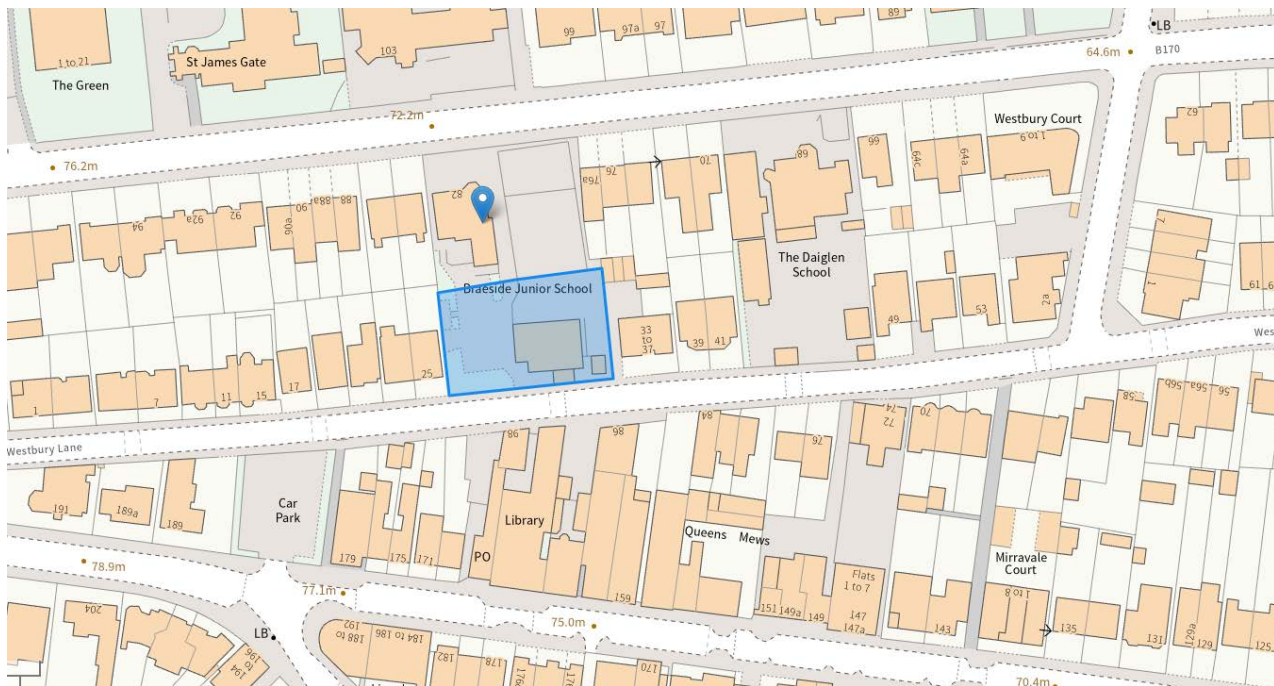


OFFICER REPORT

Application Ref: EPF/0898/24
Application Type: Full planning permission
Applicant: c/o agent
Case Officer: Yee Cheung
Site Address: Land between 25 and 32 Westbury Lane, Westbury Lane, Buckhurst Hill, IG9 5NF
Proposal: Demolition of existing vacant outbuildings and the erection of five houses with associated access, parking and amenity space.
Ward: Buckhurst Hill West
Parish: Buckhurst Hill
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv00000099NR>
Recommendation: Approve with Conditions (Subject to s106 Legal Agreement)



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

Description of Site:

The application site is situated on the north side of Westbury Lane and contains modular type buildings and sheds which were part of the now relocated Braeside School (which fronts onto Palmerston Road).

The site is enclosed by close boarded fencing to the streetscene and is located adjacent to two-storey residential properties on both sides. The site level gently rises from east to west. The site is not within the Metropolitan Green Belt or a Conservation Area.

The main building of the former school fronting Palmerston Road is locally listed (The local list was last updated in October 2024) and has been converted into a children's nursery. The former playground fronting Palmerston Road to the east was granted planning permission under EPF/0623/23 for two dwellings and construction of these is almost complete.

