



***District Development Management Committee
Wednesday 28th June 2023***

You are invited to attend the next meeting of **District Development Management Committee**, which will be held at:

**Council Chamber - Civic Offices
on Wednesday 28th June 2023
at 7.00 pm .**

**Georgina Blakemore
Chief Executive**

**Democratic Services
Officer**

G. Woodhall Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors P Keska (Chairman), T Matthews (Vice-Chairman), C Amos, R Baldwin, H Brady, I Hadley, S Heap, S Heather, H Kane, H Kauffman, R Morgan, C C Pond, K Rizvi, K Williamson and J M Whitehouse

SUBSTITUTE NOMINATION DEADLINE:

18:30

1. WEBCASTING INTRODUCTION

This meeting is to be webcast and the Chairman will read the following announcement:

“I would like to remind everyone present that this hybrid meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or other such use by third parties). Therefore by participating in this meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If any public speakers on Zoom do not wish to have their image captured they should ensure that their video setting throughout the meeting is turned off and set to audio only.

Please also be aware that if technical difficulties interrupt the meeting that cannot be overcome, I may need to adjourn the meeting.”

2. ADVICE FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES (Pages 5 - 6)

(Team Manager – Democratic & Electoral Services) General advice for those persons attending the meeting of the Committee is attached as an Appendix to this agenda.

3. APOLOGIES FOR ABSENCE

To be announced at the meeting.

To report non-attendance before the meeting, please use the [Members Portal webpage](#) to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the [Council's website](#), at the bottom under 'Contact Us'.

4. SUBSTITUTE MEMBERS

(Team Manager – Democratic & Electoral Services) To report the appointment of any substitute members for the meeting.

5. DECLARATIONS OF INTEREST

(Team Manager – Democratic & Electoral Services) To declare interests in any item on the agenda.

6. MINUTES

(Team Manager – Democratic & Electoral Services) To confirm the minutes of the meeting of the Committee held on 19 April 2023 (to follow).

7. SITE VISITS

To identify and agree requirements for formal site visits to be held with regard to any planning application listed in this agenda, prior to consideration of the application.

8. EPF/1974/22 - LAND ADJACENT TO HARLOW ROAD ROYDON (Pages 7 - 32)

To consider the attached report on the construction and operation of a solar photovoltaic ('PV') farm and associated infrastructure, including inverters, DNO Substation, Customer Switchgear, security cameras, fencing, access tracks and landscaping.

9. EPF/2587/22 - SEDGE GATE NURSERY, SEDGE GREEN, NAZEING, EN9 2PA (Pages 33 - 44)

To consider the attached report on the erection of 10 Warehouse Units for B1 and B8 use (revised application EPF/1334/22).

10. EPF/2702/22 - LAND NORTH OF SHONKS MILL BRIDGE, SHONKS MILL, STAPLEFORD TAWNEY (Pages 45 - 68)

To consider the attached report on a Hybrid planning application. Full planning application for a Flood Storage Area upstream of the M25 on land to the north of Shonks Mill Bridge, Shonks Mill Road, near Stapleford Tawney, Essex. It will provide

protection for flood events up to the 1 in 200 year occurrence for properties downstream of the FSA, predominantly in the London Borough of Redbridge. Outline application for 2 replacement dwellings that need to be built to replace 2 that will be lost as part of the FSA.

11. EPF/0540/23 - COTTIS LANE CAR PARK, COTTIS LANE, EPPING, CM16 5LL (Pages 69 - 96)

To consider the attached report on the Variation to condition planning permission EPF/2925/20 (Full application for the redevelopment of existing surface level car park comprising the demolition of public toilets and the construction of a multi-deck car park, cinema (sui generis), commercial floor space (mixed Class E), replacement public toilets and cycle store, all associated plant, together with new vehicular and pedestrian access, all hard and soft landscaping, and associated works) to amend condition 2 (to include interim Phase drawings), and condition 26 (EV Charging Points).

12. ANY OTHER BUSINESS

(Team Manager – Democratic & Electoral Services) Section 100B(4)(b) of the Local Government Act 1972 requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

13. EXCLUSION OF PUBLIC AND PRESS

Exclusion

(Team Manager – Democratic & Electoral Services) To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

<u>Agenda Item</u>	<u>Subject</u>	<u>Paragraph Number</u>
Nil	None	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers

(Team Manager – Democratic & Electoral Services) Article 17 (Access to Information) of the Constitution defines background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not

include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection one copy of each of the documents on the list of background papers for four years after the date of the meeting. Inspection of background papers can be arranged by contacting either the Responsible Officer or the Democratic Services Officer for the particular item.

Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans Sub-Committees

Are the meetings open to the public?

Yes, all our meetings are open for you to attend. Only in special circumstances are the public excluded. If you wish to observe meetings live you can view the webcast on the Council's website at: <https://www.eppingforestdc.gov.uk/your-council/watch-a-meeting/> Alternatively, you can attend in person and will be seated in the public gallery of the Council Chamber.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Committee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. You can register to speak at the meeting either virtually via Zoom or in person at the Civic Offices. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Services. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are generally allowed: Only one objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

What can I say?

You will be allowed to have your say about the application, but you must bear in mind that you are limited to **3 minutes**. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

If you are not present by the time your item is considered, the Committee will determine the application in your absence.

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee South or Area Plans Sub-Committee West you will either address the Committee from within the Council Chamber at the Civic Offices, or will be admitted to the meeting virtually via Zoom. Speakers must NOT forward the Zoom invite to anyone else under any circumstances. If attending virtually, your representation may be supplied in advance of the meeting, so this can be read out by an officer on your behalf should there be a technical problem. Please email your statement to: democraticservices@eppingforestdc.gov.uk

Can I give the Councillors more information about my application or my objection?

Yes, you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained from Democratic Services or our website <https://www.eppingforestdc.gov.uk/> Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

How are the applications considered?

The Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.

An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
 - (i) the Council's approved policy framework; or
 - (ii) the development or other approved plan for the area; or
 - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

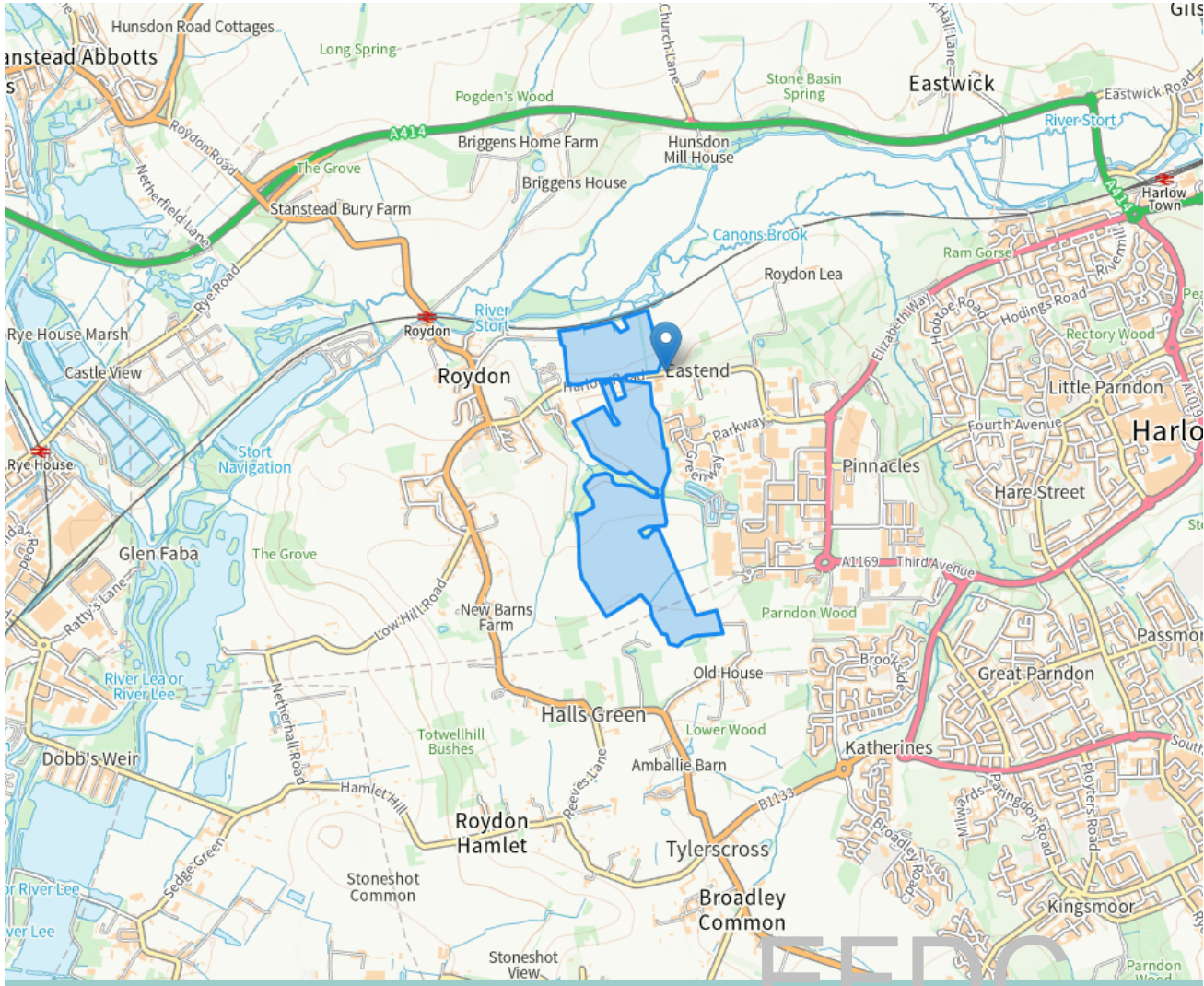
Further Information

Further information can be obtained from Democratic Services.



