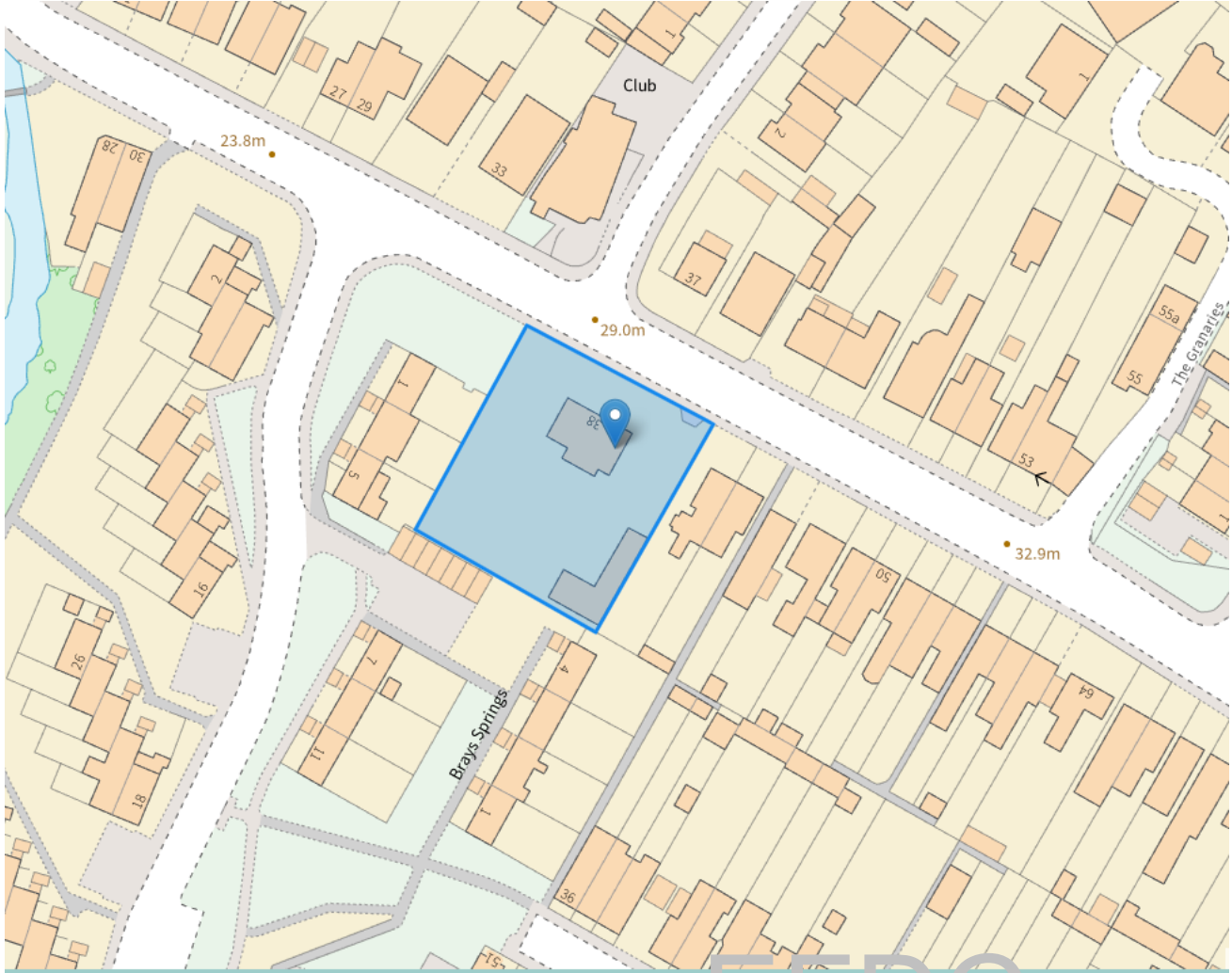




Epping Forest District Council

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Application Number:	EPF/3282/21
Site Name:	38 Honey Lane Waltham Abbey EN9 3BS