Description of Proposal:

The proposal seeks consent for the demolition of the existing vacant outbuildings and to construct five houses with associated access, parking and private amenity space.

The dwellings will be link detached and contemporary in style with gable ends and side dormers. The dwellings have three bedrooms (two at first floor and one at second floor). One parking space is provided for each unit with refuse and cycle stores located to the front boundary. Private amenity space is provided at the rear for each unit.

This planning application was presented to Members at the Area Planning Sub-Committee South on 7 August 2024, and it was voted to defer the planning application. It is understood that the application was deferred to allow amendment to the scheme and further information regarding the submission of a daylight report / plans to be submitted.

The amendment of the scheme involves the following:

- House 1 has been reduced in depth by 2.5 metres (first and second floor)
- House 2, 3, 4 and 5 have been reduced in depth by 1.5 metres (first and second floor)
- A comprehensive daylight / sunlight report prepared by Right to Light Consultancy, a reputable company, has been submitted to support the development proposal

Relevant History:

- [EPF/2603/23](#) - Demolition of existing vacant outbuildings and the erection of five houses with associated access, parking and amenity space - Withdrawn
- [EPF/0623/23](#) - The erection of two houses with associated access, parking, amenity space and landscaping - Approved
- [EPF/2964/21](#) - Change of use of vacant school building (Class F1) to a day nursery and pre-school within Class E along with provision of detached bin store, buggy store and cycle parking facilities – Approved

Policies Applied:

Adopted Local Plan:

- SP1 – Spatial Development Strategy (2011-2033)
- H1 – Housing Mix and Accommodation Types
- T1 – Sustainable Transport Choices
- DM2 – Epping Forest SAC and the Lee Valley SPA
- DM9 – High Quality Design
- DM10 – Housing Design and Quality
- DM11 – Waste Recycling Facilities on New Development
- DM18 – On Site Management of and Reuse of Wastewater and Water Supply
- DM21 – Local Environmental Impacts, Pollution and Land Contamination
- DM22 – Air Quality

National Planning Policy Framework (NPPF, December 2024)

- Chapter 1 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land

- Chapter 12 – Achieving well-designed places
- Chapter 13 – Conserving and enhancing the natural environment

Consultation Responses

Trees and Landscape Officer – No objection subject to conditions

ECC Highways – No objection subject to conditions regarding to parking and the use of surfacing materials

EDFC Contaminated Land Officer – No objection subject to conditions

Conservation Officer – Recommend the height of the scheme (most notably its ridge/eaves) is reduced to ensure the development appears suitably subservient within the setting of the affected heritage assets and its wider historic environment

EDFC land Drainage – No objection subject to condition that the development to be carried out in accordance with submitted report

Letters of Representations

Number of neighbours consulted: 48

Responses received from 4 neighbours who have objected on the following grounds:

19, 25, 35, 41 Westbury Lane

Insufficient parking, loss of light, overcrowded area, cramped, overbearing loss of outlook, too small gardens, highway safety implications,

Following the additional information received, all the neighbours were reconsulted.

No. 19, 23, 25, 35 and 41 objects:

- Gross overdevelopment of the site / Overcrowding
- Appearance of three floor flats
- Loss of light
- Little gardens
- Impact on residential amenity and little light to garden of No. 23 Westbury Lane
- Overbearing in size and nature
- Overshadowing
- Parking issues

Buckhurst Hill Parish Council – Objection

- Overdevelopment of site
- Out of keeping with the neighbours next door and the whole of the area
- Very cramped development
- Living amenity space is insufficient
- Insufficient parking
- Proposed development area could cause issues with parking in an already congested road with already insufficient parking
- The outside amenity space garden is very small

Main Issues and Considerations:

Principle of Development

The application site is located within the built-up area of Buckhurst Hill in a sustainable, urban area where development is encouraged as any development is making best use of available non-Green Belt land within the District. The site is approximately 850m from Buckhurst Hill Underground Station and 200m from the shops and services provided on Queens Road. The development of the application site is considered acceptable in principle subject to other material considerations which will be discussed in the report below.