Epping Forest District Council

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Application Number:	EPF/1974/22
Site Name:	Land adj.to Harlow Road Nr Roydon CM19

OFFICER REPORT

Application Ref: EPF/1974/22
Application Type: Full planning permission
Applicant: Low Carbon Solar Park 18 Limited
Case Officer: Ian Ansell
Site Address: Land Adjacent to Harlow Road, Near Roydon, Harlow
Proposal: The construction and operation of a solar photovoltaic ('PV') farm and associated infrastructure, including inverters, DNO Substation, Customer Switchgear, security cameras, fencing, access tracks and landscaping
Ward: Roydon
Parish: Roydon
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000OgaR>
Recommendation: Approve with Conditions

This application is before this Committee since it relates to a 'large scale' application as defined in Article 10 of The Constitution.

Description of Site:

The application site comprises parcels of land to the north and south of Harlow Road, which forms the primary connection between Roydon to the west and Harlow to the east, the total site comprises around 68 hectares of what is currently open agricultural land.

The northern part of the site extends from the road to the railway line in the north, the boundary with Harlow District Council to the east, and the boundary with the pumping station to the west. The southern section extends to the West of Harlow strategic site, part of the Harlow and Gilston masterplan area, and is dissected by the World's End Local Wildlife Site (LoWS).

Description of Proposal:

The application seeks permission for a solar farm on around 63ha of the overall site area. The land is divided into zones by existing features including public rights of way and retained landscape areas to produce 8 development zones.

The works consist of:

- Rows of solar panels – Solar panels will be mounted on frames in rows running east-west. Each row is around 3-4m apart and has an angle of around 29 degrees, resulting in the panels being 0.9m above ground at the lower edge and 3m high at the top.
- Inverters in each zone – inverters convert energy from the panels through transformers housed within for feeding into the network. Eighteen such units are shown spread across the site, each of which comprises a metal structure similar to a shipping container 12.2m long, 2.5m wide and 2.9m high set on a concrete base.
- Substation and Switchroom buildings – a single substation and a switchroom are proposed adjacent to each other on the east side of the site close to Parkend on the adjoining industrial estate, around 230m south of Harlow Road. The substation is around 8m long x 6m wide and 4.1m high and the switchroom is 10m long x 4m wide x 3m high. These are located at the closest point to Harlow West Substation which is 2m away and will be the connection point to the wider network. Underground cabling will connect the buildings on the site, and from the site to the main network.
- Access tracks linking development zones – the development will utilise the existing access points for primary access, Within the site a series of single track accessways will be laid for construction and maintenance, some of which will follow footpath routes.

- Perimeter fencing and landscaping – the areas containing panels will be enclosed by fencing of around 2m high, while details are a matters for later consideration, a stock-proof timber post and mesh fence is anticipated, with gates in similar materials at access points. These will be screened by new tree, hedge and shrub screening.
- CCTV cameras – cameras will be pole mounted at 3- 4m high around the perimeter at around 50m intervals. These will be activated by movement sensors. The applicants advise no lighting will be installed.

The application includes a number of landscape measures, including hedgerows to screen the works and create green corridors, provision of sheep pasture and around 10ha wildflower grassland beneath panels, management of around 2ha as arable habitat for farmland birds, retention of the northern grassland as marsh habitat and other tree and hedgerow enhancements within the existing landscape.

Including site set-up, construction would be expected to take around 20 weeks.

The application is supported b a number of detailed reports including:

- Planning, Design and Access Statement
- Alternative Site Assessment
- Arboricultural Assessment
- Agricultural Land Study
- Landscape Visual Appraisal
- Green Belt Review
- Contaminated Land Assessment (Phase One)
- Heritage Statement
- Flood Risk Assessment and Drainage Strategy
- Transport Report
- Ecological Assessment
- Biodiversity Net gain Assessment
- Glint and Glare Assessment
- Consultation Report

Relevant History:

None

Development Plan Context:

Epping Forest Local Plan 2011-2033 (2023);

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

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

- SP1 Spatial Development Strategy
- SP2 Place Shaping
- SP3 Development and delivery of garden communities in the Harlow and Gilston Garden Town
- SP5 Green Belt and Local Greenspace

SP6 The Natural Environment, Landscape Character and Green and Blue Infrastructure

T1 Sustainable transport choices

T2 Safeguarding of routes and facilities

DM1 Habitat Protection and Improving Biodiversity

DM2 Epping Forest SAC and the Lee Valley SPA

DM3 Landscape Character, Ancient Landscapes and Geodiversity

DM4 Green Belt

DM5 Green and Blue Infrastructure

DM7 Historic Environment

DM9 High Quality Design

DM13 Advertisements

DM15 Managing and reducing Flood Risk

DM16 Sustainable Drainage Systems

DM17 Protecting and enhancing Watercourses and Flood Defences

DM20 Low Carbon and Renewable Energy

DM21 Local Environmental Impacts, Pollution and Land Contamination

DM22 Air Quality

Epping Forest Local Plan (1998) and Alterations (2006):

On the 06 March 2023 at an Extraordinary Council meeting, it was agreed that ‘on adoption of the Epping Forest District Local Plan 2011–2033 and following the end of the six-week period for legal challenge that the following Development Plan Documents and associated Proposals Maps are revoked and should not be used for decision-making:

- a) Those policies of the Epping Forest District Local Plan adopted January 1998 that had not previously been replaced; and
- b) Epping Forest District Local Plan Alterations adopted July 2006’.

The relevant policies from these documents are listed below:

CP1	Achieving sustainable development objectives
CP2	Protecting the quality of the rural and built environment
CP10	Renewable energy schemes
GB2A	Development in the Green Belt
GB7A	Conspicuous development
HC6	Character, appearance and setting of Conservation Areas
HC12	Development affecting the setting of listed buildings
NC1	SPA’s, SAC’s and SSSI’s
NC3	Replacement of lost habitat
NC4	Protection of existing habitat
RP4	Contaminated land
RP5A	Adverse environmental impacts
U1	Infrastructure adequacy
U2A	Development in Flood Risk Areas
U3B	Sustainable Drainage Systems
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE4	Design in the Green Belt
DBE9	Loss of Amenity
DBE13	Advertisements
LL1	Rural landscape
LL2	Inappropriate rural development
LL7	Planting protection and care of trees

LL10	Adequacy of landscape protection
LL11	Landscaping schemes
ST1	Location of development
ST2	Accessibility of development
ST6	Vehicle parking
I1A	Planning obligations.

NPPF (July 2021):

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either; (a) approving development proposals that accord with an up-to-date development plan without delay; or (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

- 2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 5 Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 13 Protecting Green Belt land – paragraphs 137, 138, 141, 143, 147, 148, 149
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169
- 15 Conserving and enhancing the natural environment – paragraphs 174, 175, 179 - 182, 183, 185, 186
- 16 Conserving and enhancing the historic environment – paragraphs 194, 195, 197, 199 – 205, 208

Consultation Carried Out and Summary of Representations Received

Date of site visit: 19 September 2022
 Number of neighbours consulted: 159
 Site notice posted: 15 September 2022

Responses received: Responses have been received from 40 individual households, and local interest groups including PORA (Protection of the Roydon Area), The Roydon Society, Roydon Playing Fields Management Committee, Robert Halfon MP, Country Land and Business Association (CLBA) and National Farmers Union (NFU). Households responding include the following (Roydon addresses unless otherwise identified):

41 and 42 CHURCH MEAD
 9 DUCKETTS MEAD
 1 Conifer Court, 1 Shaftesbury Villas, Conifers, Henbury House, Orchard End, Regent House, Unison and Wychwood EPPING ROAD
 Garden House FARM CLOSE

Jasmine and White Cedars GRANGE LANE
Benmore, Byfield Cottage, Lovewood Lodge, Oakley Lodge and Sunningdale HARLOW ROAD
57, 82 and 188 HIGH STREET
14 KINGSMEAD HILL
5, 11 and 23 LITTLE BROOK ROAD
Chalcot, Chapter Three, Kendal, Little Monkshams and Penryn OLD HOUSE LANE
89 TEMPLE MEAD
Ivy Cottage TYLERS ROAD

Sandon Lodge, HIGH ROAD, Chigwell
33 MONKSGROVE Loughton
One property is identified only by postcode and 7 responses do not state an address beyond being in Roydon

The majority of respondents object to the application; 3 respondents, the CLBA and the NFU support the application.

Objections cover the following issues, listed in descending order of the references in the responses:

- Impact on Green Belt character – openness, general environment and in separating Roydon from Harlow
- Loss of agricultural land and employment
- General impact on established wildlife and habitat, particularly within the Stort Valley
- General visual impact from development
- Impact on character of Roydon village
- Landscape quality of PROW's
- Energy supply arguments – objectors comment on the merits of solar in comparison to other renewable sources, and broader arguments around the future of solar power.
- Noise disturbance
- Impact on historic woodland areas
- Industrial character of development
- Glint and glare impacts
- Conflict with local energy policies
- General traffic issues around servicing of the use
- Concerns about radiation
- Amount of weight being given to connection to local power station
- Lack of detail on end of life exist strategy
- Adequacy of FRA
- Light pollution
- Construction traffic
- Impact on local property prices
- Specific concerns around loss of residential amenity
- Specific concerns around potential impact on drainage in Little Brook Road

Respondents supporting development raise a number of counter arguments around similar themes:

- Energy supply benefits
- Limited visual impact does not outweigh renewable energy benefits
- Contribution to meeting wider sustainable development objectives
- Development would contribute to improved habitats and biodiversity enhancement
- NFU comment specifically that diversification away from input heavy farming on under performing land provide incomes streams to support other farming activity
- The works can be viewed as temporary and are reversible.

Harlow District Council – Neighbouring authorities are statutory consultees and Harlow DC have raised objections on two grounds:

- Impact on Green Belt – similar to other responses in regards the infilling of the gap between the settlements, and a large area of land adjacent to the Harlow District with limited separation.
- Impact on future delivery of the allocated development site north of Water Lane abutting the site – concerns that the proximity will impact development options.
- Insufficient evidence of local energy benefits for the Harlow District if the energy generated feeds directly into the national grid.

