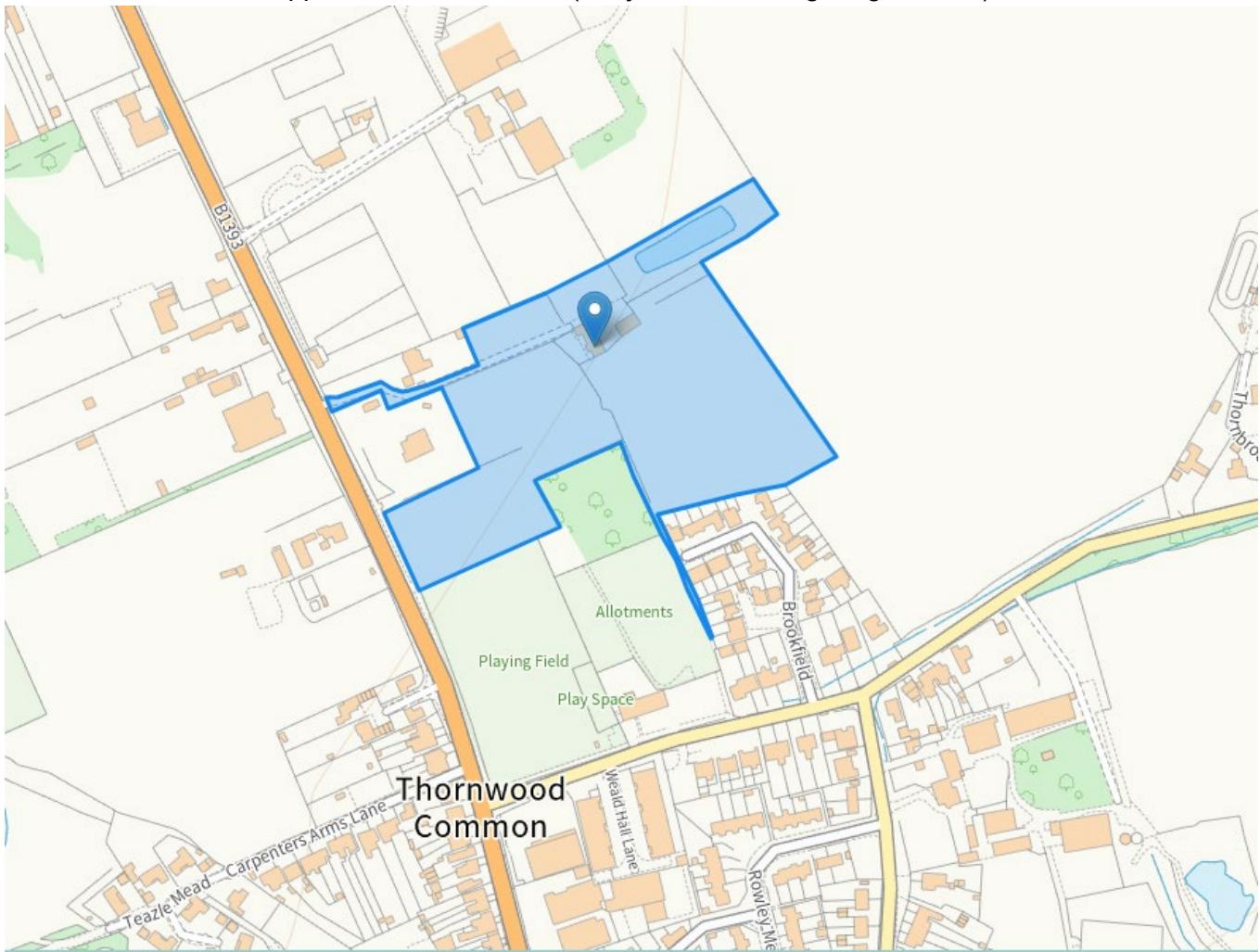


OFFICER REPORT

Application Ref: EPF/0007/24
Application Type: Full planning permission
Applicant: c/o Agent
Case Officer: Sukhvinder Dhadwar
Site Address: Tudor House, High Road, Thornwood, Epping, CM16 6LT
Proposal: Residential development comprising residential dwellings (Use Class C3), together with car parking, garden spaces, a flexible café/commercial use (Use Class E) with vehicular access from High Road (B1393) external landscaping and associated development

Ward: Epping West and Rural
Parish: North Weald Bassett
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv0000000s1B>
Recommendation: Approve 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 was presented to East Area Planning Committee on 18th September 2024. The recommendation by Members was to approve the application.

It is recommended that Members watch the webcast of the meeting via https://eppingforestdc.public-tv.site/mg_bounce.php?mg_a_id=89583&mg_m_id=11997&language=en_GB before deliberation on this item.

Within Appendix 1 of this item is the Committee Report presented to members of the East Area Planning Committee, and Appendix 2 contains the supplemental information published on 17 September 2024.

Members recommended approval of the application subject to conditions and the completion of a s106 agreement. The Council's solicitor has advised that, upon watching the webcast of the meeting, there is considerable ambiguity in regarding the precise resolution that was reached.

This is due to the fact that there were two motions put forward, one by Cllr Bedford ("Motion one") to grant planning permission in accordance with the officers' recommendation but with two extra conditions, the second motion advanced by the Chairman of the Committee ("Motion Two") to approve consent in accordance with the Officers recommendation. However, Motion Two did not include the additional conditions advanced by Cllr Bedford in Motion One. It is not entirely clear which motion was approved by Approved by Committee. Clarification is therefore needed in regard to the exact basis on which the approval was made.

First Motion

As noted above, Motion One was put forward to approve the application on the basis of the officer recommendation plus two additional conditions.

Whilst it seems clear that one of the additional conditions related to Parish homes, It is unclear what the second condition related to since the previous discussions by Members were:-

- (a) To donate trees to the Parish Council instead of planting them on the site.
- (b) To ensure that the library contribution is ringfenced for either Epping or North Weald libraries only.

Second Motion

The second motion made was that the application should be approved in accordance with the officer recommendation. This motion did not include any additional conditions being imposed over and above those included in the original Agenda.

In addition, the Parish Council made a request that the s106 triggers for the implementation of community facilities be changed so that they are enforceable. Members were generally in agreement with this request, but it did not form part of the resolution.

Since it is not clear from watching the webcast what decision was reached and which, if any, additional conditions were added, it can be deduced that Members may also have been uncertain on what basis they voted to approve the application. As such, the decision made by Members of Area Planning East Committee was unsound.

Contributions

It was previously reported to Area Planning Sub-Committee East that the Councils Viability Consultants advised that it would be viable to provide 39% of dwellings proposed as affordable and contributions of £2,296,673.17. This figure reflected the Officer calculations of the pro rata

contributions required from ECC Infrastructure Team and the NHS. These figures excluded the monitoring fees and ECC Highway Contributions.

The supplemental report concluded that 'Officers believe that the additional cost burden on the applicant over and above that which is normal for an average residential development will have an impact on the viability of scheme which cannot at this stage be adequately objectively quantified and as such it is considered on balance, that the non-policy compliant infrastructure and affordable housing contributions are outweighed by the benefits of the scheme overall.'

Since the previous committee meeting revised S106 contribution totals have been received from ECC and the NHS in regard to Education, Educational Transport, Libraries and Health Contributions.

The total S106 contributions currently offered by the Applicant are listed in the table below. The contributions for Health, Education and Educational Transport have been updated to reflect the NHS and ECC's revised recommendations and total an increase in excess of £260,000.

Name	Amount	Details
Health Contribution	£149,861.00	
Education		
Early Years	£192,308.00	
Primary -	£641,025.00	
Secondary	£587,774.00	
School transport-	£872,533.20	
ECC Libraries	£8,791.40	
ECC Highways – Travel Plan monitoring	£1,760	
SAC mitigation – air quality mitigation	£37,855	
Recreational pressure	£38,761.26	
Employment and Skills		
Affordable housing	31% of all homes. 35 units in total.	The 20 Affordable rent units will consist of two x 3 bed flats; four x 2-bedroom terrace houses, thirteen x 3-bedroom terrace and one x 4 bed house. The shared ownership units will consist of six x 2-bedroom terrace houses and nine x 3-bedroom terrace houses

This list excludes the £340,000 Public Transportation Contribution required by ECC Highways as the Applicant had not agreed to pay this contribution, which was made known to Members of Area Planning Sub-Committee East as part of the officer presentation. Essex County Council have stated that they would object to the scheme if this contribution is not be secured due to the under provision of parking spaces and the location being unsustainable. The Applicant has since agreed to pay these contributions.

The Officer is of the view that the development should not proceed without the £340,000 Public Transportation contribution being payable to the ECC, however the Applicant has now agreed to its inclusion.

Affordable Housing & Updated Viability Review

The affordable housing percentage and split is also not in accordance with policy H2 of the Local Plan, as this policy requires that 40% of the homes provided be affordable and that they be split as 75% affordable rent and 25% shared ownership.

Given the revised figures from the NHS and ECC , the Council's Viability Consultants BNP Paribas, have again reviewed the viability of the scheme and concluded that :-

As a consequence of the updated S106 Contributions, the results of our appraisals have identified that the Proposed Development delivering 31% Affordable Housing (at a tenure split of 57% Affordable Rent and 43% Shared Ownership) generates a surplus of £1,682,356 at the full S106 contribution requirement level and £1,990,410 at the Applicant's S106 contribution level when measured against our Benchmark Land Value of the Site in its existing use.

Given these findings we have undertaken sensitivity testing to establish the maximum viable amount of affordable housing that the Proposed Development can support at current costs and values and allowing for the updated S106 contributions.

This has demonstrated that the scheme can viably deliver either:

- 42 units (37.2%) as affordable housing split 74% Affordable Rent and 26% Shared Ownership units with £2,760,707.86 of S106 financial contributions; or
- 44 units (38.9%) as affordable housing split 73% Affordable Rent and 27% Shared Ownership units with the Applicant's position of £2,420,707.86 of S106 financial contributions.

Scheme	RLV	BLV	Surplus/Deficit
Proposed Development at 31% AH (57% Affordable Rent and 43% Shared Ownership) and with Full S106 Contributions	£3,982,356	£2,300,000	£1,682,356
42 units (37.2%) as affordable housing split 74% Affordable Rent and 26% Shared Ownership units and with Full S106 Contributions	£2,305,172	£2,300,000	£5,172

Even when the Applicant is required to pay the Public Transport contribution of £340,000 along with the agreed contributions, BNP Paribas believes that the development would achieve a surplus of **£1,682,356**.

The conclusions made by the Councils viability consultants were disputed by the applicant on the grounds that they believe that the build costs are greater than that found by the Council's cost consultants, by a difference of over £1.2 million and it was argued by the applicant that the consultants have not fully taken on board the specific build requirements of the high specification, innovative sustainable homes and therefore certain costs have been discounted that should not have been. There also remain differences in regard to whether professional fees should be 8% or 10% of the build costs, the sales figures and sales rate were not agreed, and the benchmark land value was also disputed.

Policy H2 Affordable Homes Part E provides discretion to the Council to adjust the Affordable Housing level if the Council is satisfied that the required 40% or tenure mix would render the scheme nonviable. In those cases, a lower proportion of Affordable Housing, a different tenure mix, or modifying other planning obligations can be considered. In this case however, the viability report indicates that the Applicant could provide 37.2% Affordable Housing with the required tenure split but is only willing to provide 31% Affordable Housing with fewer rental properties.