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OFFICER REPORT

Application Ref: EPF/3282/21
Application Type: Full planning permission
Applicant: Mr R Patel
Case Officer: Alastair Prince
Site Address: 38 Honey Lane Waltham Abbey EN9 3BS
Proposal: Demolition of existing dwelling and detached residential annexe. Removal of existing vehicular access. Construction of new residential apartment block containing 14 dwellings.
Ward: Waltham Abbey Honey Lane
Parish: Waltham Abbey
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nxgr>
Recommendation: Approved with Conditions (Subject to s106 Legal Agreement)

This application is before this Committee since it is an application for residential development consisting of 10 dwellings or more (other than an application for approval of reserved matters) and is recommended for approval (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council), 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)), and since it is for a type of development that cannot be determined by Officers if more than five objections are received on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The application site consists of a detached two-storey dwelling with a detached annexe that benefits from a fairly large plot and is situated on the southern side of Honey Lane close to the junction with Roundhills. To the north and east of the site are detached and semi-detached properties fronting Honey Lane. To the west is the entrance to the Roundhills estate and dwellings fronting onto this. To the south is a garage area with houses and flats beyond.

The site is located within the urban area of Waltham Abbey and is subject to a blanket Tree Preservation Order. The site slopes downwards from east to west and the existing dwelling is situated on significantly elevated land.

Description of Proposal

Consent is being sought for the demolition of the existing dwelling and annexe building and the erection of two new residential apartment block containing 14 dwellings. This would consist of 3 one-bed units and 11 two-bed units across four floors.

The development would be served by a new vehicular access central within the site that would pass through the building and leads to a parking area that contains twelve parking spaces (including two disabled spaces). A further two parking spaces would be located at the front of the site and accessed directly from Honey Lane.

Communal amenity space would be provided to the rear of the site and all but one of the proposed flats would have access to a small patio or balcony.

Relevant History:

EPF/0703/91 - Two storey side extension and conversion to residential units for retired persons – refused 13/12/91

EPF/1088/92 - Single storey side extension (swimming pool, changing area, w.c., sauna, pump room and gymnasium, exercise area) – approved/conditions 29/04/93

EPF/0530/18 - Demolition of existing dwelling and detached residential annex. Removal of existing vehicular access. Construction of new residential apartment block containing 14 dwellings. (16/11/2018) – Refuse Permission

EPF/0140/19 - Demolition of existing dwelling and detached residential annexe. Removal of existing vehicular access and construction of a new residential apartment block containing 14 dwellings (revision to EPF/0530/18). – Refuse Permission (Dismissed on Appeal):

1) The proposed development would cause an unacceptable adverse impact on the character and appearance of Honey Lane as the design of two blocks results in an excessively bulky and over dominant form, resulting in a cramped development on this plot, which is stark and out of character with the existing street scene, contrary to the NPPF and the Local Plan (as amended) policies CP3, DBE1, and DBE2 of the Adopted Local Plan and Alterations and policy DM9 of the Epping Forest District Local Plan (Submissions Version) 2017

2) The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such evidence, and of a completed Section 106 planning obligation to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of air pollution, the proposed development is contrary to policies CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM22 of the Epping Forest District Local Plan Submission Version 2017, the NPPF, and the requirements of the Habitats Regulations 2017.

Policies Applied:

Epping Forest Local Plan and Alterations (1998/2006)

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP5 – Sustainable building
CP6 – Achieving sustainable urban development patterns
CP8 – Sustainable economic development
CP9 – Sustainable transport
H2A – Previously developed land
H3A – Housing density
H5A – Provision for affordable housing
H6A – Site thresholds for affordable housing
H7A – Levels of affordable housing
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL10 – Provision for landscape retention
LL11 – Landscaping schemes
ST4 – Road safety

ST6 – Vehicle parking
U2B – Flood risk assessment zones
U3A – Catchment effects
RP3 – Water quality
RP4 – Contaminated land

The National Planning Policy Framework (NPPF) has been adopted as national policy since July 2018. Paragraph 213 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP 1 - Presumption in Favour of Sustainable Development
H 1 - Housing Mix and Accommodation Types
H2 - Affordable housing
T 1 - Sustainable Transport Choices
DM 1 - Habitat Protection and Improving Biodiversity
DM 2 - Epping Forest SAC and the Lee Valley SPA
DM 3 - Landscape Character, Ancient Landscapes and Geodiversity
DM 9 - High Quality Design
DM 10 - Housing Design and Quality
DM 11 - Waste Recycling Facilities on New Development
DM15 - Managing and reducing flood risk
DM 18 - On Site Management of Waste Water and Water Supply
DM 19 - Sustainable Water Use
DM 21 - Local Environmental Impacts, Pollution and Land Contamination
DM 22 - Air Quality

Summary of Representations:

39 neighbouring properties were consulted and a Site Notice was displayed.

