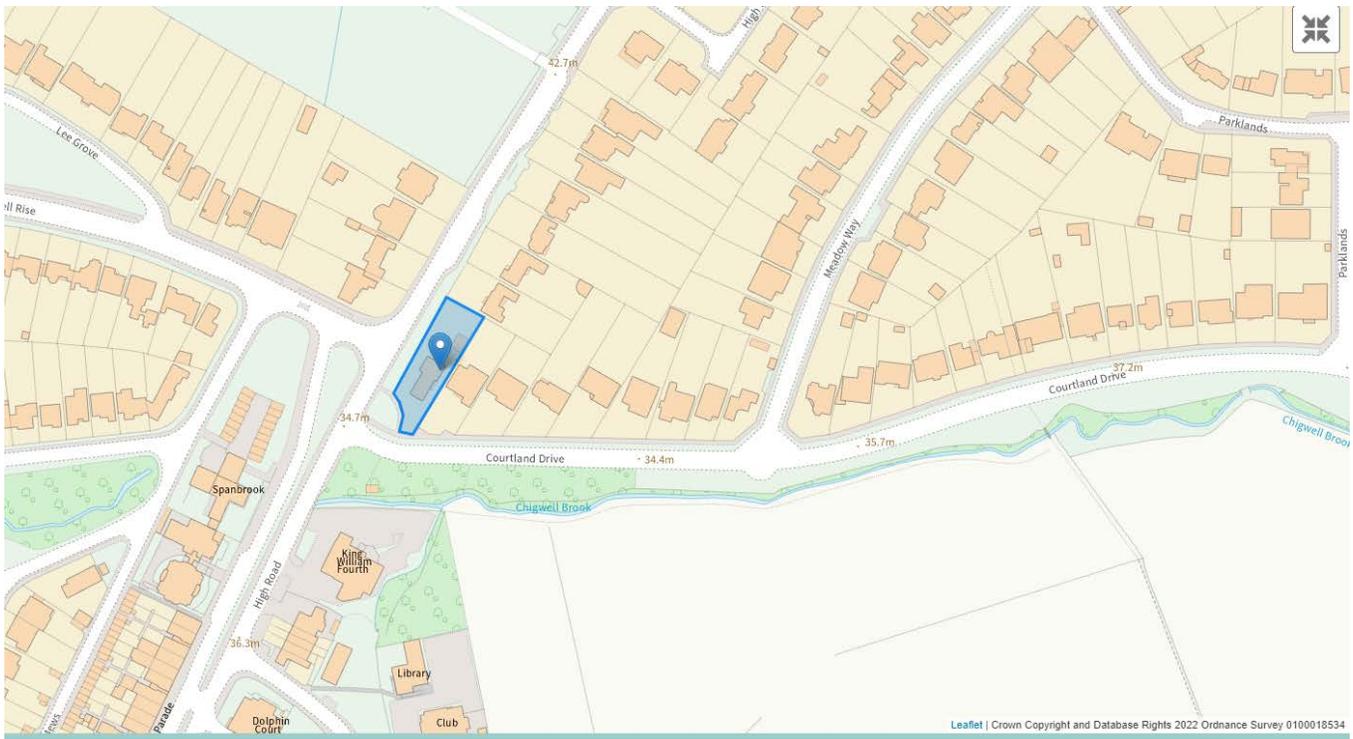


OFFICER REPORT

Application Ref: EPF/0625/23
Application Type: Full planning permission
Applicant: Mr John Digwa
Case Officer: Caroline Brown
Site Address: 2, Courtland Drive, Chigwell, IG7 6PN
Proposal: Demolition of existing dwelling and replacement with two structures containing a total of 5 new dwellings.
Ward: Chigwell Village
Parish: Chigwell
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001VjTM>
Recommendation: Approved with Conditions (Subject to s106 Legal Agreement)



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Additional information

This application has been put back in front of Members since the Court quashed the previous decision in part due to the Committee's decision being reached on incorrect evidence.

This application was discussed at Area Planning Sub-Committee South on 11 October 2023. The decision reached by Members was to refuse planning consent. Unfortunately on the 25 October 2023 an incorrect decision notice was sent to the applicant granted consent for the proposal. The Council subsequently judicially reviewed the decision and the Courts recognised that the

Consent Order was clearly a mistake and therefore quashed this decision and as a result the application has returned to the LPA and is now once again 'live'.