Paragraph 3.16 of the Local Plan sets out that the Council will expect additional Affordable Homes to be provided if viability improves prior to completion of a development, where the initial viability report justified a lower level of Affordable Housing. This would be assessed via a viability review part way through the scheme.

In this case the lower Affordable Housing level and modified tenure mix were not justified when the application was submitted because figures such as the build costs could not be agreed.

Since this scheme is not phased expecting actual additional Affordable Housing to be delivered partway through the development build may be problematic to the applicant and securing a registered provider to take the additional dwellings may not be possible.

Given the Applicant has claimed additional build costs of over £1.2 million, and there are other disputed figures, a viability review in this case will ultimately only provide an opportunity for the Applicant to justify the lower Affordable Housing already provided. The Applicant has not however agreed to the inclusion of the viability review mechanism in the s106 agreement unless subject to certain terms.

The Officer is of the view that the permission for this scheme should be subject to the inclusion of the viability review mechanism in the s106 agreement since it will at least justify the lower Affordable Housing provision for this scheme, or alternatively provide an additional Affordable Housing contribution to the Council.

Conditions and Obligations

The Council's Legal Consultant has suggested revisions to the conditions as listed below as some of the requirements are better controlled through a S106 agreement. This includes the suggestions previously put forward as potential 'additional conditions', which are detailed below. Amendments have also been suggested to provide clarity and avoid duplication.

Parish homes

Ensuring that local people get first preference to the proposed affordable homes would be better achieved if this requirement was included in the S106 agreement through a cascade tie. The tie would give first preference to the following:-

1. Firstly, to persons who currently reside in the Parish and have permanently resided in the Parish for at least the last two years;
2. Secondly, to persons who are no longer a resident in the Parish but who were resident in the Parish for at least three years during the last five years;
3. Thirdly, to persons who:
 - a. are currently in permanent employment in the Parish;
 - b. have been in permanent employment in the Parish for at least the last two years; and
 - c. are working at least an average of 24 hours per week; and
4. Then to persons who have close relatives (i.e. parents, grandparents, children, brother or sister) who:
 - a. currently reside permanently in the Parish; and
 - b. have permanently resided in the Parish for at least the last five years.

Members should note this requirement is not supported by Policy within the Local Plan. This cascade has been included in the s106 agreement.

Donation of trees

The applicant has agreed to donate 30 additional saplings to the Parish Council. The Parish Council will then plant those trees in either the nature reserve adjoining the southern boundary of the site or Weald Common. This obligation has been included in the s106 agreement. This donation will ensure that the biodiversity aspirations of the proposal will be met in accordance with policy DM1 of the Local Plan. This obligation has been included within the s106 agreement.

Library Contribution

The Library Contribution in the s106 agreement is defined as a contribution “towards the upgrading of existing facilities at North Weald Library and Epping Library”.

Trigger Points

Trigger points have been adjusted in the s106 agreement to ensure enforceability, including the Play Space being required prior to occupation of 75% of the Dwellings and the Parish Council Office being provided prior to occupation of 50% of the Dwellings.

Resolution sought

Given the above, officers are seeking the following resolution from Members:

- 1) Confirmation that the s106 agreement should include:
 - a. The requirement for the Applicant to pay the £340,000 Public Transport contribution
 - b. A viability review mechanism to justify the Affordable Housing provided on the Development
- 2) Confirmation that Members approve planning consent, subject to the revised recommended conditions and the completion of the s106 agreement (as amended to reflect the Members decisions on 1a) and 1b) above).

- 3) The provision of delegated authority to officers to negotiate and agree any conditions and/or s106 agreement obligations required as a result of the Member's resolution.

Conditions: (38)

- 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:

047_BL_PL_EX-XX-DR-A—100 P1_Location Plan
047_BL_PL_EX-XX-DR-A--101_Existing Site Plan
047_BL_PL_EX-XX-DR-A--102_Existing Site Sections
047_BL_PL_SI-XX-DR-A-1504_P4 – Affordable Housing 2.9.24
047_BL_PL_SI-XX-DR-A-1620_P3 – Proposed Site Sections 8.7.24
047_BL_PL_SI-XX-DR-A-1505_P1 - House Type Schedule
047_BL_PL_SI-XX-DR-A-1505 –House Plot Schedule 7.6.24
047-BL-PL-H1-XX-DR-A-1501 2b3p Terrace (Type 1) 21.12.23
047-BL-PL-H2-XX-DR-A-1502 3b5p Terrace (Type 2) 21.12.23
047-BL-PL-H3-XX-DR-A-1503 3b6p Semi-D (Type 3) 21.12.23
047-BL-PL-H4-XX-DR-A-1504 4b6p Semi-D (Type 4) 21.12.23
047-BL-PL-H4-XX-DR-A-1505 4b7p Detached (Type 5) 21.12.23
047-BL-PL-H6-XX-DR-A-1506 4b8p - Detached (Type 6) 21.12.23
047-BL-PL-H7-XX-DR-A-1507 3b5p Gable Terrace (Type 7) 21.12.23
047_BL_PL_SI-XX-DR-A-1506 -P1 - Parking Plan 7.6.24
047-BL-PL-CL-XX-DR-A-1501_P2- Lake Building Plans 30.8.24
047-BL-PL-CL-XX-DR-A-1502_P1 - Lake Building Plans
047-BL-PL-CL-XX-DR-A-1620_P1 - Lake Building Section
047-BL-PL-CL-XX-DR-A-1710_P1- Lake Building Elevations
047-BL-PL-CU-XX-DR-A-1501_P2 - Community Building Plans 17.6.24
047-BL-PL-CU-XX-DR-A-1502_P2 - Community Building Plans 7.6.24
047-BL-PL-CU-XX-DR-A-1620_P1 - Community Building Section 7.6.24
047-BL-PL-CU-XX-DR-A-1710_P2 - Community Building Elevations
5811-BWM-XX-XX-DR-C-7010-P3 Surface Finishes Key Plan 17.06.2024
5811-BWM-XX-XX-DR-C-7010-P3 Surface Finishes Key Plan 17.06.2024
5811-BWM-XX-XX-DR-C-7010-P3 Surface Finishes Key Plan 17.06.2024
5811-BWM-XX-XX-DR-C-7013-P3 Surface Finishes Part Plan Sheet 3 17.06.2024
5811-BWM-XX-XX-DR-C-7014-P3 Surface Finishes Part Plan Sheet 4 17.06.2024
5811-BWM-XX-XX-DR-C-7200-P2 Road Details 17.06.2024
5811-BWM-XX-XX-DR-C-7300-P4 Drainage Key Plan 10.07.24
5811-BWM-XX-XX-DR-C-7301-P4 Drainage Part Plan Sheet 1 10.07.24
5811-BWM-XX-XX-DR-C-7302-P4 Drainage Part Plan Sheet 2 10.07.24
5811-BWM-XX-XX-DR-C-7303-P4 Drainage Part Plan Sheet 3 10.07.24
5811-BWM-XX-XX-DR-C-7304-P4 Drainage Part Plan Sheet 4 10.07.24

5811-BWM-XX-XX-DR-C-7500-P2 Drainage Details Sheet 1 10.07.24
 5811-BWM-XX-XX-DR-C-7501-P2 Drainage Details Sheet 2 10.07.24
 5811-BWM-XX-XX-DR-C-7502-P2 Drainage Details Sheet 3 10.07.24
 5811-BWM-XX-XX-DR-C-7401-P1 Foul Drainage Schedules 10.07.24
 5811-BWM-XX-XX-DR-C-7410-P2 Drainage Storm Sections Sheet 1 10.07.24
 5811-BWM-XX-XX-DR-C-7411-P2 Drainage Storm Sections Sheet 2 10.07.24
 5811-BWM-XX-XX-DR-C-7412-P1 Drainage Foul Sections 10.07.24
 BWM 5811-Tudor House Thornwood Epping-FRA and Drainage Strategy - Rev 7 29.8.24
 MTC054P02 Rev03 General Arrangement Plan 17.6.24
 MTC054P03 Rev02 General Arrangement Plan 02 17.6.24
 MTC054P04 Rev02 General Arrangement Plan 03 17.6.24
 MTC054P05 Rev03 Tree Replacement Strategy 17.6.24
 MTC054S01 Rev01 Street Sections Sheet 01 17.6.24
 MTC054R02 Rev04 Landscape Design Report 17.6.24
 BS5837- Tudor House - Arbtech AIA 01 - 08-07-24-1 Of 2
 BS5837- Tudor House - Arbtech AIA 01 - 08-07-24-2 Of 2
 BS5837- Tudor House - Arbtech AMS 01 - 08-07-24
 BS5837- Tudor House - Arbtech TPP 01 - 08-07-24-1 Of 2
 BS5837- Tudor House - Arbtech TPP 01 - 08-07-24-1 Of 2
 047_BL_XX-XX-DAS-A- Design and Access Statement
 N05-JT-Highways Response Note F7 (240617)
 Tudor House Thornwood Bat survey alder ecology rkm - 14-06-24
 Tudor House Thornwood Bird survey alder ecology rkm - 29-07-24
 Remediation Strategy J23274 Discovery Strategy 14.08.2024, J23274A RMS Rev 0 14.08.2024
 24352 - Tudor House - Thornwood - Daylight-Sunlight-Overshadowing Report - 5 July 2024
 Epping Forest Thornwood Common AQ Note C 270624
 Heritage Impact Assessment 9587A December 2023 HCUK Group
 Landscape and Visual Appraisal – OS2777-23-Doc2 December 2023
 External Building Fabric Report 18529-EBF-01_RevA by Clements Acoustics
 Health Impact Assessment 13039 2.0 21 December 2023 by RPS Group.,
 Transport Assessment December 2023 Caneparo Associates
 Framework Travel Plan December 2023 Caneparo Associates
 Planning Statement
 Design and Access Statement
 BREEAM Pre Assessment
 Sustainability Statement by KLH Sustainability December 2023.
 Construction Environmental Management Plan: Biodiversity Rev 1 21.8.24.
 Construction Management Plan Tudor House Rev1_09082.

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

- 3 The development shall be carried out in accordance with the Remediation Method Statement which includes the following works:-
- Remove contaminated soils and replace them with a clean cover system in garden areas - min. 600mm of clean top/subsoil with a geotextile membrane,

- In the event of reusing any of the site-won materials, the applicant is required to provide appropriate chemical testing,
- Any imported material must be tested to ensure is suitable for the proposed use,
- A watching brief/discovery strategy will be required during the development works,
- Submit Verification Report. 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 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, These details must include the following:
- Final modelling and calculations for all areas of the drainage system.
 - Evidence of 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.
 - Detailed engineering drawings of each component of the drainage system.
 - Final detailed drainage plan which depicts the overall drainage design and includes the location and sizing of any attenuation features, exceedance and conveyance routes, and the final outfall location.
 - Maintenance activities/frequencies (“Drainage Management Plan”).

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.

- 5 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 163 state that local planning authorities should ensure development does not increase flood risk elsewhere.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to

be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

6 *Dust Monitoring*

1a) For a minimum of 1 month 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) 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.

The details and measures contained in the submitted Construction Management Plan 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.

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) 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

b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or

c) 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.

