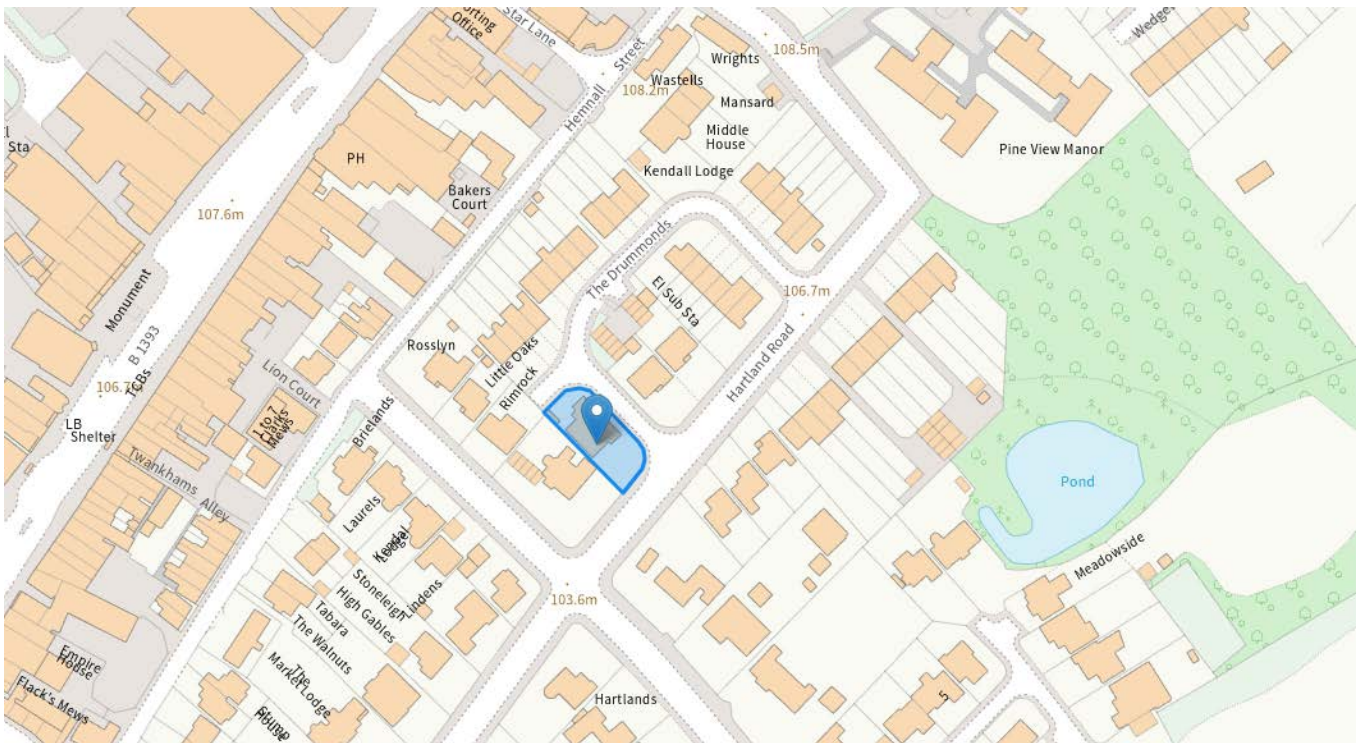


OFFICER REPORT

Application Ref: EPF/0657/24
Application Type: Full planning permission
Applicant: Mrs N Spence
Case Officer: Kelly Sweeney
Site Address: 1, The Drummonds, Epping, CM16 4PJ
Proposal: Conversion of the existing two storey dwelling house into a block of three flats. The scheme would provide three no. two-bed units.
Ward: Epping East
Parish: Epping
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv0000004a3J>
Recommendation: Approve (Subject to Variation to s106 Legal Agreement)



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This application is before this Committee since the recommendation is contrary to at least five representations received on grounds material to the planning merits of the proposal (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council).