6 objections received:

39 HONEY LANE – Object due to overdevelopment of the site, parking issues

41 HONEY LANE – Object as this would be out of character with the area, insufficient parking, and impact on utilities.

47 HONEY LANE – OBJECTION: development would not be out of keeping with the character of the area, excessive degree of bulk and massing, overdevelopment of the site, highway concerns

64 HONEY LANE – Object as the development is out of keeping with the character of the area and would negatively impact the EFSAC.

162 HONEY LANE – Object to the loss of the existing Edwardian house and since the proposed flats are out of character. The development would be a hazard to road users. Detrimental impact on the EFSAC. Overdevelopment

4 ROUNDHILLS – Objection: insufficient parking.

PARISH COUNCIL – No Objection in Principle – The Council has concerns over the access and the overflow off road parking facility.

WALTHAM ABBEY HISTORICAL SOCIETY – Object to the loss the loss of the existing building. Development out of keeping with the surrounding area.

Issues and Considerations:

Principle of development:

This application site is a residential plot containing a detached dwellinghouse with a larger than usual garden area. Waltham Abbey is an urban, heavily built-up town that is, in principle, acceptable for additional residential development.

The Council has submitted the Epping Forest District Local Plan (Submission Version) 2017 (SVLP) for Independent Examination and this identifies a number of sites for residential development. This application site is not designated as an allocated site within the SVLP and therefore would be considered a 'windfall site'. Whilst the allocated sites within the emerging Local Plan will provide a suitable five-year land supply once the Plan is adopted, at the current time the Council cannot demonstrate a five-year supply of land for housing purposes. Due to this it has been shown in several recent appeal decisions, both within and outside of the district, that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission in locations such as this. Such matters weigh in favour of the development.

The proposed development would be fairly dense at some 90dph, which is significantly higher than the minimum density of 30-50dph as laid out within the adopted Local Plan. However the Submitted Version of the emerging Local Plan recognises within paragraph 2.68 that "the Council recognises that land is a finite resource, and that the District is subject to policy and environmental constraints. It is therefore critical that land for development is used in an efficient and effective way as set out in Policy SP 2. Consequently, it is expected that all new development will maximise densities on housing sites, whilst recognising that different density levels will be appropriate for different sites in different locations as set out in Policy SP 3". Policy SP 3 then goes on to lay out the following density recommendations:

To ensure the best and most efficient use of land as a guide the Council will normally expect:

- (i) a greater density of development at places with good public transport accessibility;
- (ii) densities above 50 dwellings per hectare in towns and large village centres, and along main transport routes and/or close to transport nodes;

(iii) in the areas outside town and large village centres, new residential development should achieve densities of between 30 and 50 dwellings per hectare, and should enhance the distinctive character and identity of the area;

(iv) lower density developments may be appropriate in other areas of the District. Some parts of the urban areas and some villages are particularly sensitive to the impact of intensification and redevelopment because of the prevailing character of the area and the sensitive nature of the surrounding countryside or built form.

Whilst not the most sustainable built-up area within the District there are sustainable transport modes available (bus), Waltham Abbey is within walking distance of Waltham Cross overground station, and the town centre caters for many of the residents day to day needs. Therefore a density of above 50dph or greater would be appropriate for this site.

Design:

The site is situated close to the junction of Honey Lane and Roundhills and is the first of a long row of Edwardian properties continuing southeast along Honey Lane. Concerns have been raised about the loss of the existing Edwardian dwellinghouse, however this property is not listed, locally listed or within a Conservation Area and it is not considered to be a particularly exemplary example of an Edwardian dwelling. Therefore the principle of its demolition is considered to be acceptable.

