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.

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

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

- 21 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest 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.

- 22 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.

- 23 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.

- 24 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.

- 25 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.

- 26 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, B, D & E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

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

27 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 on the left flank elevation to plot 04, without the prior written agreement of the Local Planning Authority.

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

Informatives: (4)

28 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.

29 **Biodiversity Net Gain**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The local planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Epping Forest District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

30 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.

31 Any works to or within eight metres of an open or piped watercourse will require Land Drainage Consent. For further information on the Land Drainage consent process or to find the application forms the applicant should visit the link below.
<https://www.eppingforestdc.gov.uk/environment/land-drainage-consent/>