Summary

The proposed development would result in only minor external alterations to the existing building including the extension of one of the existing balconies to the south-west elevation and changes to the fenestration therefore the development would not result in harm to the character and appearance of the existing building, the streetscene or the wider locality. The proposed flats

would provide a good standard of accommodation for future occupants and there would be no highway safety implications as a result of the development. It is also considered that the extended balcony and additional windows would not result in significant loss of privacy or overlooking.

It should be noted that the parking arrangements, location of balconies and removal of existing landscape features were similar to the previously refused application ref: EPF/0351/23 which was not refused on these grounds. Moreover, there was no in principle objection or reason for refusal relating to the creation of flats in this location. This is a significant material consideration to the recommendation and outcome of this application.

Site and Surroundings

The site is located on a corner site at the junction of The Drummonds and Hartland Road. The site is occupied by a detached dwelling mostly two storey in height with single storey elements to the northern end. An integral garage and parking area lie at the north-west part of the site. The existing main garden area to the front (south-west) part of the site is screened by mature trees. The existing building has existing balconies to the front (south-west) elevation and to the rear (north-west elevation).

The surrounding area is wholly residential including a mix of two and three storey buildings, the latter mainly town houses.

The site is not listed or located within a conservation area, nor are there any protected trees within or within close proximity to the site.

Proposal

Planning consent is sought for the conversion of the existing two storey dwelling house into a block of three flats. The scheme would provide 3 x 2 bedroom units. The first floor flat would also have an additional room which would be used as a study. Following the receipt of amended plans two parking spaces would be located to the north-west part of the site accessed from The Drummonds.

Two of the flats would be located to the ground floor of the building. Each of the ground floor flats would have direct access to their own garden area. The first floor flat would have access to the existing balcony to the rear (north-west) elevation and to the proposed extended balcony to the front (south-west) elevation.

No other significant changes to the exterior of the building are proposed other than small changes to the fenestration including the insertion of several new windows.

Relevant Planning History

EPF/0351/23-Demolition of existing dwelling and replacement with four residential units. Refused for the following reasons: -

1. The proposed building would be a bulky and intrusive addition to the site and street scene, increasing the scale of built development adjacent to the road frontage to the detriment of local character and general visual amenity, thereby contrary to policies DM9 and DM10 of the adopted Epping Forest Local Plan 2011-2033 (2023) and the NPPF 2023.
2. The proposed development, due to its scale, mass and bulk adjacent to the neighbouring property would have a significant adverse effect on the amenities of the immediate neighbours in terms of visual dominance and overshadowing, contrary to policy DM9 of the adopted Epping Forest Local Plan 2011-2033 (2023), and the NPPF 2023.

3. In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies DM 2 and DM 22 of the Epping Forest Local Plan 2011-2033 (2023), paragraph 180 of the NPPF 2023, and the requirements of the Habitats Regulations 2017.

This application is a re-submission of the previously refused application and it is considered that it overcomes the above reasons for refusal given that it is now proposed to convert the existing building, and no significant changes are proposed to the bulk and massing of the building that would have a negative impact upon the character of the area or to residential amenity. The number of units is also reduced from 4 to 3.

The previously refused application included parking bays in a similar position to this proposal. It is noted that the previous application was not refused on highway safety grounds.

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023);

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

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

- T1 Sustainable Transport Choices
- DM1 Habitat Protection and Improving Biodiversity
- DM2 Epping Forest SAC and the Lee Valley SPA
- DM3 Landscape Character, Ancient Landscapes and Geodiversity
- DM5 Green and Blue Infrastructure
- DM9 High Quality Design
- DM10 Housing Design and Quality
- DM15 Managing and reducing Flood Risk
- DM16 Sustainable Drainage Systems
- DM17 Protecting and enhancing Watercourses and Flood Defences
- DM19 Sustainable water use
- DM20 Low Carbon and Renewable Energy
- DM21 Local Environmental Impacts, Pollution and Land Contamination
- DM22 Air Quality

National Planning Policy Framework December 2024 (Framework)

Summary of Representations

A site notice was displayed, and 20 residents were consulted directly on the plans initially submitted with the application. A total of 19 objections were received from residents on The Drummonds, Hartland Road, Kendall Avenue and Green Trees, commenting as follows:

- Insufficient parking.
- Road safety issues.
- The balcony on the first floor would overlook other properties and result in general noise and disturbance.
- The change of use of the building to flats would harm the family environment of the area.
- The location of the bin store would be in an unacceptable location.
- A new window is proposed to the first-floor flat result in loss of privacy to neighbouring gardens.
- The increase in the number of occupants within the building would result in general noise and disturbance.
- The development will involve the loss of trees and other landscape features.
- This would constitute overdevelopment of the site.
- Negative impact upon the character of the area.
- Loss of biodiversity.
- There is a lack of access to public services.
- The garden spaces provided do not meet standards.
- The proposed building would result in overshadowing and loss of light.
- The development would devalue nearby houses.
- It would be difficult for a fire engine to access the site.

Officer Comment: The development potentially de-valuing existing, surrounding properties is not a material planning consideration. All other matters are discussed further within the main body of the report.

Following the receipt of an amended red line plan to include the location of the dropped kerb for the proposed parking spaces an additional second consultation was carried out. Following the receipt of the amended parking plan re-locating the parking bays to the north-west part of the site and reducing the number of bays from 3 to 2 which also altered the red line plan and location of the bin store, a third consultation was carried out. An additional 9 comments were received commenting as follows: -

- A reduction in the parking to two spaces is unacceptable and insufficient.
- Conversion of the property into three units is not possible.
- The development is for the existing occupants to purchase and their friends leaving only one dwelling available for purchase and therefore the development will not benefit in terms of housing supply.
- The balconies already overlook the neighbouring gardens.
- Existing residents have been refused parking permits already.
- How will emergency services and visitors be accommodated?
- The existing parking on site is currently inaccessible.
- The development is not in keeping with the character of the area.
- Concerns that the proposed crossover would result in taking over pavement.
- The development will involve the loss of trees and landscaping.
- The existing parking arrangements are impractical.
- The parking next to a residential garden boundary would be harmful to amenity.
- Issues with the waste and recycling storage.

Officer Comment

In terms of the reduction in parking bays since the submission of the application and its re-location from Harland Road to The Drummonds, this amendment follows discussions with Essex County Council (ECC) whom in their original comments stated a preference for the parking to be from the

Drummonds rather than Hartland Road. Furthermore, given the introduction of parking restrictions along Hartland Road which have recently come into force it would not have been possible to have the parking from Hartland Road in any event.

ECC Highways also considered an option for this development to be 'car free' which they stated they would have no in principle objection given the highly sustainable location of the site within walking distance to a town centre and tube station. Nevertheless, by way of a compromise the applicant has agreed to provide spaces as per the amended plan.

It is noted that the parking would be located where it is currently positioned and can currently be used.

The access arrangements for emergency vehicles would remain unchanged.

The balconies to be used by the first floor flat are as existing apart from a minor increase to the width of the front (south-west) balcony. The materiality of this increase would not result in additional overlooking over and above that currently created. It is also noted that the applicant has agreed to submit details of the replacement balustrades for the balconies' which would provide an opportunity for the Council to improve screening and privacy. In refusing application ref:EPF/0351/23 the impact of the proposed balconies was not a reason for refusal.

Comments relating to the potential property ownership of the flats is not a material planning consideration.

The creation of a crossover (a dropped kerb) to allow access for parking spaces is commonplace and does not prevent pedestrians from using the pavement.

Internal and External Consultees: -

EPPING TOWN COUNCIL-STRONGLY OBJECT-This is not a suitable location for flats. A mix of dwelling types is required. The application is an overdevelopment of the site. The development would be harmful to the amenity of nearby residents in terms of overshadowing, overlooking and visual impact. The loss of the landscaping would be harmful to the streetscene and remove privacy for residents. Insufficient parking and highway safety implications.

EPPING SOCIETY-Raise concerns in relation to increased overlooking and loss of privacy. The screening of the balconies must be secured by condition. The location of the parking from Harland Road will be unacceptable in terms of highway safety.

Officer Comment: The location of the parking has since been amended.