It should however be noted that the reasons for the order state:

- 3. *The reasons the decision should be quashed is two-fold. Firstly, the Interested Party was erroneously sent an approval decision notice rather than a refusal decision notice as per the Committee's decision. Secondly, upon review of the Committee's reasons for refusal both the Claimant and Defendant have noted that the Committee's decision was based on incorrect evidence. Should the Committee hear the application based on all of the correct evidence their outcome may be different.***
- 4. *The Claimant and Defendant recognise the errors in this matter and so both seek an order to quash the approval decision, so that the matter can be resent to Committee to be re-debated on the basis of all of the supporting evidence obtained during the investigations ahead of these proceedings. Following the Committee's decision, a new decision can be issued.***

The incorrect evidence referred to was the lack of clarity in terms of the date of the previous appeal decision regarding EPF/1573/20 in relation to the adoption of the latest Local Plan. This formed part of the previous debate and at least some Members may have been under the impression that the appeal decision pre-dated the adoption of the new Local Plan.

It can be confirmed that the previous appeal decision for the exact same proposal, which was dismissed only on the failure to safeguard mitigation measures regarding the EFSAC, was dated the 09 March 2023. The Epping Forest District Local Plan 2011-2033 was formally adopted by the Council on 06 March 2023. Therefore, on the day that the Planning Inspector determined the previous appeal the latest Local Plan was adopted.

Since the only reason for the Inspector previously dismissing the appeal was due to the lack of a legal agreement to secure EFSAC mitigation measures, and this proposal is identical except that it is accompanied by a signed legal agreement securing these measures, Officers do not consider that there are any Material Planning Considerations that would lead to this application being refused. Whilst Members may not be supportive of the development, for all intents and purposes the decision has effectively already been approved by the Planning Inspectorate, subject to a legal agreement. Therefore, the previous officers recommendation to approve planning consent still applies.

ORIGINAL REPORT

This application is before this Committee since it has been 'called in' by Councillor Lion (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council)).

The application is also before this committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident on planning grounds material to the application. (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

No. 2 comprises of a 2-storey detached dwellinghouse with a detached rear/side garage located to the north of Courtland Drive, a corner plot sited adjacent to the main High Road. The plot is deep, and the property is well set back from the highway on both Courtland Drive and High Road with a large wide corner pavement and grass verge.

Courtland Drive is residential in character comprising of large, wide 2- storey detached dwellinghouses with deep frontages and parking in the frontage arranged in a staggered alignment with no. 2 sited further forward than No. 4 and the other dwellings in this section of Courtland Drive.

No. 2 is sited adjacent to High Road which is typified by a mixed variety of urban building types and heights with 3-and 4 storey residential blocks of flats to the west and commercial units to the south.

Proposed Development

Planning permission is sought for the redevelopment of the site involving the demolition of the existing 2- storey detached dwellinghouse and garage and its replacement with a 2- storey building to accommodate x 5 residential units. (2, 1 bed and 3, 2 bed), basement car parking for 7 car spaces...

The communal refuse storage and cycle area is sited to the east boundary measuring a height of 1.5m, a width of 3m and a depth of 2.3m.

The proposed building has a similar front building line and height as the existing dwellinghouse, some 2m wider set in between 2.5 - 3.66m from the east boundary and some 3.8m from the west boundary.

Ground floor

Flat 1: 1 bed (56,6sqm)

Flat 2: 1 bed (59.7sq)

Flat 3: 2 bed (109sqm)

First Floor

Flat 4: 2 bed (90.4sqm)

Flat 5: 2 bed (117sqm)

The main pedestrian entrance to the building is to the central west elevation of the building with the provision of a lift and staircase. The majority of the habitable room windows are to be sited to the west and front elevations. The existing crossover is to be widened and the bollard removed.

Amenity space is to the rear of the building with the provision of balconies to units, 3,4 and 5.

Materials: Brick and render and clay tiles

A completed s106 Legal Agreement has been submitted with the application to secure mitigating measures for the EFSAC.

Relevant Planning History

EPF/0583/22 - Demolition of existing dwelling and erection of new replacement dwelling.-

Refused 26/07/22 - Allowed on Appeal 9 March 2023 Ref: APP/J1535/W/22/3305279

EPF/1573/20 - Demolition of existing dwelling and replacement with new structure containing 5 new dwellings. Refused 23/07/2020 – Dismissed at Appeal 09 March 2023 Ref: APP/J1535/W/22/3293378

EPF/0672/17 - Enlargement of roof, and provision of one front dormer window and three rear dormer windows as part of loft conversion.