Parish Council: Roydon Parish Council objects to the application citing the following:

- Green Belt impact – specifically around the gap between Roydon and Harlow, general impact on openness, time period should not be considered temporary.
- Potential noise disturbance
- Loss of agricultural land
- Change in character of PRoWs
- Not persuaded on biodiversity gains
- Traffic – concerned if traffic is routed through the village
- Flooding concerns
- Precedent

Main Issues and Considerations:

The main issues in considering the application are:

- Green Belt assessment
- Landscape and visual amenity
- Ecology and biodiversity
- Loss of agricultural land
- Flooding and drainage
- Transport and Highways
- Residential amenity
- Heritage considerations

Green Belt assessment

All of the land within the application site lies in the Green Belt. The northern part of the site is readily identifiable as forming part of the break between Harlow and Roydon while south of Harlow Road the land is more identifiable as part of the much larger gap between Harlow and Hoddesdon. In both areas however, the land can be seen as serving a key Green Belt objective of safeguarding against neighbouring built up areas merging into one another.

It has been broadly established through case law that solar farms would not meet the exceptions tests set out in paragraph 149 of the NPPF and will thereby comprise inappropriate development. As a result, it will be necessary to consider whether the very special circumstances presented in the application will satisfy the high bar set in paragraph 148 – that such very special circumstances would clearly outweigh potential harm. Officers have therefore considered firstly the extent of the harm of the development and subsequently the wider benefits that are material to the application.

Green Belt harm

The application site comprises a range of diverse characteristics. Much of the land comprises land historically used for food production. The topography of the land undulates in a series of gentle

gradients, such that the land is not viewed as a whole from any vantage point. The fields within the site are divided by established hedgerows and woodland areas, including well established tree and hedgerow screening along road frontages. The northern part falls gently from Harlow Road towards the railway and River Stort beyond. Potential harm arises in terms of the impact on openness, which has a spatial and visual impact.

In spatial terms, the site covers a significant area with panels the main construction element up to 3m high in order to ensure maximum solar exposure. Associated built infrastructure is limited principally to accessways, inverter cabinets (local hubs containing electric conducting and storage equipment) of around 2m high, a main substation discreetly sited adjacent to the east site boundary, and site boundary fencing. Connections from the substation to the network will be underground.

These features will have a large mass and footprint substantially different from the existing character, and of themselves will have spatial impact as a result.

In visual terms, the site will not be viewed as a single entity due to its overall extent and the changing ground levels. A number of public rights of way (PRoW) cross the site providing links to the immediate surrounding area and forming part of a much wider footpath network, from which the works will be prominent. Views across land from PRoW's are highly sensitive to change and the introduction of any structures can affect the perception of the local character. It would be expected therefore that users of the PRoW network would experience a significant change in outlook from the works, notwithstanding the retention of much of the existing woodland and hedgerows across the site.

Notwithstanding, built development does not have to be visually prominent to impact the character of the Green Belt. Thus, while visual loss of openness would have a local effect which may diminish over time as a result of landscape enhancements and other mitigation measures, the change in visual character is evident and would reduce the openness on the Green Belt.

Very special circumstances

The effects of global warming mean that there is an urgent need to reconsider how energy needs are met. This Council declared a Climate Emergency in September 2019, passing a motion seeking to work towards becoming carbon neutral by 2030. Other local authorities in the area have set similar challenging objectives.

National policy is clear about the importance of delivering renewables. The NPPF favours sustainable energy systems where any impacts can be made acceptable. Paragraph 151 of the NPPF recognises that renewable energy projects of themselves are not inappropriate in the Green Belt, although the physical elements may be.

Renewable energy accounts for an ever increasing proportion of all UK electricity generation primarily through wind, solar and biomass. Demand is expected to increase further with targets for introduction of electric vehicles and a decreasing reliance on gas for heating. Technology in the delivery of renewable energy continues to evolve – current methods of generating renewable energy have emerged in recent years, and further advances in renewables can be anticipated over the next similar period. Due to the complex nature of the delivery of appropriate infrastructure in energy supply, there is a need to provide a range of measures to meet short, medium and long term needs. In this context, the proposals anticipate a limited life for the use of 30 - 40 years, by which time the panels will be beyond their useful life, at which time renewable energy may have moved on the other technology. In the present, solar farms represent a swiftly deliverable form of generation capacity and therefore in the short to medium term could make a significant contribution to supply.

The proposal when fully operational would generate around 49.9 megawatts of energy. Enough to power around 16,500 homes annually. In a local context, this would be the equivalent of supplying around 30% of homes within the District from this single site. The application concludes that around

11,200 tonnes of carbon will be saved per annum, equivalent of removing over 5,000 cars from the road. Such benefits only accrue from the ability to deliver a site of sufficient capacity.

It is not the case that such a facility can be located anywhere as a solar farm requires grid capacity and a viable network connection point (PoC). In this case, Harlow West Sub-Station lies around 2km east of the site. The applicants site selection process covered a 3km radius from the PoC, including sites within adjoining local authority areas. A total of 35 sites were initially assessed and a number of factors showed these to be undeliverable, including sites being of insufficient size or fragmented ownerships, availability, existing built development, topography, quality of agricultural land, protected environmental areas, flood zones and distance from the PoC. A potential site was identified at Hamlet Hill, but this had a number of more significant constraints than the application site. Thus, if renewable energy is to be delivered, this site provides the only viable option linked to the local sub-station.

The development must also be considered to be temporary, in that it has a limited duration and can be fully removed at the end of its use with the land being reinstated to the former condition with limited works required to achieve this. Officers acknowledge that it may be viewed as odd to consider a 40 year timespan as 'temporary', but recent case law including a recent appeal decision in Chelmsford District considers such an approach to be reasonable. In this context, harm to the Green Belt can be viewed as temporary and reversible.

Other material considerations in assessing the very special circumstances identified in the application include:

- Landscape enhancements (see below)
- Biodiversity net gains (see below)
- Low grade agricultural land (see below)
- Economic benefits – including supply chain opportunities for local business, additional worker spend in the local economy, employment opportunities both during construction phase and during operation (the applicant cites research by the BRE that shows an average of 7FTE jobs created per MW for ground mounted projects)
- Education benefits – solar farms can be a resource for local schools. The applicants on other sites provide opportunities for school visits to understand impacts of climate change and technological matters. A condition has been suggested to deal with this.

Landscape and visual amenity

The land consists primarily of arable fields at present, interspersed by mature hedgerows and woodlands. There is a degree of urbanisation to the site boundaries including dwellings, industrial buildings to the east and the railway line to the north, but these are of a peripheral visual impact.

More significant are the landscaped elements within the boundaries, including marshy grassland on the northern end, Worlds End Black Poplar Wood in the centre of the site, and other hedgerows and green corridors around the fringes of the existing fields. Other than minor interventions in existing hedgerows to allow for access, all key landscape features have been identified and are retained. All building work is set so as to be located at least 5 metres from existing woodland and retained hedgerows for their protection, and to allow for landscape enhancement. The marshy grassland at the lower northern end is retained wholly free from development.

Landscape enhancements proposed also recognise the key visual impact of the development will be experienced from PRow's crossing the site. The proposals include planting native hedgerows to screen the structures from these routes, as well as enhancements to existing hedgerows. No changes are proposed to site levels or general topography.

As outlined above, views across the entire site are somewhat limited and the development will be viewed in a localised context, particularly as a result of the single storey built form and its topographical

character. The proposal reflects the existing layout of the land, with panels laid out within the existing fields.

In the short term, the development will have a significant visual impact. Landscape enhancements are however substantial and as the screen hedgerows grow the immediate visual impact will recede, albeit creating more limited vistas than currently available across those parts of the site that can be viewed from the footpath network. However, longer views are limited and overall visual impact in the medium to long term would be moderate, helped by the consistent horizontal low level emphasis the development creates. The use generates little regular activity beyond routine maintenance and the impact on the character of the area will not disrupt the general tranquility of the setting for residents and walkers.

Visual impact from local roads would be significantly less. The site has limited road frontage and none of the frontage is served by footways. Established tree screens and hedgerows provide a degree of screening which reduces significantly the visual prominence to passing motorists.

Ecology and biodiversity

The character of the site enables the nature of the existing ecological character to be understood relatively simply. The open fields used for arable growing have a lower habitat value, while the landscape features also support a more diverse range of flora and fauna. The site also lies close to the Lee Valley SPA and Ramsar site, and to Hunsdon Mead SSSI.

Ecology guidance on the application submission has been provided by Essex County Council Place Services (Ecology) Team.

The application includes a no development buffer along the northern edge to protect the SSSI, supplemented by precautionary pollution prevention measures, protective fencing, and sensitive clearance methods.

Surveys for the presence of Great Crested Newts found a pond approximately 50 metres from the site showing potential presence. The applicants have provided appropriate site registration evidence such that appropriate mitigation measures can be introduced. Similarly, the application identifies presence of protected and priority species including skylarks, bats, badgers, brown hare and hedgehog.

Mitigation and enhancement measures are identified in the submission, including landscape measures discussed above, new wildflower planting, improved hedgerow planting, mammal gates, bird and bat boxes, and use of existing gps in hedgerows for access points. The measures are supported by the Ecologist at ECC, subject to measures being secured by condition. The applicants submits that the measures amount to a biodiversity net gain of around 78%, and an increase in hedgerow units of around 103% - while the figures are not verified, they serve to demonstrate a substantial biodiversity enhancement.

Loss of agricultural land

To assist in assessing land quality, the Ministry of Agriculture, Fisheries and Food (MAFF) has developed a method for classifying agricultural land in order to support the most efficient use for food production. This grades land from 1 to 5 (Grade 3 being divided into two subgrades), where Grade 1 provides best quality.

The applicants have submitted a soil report. This identifies a small area of the northern part of the application site (around 1.7ha, 2% of the site area) as being of Grade 2 standard (described by MAFF as land that *has minor limitations which affect crop yield, cultivations or harvesting. It can support a wide range of agricultural and horticultural crops but there can be some reduced flexibility on land within the grade, which causes difficulty in the production of more demanding crops e.g. winter harvested*

vegetables and arable root crops). This land is high yielding but may be lower or more variable than Grade 1.