- 8 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Alder Ecology UK Ltd, December 2023), Bat Survey and Assessment (Alder Ecology UK Ltd, June 2024) and Bird Survey and Assessment (Alder Ecology UK Ltd, July 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
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 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 (as amended).

- 9 Prior to their installation, full detailed drawings and photos of the external finishes including window and door finishes of the development hereby approved 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.

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.

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

- 11 Prior to the commencement of the use or operation of the commercial units falling within the E(b) use class, details of any extraction system for food preparation areas, or other processes which may produce odours and/or noise and vibration, shall be submitted to, and approved in writing by, the Local Planning Authority. The details submitted shall include the extract ventilation system and/or odour control equipment, including details of any external ducting and measures

to control noise and vibration. The development shall be carried out in accordance with the approved details and such approved equipment shall thereafter be operated at all times when cooking is carried out and maintained in accordance with the manufacturer's instructions. The external ducting shall be removed when the authorised use of the premises for the sale of hot food ceases.

Reason: To safeguard the appearance of the premises and minimise the impact of cooking smells and odours in accordance with policies DM9 and DM21 of the Local Plan and the NPPF.

- 12 This permission shall be undertaken in accordance with the recommendations set out in the External Building Fabric Report reference 18529-EBF-01_RevA by Clement Acoustics dated 4 January 2024.

Reason: To provide an acceptable standard of residential accommodation in accordance with policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 13 The new homes shall be built in accordance with the approved plans and specified materials to meet the sustainability targets outlined in the approved Sustainability Statement by KLH Sustainability December 2023. Specifically, the targets outlined in Table 2 of the report should be met.

Reason: To ensure the development contributes to supporting the Council towards a low carbon future in accordance with Policies SP2, DM9 and DM20 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 14 Prior to first occupation, each dwelling shall be 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.

- 15 Prior to first occupation, 1 Electric Vehicle Charging Point for each dwelling that has a garage or allocated parking space and 1 Electric Vehicle Charging Point for every 10 properties that share unallocated parking shall be installed and retained thereafter for use by the occupants of the site.

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 & 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 the first occupation of the development the access arrangements, as shown in principle on submitted drawing 5227 -002 shall be fully implemented and retained for the life of the development. All details to be agreed with the Highway Authority, and to include, but not limited to the following:
- a, Provision of minimum visibility splays of 2.4m x 120m clear to ground level
 - b, A bellmouth with minimum radii of 6m with dropped kerb crossing points across it
 - c, Provision of 2m wide footways along the frontage and into the site
 - d, Widening to 2m (or the maximum achievable within highway if less than 2m) of the footway from the site access to the south to the junction of Weald Hall Lane.
 - e, Improvements to the pedestrian access route from Thornwood Common and High Road at the junction of Weald Hall Lane, which may include, but not be limited to the extension, widening and reconfiguration of the footway and any associated works to the street furniture required to facilitate this (signage, street lighting, fencing, barriers etc).
 - f, To undertake best endeavours to introduce a new 30mph speed limit through Thornwood, from approximately the point just to the north of the location of the pedestrian refuge island conditioned under application EPF/0332/22, to a point just south of the junction of Woodside, approx. 300m in length, with appropriate signing and lining as necessary, and gateway features to the north and south at the new 30mph signs.(see informative)
 - g, To undertake best endeavours to introduce Traffic Regulation Orders to prohibit parking on the High Road within the vicinity of the site and at the site access for a minimum of 15m into the site (see informative)

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

- 18 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, and or Oyster cards, for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to the first occupier 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 accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF.

- 19 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.

20 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.

21 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.

22 Prior to any works above slab level, a Biodiversity Enhancement Strategy for biodiversity enhancements, prepared by a suitably qualified ecologist in line with the recommendations of the (Preliminary Ecological Appraisal (Alder Ecology UK Ltd, December 2023), Bat Survey and Assessment (Alder Ecology UK Ltd, June 2024) and Bird Survey and Assessment (Alder Ecology UK Ltd, July 2024)), 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 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 accordance with the LEMP 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 (as amended) and in order to ensure measurable net gains are being delivered and effectively maintained and in accordance with LPA's BNG Policy, allowing the LPA to discharge its duties under the NPPF (2023) in accordance with Policies SP2, DM1, DM5, and DM9 of the Epping Forest District Local Plan 2011-2033 (2023).

23 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed, including biodiversity enhancements;
- 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 for a minimum of 30 years to deliver the required condition of habitats created.

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 (as amended)

24 Prior to occupation, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) 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 (as amended).

- 25 Notwithstanding the information shown on the submitted plans, details of the secure cycle parking (including the management of the cycle parking and relocation of visitor cycle parking) for the development shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The development shall be carried out fully in accordance with the approved details prior to first occupation of the development and shall be thereafter maintained as such for the lifetime of the development.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and accessibility. 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.

- 26 Prior to the first occupation of the development hereby approved, detailed plans and specifications for refuse storage and a refuse collection plan shall be submitted to and approved in writing by the Local Planning Authority (LPA). The details shall include, but not be limited to:
- The location, design, and capacity of refuse storage areas.
 - The types of refuse bins to be used, including provisions for recycling.
 - Measures to ensure the refuse storage areas are accessible and convenient for all residents.
 - Arrangements for the regular collection and disposal of refuse, including collection times and frequency.

The development shall be carried out in accordance with the approved details with refuse, waste and recycling storage being provided before the development is first brought into use and together with the management plan shall be subsequently implemented in full and thereafter maintained and available for use for the lifetime of the development.

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.

- 27 Prior to the first use or occupation of the community /commercial uses as hereby permitted, the building shall have been constructed or modified to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and agreed, in writing, by the Local Planning Authority. The insulation shall be maintained as agreed thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, In order to minimise the impact of any low frequency noise from music which will affect the amenity of local residents, in accordance with policy DM9 and DM21 of the adopted Local Plan and Policy and the NPPF.

- 28 Prior to first occupation of the development, plans and supporting information of the detailed design of the access point from the Site to the northern section of the THOR. R1 allocation adjoining the application site shall be submitted to and approved by the Local Planning Authority.

The development shall be carried out fully in accordance with the approved details and shall be thereafter maintained as such for the lifetime of the development.

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

- 29 Prior to first occupation of the development, plans and supporting information of the detailed design of the access points to the Site from Thornwood Common shall be submitted to and approved by the Local Planning Authority.

The details submitted shall include

(1) both access points being no greater than 2m in width.

(2) The provision of staggered barriers to stop motorbikes / quad Bikes, from coming through (it should be pedestrian access only).

The development shall be carried out fully in accordance with the approved details and shall be thereafter maintained as such for the lifetime of the development.

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.

- 30 The commercial units hereby approved shall be used for Class E (b), and (e) and F.2 (a) and (b) and for no other purpose (including any other purpose in Class E or F of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or reenacting that Order.

Reason: In the interest of proper planning and to ensure that full consideration is given by the Local Planning Authority to any alternative in the interests of In the interest highway safety and safeguarding habitats and species of significant ecological importance within the Epping Forest Special Area of Conservation, in accordance with Policy T 1, DM2 and DM22 of the Local Plan and the NPPF 2023.

- 31 The commercial / community uses hereby approved shall only operate between the hours of 7:30 a.m. to 7:30 p.m. Mondays to Fridays and 8:30 a.m. to 6 p.m. Saturdays, and at no time on Sundays or Bank Holidays.

Reason: To protect the amenities of adjoining occupiers in accordance with Policy DM9 (I) of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 32 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

- 33 The private and communal amenity spaces shall be laid out and implemented in accordance with the approved plans and shall not be used for any other purpose. The communal amenity spaces shall be retained for the use of the occupiers of the development for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the living conditions of future occupier and 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 & DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 34 The approved Construction Environmental Management Plan: Biodiversity Rev 1 21.8.24 shall be adhered to and implemented throughout the construction period unless otherwise agreed in writing by the local planning authority

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 (as amended).

- 35 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.

- 36 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, C, D and E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

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

- 37 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, 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 in the interest of highway safety, in accordance with Policy DM9 & T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 38 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 any upper floor elevation, 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: (3)

- 39 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.

- 40 This permission is also subject to obligations and/or covenants of an accompanying Section 106 Agreement.

41

(i) The site would not be considered for adoption by the Essex County Council Highway Authority.

(ii) There shall be no discharge of surface water onto the Highway from the site.

(iii). 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

(iv). The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check 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.

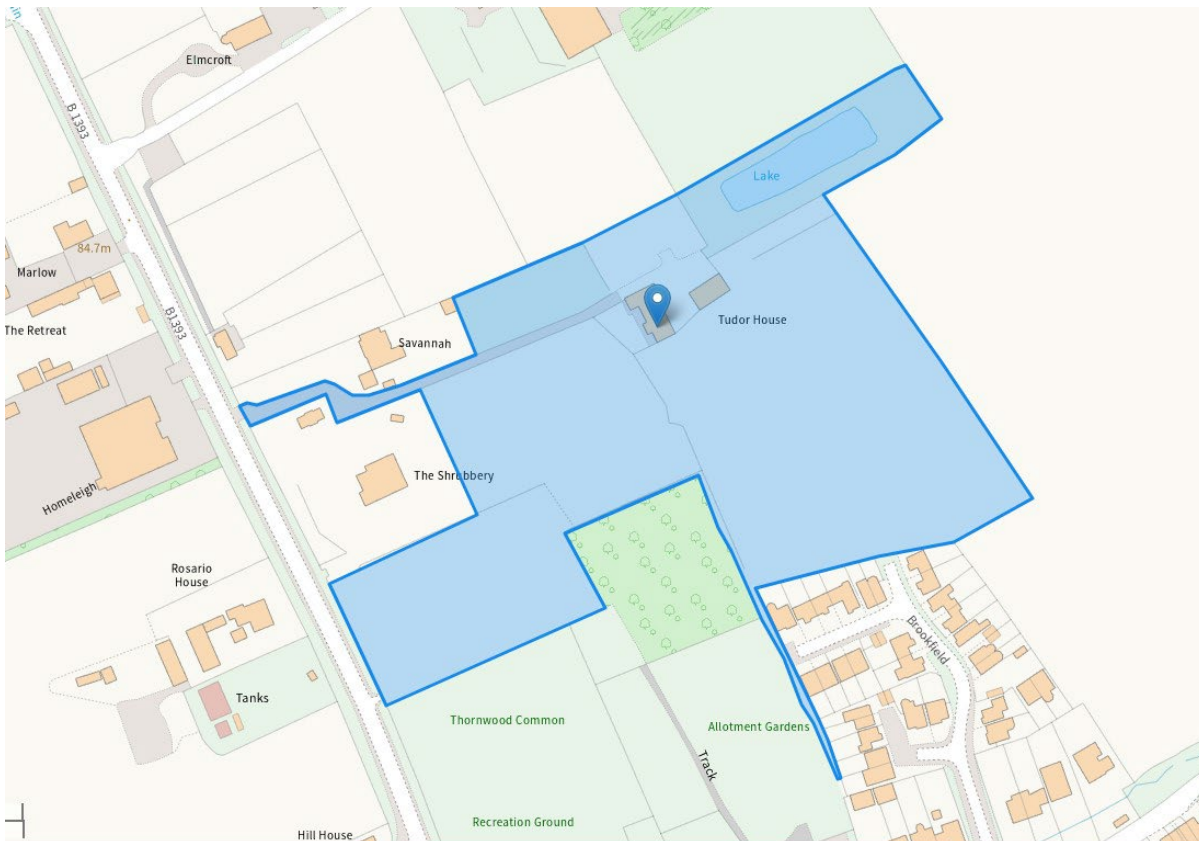
(v). Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County 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.