EPF/1929/18 - Proposed first floor rear infill extension, enlargement of roof and loft conversion with one front dormer window and three rear dormer windows.

EPF/2057/16 - Two storey rear extension, and erection of new front wall, railings, and gates on front boundary – 06/10/2016

CHI/0320/59 - Erection of Detached House & Garage - Approved

Policies Applied:

DEVELOPMENT PLAN CONTEXT

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. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

Epping Forest District Local Plan (2011-2033) (March 2023)

The proposed adoption of the Epping Forest District Local Plan 2011 - 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council and therefore has full weight when considering planning applications.

The following policies are relevant:

SP6 - Green Belt and District Open Land
SP7 - The Natural Environment, Landscape Character and Green and Blue infrastructure
H1 - Housing mix and accommodation types
H4a - Dwelling Mix
T1 - Sustainable transport choices Significant
DM2 - Epping Forest SAC and the Lee Valley SPA
DM5 - Green and Blue Infrastructure
DM9 - High Quality Design
DM10 - Housing Design and Quality
DM 11 - Waste recycling facilities on new developments
DM16 - Sustainable drainage systems
DM18 - On Site Management of Wastewater and Water Supply
DM19 - Sustainable Water Use
DM20 - Low Carbon and Renewable Energy
DM2 - Epping Forest SAC
DM21 - Local environmental impacts, pollution and land Contamination
DM22 - Air Quality

CONSULTATION CARRIED OUT & SUMMARY OF REPRESENTATIONS RECEIVED:

Site Notice Displayed

Chigwell Parish Council - OBJECTION

- the Planning Inspector when dismissing the appeal against a previous refusal of the same proposal (EPF/1573/20), was not convinced that a shared basement carpark proposed would be practicable or convenient for the future residents of five separate dwellings.
- Should the car lift be out of action there is insufficient space on site for the occupiers of five dwellings to park leading to an increase on on-street parking.
the Council noted the approval of a single dwelling granted at appeal, specifically condition 13 which requires any gates shall be inward opening only and set back a minimum of 6 metres from the back edge of the carriageway. This application placed the vehicular access at less than 5m from the back edge of the carriageway and the Committee thus considers the proposal is contrary to the policies of the adopted Local Plan
- whilst the Planning Inspector considered the car lift for a single dwelling would not cause an unacceptable disturbance, the Parish consider the use of both the car lift and car turntable necessary for five dwellings would cause an unacceptable disturbance to the occupants of nearby dwellings,
- whilst it was noted the applicant stated a S106 was submitted, no such document was before the Committee.

- the Courtland Estate is a unique area of predominantly Arts and Crafts style houses within Chigwell and does not contain any purpose-built flats units.
- whilst not officially designated a flood zone, local Councillors noted the frequent flooding of the road from surface water run off.

Chigwell Residents Association - OBJECTION

- over development of a relatively small site, out of keeping - affect the character and loss of amenity.
- Existing mature vegetation will have to be removed during construction and this will have a substantial and negative visual impact on what is one of the principal junctions in Chigwell village.
- The adjoining 'street trees and shrubs' will also be adversely impacted.
- parking onsite is inadequate and nearby roadside resident/visitor parking will be limited due to commuter parking and the 'overflow' of cars from the nearby shops, businesses and pub.
- The site adjoins a very busy traffic 'through route' which together with commuter/local parking and contractor requirements will place overwhelming pressure on the space available.
- During construction excavated material removal will have an unacceptable impact on the area and in particular the adjoining properties.

96 adjoining neighbours were notified, and 20 objections have been received that raise the following concerns:

Flat 16 Claremont Place, 24 Brook Parade Chigwell; 14 Meadow Way Chigwell; 36 Courtland Drive; 20 Daleside Gardens; 37 Meadow Way; 28 Lee Grove; 37 Meadow Way; 23 Daleside Gardens; 5 Parkland Close; 2 Meadow Way Chigwell; 34 Courtland Drive; Green Acres Vicarage Lane; 24a Meadow Way; A Sharad, Sharon Welley.