The proposed redevelopment is fairly contemporary in design and follows a pre-application submission, which initially proposed two separate contemporary blocks. This proposal follows the advice provided within the pre-application response and whilst the provision of two buildings creates two very large properties in comparison to the surrounding dwellings, the overall height would sit lower than the neighbouring two storey dwelling that sits on higher ground. Furthermore the step down in the roofs, slight set back on the fourth floor, use of different materials, and the provision of the vehicle access through the building sufficiently breaks up the overall bulk of the building.

Given the location of the site close to the junction with Roundhills, whereby the design of the neighbouring properties are far less traditional 1960's modern, it is considered that a more prominent, stand-out building could be accommodated on this site without causing harm to the overall character and appearance of the area.

The development would retain (where appropriate) and replace the existing trees along the north western boundary of the site that would enable planting/screening to be provided, which would help to soften the impact of the proposal when approached from the west.

The previous application was refused in relation to design, with the reason for refusal outlined below:

The proposed development would cause an unacceptable adverse impact on the character and appearance of Honey Lane as the design of two blocks results in an excessively bulky and over dominant form, resulting in a cramped development on this plot, which is stark and out of character with the existing street scene, contrary to the NPPF and the Local Plan (as amended) policies CP3, DBE1, and DBE2 of the Adopted Local Plan and Alterations and policy DM9 of the Epping Forest District Local Plan (Submissions Version) 2017.

The reason was considered by the Inspector, who disagreed with this reason for refusal, and concluded within their decision that the design of the scheme was acceptable. As the design of the current proposal is near identical to the refused scheme, it is felt that permission cannot be refused on this basis due to the recent planning history.

Affordable Housing:

Policy H2 of the Epping Forest District Local Plan (Submission Version) 2017 states that on development sites which provide for 11 or more homes the Council will require 40% of those homes to be for affordable housing provided on site. Proposals that do not accord with the requirements for affordable housing must be accompanied by a financial and viability appraisal.

Where it has been demonstrated to the Council's satisfaction that the provision of affordable housing in accordance with the above levels and tenure mix would render the scheme unviable, the level of affordable housing required will be suitably adjusted. In this instance no affordable housing is proposed due to viability issues and a report has been commissioned by the applicant which makes sets out this case. This report has been independently appraised over the course of the application process and these findings have been agreed. As a result the proposal is not required to deliver affordable housing.

Neighbouring amenity:

The proposed development would not extend beyond the rear wall of the neighbouring dwelling and would be slightly lower in height than the neighbouring house. Furthermore it is situated to the northwest of this site. As such it is not considered that there would be any detrimental loss of light or outlook to the neighbouring residents at No. 40 Honey Lane. Whilst there are upper storey balconies proposed to the rear of the new development that would provide some views into the rear garden of this neighbouring property the impact from this would be no different than the overlooking that would result from upper storey rear windows. Any upper storey flank windows facing towards this neighbour can be conditioned to be obscure glazed with fixed frames to ensure that they would not cause any lack of privacy.

The proposed development would be located some 6m from the shared boundary with the dwellings on Roundhills. Given this distance, along with the provision of replacement tree screening, it is not considered that there would be any excessive harm caused to the neighbouring residents of No's 1, 3 and 5 Roundhills.

Future resident's amenity:

The proposal would include communal amenity areas at the rear (beyond the car park) of the new building. Whilst the usability of these spaces is questionable all but one of the proposed flats would benefit from a small private terrace or balcony. The combination of both private spaces and a larger communal area is sufficient to meet the needs of future occupants.

The proposal would include a large bin storage area (externally accessible), bicycle store, and small additional storage area for use by future residents.

Highways:

The proposed development would be accessed by way of a new driveway off of Honey Lane that would be situated centrally to the site. This would pass through/under the new development and lead to a car park containing 12 parking spaces. A further two parking spaces would be provided to the front of the site, accessed directly from Honey Lane.

There were initial concerns about access width and visibility raised by Essex County Council and amended drawings have been provided to address these. As such there is no longer any objection from ECC highways, subject to conditions.

Given the location of the application site it within walking distance of Waltham Abbey Town Centre it is considered that one parking space per unit is sufficient.