OFFICER REPORT

Application Ref: EPF/0007/24
Application Type: Full planning permission
Applicant: c/o Agent
Case Officer: Sukhvinder Dhadwar
Site Address: Tudor House, High Road, Thornwood, Epping, CM16 6LT
Proposal: Residential development comprising residential dwellings (Use Class C3), together with car parking, garden spaces, a flexible café/commercial use (Use Class E) with vehicular access from High Road (B1393) external landscaping and associated development

Ward: Epping Lindsey and Thornwood Common
Parish: North Weald Bassett
View Plans: <https://epingforestdcpr.force.com/pr/s/planning-application/a0hTv0000000sIB>
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 an application for residential development consisting of 10 dwellings or more (other than an application for approval of reserved matters) and is recommended for approval (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council).

1. Recommendation:

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

The prior completion of a legal agreement (to secure the planning obligations set out below) within six months of the resolution to grant planning permission and subject to planning conditions.

The recommendation is given subject to the following section 106 heads of terms:

1) Financial Obligations

- Health Contribution £145,985.604*
- Education – Early Years £ 173,076.75*
- Primary £ 576,922.50 *
- Secondary £ £528,996.60*
- Primary School Transport - £ £785,279.88*
- Libraries - £8,713.60*
- ~~Improvements to Bus Services £340,000 (ECC Highways)~~ (The Applicant does not agree to this contribution).
- Travel Plan for one year monitoring fee of £1760 (ECC Highways)
- SAC mitigation – air quality mitigation £37,520
- SAC mitigation –Recreational pressure £38,418.24

*These figures have been extrapolated from the calculation methods within the original comments received from ECC Infrastructure and Growth section and the NHS to reflect the reduced number of dwellings. Whilst they have been reconulted to allow them to provide updated figures no response has yet been made. Should they provide a response prior to the determination of this application which differs from the above figures then contributions sought will be amended to reflect their comments.

2) Non-Financial Obligations

- Affordable Housing

31% of the homes as affordable.

- Open Space and Green Infrastructure

Ensure that the public space is accessible (except by vehicle) at all times to the public without restrictions on its use and without payment. Maintenance of the Open Space in perpetuity

- Highways

Section 278 agreement

Carrying out works to form the site access to the B1393 High Road and widen the footway on the site frontage to 2m.

- Community

Provision of the 're-use' centre prior to Occupation of the last dwelling

Provision of the community office space for North Weald Parish Council is to be made prior to Occupation of the last dwelling.

- Employment and Skills

The project is to employ 2 apprentices per £10m of construction value.

Apprentices are to be registered with the Council's apprenticeship team or a registered apprenticeship charity.

- Car Club

Prior to 90% Occupation, the four car club vehicles are to be provided for use by the residents of the development.

The car club vehicles are solely for the use of residents of the development and no membership fees are to be charged for their use.

- Bicycle Club

Prior to Occupation of the final dwelling, a minimum of 10 bicycles, for the free use by residents are to be provided.

The bicycle club storage areas will benefit from a minimum of one charging point per two bicycles.

- Playspace

implementation of the playspace strategy set out in the approved DAS and landscape plans prior to occupation of 90% of the open market sale dwellings.

2. Description of Site

2.1 The application site covers an area of approximately 3.29 hectares and currently consists of a number of green fields, a pond, and a detached house and garage.

2.2 The application site covers approximately four fifths of the full allocation (4.01 hectares) under THOR.R1. The remainder of the allocation extends to the north to include a green field owned by the owner of Happy Grow Nursery.

2.3 The existing vehicle access to the site is located off the adjacent High Road and passes between two detached residential houses, 'Savannah' to the north and 'The Shrubberies' to the south. This driveway is initially shared with Savannah before it forks and continues on to Tudor House.

2.4 The site is in a mixed residential and commercial area facing on to High Road, a rural street largely populated by commercial sites and a small number of houses. The site is bound by a residential building and greenfield site to the north, further greenfield sites to the east, allotments and houses on Thornwood Common and Brookfields to the south and High Road to the west.

3. Description of Proposal:

3.1 The development proposal comprises 113 residential dwellings arranged as ~~97~~ 107 houses and 6 flats. 3 of the flats

will be housed in the upper floors of either one of two community buildings.

3.2 The breakdown of the type of residential units is laid out in the table below:

Type of unit	Floorspace (sqm)	Total number of units	Parking spaces per unit	Parking space total
2bedroom 3 person	76	25 units total	1	25
3bedroom 5 person	101	56 units	1	56
3bedroom 6 person	121	14 units	2 spaces	28
4bedroom 6 person	126	4 units	3 spaces	12
4 bed 7 person	133	7 units	2/3 spaces	21
4bedroom 8 person	180	2 units	3	6
2- and 3bedroom flats	84- 105	6 units	1	6

Visitor Parking : 4

3.3 There are a total of 162 car parking spaces.

3.4 35 of the units are proposed to be affordable.

3.5 A three-storey building at the entrance of the site will contain 120 sqm of 'Community uses' with residential above. Whilst no actual use has been confirmed for this building it envisioned that this could in future become a local café.

3.6 Another three-storey building will be positioned close to the 'lake' or pond in the northeastern section of the site. The ground floor will contain 32 sqm for the Parish Council Offices, a 16 sqm Kiosk, 43 sqm for use as a reuse and repair centre for residents of the development, 43 sqm as 'community fitness' and 35 sqm for bins and bikes. The remainder of this floor will be used as circulation space for the residential above.

3.7 The site will be accessed via a priority junction onto the B1393 High Road.

3.8 Bike stores and e-bike charging points included in design of the homes. 4 car club spaces are also proposed which will be delivered through the applicant's partnership with Nissan.

3.9 The Design and Access submitted with the application stipulates that the benefits of the scheme are :-

- The development would be delivered in line with our proprietary GS8 (Applicant) building framework, which is globally market leading Carbon Negative, Zero Waste, Zero Bills housing which is the most sustainable in the UK.
- Significantly improved energy efficiency with estimated EPC A ratings of 110+.
- The development will be fully electric and generate twice the energy demand on site through renewable power sources than annual demand.
- Zero energy bills for residents.
- All our buildings are primarily constructed with natural materials in prefabricated sections, resulting in faster and cleaner construction.
- Each house to have electric vehicle charging and communal traditional and electric bikes to be provided for residents.
- A significant number of new public realm and public spaces, including play areas, activation of the existing lake and outdoor break-out and seating areas.
- Reclaimed masonry will be used wherever possible for any non-timber facades.
- Our landscapes will consist of significant edible planting and is designed to be self-sustainable within the first two years.
- On-site facilities for residents will include a re-use centre and DIY workshop.
- All homes benefit from home working areas to reduce the need for travel and provide flexibility.

In accordance with the EIA Regulations the proposed development does not necessitate the requirement for an Environmental Impact Assessment (EIA).

4. Relevant History

4.1 No relevant history

5. DEVELOPMENT PLAN

5.1 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.

5.2 Epping Forest Local Plan 2011-2033 (2023)

5.3 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.

5.4 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

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

DM20 - Low Carbon and Renewable Energy

DM21 - Local Environmental Impacts, Pollution and Land Contamination
DM22 - Air Quality

5.5 NATIONAL PLANNING POLICY FRAMEWORK (December 2023)

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy is a material consideration in planning decisions.

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 relevant policies are listed below:

Paragraphs 11, 57 and 58;

- Section 5 Delivering a sufficient supply of homes;

- Section 9 Promoting sustainable transport;
- Section 8 Promoting healthy and safe communities;
- Section 11 Making effective use of land;
- Section 12 Achieving well-designed and beautiful places;
- Section 12 Protecting the Green Belt
- Section 14 Meeting the challenge of climate change, flooding and coastal change; • Section 15.Conserving and enhancing the natural environment; and
- Section 16.Conserving and enhancing the historic environment.

6. Consultation and representations

6.1 Professional Responses

- Drainage - No objections subject to Conditions
- ECC Highways – No objections subject to conditions
- Environmental Health –
- Housing Enabling Officer – no objection.
- Trees & Landscaping – Objection will result in loss of trees as a result of inadequate consideration of growth shading and close proximity of the development to trees.
- Archaeology – no objection, subject to conditions • Essex Policy Strategic Planning –
- North Essex Parking Partnership:
- Essex SUDS: No objection subject to conditions
- Place Services Ecology- Acceptable subject to conditions.
- Urban Design – See appendix 1.
- Essex Climate and Planning Unit Growth and Development: Fully supports the scheme.
- Natural England: An appropriate assessment should be carried out.
- ECC Green Infrastructure Environment and Climate Action.- No objection subject to conditions
- Public Health Improvement Officer: The Health Impact Assessment submitted with the application is supported.
- Thames Water: No objection subject to conditions
- Land Contamination Officer: No objection subject to condition.
- Hertfordshire and West Essex NHS: Financial contribution is sought.
- Air Quality: Objection , due to lack of information
- ECC Planning and Development: Financial Contributions Sought
- ECC Climate and Planning Unit Growth and Development: Support the application.

6.2 Resident Responses received:

26 ROWLEY MEAD, 17 WOODFIELD TERRACE, HAPPY GROW GARDEN CENTRE, 1 CARPENTERS HIGH ROAD, PEDNE, CARPENTERS ARMS LANE, MOOLTAN CARPENTERS ARMS LANE, ELMHURST THORNWOOD COMMON, 44 WEALD HALL LANE, SAVANNAH, HIGH ROAD, THE SHRUBBERY HIGH ROAD, IVYDENE, WOODSIDE, 57 UPLAND ROAD, 11 BROOKFIELD, 17 BROOKFIELD, 18 BROOKFIELD, 20

BROOKFIELD, 28 BROOKFIELD, OBJECT on the following

- grounds:-
- Overdevelopment
 - Will add to congestion
 - Increase in accidents
 - Inadequate parking and turning
 - Highway safety
 - 30 mph speed limit would be welcomed
 - Café will generate more traffic to the area
 - The driveway up to the Tudor House Gates is co-owned by us with Tudor House. We are not prepared to allow access to any part of our co-owned section for any use such as a walkway.
 - No access should be provided to Brookfield
 - Loss of privacy
 - Disruption during construction
 - Noise pollution
 - Light pollution
 - Increase in flooding
 - There are 3 other major housing developments proposed in the surrounding area of Thornwood, i.e. Thornwood Park, Latton Priory and 1050 homes in North Weald.
 - Loss of wildlife;
 - Loss of rural character
 - should not prejudice the remaining land parcels and Happy Grow site coming forward
 - Lack of amenities and infrastructure to support the development
 - Site should not have been removed from the Green Belt

End House, 42 Lincolns Field, 13 Granville Road, 21 Woodberry Down, 5 George Avey

Croft, St Anthony, Hastingwood Road, 5 Teazle Meadle, 9 Barn Mead, 6 Graylands, 6 Collard Green, 63 Higham View, The Brambles, Mill Street, Hydes Farm, Abridge, 13 Rowley Mead, Elmcroft, High Road, 35 London Road, 42 Coronation Hill, 24 Westall Road, 14 Beaconfield Road, 1 Long Hide, 4 Canes Cottages, Canes Lane, 2 Theydon Grove, 35 Forest Way, 12 Green Close, Gardeners Cottage, 30 Beaconfield Road, 8 Crown Close, 1 Vicarage Road, 2 The Avenue, 21 Laburnum Road, 23 Kingsley Road, 19 Mornington Road, Church Farm, 7 Stonards Hill, 8 Broadoaks, 30 Powell Drive, Fontenoy, The Street, 7 Upper Swaines, Fern Cottage Woodside, 32 Graylands, 95 Torrington Drive, 27 Elm Close, 7 Upper Swaines, Fern Cottage Woodside, 35 Forest Way, 4 Rookwood

Avenue SUPPORT the application on the following

- grounds:-
- Need Housing
 - The development offering affordable homes and zero energy bills for five years will greatly reduce costs for residents.
 - The included community spaces will also benefit the local area.
 - The initiative to offer zero energy bills for five years is also a good idea and is a good start for any home.
 - Good that people can walk instead of driving.

