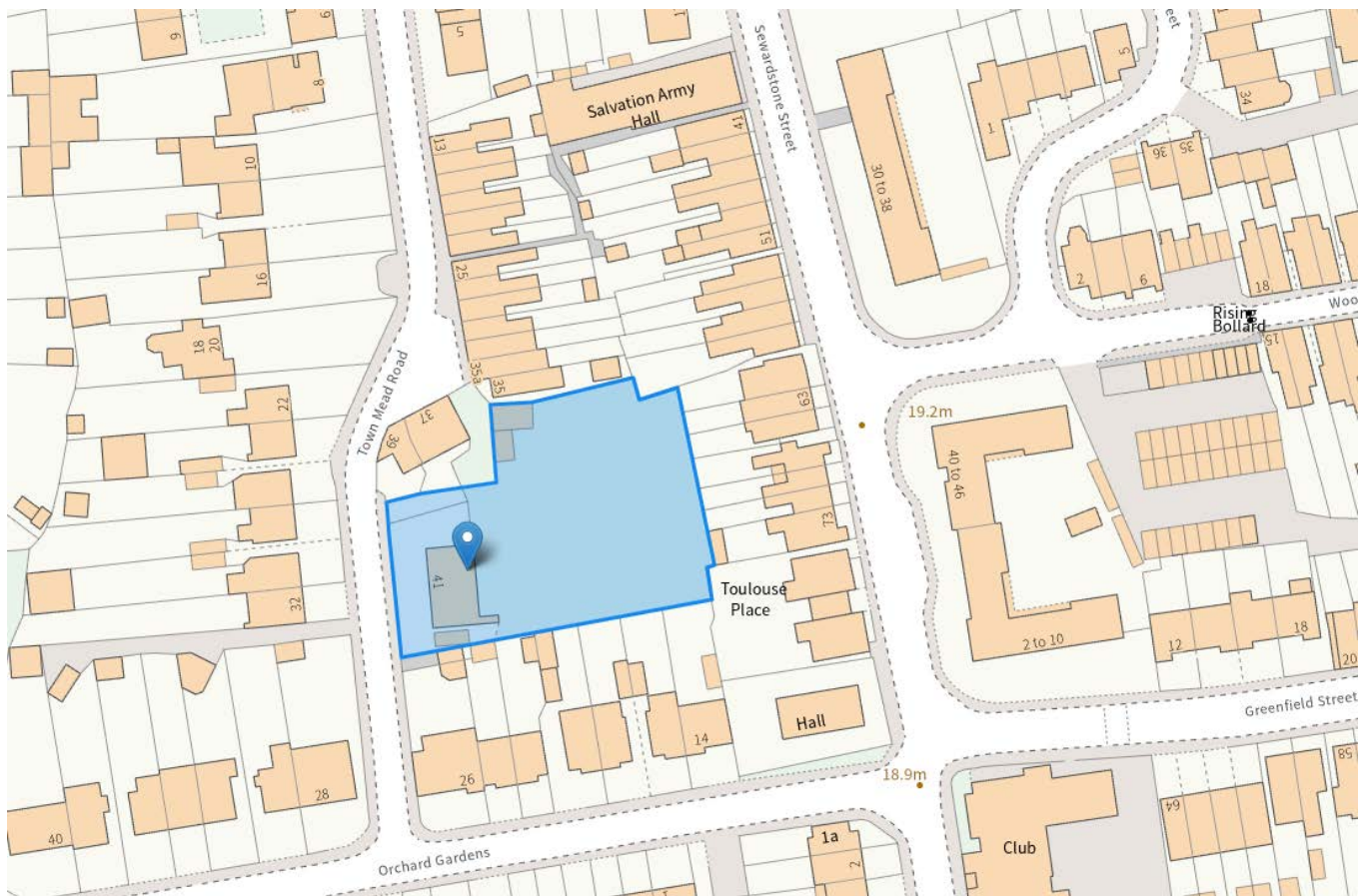


# OFFICER REPORT

**Application Ref:** EPF/1773/23  
**Application Type:** Full planning permission  
**Applicant:** Smiling Land Ltd  
**Case Officer:** Sukhvinder Dhadwar  
**Site Address:** 37-41 Townmead Road, Waltham Abbey, EN9 1RP  
**Proposal:** Demolition of an existing outbuilding and construction of five terraced chalet bungalows with associated shared surface and parking and adjusted access from Townmead Road.  
**Ward:** Waltham Abbey South West  
**Parish:** Waltham Abbey  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001X3vV>  
**Recommendation:** Approved with Conditions (Subject to s106 Legal Agreement)



*Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.  
Crown Copyright and Database Rights 2022 Ordnance Survey 0100018534*

***This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits***

***of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).***

**Description of Site:**

The application site comprises a detached single storey bungalow with attached garage, two other garages/outbuildings and curtilage. It is located on the eastern side of Townmead Road.

The site is in an urban area which is immediately south of the Waltham Abbey Town Centre. It has no heritage designation.

**Description of Proposal:**

Demolition of an existing outbuilding, and construction of five terraced chalet bungalows with associated shared surface and parking and adjusted access from Townmead Road.

The rear of the site is to be redeveloped to create a private drive with five new units.

The proposed units will have an eaves height of 3m and a ridge height of 6.5m and will include dormer projections on the front and rear roof slopes.

These units will be around a private drive which will be a shared surface. These units are 3- bedroomed chalet style bungalows which have an internal area of 102 sqm.

Each unit will have 2 parking spaces. Access to these parking spaces will be from between 39 and 41 Townmead Road.

Two parking spaces will also be provided for 37 -39 Townmead Road which will be accessed via the northern gate.

The drive created will be a shared surface. A bin drop off point is proposed in the centre of the site to allow bins to be dropped off and collection within the travel distances for residents and refuse collectors.

The existing access to the north of the existing bungalow which provides access to the whole site will be improved. There is a private drive leading to a garage to the south of the bungalow. This access will no longer be used for cars.

The proposal will also change the boundary line of the properties at 37-39 Townmead Road in order to accommodate the development.

**Relevant History:**

No relevant history.

**DEVELOPMENT PLAN**

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Epping Forest Local Plan 2011-2033 (2023):

On the 06 March 2023 at an Extraordinary Council meeting the Submission Version Local Plan was adopted by Epping Forest District Council. The now adopted Local Plan will be referred to as the Epping Forest District Local Plan 2011-2033.

The relevant policies are listed below:

**Policy**

SP1 - Spatial Development Strategy 2011-2033

SP2 - Place Shaping

H1 - Housing Mix and Accommodation Types

T1 - Sustainable Transport Choices

DM1 - Habitat Protection and Improving Biodiversity

DM2 - Epping Forest SAC and the Lee Valley SPA

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

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

DM20 - Low Carbon and Renewable Energy

DM21 - Local Environmental Impacts, Pollution and Land Contamination

DM22 - Air Quality

NATIONAL PLANNING POLICY FRAMEWORK (September 2023)

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

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

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

### **Consultation Carried Out and Summary of Representations Received**

Responses received:

**13 Townmead Road, 15 Townmead Road, 17 Townmead Road, 19 Townmead Road, 23 Townmead Road, 24 Townmead Road, 25 Townmead Road. 28 Townmead Road, 30 Townmead Road, 31 Townmead Road, 35 Townmead Road, 14 Orchard Gardens, 20 Orchard Gardens, 73 Sewardstone Street, 14 Orchard Gardens, (2 emails no address given) OBJECT:-**

- Overdevelopment and out of character with the area;
- Excess noise and pollution from proposed development works;
- Loss of local wildlife, orchard and no results for a bat survey included in the planning application;
- Potential cause of damage or instability to surrounding properties;
- Increased surface water flooding;
- The proposed entrance to the development is situated approximately 5 metres from a blind bend which is made more hazardous by the fact that cars are parked on the west side of Townmead Road on the bend. Cars are also parked opposite the proposed entrance;
- Insufficient parking;
  - Immediate danger to life caused by a narrow residential road being blocked.
  - The lack of access to the narrow residential road, the proposed addition of 6 dwellings will have a detrimental impact on the build-up of uncollected refuse and recycling;
  - Insufficient infrastructure to accommodate development;
  - High risk of personal injury or damage to property;
  - Potential issues with sewage drainage due to the proposed addition of six dwellings;
  - Very close proximity to Waltham Abbey Conservation Area and listed buildings which has already been affected by new developments which have disregarded the historical importance of the area, and no enforcement action was taken;
  - Will harm access for residents of 39 Townmead;
  - Loss of privacy;
  - Loss of private view; (Not a material planning consideration)
  - Nuisance during construction;
  - Overbearing;
  - No scale bar on drawings.
  - Harm to house prices (Not a material planning consideration)
- plans have been changed again. The access to the flats at no 37 is now from the gate at the lay-by . We cannot see how this can work as residents , who are now paying for parking permits, have been using this lay by for parking for at least 11 years, since we moved here. We have never seen that entranced used and we understand that for 'right of access' it must have been used continuously for 20 years, which certainly has happened.