Epping Forest Special Area of Conservation:

The Council has a duty as the competent authority under the Habitats Regulations to protect the Epping Forest Special Area of Conservation (SAC) from the effects of development. Two issues in particular have been identified as being likely to have a specific effect on the Epping Forest SAC; being visitor pressure and impacts from air quality.

An Air Pollution Mitigation Strategy is in place and the applicant has confirmed willingness to enter into a legal agreement to provide the necessary contributions toward mitigating the effects of the development in relation to recreational pressure and air quality. The applicant has also agreed to provide residential travel packs which can be agreed via condition.

In addition to the above, as required by policy T 1 of the Epping Forest District Council Local Plan Submission Version, a condition is required to ensure that there is 1 Electric Vehicle Charging Point for every 10 spaces to encourage and facilitate the use of electric cars, which would assist in improving air quality within the District.

Other Considerations:

Flood risk:

The development is of a size where it is necessary to avoid generating additional runoff and where the opportunity should be taken to improve existing surface water runoff. As such a Flood Risk Assessment is required, which can be dealt with by condition.

The applicant is proposing to dispose of surface water by sustainable drainage system. Further details are required for this, which can be dealt with by way of a condition.

Contamination:

A readily available Council held desk study information for this site has been screened and no evidence can be found of any potentially significant contaminating activities having taken place historically on the site. Records indicate that the site formed part of a field until the existing house was built in the 1920s-1940s and that the site has remained in domestic use since this time.

As potential land contamination risks are likely to be low, it should not be necessary for these risks to be regulated under the Planning Regime by way of standard conditions. It is the responsibility of the developer to ensure the safe development of the site (including the appropriate disposal of any asbestos in hardstanding beneath the existing footpath and the former tennis court sub base) and the addition of a single condition requiring the developer to stop development, contact the Local Planning Authority and carry out any necessary agreed investigation and remediation works if significant contamination is encountered should suffice.

Healthcare:

The East of England Ambulance Service NHS Trust have commented on the application and have identified that the development would give rise to additional healthcare provision and have requested mitigation in relation to the additional pressure caused by this. It is considered that such a contribution can be secured via a S106 Legal Agreement where appropriate.

Conclusion:

This application site is an existing residential property situated within a built-up urban location. Whilst the scale of the new development would be significantly greater than the existing dwellinghouse and would result in a high density to the site this is considered to be appropriate for this particular location.

Furthermore the design of the buildings ensures that the overall bulk of the buildings would be adequately broken up and maintain views through buildings, a feature currently in place along that part of Honey Lane.

The new development would be more contemporary in appearance than the existing Edwardian dwelling and the other properties within Honey Lane the site is situated close to the junction with Roundhills, which is a 1960's modern estate containing dwelling that are untraditional in style. Therefore the proposal is considered to be appropriately designed for this particular site.

The impact on neighbouring residents is considered to be acceptable, subject to various conditions, and whilst there would be some disturbance and disruption during the construction of the development this harm would be temporary and is not a material planning consideration. Nonetheless, time constraints for construction works are suggested in order to minimise the impact on neighbours.

This development would provide additional housing accommodation to assist in the Council meeting its five-year land supply and proposes sufficient levels of off-street parking (for the location) and amenity space for future occupants.

The proposal meets all other policy requirements and, subject to a S106 Agreement and various conditions, complies with the guidance contained within the National Planning Policy Framework and the relevant adopted Local Plan and Submission Version Local Plan policies. As such the application is recommended for approval.

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: Alastair Prince
Email: aprince@eppingforestdc.gov.uk

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: 116/07 - (02); 001, 002, 003/A, 004/A, 005, 006

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

- 3 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 such agreed details.

Reason:- To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with the guidance contained within the National Planning Policy

Framework, policy RP3 of the adopted Local Plan and Alterations, and Policies DM 16 and DM 18 of the Epping Forest District Council Local Plan Submission Version 2017.

- 4 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 the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 5 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan has been submitted to and approved by the Local Planning Authority. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependent upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.

Reason:- The development is located in an area identified as being in an Epping Forest District Council flood risk assessment zone and would be likely to result in increased surface water run-off, in accordance with the guidance contained within the National Planning Policy Framework, policy U2B of the adopted Local Plan and Alterations, and policy T 1 of the Epping Forest District Council Local Plan Submission Version 2017.