- block of flats is inappropriate and would overload the existing community facilities.
- the Design and Access statement states 'On the opposite side of High Road there are several blocks of five storey high flats.' Almost opposite the site there are indeed 2 blocks of flats but not 'several blocks'.
- The single entry/exit driveway proposed seems insufficient for the likely number of cars. Insufficient parking spaces will increase congestion.
- A basement carpark opposite Chigwell Brook could easily become flooded. The application has already been considered, appealed, and rejected.
- Nothing is different from the previous application that has changed the situation.
- The applicant relies upon an Arboricultural Impact Assessment Report dated January 2020. This Report fails to address the impact on certain trees and hedges lying close to the boundaries of the proposed site. This includes the tree on the corner of Courtland Drive and the 2.5m high hedge belonging to No. 4.
- The issue relating to the Epping Forest SAC is another reason for consideration; the proposal would result in increased vehicle movements going to and from the site compared with the existing situation. The proposal would therefore cause harm to the integrity of the Epping Forest SAC due to the increased emission the parking for the house would generate.
- Poor design loss of light and privacy for the occupiers of the neighbouring property due to directly overlooking the private rear outdoor amenity space of No.4,
The refuse storage facilities appear insufficient to accommodate the refuse from these 5 flats. Scale of the property will make the ground unstable the excavation of the basement parking would exacerbate this.
The inspector stated he was not convinced that a shared basement carpark of the scale and nature proposed would be practical or convenient for the future residents.
No account was taken of the potential noise at all times night and day of the underground turntable machinery which is directly below our main bedroom and main habitable room.

- It sets a wholly undesirable precedent on the Courtland Estate which is characterised by large family homes - any argument that the flatted development is providing affordable housing is superius - there is no doubt that the flats are anything but affordable.

Main issues for consideration:

- Principle of development, design, scale and siting
- Impact on the amenity of neighbouring properties.
- Parking and highway safety.
- Land Drainage
- Contamination
- Epping Forest Special Area of Conservation

Principle of development, Design, Scale and Siting

This application is a resubmission following a refusal of the same proposal in July 2020 which was dismissed at Appeal in March 2023.

The Inspector, whilst dismissing the appeal, raised no objection to the redevelopment of the site or the design, scale and siting of the building concluding that the 'proposal would not result in any harm to the character and appearance of the area'.

The Inspector stated that,

The eaves and ridge height would be no greater than those of the existing dwelling to be replaced or those of the adjacent houses. Although the principal elevation of the new dwelling would be longer than the existing one, its massing would be broken up by the varying building and roof lines, appearing almost as two linked dwellings. It would project roughly up to the front of the existing garage that is to be demolished, and little beyond the rear elevation of No.4 Courtland Drive.

The side elevation fronting Courtland Drive, despite being slightly wider than that of the existing dwelling, would replicate similar features such as the ground floor bay window. As other properties along Courtland Drive have wide frontages, the increased width of the building would not appear out of character with its surroundings.

The new building would be set further forward than the adjacent dwellings on both High Road and Courtland Drive. However, this is also the case with the existing dwelling. Accordingly, the pattern of development in the area would not be harmed and the staggered building line of Courtland Drive would be retained.

As the design and materials would reflect those of the existing dwelling and those surrounding it, the proposal would not appear incongruous. I acknowledge that the new building would be larger than the dwelling it would replace. However, given the size of the plot and the design of the building, with its varied elevation and roof lines, the proposal would not appear cramped or over dominant and would maintain the open spacious character of the area.

Whilst I am not convinced that a shared basement carpark of the scale and nature proposed would be practical or convenient for the future residents of 5 separate households, I do not agree that providing the option of underground parking would be harmful to the visual character and appearance of the surrounding area. Moreover, I note that the site is close to a good range of services and facilities and the area is well served by public transport. Cycle parking is also proposed. Accordingly, future occupiers of the development would not necessarily all need a car.

In addition, the application ref: EPF/0583/22 for the replacement single family dwellinghouse at the site has been allowed on appeal, is of the same design, scale and siting as the building for the 5 units and can be built out.

Comments on Representations Received.

The concerns expressed by the Parish Council and neighbouring residents are noted. The Inspectors decision on the previous planning application which is for the same proposal is of material consideration on any new resubmission.

While the Inspector dismissed the proposal overall, he raised no objection to the redevelopment of the site concluding that the '*proposal would not result in any harm to the character and appearance of the area*'.

'As the design and materials would reflect those of the existing dwelling and those surrounding it, the proposal would not appear incongruous....the proposal would not appear cramped or over dominant and would maintain the open spacious character of the area.'