PARISH COUNCIL: No objection

APPLICANT: response in regard to the access being provided for parking for the existing residential properties at 37-39 Townmead Road: The north gate has been an access point to the site for several decades - its use is well established. Following the passing of the previous owner, the gate was only closed for security reasons, which led to neighbouring residents parking illegally in front of it. We are committed to reopening the gate and reinstating its use as originally intended. Additionally, we expect the council parking enforcement team to take appropriate action to prevent any vehicles from obstructing access.

### **Main Issues and Considerations:**

#### **Principle**

In terms of planning policy, the majority of the site falls within floodzone 1, the only part that does not is the front garden area which falls outside of the area to be developed. The site is in an urban location close to the Town Centre therefore in line with Government policy redevelopment of this land is encouraged.

#### **Design, function and appearance**

The density of the development is around 26 dwellings per hectare. This is reflective of the housing in the area and therefore complies with the requirements of policy SP2 (B).

The terraced design is the most energy efficient form of housing.

The proposed chalet bungalows have a maximum height of 6.5m.

Each unit type has a bedroom at ground floor with access to an en-suite. The size of the units meet the National Space Standards and Building Regulations Part M4(2) in accordance with policies DM10 and H1 of the Local Plan. These comes will therefore be adaptable to meet the changing needs of future occupiers.

The mix of units proposed are reflective of local need in the area in accordance with policy H1 of the Local Plan.

The form has the characteristics of a traditional chalet bungalow; the proposed materials consisting of brick, off white render and artificial timber cladding for the walls, UPVC fenestration and concrete grey flat tiles, the proposal is therefore consistent with the surrounding area.

A bin collection point has also been provided.

The proposal is therefore considered to have an acceptable design in accordance with policies DM9 A and DM10.

#### **Trees**

The Tree Officer found the 17 trees proposed to replace the predominately fruit trees to be acceptable subject to conditions. The proposal therefore complies with the requirements of policy DM5.

#### **Impact on neighbouring amenity**

Number 35 has its side flank facing the application site. This flank is entirely covered by climbing plants and therefore has no outlook from this façade. The proposal will result in the removal of the existing outbuilding positioned close to this neighbour.

Plans have been amended through the process of this application so that the initially detached houses are now shown as terraced.

At its nearest point the proposed unit 1 is 7.1m way from the side flank of this neighbouring house. The nearest upper floor window is a rooflight serving a staircase and therefore will not enable direct views. The first-floor dormer window is 9.1m away from the side flank of this neighbour therefore its outlook will be towards the car parking spaces and the corner of 37 Townmead Road.

The outbuilding at the bottom of the rear garden of 35, includes a window which overlooks the application rear garden. Planning permission is not required to erect a 2m fence to block this outlook. Plans have been amended to retain the existing apple tree in this location in order to screen the development from this neighbour.

Loss of a private view is not a material planning consideration.

It is for these reasons it is considered that this neighbour will not be excessively affected by this proposal in terms of light, outlook or privacy.

The position of the existing dwellings at 37-39 is perpendicular to the existing dwelling at 41 Townmead Road therefore additional impact to these neighbours will not be significant. The eastern elevation of these homes has no windows in it and is also perpendicular to the chalet bungalows proposed at the rear of the site. The distance between these neighbours and unit 1 is 16.5m, given the angle of the existing buildings in relation to the proposal, it is not considered that either the existing or new occupiers of will be excessively affected in terms of loss of amenity over and above the existing situation.

The window-to-window distance between the 5 three-bedroom units at the rear of the site and the rear elevation of properties within Sewardstone Street is over 20m.