All remaining farmland falls with Grade 3 – around 23% within Grade 3a, the most significant portion of which also lies north of Harlow Road (*land that is capable of consistently producing moderate to high yields of a narrow range of arable crops (e.g. cereals) or moderate yields of a wide range of crops (e.g. cereals, grass, oilseed rape, potatoes, sugar beet and less demanding horticultural crops)*) with 73% within Grade 3b (*land is capable of producing moderate yields of a narrow range of crops (mainly cereals and grass) or lower yields of a wider range of crops, or high yields of grass*).

Officers consider that as the amount of Grade 2 land available is very limited, also taking account of the majority of the Grade 3a land being to the north of Harlow Road, the amount of better quality land equates to around 10ha; given modern farming techniques it is difficult to see this land being farmed on its own. The overall site area represents a very small amount of farmland in the District (the applicant submits around 0.3%), much of which is likely to be of significantly higher quality and capable of being efficiently worked.

Thus, officers consider the loss of the land for agriculture will be of limited significance, and likely to be outweighed by the wider benefits in terms of energy supply.

Drainage and flooding

Primary concerns around potential for impacting local natural drainage relate to the northern part of the site which lies within the flood zone of the River Stort. The issues faced in the area are well documented, as are the opportunities that arise from the marshland environment that naturally occurs. No development is proposed in the flood plain however.

Much of the development raises few issues around the wider implications for surface water drainage. The panels are constructed on piled struts, while the built structures occupy 0.001% of the site area. The access roads represent the only substantive built element that may impact the flow of surface water, but such surfaces can be designed to be either permeable or to have simple run off areas adjacent. The submitted revised Flood Risk Assessment proposes such a permeable surface, and sets out principles localised management of run-off adjacent to buildings.

The development has been the subject of consultation with Essex County Council as Lead Local Flood Authority (LLFA), and in house Environmental Protection & Drainage Team. Both consultees, considering different aspects of the drainage, are satisfied that subject to conditions, the development will not affect surface water drainage in the local area.

Transport and highways

It is noted that the Highway Authority have not objected to the application, and there seems little reason why they should.

The construction phase is expected to last around 20 weeks, during which time around 4-6 HGV movements are anticipated. The Transport Statement accompanying the application identifies the primary route for these vehicles are being from the east via the M11 and A414, avoiding the need for vehicles to pass through Roydon village. A construction management plan can be secured by condition.

Once construction is complete, vehicle activity is limited to servicing and maintenance visits. The applicants estimate from comparable schemes that this would be 2-3 vehicles a week, with occasional visits by large vehicles to deliver replacement equipment. Tracks and roadways will be of lightweight construction.

The site lies outside the wider EFSAC area and is assessed in terms of operational use in terms of air quality. It is noted in the assessment that vehicle activity is comparable with the existing use in terms of vehicle movements on a day to day basis; while movements linked to the farm are generally more localised, movement of produce can be anticipated to be over a wider area, including through the EFSAC area. Taking account of the low level of trip generation that results from the operational use, an appropriate assessment has been completed, as under:

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 concludes 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 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 parts of the methodology underpinning the appropriate assessment HRA 2019, no issues were identified in relation 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 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.

As this application is for non-residential development it has been screened in relation to the atmospheric pollution Pathway of Impact only and concludes as follows:

- 1) The development would not result in a net increase in traffic using roads through the EFSAC. The Council is therefore satisfied that the application proposal would not result in a likely significant effect on the integrity of the EFSAC. Having undertaken this first stage screening assessment and reached this conclusion there is no requirement to undertake an 'Appropriate Assessment' of the application proposal or seek financial contributions toward mitigation and monitoring measures.

Residential amenity

The solar panels are passive during operation, having no running parts or external illumination. All operational plant is located within the buildings and away from any residential properties. These buildings can in any event be insulated. A Noise Assessment accompanying the application supports this, demonstrating that the operation not generate noise above ambient levels. Vehicular movements during operation will similarly have little amenity impact, other than in emergencies all routine activity will be during normal working hours.

Construction disturbance should not normally be considered as part of the planning application process, however residents raise legitimate concerns around large vehicles using Roydon Village for access. However, the site has good links to the M11 through the main road network and conditions can be

imposed to ensure the final Construction Management Strategy includes adequate provision to ensure this remains the route for all large vehicles. Beyond this, the construction phase is relatively short.

Greatest potential impact directly on surrounding occupiers will be from the change in the visual environment. From close quarters, there will be a significant change in outlook. This will be somewhat tempered however over the medium to long term by the increasing significance of the additional planting. Very few properties would in any event have direct views that are not partially obscured by existing boundary vegetation or the landscape enhancements proposed. As a result, the direct harm from the introduction of the works would not appear to be so significant to outweigh other benefits.

Objectors raise issues of glint and glare from the panels. The panels are designed to absorb light rather than to reflect and do not therefore reflect light in the same way as conventional or mirrored glass. A glint and glare study emphasises the angle at which the panels are constructed does not provide for direct reflection at the relatively low levels of surrounding dwellings, and that other than a small area north of Harlow Road, panels are not oriented towards any nearby properties. Taking account of existing and proposed landscaping in the most affected area, there is little to support the suggestion that dwellings will experience solar reflection.

While the development will result in a change in the outlook from residential properties, in residential amenity terms the level of direct harm is minimal.

Heritage and conservation

The site is located approximately 300m east of Roydon Conservation Area and directly north of Nazeing and South Roydon Conservation Area. Additionally, the site abuts Eastend Farmhouse, a Grade II Listed farmhouse, and adjacent to Mount Pleasant, a locally listed manor house subsequently significantly enlarged and altered. The site is also within the setting of a designated Scheduled Monument which includes the standing and buried remains of a Cold War Heavy Anti-aircraft battery (c.1949-50).

The Roydon Conservation Area Character Appraisal (2006) noted that the rural setting to the east of the conservation area contributes significantly to its setting. While this remains the case, the area between the Conservation Area and the development is interspersed by frontage built development that creates a degree of separation which the proposal does not impinge on the core area, which is more clearly defined by the open area west of the pumping station which lies outside of the site boundaries.

The listed Eastend Farm has been substantially added to over an extended period with the introduction of more modern farm buildings. Historically, the setting of the building has taken advantage of extended views to the north across the open fields to the Stort Valley. This has been recognised, and the area directly opposite the listed building remains free of any solar panels. Intervention here is limited to the site entrance and a short section of the access road. Further, the land to the west of the listed building is similarly treated with the area remaining free of panels and only the access road, much of which is already in place to support the agricultural use, impedes on this space.

Impacts on the heritage assets have been fully considered. While any development of this scale will have an impact, the key assets will be protected in as far as is reasonably practical.

Conclusion and Green Belt balance:

The application relies on the case made that the very special circumstances that would support development clearly outweigh the level of harm to the Green Belt in particular and other amenity concerns. In this regard, officers have attached substantial and significant weight to a number of benefits arising from the development:

- The contribution the development makes to the supply of renewable energy and to reducing greenhouse gases, particularly the annual reduction of carbon of around 11,200 tonnes per annum.
- The importance of solar energy in current measures to increase the supply of renewable energy – technology may move on over the coming years, but at present solar represents one of the more efficient energy supply sources.
- The proximity of the point of contact to the national grid – minimising disruption from the additional off site works.
- The works are temporary – while those who frequent the area will not perceive the works as temporary, there is a general acceptance that the works have a limited use and ultimately will be removed.
- The limited extent of the physical works – the buildings occupy a minute portion of the site area and the solar panels are mounted on struts requiring minimal groundworks. These works have limited physical impact and are reversible.
- The loss to agriculture is limited – much of the land is of moderate agricultural value and the need for deliverable renewable energy significantly outweighs this loss
- Landscape and biodiversity considerations – the proposals have taken account of existing landscape and biodiversity features and propose no disruption to these features. Significant enhancements in landscape and biodiversity are proposed.
- Other than the relatively short duration of the construction phase, the operation of the site will involve little activity at or in the vicinity of the site.

Officers do recognise that the development has a harmful visual impact in general terms, by virtue of the change in the visual character of the site and the loss of openness in the Green Belt. However, the general open character free of substantial built form will remain. The development also has a limited direct impact on residential amenity and local heritage assets.

The very special circumstances arguments are seen to be compelling and it is concluded that development accords with the renewable energy objectives in national and local planning policy.

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: Ian Ansell
Direct Line Telephone Number: 01992 564481***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Conditions: (32)

- 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: SP-01 Rev 1 and DZ-01 Rev 3

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

- 3 All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (EDP, August 2022), Winter Bird Survey Report (Dominic Mitchell, April 2022) and the Breeding Bird Survey Report (Dominic Mitchell, August 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and to accord with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF 2021.

- 4 No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
 - Limiting discharge rates to 1.28l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy. The scheme shall subsequently be implemented prior to occupation.

Reason : To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy RP3 of the adopted Local Plan and Alterations 1998 & 2006.

- 5 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, and Policy RP3 of the adopted Local Plan and Alterations 1998 & 2006.

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

Reason Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF paragraphs 163 and 170, and Policy RP3 of the adopted Local Plan and Alterations 1998 & 2006.

- 7 No development shall take place, including any works of demolition, until a Construction Method Statement 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. The parking of vehicles of site operatives and visitors
2. Loading and unloading of plant and materials
3. Storage of plant and materials used in constructing the development
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
5. Measures to control the emission of dust and dirt during construction, including wheel washing. With regards to dust control measures and wheel washing, reference shall be made to the Institute of Air Quality Management (IAQM) best practice Guidance on air quality monitoring in the vicinity of demolition and construction sites and Guidance on the assessment of dust from demolition and construction.
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

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 Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006.

- 8 Prior to the commencement of development, a construction environmental management plan (CEMP: Biodiversity) is submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

9 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development. The content of the LEMP shall include the following:

a) Description and evaluation of features to be managed.

b) Ecological trends and constraints on site that might influence management.

c) Aims and objectives of management.

d) Appropriate management options for achieving aims and objectives.

e) Prescriptions for management actions.

f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

g) Details of the body or organisation responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Policies DM1 and DM3 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

10 1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the Local Authority archaeological advisors.