The Inspector in his decision also stated that whilst he remained to be convinced on how practical or convenient a proposed shared basement carpark would be for the future residents of 5 separate households, he did not consider that underground parking would be harmful to the visual character and appearance of the surrounding area.

The Inspector does on to state that,

I have considered the additional concerns of local residents with regards to the effect of the development on the living conditions of neighbouring occupiers, highway safety, loss of trees and landscaping and setting a precedent for other similar development in the future. I note the conclusions of the Council and relevant consultees, who found no harm in respect of these matters. Based upon my own assessment I have no reason to disagree.

The Inspectors only objection to the scheme was the absence of a mechanism for securing mitigating measures for the EFSAC. To address this objection, the applicant has re submitted the same scheme with a signed s106 legal agreement confirming the willingness to make a financial contribution to secure recreational and air quality mitigation measures for the forest.

Furthermore, the design, scale, form and siting of the proposed development is the same as the application for the proposed replacement single family dwellinghouse at the site under, ref: EPF/0583/22 which was Allowed on Appeal by the Inspectorate and can therefore be built out.

The only objection the Inspector raised to the proposal was the lack of mitigating measures for the monitoring and implementation of the EFSAC which has now been addressed in this application by the applicant submitted a completed and signed s106 Legal agreement.

Impact on amenity of neighbouring properties

No. 4 Courtland Drive is the closest residential dwellinghouse to No. 2 which itself has been extended into a large property with a first floor and 2- storey rear extension. The majority of the main habitable room windows to the proposed development are sited to the west flank elevation fronting onto High Road with 3 minor non-habitable room windows located to the east first floor flank elevation. In addition, it is considered that the separation distance would prevent any demonstrable harm to the living conditions of neighbouring properties in terms of loss of light, overlooking or privacy subject to first floor flank elevation windows being conditioned as being non openable and obscure glazed below 1.7m from the internal floor height of the rooms. It is considered that the amenity of the adjoining occupiers would

be maintained to an acceptable level and accords with the requirements of policy DM9 of the adopted Local Plan, 2023.

The Inspector at appeal raised no objection to the proposed development in terms of the impact on the amenity of neighbouring properties and it did not form one of the reasons for refusal on the previous planning application.

Parking and Highway Considerations

From a highway and transportation perspective the Highway Authority has no objection to make on the proposal and did not form one of the reasons for refusal on the previous application and the development complies with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and policy T1 of the adopted Local Plan, (2011-2033), 2023. The Inspector in his decision raised no objection on Highway grounds and again did not form one of the reasons for refusal on the previous application.

Land Drainage

The site is outside of any Flood Risk Assessment Zone therefore a Flood risk assessment is not required. A Basement Impact Assessment was submitted with the application and the drainage team have not raised any objection and none was raised by the Inspector at Appeal.

The Council's Land Drainage engineer have requested details of surface water drainage to be submitted for consideration in accordance with policy U2B of the Local Plan which are considered reasonable and necessary.

Contamination

There are no acknowledged on-site potentially contaminated land however off-site sources include former horticultural nursery sites. No contaminated land assessment has been submitted and in line with Essex Contaminated Land Consortium Land Affected by Contamination Guidance and National Planning Guidance, the applicant is advised to submit a Phase 1 and as necessary a Phase 2 and a Detailed Remediation Scheme produced by a National Planning Policy Framework defined "Competent Person" with any application made to develop the site.

Given the sensitive nature of the use it is recommended a suitable condition on any approval for the possibility of unacknowledged contamination during development/demolition is considered necessary *and* reasonable.

Epping Forest Special Area of Conservation:

The Inspector in his appeal decision did note that the appeal site is located within 3km zone of Influence of the Epping Forest SAC stating that:-

'The Council has adopted an 'Interim Approach to Managing Recreational Pressures' on the SAC, which identifies a number of costed mitigation measures. The cost of providing these mitigation measures is to be achieved by seeking a financial contribution from new residential developments within a specified distance of the SAC.

As the proposal would increase the number of dwellings on the site from 1 to 5, which would inevitably result in increased vehicles and pedestrians and in the absence of a completed S106 Agreement to secure contributions to the mitigation measures necessary he could not be satisfied that the proposed development would not harm the integrity of the Epping Forest SAC. It would therefore conflict with Chapter 15 of the Framework and the Habitats Regulations.