ECC Highways-No objection to two parking spaces from The Drummonds and no 'in principle' objection to a 'parking free' development'.

TREE AND LANDSCAPE OFFICER-No objection subject to conditions relating to the removal of excavation materials and details of hard and soft landscaping.

CONTAMINATION OFFICER-No objection subject to safeguarding conditions.

ENVIRONMENTAL PROTECTION AND DRAINAGE-No objection and no conditions required.

Planning Considerations

The planning considerations in this case are as follows: -

- Principle
- Impact on the Character and Appearance of the Site and the Wider Area.
- Residential Amenity
- Highways Impact.
- Trees and Landscaping
- Epping Forest Special Area of Conservation (EFSAC)
- Sustainability and Ecology

Principle

Both the Council's Local Plan (2023) and the National Planning Policy Framework (2023) support the use of previously developed land to provide new housing. The development would create three flats within a residential area. As such the proposal is acceptable in principle.

Concerns have been raised by residents with respect to the loss of the existing family house to smaller flatted development and the impact this would have upon the character of the area. However, there are no policies contained within the Council's adopted Local Plan that resist the conversion of larger family houses into flats and it is considered that the introduction of flats to this area would result in providing a mix of housing types in a highly sustainable location.

Character & Appearance

Policy DM9 of the adopted Local Plan states that all new development must be of an appropriate design, scale and massing in keeping with the character and appearance of the site and the wider locality.

Objections have been received raising concerns that the development would not be in keeping with the character and appearance of the site. However, the development would involve only small-scale changes to the existing building. Replacement and insertion of windows would not significantly alter the appearance of the building. Furthermore, the extended balcony would be a minor change to the south-west elevation of the building given that there is already a balcony in existence. Details of the replacement balustrades for the balconies is to be secured by way of condition.

The development would involve some external changes to the landscaping including the removal of hedgerow and trees. However, none of these landscape features are significant specimens. They are not afforded any protection as such they could be removed by the owner of the property at any time without the need for planning permission. A condition seeking details of hard and soft landscaping is being sought which would ensure that the external areas of the site are appropriately designed to enhance the visual appearance of the site.

Overall, it is considered that the development would be acceptable and in compliance with policy DM9 of the adopted Local Plan (2023).

Residential Amenity

Policy DM9 of the Council's adopted Local Plan states that all new development must not harm to the amenity of nearby residents by way of loss of light, outlook or privacy. As discussed above the development would not involve significant extensions to the existing building.

Objections have been received raising concerns that the balconies would result in loss of privacy. However, it is important to note that the balconies already exist. They are both accessible and useable by way of side doors as such the proposed development would not materially alter the current situation.

Where the existing balcony to the front (south-west) elevation would be extended it would not increase the level of overlooking beyond that which currently exists. The extended part of the balcony would be directly opposite a gap between the residential houses opposite where there a number of mature trees. The distance between the balcony and closest residential property opposite is over 21 metres.

The extended balcony would be located closer to the dwelling to the west; however, the balcony would be sufficiently screened (secured by condition) to prevent any loss of privacy to this property. It is also noted that the balcony would not be directly adjacent to the main useable garden area of this property and would not overlook any windows at this property.

Additional windows are proposed at ground floor level, however given the presence of boundary treatment to the west and distance between those windows and other neighbouring dwellings there would not be any material overlooking or loss of privacy as a result of these windows.

Two additional windows are proposed to the rear (north) side of the building at first floor level, one would serve a bathroom (a non-habitable room) and the other would serve a study. The study window would be over 21 metres away from the dwellings directly opposite as such it is considered that this window would not result in increased overlooking and loss of privacy.

An additional window is proposed to the west elevation of the property which would serve a bedroom but given that this bedroom would be dual aspect it is considered that this window could be obscure glazed and fixed shut 1.7m above finished floor level secured by condition.

Concerns have been raised in relation to the location of the proposed bin store next to neighbouring residential gardens. However, the owner of the property could currently add multiple sheds/stores within the garden space and against the neighbouring gardens without the need for planning permission. Furthermore, as a result of the amended parking layout the bin store has been moved away from the site boundary.