Design and Appearance

The proposal results in the demolition and removal of modular type buildings and domestic scale wooden outbuildings which add little to the appearance of the streetscene. These and the current close boarded fence definitely have the appearance of the rear of a site.

The proposal will be a contemporary development, that takes cues from the prominent gables within the area. The main material choice will be a brown brick, with brick stretcher detailing and perforated brick detailing which adds depth to the design with large window frames and zinc clad dormer.

The design, although contemporary to the neighbouring residential properties is considered to relate positively to the surrounding context, and it is considered that this has been achieved, along with the design and material choices with the differing roof heights, respecting the slope of the road and taking cues on eaves and ridge heights from neighbouring properties. It is considered that the proposal makes a positive contribution to the streetscene and complements, if not enhances this varied streetscene.

Although the Conservation Officer has raised concerns with regards to the overall height in relation to the Westbury Lane streetscene (which as above Officer's consider acceptable and in line with the slope of the road). Other than this concern, the Conservation Officer has not highlighted further issues with regards to any impact to the locally listed building (the heritage asset) or it's setting. The design and appearance is therefore considered acceptable in accordance with Policy DM9 of the adopted Local Plan.

Neighbouring Amenity

The development proposal is positioned 1 metre away from the shared boundaries with No. 33 Westbury Lane (part of a block of 3 maisonettes) and No. 25 Westbury Lane. There is gap between the shared boundary with No. 33 Westbury Lane which serves a row of garages to the rear. As the gap is some 2.6 metres from the shared boundary with No. 33, it is considered that the distance would not result in sense of enclosure or overbearing impact to the existing occupiers at No. 33-37.

The plans have been amended to show that Houses 2 and 5 has been stepped back by 1.5 metre at first floor and second floor level. It is considered that by setting these properties back would reduce the perceived sense of overbearing to neighbouring properties.

With regards to impact on No. 25 Westbury Lane, House 1 will only be about 0.5 metres deeper than No. 25. The submitted plans show that the first and second floor of House 1 will be stepped back by 2.5 metres. By doing so, this has addressed the issues such as the loss of light, overshadowing and overbearing impact on the existing occupiers at No, 25.

It is noted that there are existing window openings on the flank wall of No. 25, these openings serve a kitchen / living space and a w.c (at ground floor) a landing at first and second floor. The ground floor openings are partially screened by an existing boundary fence, which to some degree, shadows the property. As these windows do not serve habitable rooms, it is not considered that the existing occupiers of No.25 Westbury Lane would be adversely affected by the development proposal.

Concerns have been raised with regard to overlooking. In terms of overlooking, there are no windows proposed on the flank wall of House 1, as such, it is unlikely that the future occupiers of this site would be able to directly overlook into the kitchen / living space of No, 25 Westbury Lane.

The rear and garden area of No. 25 is currently overlooked at by No. 23 Westbury Lane and existing developments fronting onto Palmerston Road. It is considered that any overlooking and

loss of privacy to the occupiers at No. 25 from this development proposal will not be significantly worse than existing situation.

The proposal is therefore considered acceptable in this respect and would therefore accord with Policy DM9 of the adopted Local Plan.

Amenity of Future Occupiers

The submitted plans shows that the dwellings meet the Nationally Described Space Standards providing the required internal space for the number of occupants.

In term of rear private amenity spaces, it is noted that they are smaller than the directly neighbouring properties at around 50m² – 60m². However, they are in keeping with the prevailing pattern of development and not too dissimilar to the varied size of gardens found in the wider area. In addition, in this built-up area with direct access to Forest land within easy walking distance the sizes are considered appropriate. The adopted Local Plan does not specify minimum amenity sizes and therefore it is considered on the basis of the above, that the amenity space is acceptable.

Daylight / Sunlight

A comprehensive daylight / sunlight report prepared by Right to Light Consultancy, has been submitted to support the development proposal.