The upper floors of the southern (side) flank elevation facing Orchard Gardens have no habitable room windows within it. They are positioned over 15m from the rear elevation of properties within this neighbouring street. A condition is also recommended to ensure that the bathroom windows in this elevation are obscure glazed.

The existing bungalow at 41 Townmead Road is a minimum of 18.4m away from Unit 5. This property is owned by the applicant (although currently in the process of being sold).

It is on this basis that the proposal complies with the requirements of policy DM9(I).

### **Epping Forest Special Area of Conservation (EFSAC)**

Biodiversity features within, or associated with, a Special Area of Conservation (SAC) are subject to a high level of protection under UK law and national planning policy in England. The provisions of the EU Habitats Directive were given effect in UK law by the Conservation of Habitats and Species Regulations 2017, as amended ("the Habitats Regulations") and this level of protection has not changed as a result of the UK having left the European Union.

Large parts of Epping Forest within the District are classified as a Special Area of Conservation and therefore development proposals need to be considered within the context of the Habitats Regulations. This means that any plans and projects (including applications for planning permission) that have the potential, either alone or in combination with other plans or projects (including from development proposed within the emerging Local Plan), to have a likely significant effect on the Epping Forest SAC (EFSAC) must be subject to an assessment, known as an Appropriate Assessment ("AA").

The purpose of an AA is to ascertain whether any development plan or proposal, either alone or in combination, would have an adverse effect on the integrity of the European Site.

The Council has a legal duty as a 'Competent Authority' under the Habitats Regulations to ensure that the EFSAC is protected from the effects of development. Two specific issues, known as 'Pathways of Impact', have been identified whereby new development has the potential to have a likely significant effect on the integrity of the EFSAC. These 'Pathways of Impact' have been identified through the Habitats Regulations Assessments undertaken to support the development of the Council's Adopted Local Plan and have been agreed with Natural England. The first is an Urbanisation 'Pathway of Impact' with a particular focus on increased levels of visitors using the EFSAC for recreation purposes arising from new development (referred to as "recreational pressure"). The second is an Air Pollution 'Pathway of Impact'. This relates to damage to the health of specifically identified habitats and species within the EFSAC arising from air pollution generated by a number of sources but, primarily, from the level and type of vehicles using roads close to the EFSAC (referred to as "atmospheric pollution").

Policies DM 2 and DM 22 of the emerging Local Plan provide the policy context for dealing with the likely significant effect of development on the integrity of the EFSAC and Lee Valley SPA outlined above. The Habitat Regulations make clear that a Competent Authority must satisfy itself beyond reasonable scientific doubt that any project, either alone or in combination with other plans and projects, would not result in an adverse effect on the integrity of the EFSAC or the Lee Valley SPA.

It is within this context that the following assessment is made.

Assessment' or secure mitigation measures in relation to the recreational pressure 'Pathway of Impact'. The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, 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. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently requires all new residential development within 3 - 6.2km ZOI to contribute £343.02 per dwelling. Within this strategic context the Council is satisfied that the application proposal would not, as a result, have an adverse impact on the integrity of the EFSAC.

#### Atmospheric pollution

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

The Council is satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions as set out above, the application proposal would not have an adverse effect on the integrity of the EFSAC.

## Highways

The Highways Authority initially raised objections on the grounds that plans did not provide the required vehicular visibility splays for the speed of the road. Plans have now been revised to address this issue and as a result the Highway Authority are satisfied that the proposal will have an acceptable impact on highway safety.

Two parking spaces have been provided for each unit. Each unit will also have 1 secure cycle storage space. 1 car parking space has also been provided for the existing residents of both 37-39 Townmead Road. This is considered sufficient to facilitate the development in accordance with policy T1 of the Local Plan.

## Flood Risk and Drainage

The Environment Agency initially had concerns for this site in relation to the potential risk of contamination to controlled waters (as the site is in Source Protection Zone 1 (SPZ1) with the associated Thames Water public water supply abstraction (Waltham Abbey Well) approximately 600m west of the site, as well as on secondary A and principal chalk aquifers). This was due to there being insufficient information available to determine the risks to groundwater. Upon review of the Phase 1 Preliminary Risk Assessment, they are content that our concerns have now been suitably addressed subject to conditions.