Objections have also been received in relation to the increase in noise that would be generated from the site as a result of the development. It is considered that that the development is unlikely to generate noise that would be harmful to nearby residents, and it is noted that currently the Council have no control over how many people reside within the current property.

Overall, it is considered that the development would not result in harm to the amenity of nearby residents and is in accordance with Policy DM9 of the Council's adopted Local Plan.

Highways Impact

Epping County Council Highways have commented on the application and raise no objection to the creation of the parking spaces in this location particularly given that there is already parking for the existing property at this location. Amended plans have been submitted re-locating the parking so that it would be via Drummond Road (the preferred option highlighted by ECC in their original comments) from Hartland Road.

The Essex Parking Guidance adopted September 2024 states that parking standards will be associated with connectivity of the site in terms of its proximity to sustainable transport links. This site is in an area of high connectivity where 1 space plus 0.25 spaces for visitors is recommended. Two spaces would be provided in this case which is below this standard.

However, the document states that parking below minimum standards will be considered where a developer can demonstrate that trips to and from the site will be by modes other than car and in highly connected areas such as town centres, developments should aim to be car free/car-lite.

In this case Essex CC have stated that they would have no objection to this development being car-free given its sustainable location within walking distance to Epping High Street where there is access to various shops and amenities as well as an underground station.

There are also parking controls fronting the site that would prevent any visitors of the flats from being able to park within the locality. Should any future occupants of the flats wish to park on street they will have to apply for a parking permit from the Council which is not guaranteed. As such any potential purchasers of the flats would need to take into consideration the fact that they would not be to parking within close proximity of the property.

Overall, it is considered that the development would not lead to circumstances that would be prejudicial to pedestrian and highway safety.

Trees and Landscaping

There are no trees or other landscape features on the site that are protected. The Council's Tree and Landscape Officer has commented on the application raising no objection subject to conditions which require that the development is completed in accordance with the submitted Tree Protection Plan and the submitted Hard and Soft Landscaping Plan.

As highlighted above the existing landscaping could be removed by the applicant without the need for planning permission.

Epping Forest Special Area of Conservation (EFSAC)

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

The Council, as a competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations), and Policies DM2 & DM22 of the Epping Forest District Local Plan (2023) has a duty to ensure that plans and projects for whose consent it is responsible will not have an adverse effect on the integrity of these designated sites either alone or in-combination with other plans and projects within the adopted Local Plan.

The Council has identified two main issues (known as 'Pathways of Impact') that are currently adversely affecting the health of the Epping Forest.

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

The second issue is atmospheric pollution which is caused primarily by vehicles travelling on roads in close proximity to the Forest emitting pollutants (Nitrogen Dioxide and Ammonia). Development proposals (regardless of their type, size, and location within the District) which would result in even an increase in just one additional vehicle has the potential to contribute to increases in atmospheric pollution within the Epping Forest.

Stage 1: Screening Assessment

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

- 1) The site lies within the 3-6.2 km Zone of Influence as identified in the Epping Forest Strategic Access Management and Monitoring (SAMM) Strategy. Consequently, the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
- 2) The development has the potential to result in a net increase in traffic using roads through the EFSAC.

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

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 recreational pressures and atmospheric pollution.

Stage 2: 'Appropriate Assessment'

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the SAMM strategy and the Epping Forest District Green Infrastructure Strategy has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals.

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 the Air Pollution Mitigation Strategy (APMS), 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 APMS.

It is evident that the development would result in an increase in trip generation that would have an impact upon the SAC and that a financial contribution in accordance with the APMS should be secured.

Consequently, the Council is satisfied that the proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions. The applicant has agreed in writing to complete a S106 agreement in this regard.

Sustainability and Ecology

The site is close to other residential dwellings and is within close proximity to the centre of Epping and Epping Underground Station. As such, the site would not be an isolated and it is considered that the proposed houses would be in a highly sustainable location.

Concerns have been raised that the development would have an impact upon wildlife and the ecological value of the site. However, no buildings are to be built or demolished on the site. The existing building is currently occupied and therefore there are no concerns in relation to the impact upon protected wildlife or species such as bats.