The report has considered the impact of the development on the light receivable by the neighbouring properties at: No. 25, 33 to 37, 86, 94 and 98 Westbury Lane and 76a, 78 to 80 (Future Building), 84 and nursery along Palmerston Road. It is concluded that all neighbouring windows (that have a requirement for daylight or sunlight) pass the relevant BRE diffuse daylight and direct sunlight tests. All neighbouring amenity areas also pass the BRE overshadowing to gardens and open spaces test (Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: A guide to good practice, 3rd Edition' by P J Littlefair 2022)

The submitted drawing and calculations in the report has demonstrated that the proposed development will have a low impact on the light receivable by its neighbouring properties and sufficiently safeguards the daylight and sunlight amenity of the neighbouring properties in accordance with Policy DM9 of the adopted Local Plan.

Trees and Landscaping

The Trees and Landscaping Officer has reviewed the planning application and raises no objection to the proposal subject to conditions imposed regarding to the retention of tree and shrubs, tree protection, and the submission of hard and soft landscaping details for the Council to approve should planning permission be granted.

Highways and Parking

This proposal is for five dwellings with each dwelling having a single parking space. This is considered acceptable in this highly sustainable location and is within walking distances to the train station, local shops and services.

To the front of the site are off road parking spaces, outlined on the road, but not individually marked as spaces. There is slight room for discussion as to the number of cars that could be parked in this area, as the length is large enough for five design standard parking spaces but could potentially accommodate six vehicles.

The Applicant has had discussions with Essex County Council Highways as to how best to retain on road parking spaces (if any). The current scheme allows for three, on-street parking spaces to retained directly to the front of the site. In addition, at the top end of Westbury Lane (close to the junction with Queens Road, the Applicant has proposed the extension of an existing bay, to allow

two more cars to park and the creation of a new bay for a further car. This would mean that there would be no decrease in the number of car parking spaces currently available on Westbury Lane.

The changes to the parking spaces must be achieved by way of a Traffic Regulation Order (TRO), which is outside the scope of Planning Legislation. However, a condition can be added to ensure that the proposed changes are implemented as shown so that the Applicant arranges the TRO.

Epping Forest Special Area of Conservation (EFSAC)

RESIDENTIAL APPLICATIONS: The application site lies in 3km of the EFSAC as defined by the Zone of Influence and would result in a net increase in Average Annual Daily Traffic on roads through the Epping Forest Special Area of Conservation Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended).

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 Epping Forest Local Plan Submission Version (LPSV)

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:

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

Stage 1: Screening Assessment

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

- 1) 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 on 18 October 2018 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.
- 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 both the 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 both the recreational pressures and atmospheric pollution Pathways of Impact.

Stage 2: 'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the 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 only seeks these from proposals for new homes within 3km of the EFSAC, as is the case with this planning application. The Applicant has agreed to make a financial contribution in accordance with the Interim Approach. 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.

Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS.

The Applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition, the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

Conclusion of EFSAC:

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

Contributions for managing/monitoring recreation/visitor pressures:

$$5 \times \text{£}1852.63 = \text{£}9,263.15$$

Contributions for managing/monitoring air pollution mitigation

$$5 \times \text{£}335 = \text{£}1,675$$

Contributions for the implementation of the Roding Valley Recreation Ground/Public Rights of Way infrastructure enhancement projects

$$5 \times \text{£}716 = \text{£}3,580$$

Biodiversity Net Gain (BNG)

Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan, as well as the finalised full Statutory Biodiversity Metric - Calculation Tool, should be submitted prior to commencement as part of the Biodiversity Gain Condition.

The application has been accompanied by a Biodiversity Net Gain (BNG) Assessment which has concluded that the net change will be -81.07%. Given that there is a deficit, the Applicant has suggested that to meet BNG obligations there is the possibility to buy off-site biodiversity credits.

The Applicant has made clear, that although landscaping is proposed within the site, it will be located on private land (i.e. owned by the prospective buyers) and therefore biodiversity cannot be secured for a minimum of 30 years as per the requirements. Therefore, off-site credits are an acceptable way forward and can be conditioned to ensure that this is actioned.