3. A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.
4. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.
5. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: The site is an Archaeological site where any remains are irreplaceable and are an interest of acknowledged importance which may be highly vulnerable to damage or destruction. Unless the Authority is satisfied that a proper scheme for investigation has been agreed the remains should be left undisturbed, in accordance with Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy HC1 of the adopted Local Plan and Alterations 1998 & 2006.

- 11 The development hereby permitted shall not be commenced until such time as a soil management plan has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason Soil compaction can cause increased run-off from the site. Therefore a soil management plan should show how this will be mitigated against, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF paragraphs 163 and 170, and Policy RP3 of the adopted Local Plan and Alterations 1998 & 2006.

- 12 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, and Policy LL10 of the adopted Local Plan and Alterations 1998 & 2006.

- 13 Prior to commencement of any above ground works, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to first use of the development and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Policy DM1 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, and Policy LL10 of the adopted Local Plan and Alterations 1998 & 2006.

- 15 No external lighting, including lighting required for construction and decommissioning, shall be installed at the site until such time as a lighting strategy for biodiversity has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed in accordance with the details agreed in the strategy and shall be maintained thereafter in accordance with the agreed details, subject to any such variation that may be agreed with the Local Planning Authority. No additional external lighting shall be installed without prior written consent from the local planning authority.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 16 Prior to any above ground works, details of the precise location and external finishes to all solar panels and all other on site infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Any replacement of obsolete or damaged structures shall be replaced on a like for like basis, unless otherwise agreed by the Local Planning Authority through an appropriate application

Reason: To ensure a satisfactory appearance in the interests of visual amenity as details submitted with the application do not include sufficient information, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies CP2 & DBE1 of the adopted Local Plan 1998 & 2006.

- 17 Prior to commencement of groundworks, existing waste material on the site detailed in Section 8 of the Phase 1 Contaminated Land Report shall be removed from the site and safely disposed of. Following the completion of the remediation works and prior to the first operation of the development, a verification report of the removal 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, and Policies RP4 of the adopted Local Plan and Alterations 1998 & 2006.

- 18 During construction, 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, and Policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006.

- 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 Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy ST4 of the adopted Local Plan and Alterations 1998 & 2006.

- 20 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, and Policy LL10 of the adopted Local Plan and Alterations 1998 & 2006.

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

Reason: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development is carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies RP4 of the adopted Local Plan and Alterations 1998 & 2006.

- 22 Notwithstanding any details approved under construction management conditions above, all construction traffic shall access and exit the site from the east, and measures detailed in the approved Construction Management Plan shall be put in place on site to prevent vehicles exiting the site and travelling west through Roydon Village.

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 Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006.

- 23 Prior to commencement of the use, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation

of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 24 Prior to their construction, details of the construction of the site accesses, visibility sight splays, dropped kerb vehicular crossings of the footway and details of measures to prevent surface water discharge onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the access points shall be constructed ready for use prior to first export to the National Grid in accordance with the approved details. The accesses shall be permanently retained in accordance with the agreed form at all times.

Reason:

To ensure that appropriate access, vehicle parking and turning is provided. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies ST4 & ST6 of the adopted Local Plan and Alterations 1998 & 2006.

- 25 All plant and machinery shall be operated and maintained to ensure that noise does not exceed background noise levels when measured 1m from the closest noise sensitive premises.

Reason: To maintain reasonable levels of protection for neighbouring occupiers of the development from external noise, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006.

- 26 Fences and gates hereby permitted shall not be infilled or enclosed by, or supplemented by any fence, screen or other means of enclosure without prior consent from the local planning authority through submission of a planning application.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies CP2 & DBE1 of the adopted Local Plan 1998 & 2006.

- 27 No unbound material shall be used in the surface treatment of the vehicular access hereby permitted within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety and to accord with 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, and Policies ST4 & ST6 of the adopted Local Plan and Alterations 1998 & 2006.

- 28 Other than in an emergency, all planned repairs, planned maintenance and servicing shall take place between 8am and 7pm Mondays to Saturdays, and at no times on Sundays, Bank or Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of surrounding residential occupiers, in accordance with policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies DBE2 and DBE9 of the adopted Local Plan and Alterations 1998 & 2006.

- 29 The site operator must maintain yearly logs of the site SuDs maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason:- To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy RP3 of the adopted Local Plan and Alterations 1998 & 2006.

- 30 The planning permission hereby granted shall be limited to a period of 40 years commencing from the date electricity generated by the solar panels is first exported excluding testing and commissioning . At the end of this 40-year period, the development shall be removed, and the land restored to its previous agricultural use in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority. The applicant/developer shall notify the Local Planning Authority in writing within 10 working days of electricity being generated from the development being first exported (in order to calculate the 40 year period)

Reason: To allow for the site to return to agricultural use at the end of the planned design life for the development, and to allow the Local Planning Authority to ensure the very special circumstances which justified the development can be reconsidered for any alternative use, in accordance with Policy DM4 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy GB2A of the adopted Local Plan and Alterations 1998 & 2006.

- 31 No later than six months prior to the expiry of the planning permission, or within six months of the cessation of electricity generation at the site, whichever is the sooner, a detailed scheme of works for the removal of the development (excluding the approved landscaping and biodiversity works) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The scheme of works shall include the following: (a) a programme of works; (b) a method statement for the decommissioning and dismantling of all equipment and surfacing on site; (c) details of any items to be retained on site; (d) a method statement for restoring the land to agriculture; (e) timescale for the decommissioning, removal and reinstatement of the land; (f) a method statement for the disposal/recycling of redundant equipment/structures. The scheme of works shall be undertaken in accordance with the approved details and timescales. The operator shall notify the Local Planning Authority in writing within three months following the cessation of electricity generation.

Reason: In order to ensure any redundant works are removed and the land reinstated in a timely manner, in accordance with Policy DM4 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy GB2A of the adopted Local Plan and Alterations 1998 & 2006.

- 32 If the solar farm ceases to export electricity to the grid for a continuous period of more than twelve months the use shall cease. Within a period of no more than three months from the end

of the twelve-month period, a scheme shall be submitted to the Local Planning Authority for its written approval for the removal of the solar farm and associated equipment and the restoration of (that part of) the site to agricultural use. The approved scheme of restoration shall then be fully implemented within nine months of the written approval being given.

Reason: In order to ensure any redundant works are removed and the land reinstated in a timely manner, in accordance with Policy DM4 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy GB2A of the adopted Local Plan and Alterations 1998 & 2006.

Informatives: (4)

- 33 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.
- 34 Any works to or within eight metres of open and/or piped watercourses will require Land Drainage Consent. For further information on the Land Drainage consent process or to find the application forms the applicant should visit the link below. It is highly likely that numerous works across the site will be subject to such consents.
<https://www.eppingforestdc.gov.uk/environment/land-drainage-consent/>
- 35 Essex County Council strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protectingenvironment>
Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. planning application with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures
Flood risk assessments: climate change allowances - GOV.UK (www.gov.uk)
Full details as to the construction makeup of the permeable access/roads/tracks including the method of conveyance and disposal for the surface water. The applicant has indicated a degree of infiltration within the site, but as the underlying geology of the area is predominantly clay, I would expect to see the results of percolation testing if infiltration proposed across the site. II. Further information in relation to the management of surface water for any buildings across the solar array. The report indicates attenuation will be located adjacent to individual parcels of hardstanding and some further clarity is required on how this is managed. III. Details of final modelling and calculations for all areas of the drainage system. The system must be designed for all storm events up to and including the 1 in 100 year plus climate change allowance. IV. The design must be detailed in a written statement for the site and a detailed drainage plans for each individual catchment / developed area (buildings/tracks/hardstanding) across the site.
- 36 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

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Epping Forest District Council

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Application Number:	EPF/2587/22
Site Name:	Sedge Gate Nursery, Sedge Green Nazeing, EN9 2PA

OFFICER REPORT

Application Ref: EPF/2587/22
Application Type: Full planning permission

Applicant: Mr Pasquale Milazzo
Case Officer: Caroline Brown
Site Address: Sedge Gate Nursery, Sedge Green, Nazeing, Waltham Abbey, EN9 2PA
Proposal: Erection of 10 Warehouse Units for B1 and B8 use (revised application EPF/1334/22)
Ward: Lower Nazeing
Parish: Nazeing
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001Uezw>
Recommendation: Refuse

This application was previously presented to Area Plans Sub-committee West on 12th April 2023 where Members resolved to refuse permission, following the recommendation of planning officers. During the meeting, the presenting officer was asked to clarify the position of Nazeing Parish Council ("NPC") and it was reported, as set out in the committee report on the agenda for that committee, that NPC had objected to the application. However it was subsequently discovered after the committee closes that the objection to the application was the original position of NPC, however during the course of the application NPC changed their position to no objection.

Whilst the most recent comments from NPC do not alter the recommendation from planning officers, it is a material consideration that Members should have been aware of prior to a decision being reached. Therefore, to ensure that Members have all the correct information upon which to make a sound decision, this application is now put before this committee for a final decision. The original officer report is set out below with the corrected NPC comments added.

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

Description of Site:

The application site is located to the west of Sedge Green, to the rear of Sedge Gate House accessed by a shared narrow track between Sedge Gate House and Meadgate in the Settlement of Nazeing.

The site is currently vacant, a former glasshouse use located within the boundaries of the Metropolitan Green Belt, Flood Zone 2 as defined by the Environment Agency and within the Lea Valley Regional Park.

The site has been occupied with unauthorised uses, but the lawful use of the site continues to be a horticulture use. The previous nursery site was divided into two, with the front (eastern) parcel constituting the application site and the rear (western) parcel being incorporated into the established adjacent Leaside Nursery.

The site is not in a conservation area or listed.

Description of Proposal:

The proposal is a resubmission following a previous refusal ref: EPF/1334/22 for the construction of 10 light industrial warehouse units (B1 & B8) arranged in two aligned blocks built up to the north and south

boundary, each unit measuring a width of 7m x 15m with a roller shutter door and pedestrian side door to the front elevation.