Since 2nd April 2024, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) for smaller development sites. It is a requirement that, for certain planning applications, applicants quantify the biodiversity net gain through survey, site planning and detailed proposals. The legislation stipulates that the net gain must be at least 10% and provided either on-site or off-site, or, as a last resort, by buying statutory biodiversity credits.

However, given that this application was received and validated prior to the 2nd April 2024 it is considered that this development would be exempt from BNG. Furthermore, it is considered that the development falls within additional exceptions given that it involves the change of use of an existing building and is a self-build development.

Other matters

The Contamination Land Officer raised no objection in principle to the development subject to safeguarding conditions. Furthermore, the Environmental Protection and Drainage Officer raises no objection to the development.

Conclusion

The development would be for the conversion of an existing building providing good quality living accommodation for future occupants and residents. The development would involve minor changes to the exterior of the building which would have little visual impact upon the character and appearance of the existing building and the surrounding streetscene. Most of the fenestration would be located as existing. Where additional windows are proposed they either serve non habitable rooms or can be obscure glazed and fixed shut secured by way of condition. The balconies to the existing property are currently on the building are accessible as such they would not result in an increase in overlooking and loss of privacy. Where one of the existing the balconies is to be extended it is evident that this will not overlook any neighbouring usable garden areas or windows.

The development would provide an off-street parking space for two of the proposed flats which is considered to be acceptable given that the site is located within a highly sustainable location.

It is also noted that the previous application ref: EPF/0351/23 was only refused due the scale, bulk and massing of the building and not highway safety or amenity grounds in terms of loss of privacy. Furthermore, there were no reasons for refusal relating to the creation of flats in this location.

The development is therefore in compliance with the policies contained within the adopted Local Plan (2023). Approval of the application is therefore recommended.

Conditions: (11)

- 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: 22038_201 Rev A and 22038-204 Rev D received 29th November 24, 22038-205, 203 and 202.

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

- 3 All material excavated from the below ground works hereby approved shall be removed from the site prior to any works above the foundations.

Reason: In order to ensure that levels are not altered across the site as a result of deposited materials, in the interests of amenity, in accordance with Policies DM9, DM12 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 Prior to first occupation of the first floor flat hereby permitted the window in the flank south-west elevation serving the bedroom and the window in the flank south-west elevation serving the bathroom shall have been fitted with obscure glass with a minimum Pilkington privacy level 3 obscurity (or equivalent), and no part of those windows that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained at these specifications thereafter.

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

- 5 The materials to be used in the construction of the external surfaces of the development (other than the balcony balustrades) hereby permitted shall match those of the existing building.

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

- 6 Prior to the first occupation of the development the accessway, parking, bin stores and amenity spaces as indicated on the approved plans, shall be provided and retained as such for the life of the development.

Reason: To ensure that appropriate access, vehicle parking and turning is provided. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in

February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

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

- 8 Prior to any works above the foundations, 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 and completed prior to first occupation/use of the development hereby approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

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

- 9 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped and an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced) shall be undertaken. If any contamination is found then the site shall be remediated. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

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

- 10 Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials, and type of balustrades/privacy screening to be erected for the balconies (existing and proposed), shall have been submitted to an approved by the Local Planning Authority, in writing. The approved balustrades shall be implemented prior to first occupation of the development and so retained.

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

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

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

Informatives: (2)

- 12 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.
- 13 It is noted that the existing buildings may contain Asbestos Containing Materials (ACM's). The applicant is required to ensure that all contractors involved in the demolition and site clearance works are aware of the requirements of the Control of Asbestos at Work Regulations 2012. It is essential that an asbestos survey is undertaken and where ACMs are discovered, risks are appropriately managed, ensuring safe removal and disposal offsite by specialist contractors in accordance with good practise and current HSE guidance. Further, it is the responsibility of the developer to ensure measures are put in place to prevent contamination of the soils during such works. Evidence may therefore be required by The LPA as part of the contaminated land condition to show that any ACMs, identified following a required asbestos survey, have been appropriately disposed from site.