Conclusion:

The proposed new dwellings are located in sustainable location within an urban part of the District. The development is in keeping with the prevailing pattern of development in the locality. Additional information (daylight assessments) have been submitted to show that the development would not result in excessive harm to surrounding neighbours by reasons of loss of light, overshadowing or overbearing impact. Therefore, given the above assessment and subject to a S106 legal agreement the planning application is recommended for an approval.

Conditions: (20)

- 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 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 Class A, 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.

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

- GHA-XX-XX-DR-A-0021 Rev P01
- GHA-XX-XX-DR-A-2016 Rev P03
- GHA-XX-XX-DR-A-0211 Rev P01
- GHA-XX-XX-DR-A-0214 Rev P01
- GHA-XX-XX-DR-A-0311 Rev P01
- GHA-XX-XX-DR-A-0312 Rev P01
- GHA-XX-XX-DR-A-0010 Rev P01
- GHA-XX-XX-DR-A-0310 Rev P01
- GHA-XX-XX-DR-A-0213 Rev P01
- GHA-XX-XX-DR-A-0031 Rev P01
- GHA-XX-XX-DR-A-0030 Rev P01
- GHA-XX-XX-DR-A-2002 Rev P04
- GHA-XX-XX-DR-A-2003 Rev P04
- GHA-XX-XX-DR-A-0212 Rev P01
- GHA-XX-XX-DR-A-2017 Rev P03
- GHA-XX-XX-DR-A-2050 Rev P01
- GHA-XX-XX-DR-A-2011 Rev P03
- GHA-XX-XX-DR-A-2001 Rev P04
- GHA-XX-XX-DR-A-2012 Rev P03
- GHA-XX-XX-DR-A-2015 Rev P03
- GHA-XX-XX-DR-A-0033 Rev P01
- GHA-XX-XX-DR-A-2004 Rev P04
- GHA-XX-XX-DR-A-0032 Rev P01

- GHA-XX-XX-DR-A-2020 Rev P03
- GHA-XX-XX-DR-A-2021 Rev P03
- GHA-XX-XX-DR-A-0011 Rev P03
- GHA-XX-XX-DR-A-2010 Rev P03
- GHA-XX-XX-DR-A-2014 Rev P03
- GHA-XX-XX-DR-A-2013 Rev P03
- GHA-XX-XX-DR-A-0313 rev P01
- GHA-XX-XX-DR-A-0215 Rev P01
- GHA-XX-XX-DR-A-0201 Rev P01
- GHA-XX-XX-DR-A-0030 Rev P01
- GHA-XX-XX-DR-A-2006 Rev P01
- GHA-XX-XX-DR-A-2005 Rev P03
- GHA-XX-XX-DR-A-0020 Rev P01
- GHA-XX-XX-DR-A-0210 Rev P01
- GHA-XX-XX-DR-A-0202 Rev P01
- Daylight and Sunlight Report (October 2024)
- Design and Access Statement (October 2024)
- 2201350-D002 Rev B
- 2201350-D001 Rev B

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

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

- 5 Prior to any above ground works, details of levels shall have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

Reason: To ensure the impact of the intended development upon adjacent properties and the street scene is acceptable, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 Prior to first occupation of the building/extension hereby permitted the window(s) in the flank elevation(s) at first floor level and above, shall have been fitted with obscure glass with a

minimum Pilkington privacy level 3 obscurity (or equivalent), and no part of that/those window[s] 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.

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

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

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

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

- 9 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.

- 10 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land;

groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 11 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.

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

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

- 13 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.

- 14 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.

- 15 Prior to the commencement of development, a biodiversity net gain scheme (BNGS) demonstrating how the creation or enhancement of habitat for the provision of a minimum 10% biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The BNGS shall include the following:
- a) Description and evaluation of habitat/features proposed (to include full Metric (using most current version) and details of condition assessments).
 - b) Identification of adequate baseline conditions (for management and monitoring purposes) prior to the start of works (to include full Metric (using most current version) and details of condition assessments).
 - c) Aims and objectives for the proposed works.
 - d) Site specific and wider ecological trends and constraints that might influence works.
 - e) Details of the body/organisation/person/s responsible for undertaking the works and lines of communication.
 - f) Details of the legal and funding mechanism(s) by which the implementation of the BNGS will be secured by the developer with those responsible for its delivery.
 - g) Detailed design(s) and/or working method(s) to achieve stated objectives including type/source of materials, disposal of any wastes arising from works and appropriate scale plans showing location/area of proposed works.