Units 1-4 and 6 -9 have a shallow gable end roof at a ridge height of 5.7m and an eaves height of 5.0m. Units 5 and 10 have a maximum height of 4.5m.

The amendments from the previous refusal are as follows:

- reduction in the number of units from 12 to 10
- Reduction in the height of units 5 & 10 from 5.7m to 4.5m.

Units 1-5 are sited to the north boundary of the site with Units 6-10 to the south. The vehicle access, 14.9m in width is sited to the northeast of the site with the provision of 2 car spaces per unit with additional parking spaces to the west site boundary amounting to some 30 + car spaces (contrary to the 15 car spaces stated in the application form). Materials: concrete and profile steel cladding.

An amendment to the application description and to the red line which now incorporates the vehicular access.

Relevant History:

EPF/1334/22- Resubmission of the previous refusal ref: EPF/0013/20.

The amendments were as follows:

Reduction in the number of units from 14 to 12.

the height of the units reduced from 7.6m to 5.7m.

Units 7-12 are now sited over 13m from the west boundary with Sedge Gate House.

B2 use has been omitted.

Refused - 11/10/22 for the following reasons:

- *The National Planning Policy Framework establishes that substantial weight should be given to any harm to the Green Belt. The proposal is considered to constitute inappropriate development in the Green Belt that would be harmful to its open character and visual amenity. In addition, the scale height, bulk and activities associated with such a development would be visually more prominent and have a greater physical impact on the openness of the Green Belt. Whilst there are benefits to the scheme the proposed development cannot be justified in terms of 'very special circumstances' which would outweigh the harm identified and is contrary to policy GB7A and GB2A of the adopted Local Plan and Alterations (2006-2008), and with policy DM4 of the Epping Forest Local Plan (Submission Version), 2017 and with the Green Belt objectives of the NPPF, 2021.*
- *The development by reason of its design, scale, activities and siting would cause significant demonstrable harm to neighbour's amenity in the form of noise, intrusiveness and disturbance to Sedge Gate House and surrounding area. Such substantial harm to the living conditions of the adjoining properties is contrary to policy DBE9 of the adopted Local Plan and Alterations (1998-2006), policy DM9 of the Submission Version, 2017 and with the core objective of the National Planning Policy Framework that seeks to secure a good standard of amenity for all existing occupiers.*

EPF/2425/21 - Change of use from horticultural use to 14 warehouse units.

The proposal for the construction of 14 industrial units for B1, B2 and B8 use at a ridge height of 7.6m and an eaves height of 5.5m.

- Refused 20/05/22

1.The National Planning Policy Framework establishes that substantial weight should be given to any harm to the Green Belt. The proposal is considered to constitute inappropriate development in the Green Belt that would be harmful to its open character and visual amenity. In addition, the scale height, bulk and activities associated with such a development would result in a visually more conspicuous, prominent and intrusive impact on the rural character of the Green Belt. Whilst there are considered benefits to the proposed.

2.The development by reason of its design, scale, height, activities and siting would cause significant demonstrable harm to neighbour's amenity in the form of noise and disturbance and also a loss of light, intrusive and overbearing impact, to Sedge Gate House. Such substantial harm to the living conditions of the adjoining properties is contrary to policy DBE9 of the adopted Local Plan and Alterations (1998-2006), policy DM9 of the Submission Version, 2017 and with the core objective of the National Planning Policy Framework that seeks to secure a good standard of amenity for all existing occupiers

EPF/0013/20 - Retrospective development for the change of use of the land from former glasshouses for the stationing of caravans for residential occupation by Gypsy and Travellers with associated hardstanding, fence/gates, lighting and utility buildings and the parking of 2 vehicles on plots 2-3 and 4 - Refused - 01/05/20 on inappropriateness in the Green Belt

EPF/2406/19 - Retrospective application for change of use of land for stationing of caravans for occupation by Gypsy Traveller family - Refused - 22/09/20 on inappropriateness in the Green Belt , no flood risk assessment.

EPF/1060/13 - Retrospective Consent for the change of use of the land for the stationing of caravans for occupation by Gypsy - Traveller families with ancillary works including (including the demolition of two rows of glasshouses and erection of fencing and amenity blocks and the installation of hardstanding and a septic tank).
Refused - 27/05/2013.

'The proposal constitutes inappropriate development within the Metropolitan Green Belt that is, by definition, harmful to the openness of the Green Belt, and would also constitute unacceptable development within the Lee Valley Regional Park, the Environment Agency Flood zone 2 and a designated E13 area. No very special circumstances exist that clearly outweigh this identified harm and, as such, the development is contrary to the guidance contained within the National Planning Policy Framework and policies GB2A, GB5, H10A, E13B, RST24 and U2A of the adopted Local Plan and Alterations'.

'No Sequential Test has been submitted and agreed regarding the use of this site for a highly vulnerable development within Environment Agency Flood zone 2. As such, there is no justification as to why the proposed development cannot be located on any other site in areas with a lower probability of flooding and therefore the proposal is contrary to the guidance contained within the National Planning Policy Framework and policy U2A of the adopted Local Plan and Alterations'.

Appeal (Ref: APP/J13/A/13/2206298) - Temporary permission Allowed June 2016 for 3 years.

EPF/2282/12 - Retrospective change of use of premises for the restoration and renovation of motor vehicles for hobby purposes - Refused 12/02/13.

EPF/1283/11 - Demolition of existing glasshouses, erection of replacement glasshouses and erection of packing shed (revision to application EPF/0374/11) – Approved/conditions 16/08/11.

EPF/0374/11 - Demolition of existing glasshouses, erection of replacement glasshouses, erection of packing shed and storage building - Refused 28/04/11.

CLD/EPF/1391/10 - Certificate of lawful development for an existing use for vehicle repairs - not lawful 28/11/11

EPF/0036/05 - Car park spaces and storage of agricultural vehicles in conjunction with growing use of greenhouses - Refused 01/07/05.

EPF/0943/95 - Continued use for storage and distribution of plant containers and production, maintenance and storage of interior plant displays - Refused 30/01/96 (dismissed on appeal 23/10/96)

EPF/1338/16 Storage building replaced by three dwellings - Approved - 29/07/2016.

Applied Policies

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

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

The following table lists the relevant policies to the determination of this application and officers' recommendation regarding the weight to be accorded.

Policy	Weight Affor
SP6 - Green Belt and District Open Land	Significant
DM4 Green Belt	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM9 - High Quality Design	Significant
DM15 Managing and reducing flood risk.	Significant
DM21- Local environmental impacts, pollution and land Contamination	Significant
DM22 Change in air quality management.	Significant
T1 - Sustainable transport choices	Significant

NPPF, 2021

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either.

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraph 81 & 84

Paragraph 137- 138 and 147-149

Consultation Carried Out and Summary of Representations Received

Site Notice Displayed 12/12/22.

NAZEING PARISH COUNCIL – NO OBJECTION

- **Following amendments to the application, it was re-considered at the meeting of the Council when the Councillors were informed that the site had not been used for horticultural purposes for several years.**
- **It was last occupied by travellers who laid down hardstanding on which they placed caravans. It was the view of the council that the use of the site was as stated in the application EPF/2425/21. Accordingly, the application was clearly for change of use from use as a residential caravan site to warehouse units.**
- **Give employment to local residents, provided that if permission is granted conditions are imposed in relation to hours of working and use of the access road.**

27 neighbours notified: 4 objections received that raise the following concerns:

Sedge Gate House:

- these units will cause permanently overshadow to our property as our house is a chalet bungalow. detrimental to our living habitat.
- The noise and disturbance from delivery drivers are all breaching the weight and time restrictions.
- The entrance to the site is very narrow and has caused our property damage on many occasions as large lorries cannot turn and end up hitting our wall.
- The traffic of cars vans and lorries are constant from 6.30am to 11.00pm 7 days a week. There is always chaos outside from lorries blocking the road to turn or reverse in.
- Loss of privacy due to overlooking and overbearing. The buildings are of steel and are not very noise proof. banging and cutting, and music played by the units and the staff calling out at each other.
- The rear units were meant to be light industrial but are not. There is granite companies steel fabricator who receives a lorry load of steel on a double lorry every morning. There are several mechanical vehicle repairers, and many more, which are aware of the restriction and totally ignore it as they were misinformed by the proprietor when taking out a tenancy agreement, which I have been told by several of the tenants themselves. When we have had words about the restriction.
- The proximity and the nature of the proposed units Should be refused for the peace and tranquility of neighbours.
-

Yew Tree Cottage - Sedge Green:

- I am the owner of the land to the side of Sedge Gate House, which has been granted planning permission reference: EPF/2998/19 for a 3-bed chalet bungalow, I am building a new home and do not want an industrial estate at the bottom of my garden which will only be 6-7 metres deep.
- My home will be enclosed by large buildings that will shadow my home along with noise pollution. The access is also too narrow.
- I am very concerned about the green belt and how these units will affect our local area which is already hazardous due to the amount of the of articulated vehicles that pass through Nazeing, and the other businesses locally cause extreme traffic and danger to the local residents. Further businesses need

to be based in areas where the residents are not in danger and can operate more freely if in an established industrial area.

W J Wooster and Sons Ltd, Meadgate Farm Depot,

- The reasons of the objections from neighbours living next to the site have been well documented previously and should once again be considered by EFDC as they and us are affected by the granting of this application.
- The change to incorporate just one slightly smaller warehouse that sits just slightly further back from the rear garden of Sedge gate House is really not taking the thoughts and consideration of us neighbours into consideration.
- The erection of these warehouse units would seriously invade our privacy and cause further problems and issues with noise, pollution, disturbance, traffic congestion and flooding.
- At no point have any neighbours been consulted by the application to warehouse size and location.
- Leaside Industrial Estate is already causing too much traffic congestion, noise pollution, damage and general aggravation and disturbance for neighbours. When the owner is asked to help us with controlling of permitted rules and regulations, he says he cannot control the businesses. Absolutely nothing is ever done and us neighbours are always left helpless.
- There are already major breaches of applied rules and regulation on this site known as Leaside Industrial Estate and units for storage/distribution will only further add to breaches with regards to hours of operation and usage of overweigh vehicles.
-
- There are companies that rent the units that blatantly and permanently park 18 tonne vehicles on the site, and one only has to walk around the site at any time to see this.
- Over the years since Leaside Industrial Estate has been operational there has been many vehicles which have damaged my property trying to gain entry to the industrial area. Oversized and over-weight Goods Vehicles have blocked the main road . Yet now us neighbours have to endure more industrial units being erected, more vehicle, more noise, more pollution, more aggravation and disturbances. Us neighbours have our own land, our own privacy to protect, our own lives that we are entitled to some quality.
- More units will cause even more noise pollution, create more traffic issues and just generally make things even more unbearable for us neighbours than it already is.
- Loss of privacy and block natural sunlight where it is needed in our gardens.
- there are no drawings or plans of underground drainage.