6.3 Amenity Groups

Epping Forest Heritage Trust:

The potential impact of the development upon the Forest has not been reflected adequately in the documents supporting the application including the need to provide Suitable Alternative Natural Greenspaces (SANGs).

There need to be clear targets, information about current pollution levels and a timetable published about the possible introduction of a Clean Air Zone which is a key element of the air pollution mitigation strategy.

Potential impact of this, and other large-scale developments in the EFDC area, upon Epping Forest which is already suffering significant damage from increased footfall and air pollution from traffic.

The report does not appear to include assessment of the visual impact upon the Forest at Wintry

Wood

additional traffic through the Forest (Wintry Wood SSSI is only some 500m away and the SAC under 6kms) and the impact this may have through increased air pollution.

The specific number of additional journeys through or close to the Forest is unclear. On the evidence presented, we cannot agree with the comment in the HRA (page 16) at least in relation to vehicle pollution, that: "The likelihood of adverse impacts arising in terms of air quality are likely to be nugatory...". We welcome the sustainable transport proposals, including the innovative car sharing and pooling initiatives, but we remain concerned about the possibility of an additional 184 vehicles using local roads in, or close to the Forest. While we note that the ratio of dwellings to car parking is below Essex County Council's maximum standards, if the intent is to reduce car use, and if there is confidence that the sustainable travel options will be successful, it would be preferable to restrict parking places in the new build and use a lower ratio.

CPRE:COMMENT

- Needs to be of high quality
- May increase Flood Risk
- Local Traffic Impact
- Additional Traffic harmful to the integrity of the EFSAC
- there are no current safe walking routes from the proposed development to the nearest Primary School which is located at The closest primary school which is Coopersale & Theydon Garnon CE Primary, which has a Published Admission Number of 30 pupils per year. At the last census in October 2023, the school were full in most year groups including Reception.
- The proposed development at Latton Priory to the north of the site does include new schools but these may not be built until 2030//31. • There will be commuter travel to consider

6.4 PARISH COUNCIL: (comments dated 15 May 2024) Councillors agreed they were happy for two openings to link onto the Common from your development, broadly in the positions you suggested, however this is subject to the following:

1. Both access points being no greater than 2m in width
2. The provision of staggered barriers to stop motorbikes / quad Bikes, from coming through (pedestrian access only).

3. A pedestrian link between your development site and the other development site also included in the Local Plan located just north of your site (north of the pond) – this is to enable the site north of yours to have pedestrian access to the common too.

The Parish Council: (comments dated 29 January 2024) has NO OBJECTION to this application; however it does have the following concerns:

Members of the Parish Council had concerns impact that the traffic from the proposed scheme would have on the High Road, Thornwood, and also how traffic from this development integrates and intersperses with other development in the Parish and those nearby.

There was also concern in relation to drainage and water run-off from the site and Members felt it very important that there were plans in place to ensure that there was no impact which could lead to flooding issues on that site and its impact on other.

6.5 Development Management Forum (DMF)

A DMF was held on 29 November 2023. The concerns raised reflect those raised in the consultation responses received in relation to this application.

7. Main Issues and Considerations

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

- Principle of the Development /Local Plan Allocation
- Impact on the Epping Forest SAC
- Housing Mix
- Provision of affordable housing and contributions towards Infrastructure delivery/ Viability
- Infrastructure
- Sustainability
- Heritage
- Place Shaping
- Trees and Landscaping
- Impact on neighbouring residential occupiers
- Ecology and biodiversity
- Parking and Highway safety
- Flood Risk and SuDS
- Air Quality
- Land Contamination
- Archaeology

7.1 Principle of the Development / Local Plan Allocation

7.1.1 The application site covers around four fifths of the full allocation under reference THOR.R1 (Land at Tudor House) for residential within policy P11 (Thornwood) of the Adopted Local Plan (2023).

7.1.2 The whole allocation has indicative net density of 35 dwellings per hectare and has an approximate net capacity of 124.

7.1.3 The proposal for 113 units has a net density of around 35 dwellings per hectares. The principle of the development therefore accords with policy SP1 and P1 of the Local Plan.

7.1.4 The site-specific requirements for THOR R1 (this site) are as follows:-

7.1.5 Design : A Development proposals should demonstrate that consideration has been given to the biodiversity and amenity value provided by Thornwood Common adjacent to the site. Development proposals must incorporate an ecological buffer along the Southern edge of the site to mitigate potential impacts upon Thornwood Common.

7.1.6 Trees along the southern boundary of the site are shown to be retained.

7.1.7 B. Development proposals for this site should be considered and informed by the Quality Review Panel.

7.1.8 The applicants presented a 117 unit and community /commercial unit scheme to Quality Review Panel during the Pre-application Stage on 23 November 2023.

7.1.9 The Panel advised that:-

It 'welcomes the landscape-led approach and focus on sustainability. However, the masterplan layout should be developed further to address placemaking, connectivity and legibility. The relationships between the fronts and backs of buildings, as well as the design of corner blocks should be reviewed. The panel would also like to see further detail of the hierarchy of streets and open spaces, as well as consideration of wider connectivity to address how people will access the site and connect with the existing community in Thornwood. This will be particularly important given the proposed demographic of younger families and first-time buyers.

7.1.10 The sustainability and energy ambitions for the scheme are laudable. The panel would like to see measures established through the planning application to ensure that these are delivered. However, the panel feels that the architecture and standard house types are too slavish to form factor and efficiency. It would like to see more joy introduced into the character of the buildings, to respond to site specific opportunities, responding to orientation and framing key views across the green belt.

7.1.11 The development of the landscape design, network of spaces and retention of the pond is welcome. However, the design team is urged to consider the streetscape as a distinct landscape typology. The reduction in parking is supported, but an assessment will be needed to ensure that the car club can be viable. Despite the reduction, some of the open spaces are still dominated by parking, particularly at the entrance to the site. Alternative arrangements should be considered, to reduce the visual impact and enhance the setting of the new homes and community building.'

7.1.12 The Panel also noted that the number of homes and proposed density felt appropriate, and the panel suggested that exceeding the site allocation is acceptable.

7.1.13 On-site Constraints

C. The site has potential access constraints. Development proposals should consider the need to widen and upgrade the existing access from High Street in order to ensure a safe access point which has sufficient capacity for the development it serves. Consideration should be given to the most appropriate access, including connectivity via Brookfields. The Access from the High Road. Due to neighbour objections to this link, it has not been provided. This requirement has therefore not been met.

7.1.14 Green Belt Boundary

D. As part of the development proposals, a new defensible boundary to the Green Belt will need to be established along the Northern edge of the site. Existing features in the landscape should be used as the new defensible boundary to the Green Belt along the Eastern and Western edges of the site. As part of the development proposals the existing feature along the Eastern edge of the site will need to be strengthened. This requirement has been met.

7.2 Epping Forest Special Area of Conservation

7.2.1 Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)

7.2.2 A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Adopted Epping Forest Local Plan.

7.2.3 The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concluded that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology underpinning the appropriate assessment of the LPSV, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

- a. Recreation activities arising from new residents (recreational pressures); and
- b. Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

7.2.4 Stage 1: Screening Assessment

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

- a. The site lies within the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council as a material consideration in the determination of planning applications. Consequently the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
- b. The development has the potential to result in a net increase in traffic using roads through the EFSAC.

7.2.6 Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

7.2.7 Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

7.2.8 Stage 2: 'Appropriate Assessment'

Recreational Pressures

7.2.9 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 Zone Of Influence 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

7.2.10 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 application site is allocated for development within the Local Plan under reference THOR.R1 and provides less than the (approximately) 124 dwellings proposed for the whole of this allocation. The Strategic Habitats Regulations Assessment has therefore already accounted for the impact of this development on the EFSAC. Furthermore, 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.

7.3 Housing Mix

7.3.1 The proposal consists of one, 2 bed flat, five, 3 bed flats twenty-five 2-bedroom houses; seventy 3-bedroom houses; and thirteen 4-bedroom houses. This mix broadly reflects existing housing need within the District in line with the requirements of policy H1 of the Local Plan.

7.4 Contributions for affordable housing and Infrastructure delivery/ Viability

7.4.1 Policy P11 (D) requires that Infrastructure requirements must be delivered at a rate and scale to meet the needs that arise from the proposed development, in accordance with the Infrastructure Delivery Plan. Specifically, development proposals in Thornwood will be expected to contribute proportionately towards the following infrastructure items:

7.4.2 Highways / Public Transport

7.4.3 The Highway Authority has requested that the applicant endeavours to introduce a 20mph speed limit through Thornwood and to provide new bus shelters with real time passenger information if the developers of the housing development approved under EPF/0332/22 at the Rosario site do not start works first. It is understood that the developer of the Rosario development will start Highway works in January 2025. This requirement is therefore not necessary to make the development acceptable in planning terms and therefore does not meet the limitations of the use of planning obligations under reg 122 of the Community Infrastructure Levy Regulations.

7.4.4 However the Highway Authority have requested £340,000 towards improvements to bus services and this stipulation has been agreed by the applicant.

7.4.5 Affordable Housing

7.4.6 Policy H2 of the ALP requires that on development sites which provide for 11 or more homes, or residential floor space of more than 1000m² (combined gross internal area), the Council will require 40% of those homes to be for affordable housing provided on site. The type, design and mix of housing should also reflect that classified as market housing. This proposal should therefore provide 46 units as affordable, of which at least 35 should be for affordable rent and 11 should be in shared ownership.

7.4.7 H2 (D) requires that Major category proposals that do not accord with the requirements of paragraph H 2 (A) must be accompanied by a financial and viability appraisal (with supporting evidence), which is transparent and complies with relevant national or local guidance applicable at the time.

7.4.8 H2 (E) requires that where it has been demonstrated to the Council's satisfaction that the provision of affordable homes in accordance with the above levels and the preferred tenure mix as indicated by the most up-to-date evidence would render the scheme unviable, the Council will determine the approach to be taken to achieving viability, where appropriate, having regard to the following available options: (i) reviewing the tenure mix; (ii) reviewing the extent of other site specific planning obligations; and (iii) reviewing the proportion of affordable homes.