- h) Works Schedule, aligned with any proposed phasing and including an annual work plan capable of being rolled forward over a five-year period.
- i) Prescriptions for initial aftercare and long-term management that will ensure the aims/objectives are met
- j) Details for on-going monitoring in years 2, 5, 10, 15, 20, 25 and 30, including:
 - Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the work can be measured
 - Methods for data gathering and analysis.
 - Location, timing and duration of monitoring
 - Review, and where appropriate, publication of results and outcomes, including when monitoring reports will be submitted to the local planning authority
 - How contingencies and/or remedial action will be identified, agreed with the local planning authority and implemented so that the original aims/objectives of the approved scheme are met.

The BNGS shall be implemented in accordance with the approved details and all habitats/features shall be retained in that manner thereafter.

Reason: In the interests of ensuring measurable net gains to biodiversity, in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 16 The development shall be carried out in accordance with the drainage strategy (RSA Drainage Assessment, Revision P3) and Drainage Layout (2230309, 10000, P3) submitted with the application unless otherwise agreed in writing with the Local Planning Authority.

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.

- 17 Tree protection shall be installed as shown on Tim Moya Associates Tree Protection Plan, Drawing No: 220443-P-42 Rev b dated 23/04/2024, prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policies DM3 and DM5 of the Epping Forest District Local Plan 2011-2033, and the NPPF 2021.

- 18 Prior to the commencement of development, a biodiversity net gain scheme (BNGS) demonstrating how the creation or enhancement of habitat for the provision of a minimum 10% biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The BNGS shall include the following:

a) Description and evaluation of habitat/features proposed (to include full Metric (using most current version) and details of condition assessments).

- b) Identification of adequate baseline conditions (for management and monitoring purposes) prior to the start of works (to include full Metric (using most current version) and details of condition assessments).
- c) Aims and objectives for the proposed works.
- d) Site specific and wider ecological trends and constraints that might influence works.
- e) Details of the body/organisation/person/s responsible for undertaking the works and lines of communication.
- f) Details of the legal and funding mechanism(s) by which the implementation of the BNGS will be secured by the developer with those responsible for its delivery.
- g) Detailed design(s) and/or working method(s) to achieve stated objectives including type/source of materials, disposal of any wastes arising from works and appropriate scale plans showing location/area of proposed works.
- h) Works Schedule, aligned with any proposed phasing and including an annual work plan capable of being rolled forward over a five-year period.
- i) Prescriptions for initial aftercare and long-term management that will ensure the aims/objectives are met
- j) Details for on-going monitoring in years 2, 5, 10, 15, 20, 25 and 30, including:
 - Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the work can be measured
 - Methods for data gathering and analysis.
 - Location, timing and duration of monitoring
 - Review, and where appropriate, publication of results and outcomes, including when monitoring reports will be submitted to the local planning authority
 - How contingencies and/or remedial action will be identified, agreed with the local planning authority and implemented so that the original aims/objectives of the approved scheme are met.

The BNGS shall be implemented in accordance with the approved details and all habitats/features shall be retained in that manner thereafter.

Reason: In the interests of ensuring measurable net gains to biodiversity, in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 19 Prior to the first occupation of the development, the proposed on street parking as shown in submitted drawing 2201350-D001 Rev B shall be provided.

Reason: To ensure the residents parking displaced by the proposal is re-provided, in the interest of highway safety.

- 20 No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

Informatives: (4)

- 21 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.
- 22 The Highway Authority recognises that the Traffic Regulation Order process to remove and re-provide the on-street parking displaced by the proposal sits outside of the planning process. Therefore, the Applicant is advised to proceed with the TRO process as soon as possible. The Applicant should be aware that the outcome of the TRO process is not guaranteed, and that the outcome will affect whether any planning permission that may be granted can be implemented.
- 23 There shall be no drainage of surface water onto the Highway.
- 24 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