The Land Drainage Team advise that they are satisfied in principle to the findings of the submitted flood risk assessment, however since Town Mead is at risk from fluvial and surface water flooding, further conditions are recommended. It is on this basis considered that the proposal complies with the requirements of policies DM15, 16 and DM21.

## Ecology

The Preliminary Ecological Appraisal and Preliminary Roost Assessment dated 14/12/22 by Arbtech recommended that:-

*“Building 4 and Building 5 – one bat emergence or re-entry survey is required during the active bat season (optimal May to August) to confirm the presence or likely absence of a bat roost in the building. The survey can be either a dusk emergence or dawn re-entry survey.*

*Four surveyors are required to provide full coverage of the buildings with two surveyors on each building.*

*The survey is likely to be required before planning permission can be granted.”*

Further Bat Emergence and Re Entry Surveys were carried out on 20/6/23. The surveyor found an absence of roosting bats on the site.

Since there was no evidence of Protected Species at the site, a European Protected Species Licence will not be required for this project.

The recommendations made in section 4 of the Bat Emergence and Re-Entry Surveys dated 7/7/23 by Arbtech should be attached as a condition to any permission. On this basis, the proposal would accord with the requirements of DM1 of the LP.



## **Biodiversity Net Gain (BNG).**

The application was submitted prior to 12 February 2024 and therefore mandatory BNG does not apply. However policies SP2, DM1 and DM5 do stipulate the requirement for Biodiversity enhancement, therefore a condition to address this requirement is recommended.

## **Land Contamination**

Given the proposed sensitive use proposed, it is recommended further conditions area attached to ensure remediation prior to the implementation of any permission. It is on this basis that the proposal complies with the requirements of DM21 of the Local Plan.

It is the responsibility of the developer to ensure the safe development of the site (including the appropriate disposal of any asbestos within the existing building & hardstanding).

## **Other matters**

Whilst not strictly a planning related matter, nuisance during construction stage can be controlled by a condition requiring details of a construction management plan.

## **Conclusion:**

The proposal will provide much needed housing which is of a type which meets an existing local housing need within an urban area of Epping Forest District Council. Given the requirements of national policy to significantly boost the supply of housing.

The design of the contemporary chalet bungalows is acceptable. The Highways Authority is satisfied that the proposal will not cause serious harm to highway safety or parking provision and will not have an excessive impact on neighbouring amenity. It is therefore considered that the proposal meets the requirements of sustainable development and accords with relevant planning policy and as such, it is recommended that planning permission be granted subject to conditions and subject to completion of a S106 Legal Agreement to secure appropriate financial contributions for the management and monitoring of visitors to the Epping Forest Special Area of Conservation and a contribution towards measures to mitigate air quality along with other site specific requirements as set out in this report.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

***Planning Application Case Officer: Sukhi Dhadwar  
Direct Line Telephone Number: 01992 564597***

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

## **Conditions: (25)**

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1507-SAP-XX-XX-DR-A-00000-SO-03 - Site Location Plan, 1507-SAP-XX-XX-DR-A-00100-SO-02 - Existing Site Plan, 1507-SAP-XX-XX-DR-A-10101-SO-09 - Proposed Block Plan, 1507-SAP-XX-XX-DR-A-10104-SO-04 - Proposed Site Plan, 1507-SAP-V1-XX-DR-A-10110-SO-05 - Proposed Plans - Unit A, 1507-SAP-V1-XX-DR-A-30310-SO-05 - Proposed Elevations - Unit A. QD842-100 Rev C - Landscape General Arrangement, QD842-101 Rev C - Soft Landscape Details, AIA rev A: Arboricultural Impact Assessment, Arbtech TPP rev A: Tree Protection Plan, Report to inform Habitat Regulations Assessment 28/8/23, Design and Access Statement, Arboricultural Method Statement by Arbtech dated 30 June 2023, Overheating report Part O building regulations Type A and B, by Energy Calculations Ltd May 2023, Flood Risk Assessment (301 FRA – 001) by Urban Water dated July 2023, EPF\_1773\_23 HRA Assessment Review 21 Sep 2023, HRAR, Transport Statement (Ver 1.3)", THaT Consultancy, June 2023, Transport Note 6014-1 Traffic Generation and Distribution (Ver 1.1)", THaT Consultancy, January 2024, Preliminary Ecological Appraisal and Preliminary Roost Assessment dated 14/12/22 by Arbtech,

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

- 3 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.