7.4.9 The initial submission of the application included a provision of a 40% affordable housing provision, however due to the level of required infrastructure contributions (see below) being greater than the applicant had anticipated, this offer was revised by the applicant to 35% then 31% of the dwellings being provided as Affordable (after discussion with the Registered provider in regard to actual costs). This percentage equates 35 units which are spread across the site. The tenure will be split to provide 57% of the units as affordable rent and 43% as shared ownership.

7.4.10 The 20 Affordable rent units will consist of two x 3 bed flats; four x 2-bedroom terrace houses, thirteen x 3-bedroom terrace and one x 4 bed house.

7.4.11 The shared ownership units will consist of six x 2-bedroom terrace houses and nine x 3 bedroom terrace houses.

7.4.12 10 of the houses are 2-bedroom 3 Person, in normal circumstances the Council would expect the 2-bedroom units to be 4 person sized. This is because they are 3 sqm short of the required 79sqm required by the Nationally Described Space Standards (2015).

7.4.13 However, the layout and configurations of the bedroom's sizes meet the technical sizes stipulated in the space standard. The 2 bedrooms comply with minimum dimensions of the space standard for a double or twin rooms, therefore, these units can function and are practical for a family of 4. Other benefits include the significant sustainability credentials, with energy neutral / zero bill in partnership with an energy company for the first 5 years along with environmental and community feature benefits of the scheme. Given these unique set of circumstances the Council and its registered housing providers accept these units. All other units meet NDSS space standards.

7.4.14 Policy D 1 provides that new development must be served and supported by appropriate on and off-site infrastructure.

7.4.15 Both policies H 2 and D 1 require that proposals that do not accord with these policies must be accompanied by a financial and viability appraisal (with supporting

evidence), which is transparent and complies with relevant national or local guidance applicable at the time.

- 7.4.16 Policy T 1 (F) of the that Development will be permitted where it:
- a. does not result in cumulative severe impact on the operation and safety of, or accessibility to, the local or strategic highway networks;
 - b. mitigates impacts on the local or strategic highway networks and London Underground station infrastructure within the District, arising from the development itself or the cumulative effects of development, through the provision of, or contributions towards, necessary transport improvements, including those secured by legal agreement, subject to viability considerations.

7.4.17 Review of the Viability Assessment

7.4.18 Viability evidence submitted in support of the application states that a full provision of residential accommodation and required infrastructure is not possible due to the high cost of the high-end bespoke specifications of the proposal which include sustainability measures. The applicant can therefore provide policy compliant 40% affordable housing provision if the infrastructure contributions do not exceed £1.3 million.

7.4.19 However, BNP Paribas in collaboration with STACE a costs consultancy, found after reviewing the submitted Viability Statement by DS2 LLP on behalf of the Applicant that the scheme can viably support both 40% affordable housing (46 units) at a tenure split of 26% shared ownership units and 74% Affordable Rented units as well as a financial contribution of up to £3,453,293.

7.4.20 DS2 rebut this claim in their letter dated 3 September 2024 citing that the build costs are greater than that allowed by STACE, comparisons with the current sale prices of homes within the Thornwood Park development cannot be made as they have not been sold yet and each plot of that scheme has parking. The level of professional fees required is also in dispute along with the time taken to construct the homes and what the landowner premium should be?

7.4.21 They state that the provision of 31% of the homes as affordable will allow for the following infrastructure contributions or they can provide:-

- i.£173,076.75 towards Early Years Primary Contribution
- ii.£145,985.60 towards NHS Health Contribution
- iii.£8,713.60 towards improvements to local libraries
- iv.£576,922.50 towards Primary Education Facilities
- v.£773,381.70 towards Public and Primary Transport services
- vi.£37,855 towards SAC Mitigation (Air quality Mitigation)
- vii.£38,761.26 towards SAC Mitigation (Recreational Pressure)
- viii.£785,279.88 towards Secondary Education Facilities
- ix.£340,000 toward improvements to Bus Services along High Road and beyond Thornwood

7.4.22 These contributions total £2,879,976.29. This equates to £25, 486.51 per dwelling (excluding the 5% of the total contributions to be paid to EFDC as a

monitoring Fee and £700 per contribution paid to Essex County Council for Monitoring Purposes.)

7.4.23 The Consolidated and Updated Viability Evidence 2020 allows for up to £22,000/ per dwelling for S106 costs. The infrastructure agreed to by the Applicant exceeds this amount.

7.4.24 In addition to the above payments; The developer will also be providing:-

7.4.25 Open Space and Green Infrastructure

Ensure that the public space is accessible (except by vehicle) at all times to the public without restrictions on its use and without payment.

Maintenance of the Open Space in perpetuity

7.4.26 Highways

Section 278 agreement

Carrying out works to form the site access to the B1393 High Road and widen the footway on the site frontage to 2m.

7.4.27 Community facilities

Provision of the 're-use' centre prior to Occupation of the last dwelling

Provision of the community office space for North Weald Parish Council is to be made prior to Occupation of the last dwelling.

7.4.28 Employment and Skills

The project is to employ 2 apprentices per £10m of construction value.

Apprentices are to be registered with the Council's apprenticeship team or a registered apprenticeship charity.

7.4.29 Car Club

Prior to 90% Occupation, the four car club vehicles are to be provided for use by the residents of the development.

The car club vehicles are solely for the use of residents of the development and no membership fees are to be charged for their use.

7.4.30 Bicycle Club

Prior to Occupation of the final dwelling, a minimum of 10 bicycles, for the free use by residents are to be provided.

7.4.31 The bicycle club storage areas will benefit from a minimum of one charging point per two bicycles.

7.4.32 Biodiversity

7.4.33 Implementation of the Biodiversity Net Gain strategy as indicated in the approved documents to meet a minimum of 10% Biodiversity Net Gain prior to the final occupation of the residential dwellings.

7.4.34 Playspace

7.4.35 Implementation of the playspace strategy set out in the approved DAS and landscape plans prior to occupation of 90% of the open market sale dwellings.

7.4.36 It is Officers opinion that given the industry leading sustainability credentials of this development, which run through all elements of the scheme and the ongoing costs to provide a car and bicycle club, along with the provision of community space and a 'reuse centre' will cost more for the developer than that which can be accounted for in an ordinary viability appraisal.

7.4.37 These features do put additional financial risk on the developer which cannot be fully known at this stage. Rejection of this application on the grounds that it provides 35 affordable homes now instead of the policy compliant 46, may therefore mean that the District loses the opportunity to gain these highly sustainable homes as well as the 35 affordable housing units now offered. Given this unique situation, it is therefore on balance considered acceptable.

7.5 Sustainability

7.5.1 The applicant advises that the fabric efficiency proposed is market leading in terms of thermal and air tightness properties. The applicant and Boehm Lynas (the architects for this scheme) have won the RIBA London Award 2024 for Sustainability.

7.5.2 The houses will be constructed in a panelised timber frame. Timber cladding will be used predominantly with reclaimed brick prioritised for facades where masonry finish is specified. Performance is achieved through detailing carried out in on-site fabrication facilities.

7.5.3 The parts of the house will be put together in an onsite factory during the construction phase of the development. The applicant will use standardised procurement and materials in order to reduce waste in the construction process.

7.5.4 The window sizes have been calculated for balanced environment in accordance with Part O compliance to avoid overheating.

7.5.5 The houses will be designed to have an air tightness of $<0.3 \text{ m}^3 \cdot \text{h}^{-1} \cdot \text{m}^2 @ \text{pa}$ and ventilation to create cool interior during hot summer months.

7.5.6 Solar shading is proposed to limit overheating in larger ground floor glazing, maintaining high daylight levels in winter months.

7.5.7 All houses are designed to maximise form factor. Terraced houses predominate the scheme due to the form factor they achieve. Also simple volumes avoid difficult detailing and thermal bridging problems.

7.5.8 The proposal was reviewed by the ECC Climate and Planning Unit- Growth Development who advised that:-

This application is a great opportunity in Essex to provide healthy, energy efficient, climate resilient net-zero carbon in operation homes for the future residents of

Thornwood. Not only can this opportunity reduce fuel poverty, enhance skills and supply chain growth in this emerging sector for the county, it provides homes that do not require future retrofit. The commitment to providing beyond net zero development, utilising key low carbon technologies such as solar photovoltaic (PV) panels, Mechanical Ventilation with Heat Recovery (MVHR), Air-Source Heat Pumps (ASHPs) and reducing demand through ultrahigh performance, natural material specifications and low use appliances is to be highly commended.

7.5.9 CaPU greatly welcomes this proposal, which will include carbon negative, zero waste, energy positive homes delivering net zero operational carbon as all energy is provided through on-site renewables, whilst meeting embodied carbon targets and advocating best practice through procurement of local, natural materials, implementing circular economy principles and meeting a very efficient water usage.

7.5.10 The development proposals demonstrate industry leading ambition in meeting net zero targets, placing them in key strategic alignment with ECC and the national target of net zero and the environmental objective of moving to a low carbon economy.

7.5.11 The applicant demonstrates well that window designs have been optimised to balance overheating, daylight and energy demanding, with external shading elements incorporated to reduce overheating to the larger ground floor glazing. The developments integrate landscape into the more build up areas contributes to enhanced air quality, passive cooling of the landscape on hot summer days, and a view onto green spaces from all homes.

7.5.12 The homes have been designed to achieve maximise the number of PVs on the roof to ensure highest yield of on-site production possible. The proposals demonstrate that the renewable energy generated by the PVs is estimated to be 650,500 kWh/yr which equates to double the energy being produced on site than is used by the homes within a year. This results in a savings of 6,727 tCO₂e in operational carbon over the 60-year design life of the homes. A direct comparison between the carbon savings of the PV and the embodied carbon associated with the systems (including replacement), shows that the PVs are providing an overall carbon saving of 3,820 tCO₂e.

7.5.13 The sustainability credentials are a significant material benefit of the scheme in accordance with DM20 of Local Plan.

7.6 Heritage

7.7.1 Policy DM7 seeks to ensure that heritage assets are conserved or enhanced in a manner appropriate to their significance.

7.7.2 The residential property at The Shrubbery is Locally Listed. Given the distance of the proposed houses, the tree screening along the boundaries of the site and the compatible use, it is therefore considered that the special significance of the property in terms of heritage will not be excessively affected in accordance with policy DM7.

7.7 Place Shaping

7.7.1 Paragraph 126 of the Framework states that high quality design and the creation of high quality buildings and places is fundamental to what the development and planning process should achieve.

7.7.2 Paragraph 126 also states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.7.3 Furthermore, paragraph 130 states (amongst other things) that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, optimise the potential of the site and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users. The National Design Guide (2019) reinforces the provisions of the NPPF by providing further guidance on urban design and place making.

7.7.4 The layout of the proposal has been influenced by the Victorian street grid pattern to maximise the efficiency of the site. The proposal will link the Thornwood Common with the lake and trail garden at the site's northeast through a series of streets and lanes.

7.7.5 All of the houses are 2 storeys high, the entrance unit at the entrance of site and the lake building near the pond have ground floors with commercial or community uses along with two floors of residential above.

7.7.6 External finishes include either plain, white or black horizontal cladding and brickwork for the walls.

7.7.7 Front gardens of houses include trees along with containers holding shrubs and climbers and hedgerows with edible species.

7.7.8 The Senior Urban Design Officer (detailed comments within appendix 1) has worked with applicants to improve the scheme, she now has a balanced assessment of the current scheme.