Whilst I have found that the proposal would not result in harm to the character and appearance of the area, this would not outweigh the harm to the Epping Forest SAC, which would result from the development in the absence of a mechanism for securing the necessary mitigation measures of the site in as far as it is comparatively large for the existing one dwelling. It is also intended that the proposal would meet accessibility standards in order to assist with mobility and be energy efficient. The appellant also considers that the proposal would be reflective of the character of the houses in the area and incorporate the use of good quality materials and design’.

It was for this reason only that the proposed development was dismissed by the Inspector.

The application site is within 3km of the EFSAC and does have the potential to increase recreational pressures and a net increase in traffic using roads on the EFSAC. The Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating recreational and 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.

The previous planning application ref: EPF/0195/21 was dismissed at appeal by the Inspector who confirmed that,

‘the applicant had not demonstrated beyond reasonable scientific doubt as competent Authority that the development would not adversely affect the integrity of the Epping Forest Special Area of Conservation and in the absence of such information, and / or a completed planning obligation to mitigate against any adverse impact it would have on the Epping Forest Special Area for Conservation in terms of air pollution, the development is contrary to Policies NC1, CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), Policy DM2 and DM22 of the Epping Forest District Local Plan Submission Version (2017), and the requirements of the National Planning Policy Framework and the Habitats Regulations, 2017.

The applicant has submitted a completed and signed legal agreement agreeing to make a financial contribution in accordance with the IAPMS and therefore has addressed the Inspectors outstanding objection to the proposal. In addition, the application will be subject to the imposition of planning conditions to secure further mitigating measures. Consequently, the Council is satisfied that the proposal would not have an adverse impact on the integrity of the EFSAC.

Conclusion

The Inspector raised no objection to the redevelopment of the site, the design, scale or siting of the building or the underground carparking. He considered that the building sufficiently maintained the character, appearance of the surrounding area and would not result in any amenity implications to neighbouring dwellings in terms of light, privacy and outlook’ Other aspects in relation to parking/highway safety and landscaping are considered satisfactory.

The only objection the Inspector did raise was with the ‘*absence of a completed planning obligation to mitigate against any adverse impact it would have on the Epping Forest Special Area for Conservation in terms of recreational and air pollution*’. The applicant has now addressed this by submitting a completed signed s106 legal agreement securing appropriate funds to recreational and air quality and the management and monitoring of visitors to the Epping Forest Area of Conservation. In light of the above considerations, it is recommended that planning permission is approved subject to conditions.

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

Direct Line Telephone Number: 01992 564182 or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (21)

- 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 and retained strictly in accordance with the following approved plans: TGV- 001;002; 101; 102; 103; 104; 105; 106; 202;203;204;206;209; Basement Impact Assessment; Tree Survey

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

- 3 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.

- 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.

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 Prior to first occupation of the building hereby permitted the window(s) in the East flank elevation(s) at first floor level and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, 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 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.

- 6 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be

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

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

- 7 No development, 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.

- 8 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.

- 9 Prior to the first occupation of the development the vehicle parking , car lift and turning facility, as indicated on the approved plans shall be provided and retained as such for the life of the development.

Reason: To ensure that appropriate parking and turning is provided in compliance with Policy T1 of the adopted Local Plan, 2023

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

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport. In compliance with policy T1 of the adopted Local Plan, 2023

- 11 Electric vehicle charging points shall be provided for all of the car parking spaces shown on the approved plans. The spaces shall be constructed and marked out and the charging points installed prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.

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.

- 12 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.

- 13 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-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 and DM10 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, 2023.

- 14 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.

15 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway. 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 adopted Local Plan, (2011-2033). 2023 and the NPPF 2021.

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 any above groundworks, all material excavated from the below ground works hereby approved shall have been removed from the site.

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.

- 18 Prior to the first occupation of the development the proposed private drive shall be constructed to a minimum width of 5 metres for at least the first 6 metres from the back edge of the carriageway and provided with an appropriate dropped kerb crossing of the verge.
Reason: To ensure that vehicles can enter and leave the highway in a controlled manner, and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in compliance with policy T1 of the adopted Local Plan.
- 19 Prior to the first occupation of the development the cycle parking, as indicated on the approved plans, shall be provided and retained as such for the life of the development.
Reason: To ensure that appropriate cycle parking is provided 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 2021.
- 20 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.
- 21 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.

Informatives: (2)

- 22 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.
- 23 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

or by post to:SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.