- 6 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity, in accordance with the guidance contained within the National Planning Policy Framework and policy DBE1 of the adopted Local Plan and Alterations.

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

1. Safe access into the site
2. The parking of vehicles of site operatives and visitors
3. Loading and unloading of plant and materials
4. Storage of plant and materials used in constructing the development
5. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
6. Wheel and underbody washing facilities

Reason:- To limit the impact of the construction work on the living conditions of residents living in close proximity to the site, in accordance with the guidance contained within the National Planning Policy Framework, policies RP5A and DBE9 of the adopted Local Plan and Alterations, and policy DM 21 of the Epping Forest District Council Local Plan Submission Version 2017.

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

Reason: To help support improvements to air quality in accordance with the NPPF and Policy T1 and DM22 of the Epping Forest District Local Plan Submission Version 2017.

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 and in accordance with policy CP2 of the Adopted Local Plan and Alterations and Policy DM 19 of the Epping Forest District Council Local Plan Submission Version 2017.

10 Prior to the first occupation of the development the access shall be provided by way of a dropped kerb crossing of the footway with no radius kerbs being required.

Reason:- To ensure safe and suitable access is provided.

11 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.

Reason:- In the interests of highways safety, in accordance with the guidance contained within the National Planning Policy Framework, policy ST4 of the adopted Local Plan and Alterations, and policy T1 of the Epping Forest District Local Plan (Submission Version) 2017

- 12 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling, 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.

Reason:- In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with the guidance contained within the National Planning Policy Framework, policy ST1 of the adopted Local Plan and Alterations, and Policy T1 of the Epping Forest District Local Plan Submission Version 2017

- 13 Bat bricks shall be incorporated into the building. A plan showing the type and location of bat bricks to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

Reason:- To minimise damage to biodiversity, in accordance with the guidance contained within the National Planning Policy Framework and Policy DM1 of the Epping Forest District Local Plan Submission Version 2017

- 14 Bird boxes shall be erected on site. A plan showing the type and location of bird boxes to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

Reason:- To minimise damage to biodiversity, in accordance with the guidance contained within the National Planning Policy Framework and Policy DM1 of the Epping Forest District Council Local Plan Submission Version 2017

- 15 No Tree protection shall be installed as shown on Tim Moya Associates 'Tree Protection Plan' drawing number 170514-P-22 (dated October 2021) 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 the guidance contained within the National Planning Policy Framework, policy LL10 of the adopted Local Plan and Alterations, and policies DM 3 and DM 5 of the Epping Forest District Council Local Plan Submission Version 2017.

- 16 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, unless the Local Planning Authority gives its written consent to any variation. 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 the duties indicated in 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 the guidance contained within the National Planning Policy Framework and policies LL10 and LL11 of the adopted Local Plan and Alterations, and policies DM 3 and DM 5 of the Epping Forest District Council Local Plan Submission Version 2017.

- 17 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In order to control any alteration to levels or spreading of material not indicated on the approved plans in the interests of amenity, in accordance with the guidance contained within the National Planning Policy Framework, policies CP2 and DBE1 of the adopted Local Plan and Alterations, and policy DM 21 of the Epping Forest District Council Local Plan Submission Version 2017.

- 18 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.

Reason:- To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety, in accordance with the guidance contained within the National Planning Policy Framework, policy ST4 of the adopted Local Plan and Alterations, and policy T1 of the Epping Forest District Local Plan Submission Version 2017.

- 19 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 the guidance contained within the National Planning Policy Framework, policy ST4 of the adopted Local Plan and Alterations, and Policy T 1 of the Epping Forest District Council Local Plan Submission Version 2017.

- 20 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, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

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. The condition is 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 can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework, policy RP4 of the adopted Local Plan and Alterations, and policy DM 21 of the Epping Forest District Council Local Plan Submission Version 2017.

- 21 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 07:30 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 and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (4)

- 22 The Local Planning Authority has acted positively 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 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.
- 24 This is revised scheme from the previous that was dismissed at Appeal. It is worth noting that parking provision and highway safety were not factors that the Planning Inspector considered as being detrimental to the development. Nothing has changed with regard to the parking and access arrangement of the proposal.
- 25 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