7.7.9 She raised concerns regarding the:

- Insufficient evidence has been provided to demonstrate that every living room proposed receives 3 hours of sunlight on March 21st (Spring Equinox).
- Due to the position of existing trees proposed to be retained, there is concern that the units will not provide adequate internal daylight and sunlight and as a result cause these trees to be removed in the future. This is particularly the case for the properties fronting London Road.
- Whilst it is noted that the proposal does provide links to the remainder of the allocation (Happy Grow Nursery), she raises concern in regard to lack

of an access into Brookfield resulting in the development having poor connection to the wider community, but as stated above, this connection is not supported by existing residents of Brookfield and therefore this compromise was made.

- She also raised concerns regarding the width of the tertiary street as given that there are parking spaces within them, they will have as much car activity within them as that generated by the secondary streets and therefore should be of a similar width and should not be designated as 'Play Streets'.
- The form of the houses not adding to the quality of the area.
- Finally she raised concerns about the length of the terraces backing onto Brookfield failing to reflect the character of the surrounding area.

7.7.10 However she found the positives of the scheme to be:-

- The industry leading sustainability aspirations for operational carbon and embodied carbon and the BREEAM target of 'Outstanding' for the commercial unit could help to raise the standard for sustainable development within the District.
- The proposed height of 2 – 2.5 storeys across the scheme is in keeping with the character of the local area.
- Improvements have been made to proposed green and blue infrastructure and that, subject to high quality detailed design, the key open spaces of the trail garden, green edges and the wetland area will contribute to the climate resilience of the scheme.
- A retail offering to serve the village close to the main access location will be a benefit to the local community.
- The strong frontage onto High Road responds well to the road hierarchy. Along with new development across the road (THOR.R2), this will help establish a gateway to the village, encouraging lower speeds along London Road. The principle of a terrace facing towards High Road is supported in principle.
- A predominance of terraced housing is supported for the minimisation of form factor and thermal efficiency.
- The proposed height of 2 – 2.5 storeys across the scheme is in keeping with the character of the local area.
- Improvements have been made to proposed green and blue infrastructure and that, subject to high quality detailed design, the key open spaces of the trail garden, green edges and the wetland area will contribute to the climate resilience of the scheme.

- A retail offering to serve the village close to the main access location will be a benefit to the local community.
- The strong frontage onto High Road responds well to the road hierarchy. Along with new development across the road (THOR.R2), this will help establish a gateway to the village, encouraging lower speeds along London Road. The principle of a terrace facing towards High Road is supported in principle.
- A predominance of terraced housing is supported for the minimisation of form factor and thermal efficiency.
- All units meet minimum space standards. All floor to ceiling heights is 2.7m and that all dwellings are dual aspect. All amenity areas will receive sufficient daylight and sunlight. Whilst it is noted that the width of the 2bed 3person rear gardens are only 4m wide, given that a house would be preferable to a flat, it is considered acceptable.
- Bins and bikes will be accommodated in convenient locations to the fronts and sides of properties.

7.7.11 Whilst the application site is located adjoining Brookfields, Savannah and the Shrubbery. It would also be accessed via a private road and have its own distinct hard landscaping and is representative of the time in which it will be constructed. Furthermore, the form is dictated by the benefits to sustainability that this design will achieve. These factors mean a different style to the surrounding vernacular is appropriate and as such is considered acceptable.

7.7.12 The proposed self - contained units have an adequate internal size outlook, layout and ventilation in accordance with principles laid out in the National Technical Housing Standards (2015).

7.7.13 The amenity space provision meets the requirements of policies DM9 A, D and DM10 (B) of the Local Plan.

7.7.14 The pedestrian access to Thornwood Common and pedestrian links to the remainder of the THOR.R1 allocation as requested by the Parish Council has been provided.

7.7.15 It is for these reasons along with the provision of car and bicycle clubs which further promote the sustainability credentials of this development outweighing the other limitations of the design and as a result is on balance considered to be of good design by Officers.

7.8 Trees and Landscaping

7.8.1 The NPPF requires that:-

7.8.2 "Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning

policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.”

7.8.3 Policy DM9 Epping Forest District Local Plan 2011-2033 (2023), - ‘ Development proposals must demonstrate that how the landscaping and planting has been integrated into the development as a whole.....’

7.8.4 Policy DM5 Epping Forest District Local Plan 2011-2033 (2023) – ‘Development proposals must demonstrate that they have been designed to Ai) retain and where possible enhance existing green infrastructureand (B) must be accompanied by sufficient evidence to demonstrate that:

a. Bii) the provision of new trees, new landscape and water features.

7.8.5 The submitted Tree Replacement Strategy (MTC54P05) indicates 87 trees are to be removed, 148 trees are to be retained and 243 new trees are to be planted.

7.8.6 The Tree Officer has raised concerns in regard to the lack of trees in rear gardens. Whilst these comments are noted, it is considered that given the size of the gardens, planting a tree in some of them may compromise their future usability.

7.8.7 The Tree Officer raises concerns that within 5 years of planting those trees planted directly to the frontages of the houses, will already be touching the houses, and almost certainly be removed because they will be considered a nuisance. So, whilst they may improve green infrastructure it will only be for the short term.

7.8.8 This issue does not only relate to proposed new trees but will also be an issue for the units along the roadside, where the limes will require regular maintenance to prevent them from touching the building, as well as potentially thinning to allow for more light. They will also drop a sticky substance (honey dew) on anything beneath the crown.

7.8.9 The proposal therefore fails to meet the requirements of policy DM5 (A) and DM9 (F). Given that the site is allocated for development and the trees on the site are not protected; this harm is given moderate weight.

7.9 Impact on the living conditions of neighbouring residential occupiers

7.9.1 The neighbouring residential property ‘Savanah’ has a side flank which will be at least 32m away from the side flank of the nearest residential properties located along the northern boundary of the site.

7.9.2 The front corner of this neighbour will also be set 23.5m away from the houses adjoining the Shrubbery’s boundary. The distance will also be screened by trees.

7.9.3 The house at The Shrubbery will be separated from the rear elevation of new homes on its eastern boundary by 32.6m.

7.9.4 It will be separated by 24.3m from the northwestern corner of the group of terrace houses which have their side flanks facing the eastern boundary of this neighbour.

7.9.5 There will also be a gap of around 30m from the terrace of houses facing the High Road and those closer to the eastern end of the southern boundary with this neighbour.

7.9.6 There will be reduction in the open view that these neighbouring properties currently benefit from, however loss of a private view is not a material planning consideration.

7.9.7 The proposal will be separated from the rear elevations of 14 to 19 Brookfield by a distance of 20m. The nearest house to the side flank of 20 Brookfield is just over 18m away. There will also be a tree screen between the mutual boundary between the development and these neighbours.

7.9.8 It is for these reasons considered that the proposal will not have an adverse impact on neighbouring amenity in terms of loss of light, outlook, privacy or dominance.

7.9.9 The recommendations made in the submitted Construction Management Plan will be conditioned as part of any permission to ensure that pollution and nuisance from the construction of the development to the surrounding area is minimised.

7.9.10 A condition is also suggested requiring details of the ventilation and extraction details proposed for the commercial unit in order to prevent any nuisance from smells and odours being emitted as a result of the café use. It is on this basis that the proposal is considered to comply with the requirements of policy DM9 (I).

7.10 Ecology and biodiversity

7.10.1 Essex Place Services have reviewed the submitted Preliminary Ecological Appraisal and through the submission of further surveys during the course of the application, are now satisfied that subject to conditions that sufficient information has been submitted to allow the Council to discharge its duty in regard to protected in accordance with policy DM1 (G).

7.10.2 Whilst the information submitted with the application indicates that there will be a biodiversity net gain of 42.25%. This application was submitted prior to the provision of 10% biodiversity net gain becoming mandatory. Policy DM1 does require an improvement on the provision of the existing biodiversity on the site as a result of any development, however it does not specify a minimum requirement. The proposal is therefore considered to comply with this policy.

7.11 Parking and Highway Safety

7.11.1 The location of the proposed access has been agreed with ECC Highway Authority. Whilst they do not raise objection to the proposal, they note that the internal road dimensions do not accord with ECC Highway guidelines and therefore will not be adopting by them. They also raise issue with the level of parking provided however accept that the parking issues which may arise from the reduced provision will be contained within and managed by the developer and will not have a detrimental impact on highway safety or efficiency.

7.11.2 The proposal provides 162 parking spaces, the ECC Parking Standards requires that a minimum of 226 be provided.

7.11.3 The Essex Design Guide advises that while it is important to design developments that accommodate current standards and types of movement, it is also necessary to recognise and plan for the changes that will be brought about by future developments, not least the introduction of autonomous (self-driving) vehicles. This could result in changes to the streetscape such as the removal of on-street parking bays, the removal of street furniture associated with vehicular movement and the narrowing or tightening of roads, radii and junctions (due to the reduction in the additional space required to accommodate driver error). At present, definitive information regarding such changes is unavailable; nonetheless, all new developments should be designed with future adaptation in mind.

7.11.4 The Transport Statement advises that census data reveals that car ownership for this development will be in the region of 162 cars without any sustainable travel measures in place and so the need for travel options will be further supported by 4 residential only electric vehicle car club cars and a bicycle club for residents.

7.11.5 A recent study undertaken by CoMo UK 'Car Club Annual Report United Kingdom 2022', found that 22 private cars were replaced by each car club vehicle in the UK in 2021. This therefore demonstrates that the up to 4 car club vehicles that are proposed could effectively equate to 88 privately owned cars. This would therefore effectively increase the parking provision to 250 spaces.

7.11.6 All dwellings will have access to a sheltered and secure bike store that will allow for at least one space per unit for residents, with an additional one space per eight dwellings for visitor use.

7.11.7 The applicant advises that the Car Club vehicles will be provided on the site solely for the use of residents of the scheme. These will be provided by the Applicant through their partnership with Nissan UK, in which a dedicated booking system will be provided so that residents can utilise the car when they need. Residents will only be charged a small amount per use for insurance based on their age, experience and driving record. This will provide access to a car for many residents without the need of owning one.

7.11.8 It is expected that 2 vehicles will be provide on initial occupation of the development, the usage of these will be monitored and the number of vehicles increased up to 4 as necessary to meet demand.

7.11.9 Cycle parking will also be provided for the retail unit, with all long-stay spaces provided internally so that it is sheltered and secure, with all visitor spaces provided externally so that it is easily accessible.

7.11.10 An on-site mobility hub will also be provided in the north-eastern corner of the site which will include high class secure cycle parking, with maintenance facilities such as bike pumps and puncture repair kits. The mobility hub would also provide charging for electric bikes for both residents and visitors as well as complimentary bikes for on-site residents to use, therefore providing access to cycling without the need of owning a bike.

7.11.11 This development once built, will remain in place for over 60 years, in order to address air pollution and climate change issues, society should move away from car led development.

7.11.12 The dimensions of the parking spaces are generally 2.5m by 5m, the parking standards require that whilst this size is acceptable, the standard 3m by 5.5m is preferred, given the size of modern larger cars. However the whole housing development will be managed by the applicants, and any prospective purchasers /occupiers will be aware of these sizes prior to occupation and therefore, will attract only those who have smaller cars. These sizes are therefore considered acceptable.