Leaside and Belcher Motors

- Massive development if allowed then the immediate area will be just an industrial estate with no residents who can reside there.
- the applicant has already built the same building to the far end of us, and we have had constant traffic lorries causing traffic as entrance too narrow. There is 7.5 tonne restriction on the road which would be the entrance but is completely ignored by the site owner/warehouse residents and have had our walls to our property knocked down on several occasions. with 18 tonne and 44 tonne articulated vehicles.
- Noise, pollution and congestion detrimental effect to us and Nazeing village.
- The site is not a suitable location to erect industrial units, that will promote a 100 or more vehicles per day alongside with delivery companies who tend to use vehicle of over 7.5 tons and Arctic container lorries.
- Years of turmoil with it being a traveller site, now plans to change use into to warehouses is even more concerning as the traffic increase noise will hugely increase. Constant vehicles obstructing our access into our home to deliver to the warehouses behind, we are in constant danger of accidents .
- The industrial area is supposed to be restricted to set working times, yet many businesses already seriously abuse this and work 24 hours a day 7 days a week. When asked about out of hours working the resident businesses say take it up with the owner. When the owner is asked to stop business out of hours working, he says he cannot control the businesses.

Re-consultation

A re-consultation exercise was undertaken due to an amendment to the application description which is a more accurate description of the proposal. A minor amendment has also been made to the red line which now incorporates the vehicular access.

Main issues and Considerations:

- Historical background Information of the site
- Impact on the Green Belt
- Impact on neighbour's amenity
- Highway and Parking
- Environment Protection and Land Drainage :Contamination
- Special Area of Conservation

Historical Background Information of the site

The site has historically always been in horticultural use. A retrospective planning application in 2013 (ref: EPF/1060/13) to change the use of the site to the stationing of caravans for the occupation by Gypsy/Traveller families was refused planning permission due to its inappropriateness and its impact on the Green Belt. An appeal in 2016 ref: APP/J13/A/13/2206298 allowed a temporary period of 3 years which has now expired. Further applications were refused planning permission.

The Inspector in her statement noted that the planning history of the appeal site involved no horticultural use of the glasshouses since around 2008, that the site had been used for a number of other unauthorised uses. In terms of the Green Belt, the Inspector concluded that there was harm to the Green Belt by inappropriate development which should not be approved except in very special circumstances, and which carries significant weight.

Appropriateness of the development on the Green Belt

The National Planning Policy Framework, (NPPF), 2021 states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There is a presumption against inappropriate development which is, by definition, harmful to the green belt and should not be approved except in very special circumstances.

Paragraph 147-150 of the NPPF states that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations.

Paragraph 147 states that Local Planning Authorities should have regard to the construction of new buildings as inappropriate in Green Belt. Exceptions to this are extensions or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The application site is lawfully a horticultural nursery and therefore falls under the category of 'agricultural land'. Therefore, the site does not constitute previously developed (brownfield) land and the development' of this site would not meet any relevant exceptions to inappropriate development as set out in paragraph 149.

Although the number of proposed light industrial and storage units have been reduced from previous refused applications, the proposed units would still result in a greater floor area, amounting to some

1,050m² with a cumulative volume of some 5,250m³ resulting in significantly greater harm to the Green Belt.

The proposal development would replace previous glasshouses that fall within agricultural use, are lightweight and glazed and which are appropriate and acceptable within the Green Belt whereas the solid form, height, prominent siting and scale would radically change the site from a horticultural use to an industrial park resulting in a much more imposing and intrusive impact, intensifying urban activity, greater vehicular and pedestrian traffic movements and light spillage contrary to national and local policy. The proposal is also contrary to previous Inspector appeal decisions at the site

This application is for a greater intensity and a significantly greater spatial and visual impact on the openness and visual amenity of the site and surrounding area. The potential employment contribution that the scheme brings is given significant weight, but the density, height, bulk prominence and urban activity of the buildings would on balance not outweigh the identifiable harm to the openness and visual amenity of the Green Belt.

The Council is not aware of any very special circumstances which clearly outweigh this harm and any other harm resulting from the proposal. The proposal therefore conflicts with Green Belt policy within the NPPF, policy DM4 of the adopted Local Plan.

Impact on Neighbouring Amenity

The site is bounded by a mix of uses with residential to the immediate north and south and Sedge Gate House and Yew Tree Cottage sited to the immediate east of the site adjacent to the narrow entrance to the industrial park itself and also the vehicular site access.

The amendments from the previous refused applications are minor, reducing the number of units from 12 to 10, and the height of units 5 and 10 from 5.7m to 4.5m with the siting of them remaining unchanged.

The existing industrial units to the far west of the site are currently at good separation distance, well separated from residential uses and the highway whereas the proposed development would bring forward new industrial warehouse units in close proximity to residential dwellings, built on the north and south boundary of the site resulting in a greater intensity, visibility and prominence from Sedge Green Road and the wider area which is what the Inspector in her statement refused previous applications for and sought to prevent.

The increase in the number of industrial units by reason of their siting, scale, massing and activities located in close proximity to residential properties in association with the existing industrial uses, using the same narrow vehicle access would cumulatively be of a level that would give rise to significant demonstrable harm to neighbour's amenity in the form of noise, disturbance and intensity of use which is contrary to the requirements of policy DM9 of the adopted Local Plan.

The Parish Council comments are noted however, the previous occupation of the site by Traveler's caravan site were unauthorised uses that have been refused at appeal by the Inspector on its inappropriateness in the Green Belt and where the lawful use of the site continues to be a horticulture use.

Highway and Parking

The Highway Authority has no objection to this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Policy T1 of the adopted Local Plan and the NPPF 2021.

Environment Protection & Drainage

The applicant has provided a flood risk assessment and the drainage team agree with the findings in principle there are concerns of the practicality of using permeable paving for all hardstanding areas in relation to loading. As the development is defined as having multiple HGV movement on a weekly basis, further information is required on the type of permeable paving system proposed including the construction make up. Further details are required to be submitted to the Local Planning Authority of the disposal of surface water and foul drainage prior to preliminary groundworks commencing in accordance with the appropriate policies which are considered reasonable and necessary.

Contamination

The site has acknowledged potentially contaminated land due to use as a horticultural nursery on a former landfill site. As this proposal is for redevelopment of the site, it is necessary to investigate all potential land contaminative issues.

No contaminated land assessment has been submitted for this application to date and details are required to be submitted prior to any commencement of the development in accordance with policy DM 21 of the adopted Local Plan.

Impact on the Special Area of Conservation

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 concludes 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 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 parts of the methodology underpinning the appropriate assessment HRA 2019, 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 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.

As this application is for non-residential development it has been screened in relation to the atmospheric pollution Pathway of Impact only and concludes as follows:

- 1) The development would not result in a net increase in traffic using roads through the EFSAC.

The Council is therefore satisfied that the application proposal would not result in a likely significant effect on the integrity of the EFSAC. Having undertaken this first stage screening assessment and reached this conclusion there is no requirement to undertake an 'Appropriate Assessment' of the application proposal or seek financial contributions toward mitigation and monitoring measures.

Conclusion

The proposed amendments are not considered to have satisfactorily addressed the previous reasons for refusal.

The site lies within the boundaries of the Metropolitan Green Belt. The National Planning Policy Framework establishes that substantial weight should be given to any harm to the openness of the Green Belt. The proposal is considered to constitute inappropriate development that is harmful to its rural open character and visual amenity. Furthermore, the scale, height, bulk, siting and activities would result in a greater visual prominence and intensity on the Green Belt. Whilst there are benefits to the scheme the proposed development cannot be justified in terms of 'very special circumstances' which would outweigh the harm identified and is contrary to policy DM4 of the Epping Forest Local Plan (2011-2033) and with the Green Belt objectives of the NPPF, 2021.

The development by reason of its scale, intensification of activities and siting would cause significant demonstrable harm to neighbour's amenity in the form of noise, intrusiveness and disturbance to the immediately adjoining residential properties Sedge Gate House and surrounding area.

Such substantial harm to the living conditions of the adjoining properties is contrary to policy DM9 of the adopted Local Plan (2011-2033) and the core objective of the National Planning Policy Framework that seeks to secure a good standard of amenity for all existing occupiers. In light of the above considerations the application is recommended for refusal.

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

Refusal Reason(s): (2)

- 1 The site lies within the boundaries of the Metropolitan Green Belt. The National Planning Policy Framework establishes that substantial weight should be given to any harm to the openness of the Green Belt. The proposal is considered to constitute inappropriate development that is harmful to its rural open character and visual amenity. Additional harm in the form of the scale, height, bulk, siting and activities would result in a greater visual prominence and intensity on the Green Belt. Whilst there are benefits to the scheme the proposed development cannot be justified in terms of 'very special circumstances' which would outweigh the harm identified and is contrary to policy DM4 of the Epping Forest Local Plan (2011-2033) and with the Green Belt objectives of the NPPF, 2021.
- 2 The development by reason of its scale, intensification of activities and siting would cause significant demonstrable harm to neighbour's amenity in the form of noise, intrusiveness and disturbance to the immediately adjoining residential properties Sedge Gate House and surrounding area.

Such substantial harm to the living conditions of the adjoining properties is contrary to policy DM9 of the Epping Forest Local Plan (2011-2033) and the core objective of the National

Planning Policy Framework that seeks to secure a good standard of amenity for all existing occupiers.