4 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include

- Calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools.
- Details of safe access and egress, focusing on a flood evacuation plan for the development.
- Details of flow paths through the development are required, ensuring that it is steered away from dwellings.

The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

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.

5 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

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

6 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.

- 7 No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing, by the local planning authority. This strategy will include the following components:
- 1.A preliminary risk assessment which has identified:
    - all previous uses;
    - potential contaminants associated with those uses;
    - a conceptual model of the site indicating sources, pathways and receptors;
    - potentially unacceptable risks arising from contamination at the site.
  - 2.A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
  - 3.The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 4.A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason To ensure that the development does not contribute to, and is not put at, unacceptable risk from adversely affected unacceptable levels of water pollution in line with paragraphs 180, 189, and 190 of the National Planning Policy Framework.

Advice from the EA for this Condition: The Phase 1 Preliminary Risk Assessment prepared by LK Consult Ltd. will suffice (1) and a site investigation scheme should be formed and carried out based on the findings and recommendations of this report.

- 8 Notwithstanding the approved plans, 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.

- 9 If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason To ensure that the development does not contribute to and is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraphs 180, 189, and 190 of the National Planning Policy Framework.

- 10 Prior to the first occupation of the development the access arrangements, vehicle 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, parking and turning is provided in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2023.

- 11 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 180 of the National Planning Policy Framework. Advice from EA for this Condition: We note that the current strategy is to ultimately discharge surface water via a connection to an existing mains sewer beneath Town Mead Road (Appendix D of the submitted Drainage Strategy by Urban Water (ref: 301 -Rev - V1) – we agree with this approach, though we do note that this is not to be taken as the final scheme. The permeability of Alluvium can vary considerably and may not be appropriate for infiltration drainage at this site. It would be practical to undertake soakage testing during any intrusive site investigation to properly inform drainage design, should infiltration drainage be incorporated into the drainage strategy.

- 12 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2023.

- 13 Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason To ensure that the proposed development does not harm groundwater resources in line with the Environment Agency's approach to groundwater protection. A foundation works risk assessment will be required, prepared with reference to the guidance presented in Piling into Contaminated Sites (Environment Agency, 2002) available at the following website: [ARCHIVED CONTENT] (nationalarchives.gov.uk).

Advice from EA for this Condition: This position becomes stronger if it is proposed to pile into a sensitive aquifer. Borehole records in the vicinity of the site suggest that there is likely to be a sufficient thickness of London Clay to avoid piling into Chalk, but this should be confirmed prior to final foundation design with intrusive investigation. Foundation works risk assessments can be an expensive and time-consuming endeavour for smaller developments such as this, so to avoid it totally we recommend exploring the feasibility of shallower foundations as much as possible.

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

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

- 15 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.

- 16 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.

- 17 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.

- 18 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.

- 19 The proposed development should be undertaken in accordance with the recommendations made in the The Preliminary Ecological Appraisal and Preliminary Roost Assessment dated 14/12/22 by Arbtech and maintained as such thereafter.

Reason: In order to conserve protected species or their breeding sites, or resting places in accordance with the NPPF, policy DM1 of the Adopted Local Plan.

- 20 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved, and so retained.

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.

- 21 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.

- 22 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.

23 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. The parking of vehicles of site operatives and visitors
2. Loading and unloading of plant and materials
3. Storage of plant and materials used in constructing the development
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
5. Measures to control the emission of dust and dirt during construction, including wheel washing. With regards to dust control measures and wheel washing, reference shall be made to the Institute of Air Quality Management (IAQM) best practice Guidance on air quality monitoring in the vicinity of demolition and construction sites and Guidance on the assessment of dust from demolition and construction.
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
7. Tree protection measures.

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

24 Prior to first occupation of the buildings hereby permitted the windows in the southern side flank elevations at first floor level and above, shall have been fitted with obscure glass with a minimum Pilkington privacy level 3 obscurity (or equivalent), and no part of that/those windows that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained at these specifications thereafter.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

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

**Informatives: (1)**

26 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and



any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.