7.11.13 In summary whilst it is accepted that the number of parking spaces are lower than that usually expected for a scheme of this size, it is considered given the sustainable credentials of the scheme and the hands-on approach to managing any future residential estate on this land; it is in this circumstance considered acceptable and in line with the requirements of policy T1 of the Local Plan.

7.12 Flood Risk and SuDS

7.12.1 The site is located within flood zone 1. The application has been reviewed by the Council's Flood Risk Engineer and Essex County Council SuDS who are both satisfied that the latest revisions submitted on 30 July are sufficient subject to conditions and that the proposal will not result in additional flood risk within and around the site. The proposal therefore complies with the requirements of Policy DM15 and DM16 of the Local Plan.

7.12.2 Thames Water have also been consulted as a key utilities provider and has raised no objections.

7.13 Air Quality

7.13.1 Policy DM9 and DM22 address issues of noise, vibration, fumes, odour, light pollution, air quality and microclimatic conditions likely to arise from any use or activities as a result of the development or from neighbouring uses or activities.

7.13.2 An Air Quality Assessment and subsequent Highways Technical Note have been submitted and assessed by Council Officers and air quality is considered acceptable subject to conditions pertaining to the construction phase of the

development further details in regard to ventilation and extraction methods proposed for the commercial unit. Subject to these conditions the application is considered acceptable in terms of vibration, fumes and air quality in accordance with policy DM21 of the Local Plan.

7.14 Land Contamination

7.14.1 Phase 1 and 2 Contamination Reports were submitted with the application, after review of these reports the Contaminated Land Officer is satisfied that only a verification report is required to demonstrate that the recommended works contained within these reports has been carried out. This can be controlled by condition in accordance with DM21 of the Local Plan.

7.15 Archaeology

7.15.1 Policy DM7 requires:

Where development proposals may affect heritage assets of archaeological interest, an archaeological evaluation will be required.

7.15.2 The Specialist Archaeologist's response states that The Essex Historic Environment Record (EHER) shows that the proposed development is located near to known archaeology within Thornwood. The 1st edn. OS map and the 1777 Chapman and Andre map show at least one farmstead located within the proposed development area, one of a series of properties fronting onto the former Thornwood Common. There is cropmark evidence in the surrounding area, largely comprising former field-boundaries, but also including a rectilinear enclosure and the Scheduled moated site at Marshalls. There has been little archaeological fieldwork within the area, however the archaeological monitoring of the Matching Green to Ryehouse gas main and during the construction of the M11 has demonstrated the survival of multi-period archaeological remains. Recent fieldwork at Rosario on the other side of the High Street identified at least one cremation and other archaeological features. The medieval settlement pattern was largely strung out around the edge of the former commons, with individual farms and cottages scattered over the remainder of the area. There are a number of moated sites; these are thought to have their origins in the 12th and 13th centuries. The Historic Environment Characterisation for this area records medium potential for archaeology.

7.15.3 ECC therefore recommend pre-commencement conditions which would look at investigating the possibility of archaeological remains being found within the site. Pre-commencement conditions are required to either be agreed by the applicant, or consideration given to whether the application needs to be refused due to the lack of agreement. If there is insufficient justification for refusal, then this type of condition should not be attached to any permission.

7.15.4 The applicant is not willing to accept this condition as it will delay construction and as a result heavy additional costs, consideration must therefore be given on whether there are sufficient grounds for refusal on this matter:

7.15.5 The site is outside of an Archaeological Priority Zone, the applicant has already carried out extensive borehole investigations throughout the site in order to survey the land for contamination and has provided the evidence to show the locations of these boreholes, these investigations found no evidence of archaeological features. Given the moderate likelihood of finding archaeological features on the site balanced against the urgent need for housing it is considered that the lack of an archaeological remains investigation is not on its own sufficient to justify refusal of the scheme.

8 Conclusion

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

8.2 The proposal will bring development forward on an allocated site and the density proposed is in keeping with the site-specific requirements of THOR.R1. This full planning application has been submitted by the applicant company who will be the developer and estate manager for this development. 31% of the units will be affordable. Whilst this is not policy compliant it will make a positive contribution towards meeting the District's serious affordable housing need. These units will be tenure blind and as a result will promote mixed and balanced communities.

8.3 The Applicant has agreed to all the financial requirements to meet the needs of the development.

8.4 The whole ethos of the proposal is centred around addressing the issues that climate change is creating for the world. The use of natural resources will be conserved through the method of construction, materials used and features of the proposed homes resulting in a minimisation of waste and encouraging efficient use of those resources. This will mean zero or extremely limited bills for the new residents. The reduction in parking is also for this reason reduced from standard ECC Parking standards and will be managed by the estate to ensure that overspill of cars onto neighbouring roads will not occur. People who buy these homes will have to agree to the level of parking provided prior to purchase. A car club with 4 cars will be provided for residents. All residents will also have access to bicycles and community repair facilities. It will therefore promote sustainable modes of travel and limit future car use. Whilst this type of provision may be more common in Scandinavian countries, it will be a first for this District.

8.5 The proposal will also provide two 'community use' units which will also be of benefit to the wider community.

8.6 The close proximity of trees to homes may limit the future success of the landscape aspects of the design proposed and the level of sunlight some homes receive and from a permeability point of view there has been a missed opportunity to provide links into Brookfield. However, this harm when balanced against the benefits of the scheme as a whole in regard meeting the District's housing need; providing homes which will create mixed and balanced communities as future proofing new residents against the impacts of climate change is on balance insufficient outweigh

the benefits of the scheme. Officers therefore recommend approval of this application subject to a s106 agreement being completed to secure the above listed contributions and benefits along with the conditions listed below.

Appendix 2 Plans East Addendum

Area Planning Sub-Committee East

Wednesday 18th September 2024

Place: Council Chamber, Civic Offices, High Street, Epping

Time: 7.00 pm

Democratic Services:

Democratic Services Tel: (01992) 564243

Email: democraticservices@eppingforestdc.gov.uk

Item 8.

Planning application - EPF/0007/24 - Tudor House, High Road, Thornwood, Epping, CM16 6LT

Please note the following revisions to the report

Paragraph 1 and 7.4.4. The report indicates that the provision of £340.000 for bus Services and £1760 for Travel Plan monitoring; the applicant does not agree to these contributions.

The applicant has agreed to the following:-

31 % of the dwellings as affordable broken into two, 3 bed flats four, 2 bed terraces thirteen bed terraced houses and 1 four bed end terrace house will be for affordable rent, This is a total of 20 units.

In addition six, 2 bed terrace houses and nine 3 bed terrace houses for shared ownership. This is a total of 15.

This split is 57.2 affordable rent and 42.8 shared ownership.

The total number of affordable units will therefore be 35 units. This represents 31% of the total housing number.

Tenure blind approach still maintained.

APPLICANT OFFER

Affordable Homes	EFDC	31%	This split is 57.2% affordable rent and 42.8% shared ownership
Public Libraries	ECC		£9K
Education	ECC	Early Years Primary Contribution	£170K
		Primary Education Facilities	£568k
		Secondary Education Facilities	£520k
		Primary school transport	£773k
EFSAC Mitigation	EFDC	Air Quality	37K
		Recreational Pressure	38K
Health Contribution	NHS		£147K
Community Facility	EFDC		£10k
Total			£2,272,000
EFDC Monitoring fees capped at			£25k
ECC Monitoring Fees			£4.2K

(These figures differ from those listed in the agenda, as revised comments were not received from ECC or the NHS in light of the reduced number of dwellings proposed therefore both myself and the applicant have had to calculate the contributions in accordance with the formula laid out by the advice given by ECC and the NHS and have come up with marginally different amounts. Once formal comments have been received the correct figures will be included within any finalised s106 document).

£2.272m divided by 113 units equates to £20,106.18 per unit contribution.

No contributions proposed for open space and green infrastructure given significant on-site provisions and direct access to Thornwood Common.

Since the agenda was published the applicant has advised that the £340,000 requested by ECC Highway Authority for public transport services and £1760 for Travel Plan monitoring has not been agreed.

Paragraphs 3.1 and 7.3.1 should read that the proposal consists of 113 units of which 107 are houses and 6 are flats. The housing mix consists of one, 2 bed flat, five, 3 bed flats, twenty-five, 2 bed houses, seventy, 3 bed houses and twelve, 4 bed houses.

7.4.17 - Review of the Viability Assessment

Since the agenda was published, further negotiation has taken place between the Cost Consultants Stace and the applicant. As a result of further review, Stace have increased their estimation of the build costs from £33,517,712 to £34,645,490. The applicant argues that the true build cost is £35,864,325. The difference between the two has therefore narrowed to £1,218,835. The applicant argues that difference is reduced further as the consultants have not fully taken on board the specific build requirements of the project and therefore have discounted certain costs which should not have been. There also remain differences in regard to whether professional fees should be 8% or 10% of the build costs and the sales figures are not agreed. BNP Paribas therefore believe that the development would still be viable if around 39% of the dwellings were affordable and the all the required infrastructure was provided.

However given that the applicant is also providing the following non-financial contributions via a s106 agreement:-

a) Open Space and Green Infrastructure

- Ensure that the public space is accessible (except by vehicle) at all times to the public without restrictions on its use and without payment
- Maintenance of the Open Space in perpetuity
- Local authority approval required before the felling of any trees

b) Community Facilities

- Provision of the 're-use' centre prior to Occupation of the last dwelling
- Provision of the community office space for North Weald Parish Council is to be made prior to Occupation of the last dwelling
- Management Plan to be submitted which includes details on the capacity, opening hours and restrictions imposed on the use of the community facilities

c) Employment and Skills

- The project is to employ 2 apprentices per £10m of construction value

- Apprentices are to be registered with the Council's apprenticeship team or a registered apprenticeship charity

d) Car Club

- Prior to 90% Occupation, the four car club vehicles are to be provided for use by the residents of the development
- The car club vehicles are solely for the use of residents of the development and no membership fees are to be charged for their use

e) Bicycle Club

- Prior to Occupation of the final dwelling, a minimum of 10 bicycles, for the free use by residents are to be provided
- A plan showing the location of the bicycles is to be submitted to the council
- The bicycle club storage areas will benefit from a minimum of one charging point per two bicycles

f) Play space

- implementation of the play space strategy set out in the approved DAS and landscape plans prior to occupation of 90% of the open market sale dwellings

g) Estate Management Plan

- Prior to occupation of the development, an Estate Management Plan will be submitted which sets out the Owners responsibility to manage the following:

-Management of car parking

- Maintenance across the communal areas of the Site including landscaping works, repairs street infrastructure and communal buildings.

- The Site will be managed in accordance with the approved Estate Management Plan in perpetuity unless agreed with in writing.

Officers believe that the additional cost burden on the applicant over and above that which is normal for an average residential development will have an impact on the viability of scheme which cannot at this stage be adequately objectively quantified and as such it is considered on balance, that the non-policy compliant infrastructure and affordable housing contributions are outweighed by the benefits of the scheme overall.

~~Conditions~~

~~Condition 4 should read:~~

~~Development shall not commence until the developer has completed a binding agreement with an affordable housing provider agreed by the Council to facilitate delivery of 35~~

~~affordable housing units comprising an agreed mix of house types and tenures required by the associated legal agreement accompanying this permission.~~

~~Reason: The development requires sufficient safeguards to ensure delivery of the affordable housing element in order to comply with the requirements of policies H1 and H2 of the Adopted Epping Forest Local Plan and the NPPF.~~