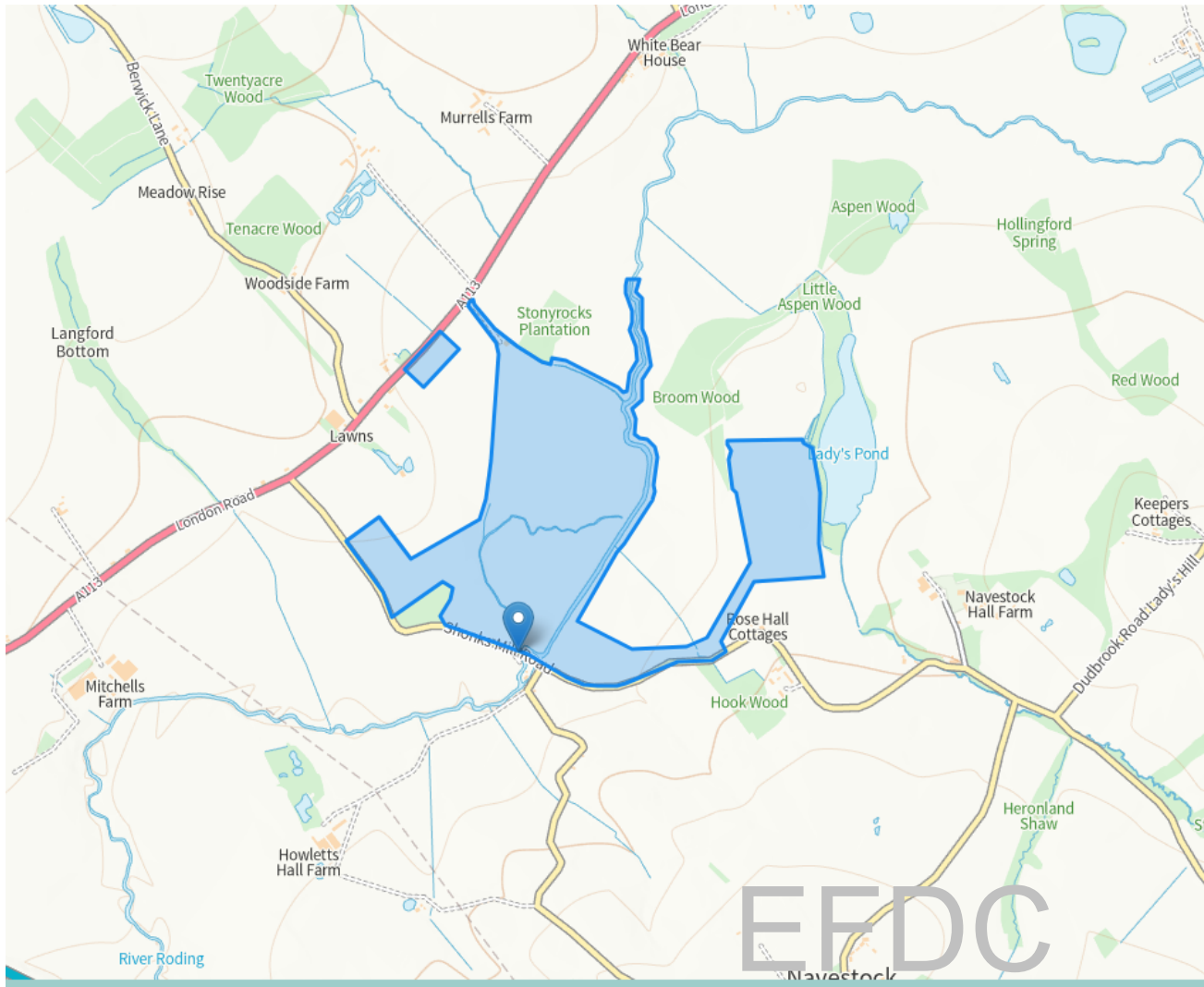
Informatives: (2)

- 3 The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority has a formal post-application advice service. Please see the Councils website for guidance and fees for this service - <https://www.eppingforestdc.gov.uk/planning-and-building/apply-for-pre-application-advice/>. If appropriate, the Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development through this service.
- 4 This decision is made with reference to the following plan numbers: 3413-21A1-13; 3413-21A1-12 Rev C; 3413-21A1-14



Epping Forest District Council

EFDC



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Application Number:	EPF/2702/22
Site Name:	Land North of Shonks Mill Bridge Shonks Mill Road, Stapleford Tawney

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OFFICER REPORT

Application Ref: EPF/2702/22
Application Type: Full planning permission
Applicant: Mr Luis Del Rio
Case Officer: Ian Ansell
Site Address: Land North of Shonks Mill Bridge, Shonks Mill Road, Stapleford Tawney
Proposal: A Hybrid planning application. Full planning application for a Flood Storage Area upstream of the M25 on land to the north of Shonks Mill Bridge, Shonks Mill Road, near Stapleford Tawney, Essex. It will provide protection for flood events up to the 1 in 200 year occurrence for properties downstream of the FSA, predominantly in the London Borough of Redbridge. Outline application for 2 replacement dwellings that need to be built to replace 2 that will be lost as part of the FSA.

Ward: Passingford
Parish: Stanford Rivers
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UnEt>
Recommendation: Approve with Conditions

This application is before this Committee since it proposes a 'large scale' development as defined in Article 10 of the Constitution (Pursuant to Article 10 of The Constitution).

Description of Site:

The application site lies in an area of the River Roding valley located to the south-west of the A113 London Road, and north and east of Shonks Mill Road. The site covers an area of around 25 hectares within the District although the whole area affected by the development extends into the adjoining part of Brentwood District (and a separate application to Brentwood Council is currently under consideration).

The land is generally open in character with some wooded areas. Two small cottages, likely former farm worker dwellings, lie at the north western tip of the site, accessed from a track that also forms part of a public right of way. Outside of the site area, a small cluster of farm buildings and dwellings lie adjacent to London Road including listed buildings on the site known as Lawns.

All land within the application site lies within the Green Belt. Land along with riverside lies within Flood Zones, including a considerable section within Flood Zone 3.

Description of Proposal:

The application has two elements;

- A full application for the main works to introduce flood protection measures to the north of Shonks Mill Road to reduce flood risk further downstream, and
- An outline application for two replacement dwellings for those to be lost as part of the new flood storage area.

Flood protection scheme

Members will be familiar with the broad issues around flooding within the Roding Valley. The river responds rapidly to rainfall events, and large swathes of land throughout the District along the river's course are regularly under water during such spells. Major incidents of flooding have occurred further south, including the 2000 flooding in Woodford that damaged over 400 properties.

The River Roding Flood Risk Management Strategy was developed in 2012 to consider long term flood risk management options of the Roding and its main tributaries (including Cripsey Brook and Loughton Brook). The strategy has been further developed to take account of global warming forecasts and further technical, economic and environmental assessments of a long list of options initially identified. The sites were further refined over the subsequent period before the application site was eventually selected as the preferred approach.

The flood storage area as now proposed will; create capacity to store over 25,000 sq.m. of water above natural ground level. The principal works comprise:

- Construction of an earth embankment with a concrete double baffle orifice flow control structure across the Roding valley upstream (north) of Shonks Mill Road bridge;
- Diversion of the River Roding to facilitate construction of the flow control structure and to align the control structure with the culvert underneath Shonks Mill Road bridge immediately downstream of the embankment;
- Excavation and subsequent reinstatement of a borrow area to win fill material located upstream (north) of Shonks Mill Road and east of the River Roding;
- Various temporary site compounds and temporary access tracks used during construction.

The primary construction element would be the flow control structure. This sits within a concrete structure set into an earth embankment located north of Shonks Mill Bridge. Overall the embankment extends around 570m in length, is around 17m deep and at its highest point is around 4m above adjacent ground levels (at which point it is around 60m from Shonks Mill Road. An access track runs along the 5m wide crest, set around 0.5m below the top of the embankment to act as a spillway. In the centre lies the flow control gate, set within a gap in the embankment around 15m wide. This will only be fully closed when there is a flood management need.

The control structure is located around 70m west of the existing river course, and a channel is to be cut to link the watercourse through the development. The total length of the diversion, all of which will be in the existing open countryside, will be around 420m and incorporate meanders to introduce diversity and to slow the water flow.

All excavation of material to construction of the embankment is proposed within the immediate vicinity, much of it from land east of the river within the Brentwood DC area. The embankment is treated in a mix of hard and soft landscaping, and additional screen planting abutting. Much of the road facing side of the embankment will be finished with grasscrete infilled with hardy native species in order to facilitate the function of this face as an overspill area. A mix of trees and hedges are proposed in the foreground. Following construction, access is required for maintenance and monitoring only, no permanent staffing is required and this is reflected in the vehicle access and parking arrangements.

Replacement dwellings

The flood relief works will require the demolition of two dwellings at 157 and 159 London Road as these will fall within the flood storage area. These dwellings are in private ownership.

The application therefore seeks outline permission to replace the dwellings on land understood to be in the same ownership as the existing dwellings to the south west. An existing field entrance 120m from the current residential access will form a new residential entrance with the dwellings sited south-west

thereof. The red line site are comprises around 4,571 sq.m. of which around 800 sq.m is shown as the domestic curtilage. The access and parking area lie in front of the dwellings and the wider site includes an area for landscaping and a SuDS attenuation pond. The illustrative layout shows dwellings and outbuildings with the same footprint as the existing houses, and a similar domestic curtilage, albeit in a more regular shaped form. The outline element of the application seeks only to deal with access and footprint at this time.

The application is accompanied by a range of supporting documents and additional material, some of which has been amended during the application process. These include Design & Access Statement for both elements, Arboricultural Impact Assessment, Contaminated Land Assessment, Ecology and Biodiversity Survey, Flood Risk Assessment, Habitat Regulation Assessment, Heritage Assessment, Landscape and Visual Amenity Appraisal, Planning Statement, Surface Water Drainage Strategy, Sustainability Appraisal, Lighting Assessment, Flood Mitigation Option Review and Strategic Appraisal, and Water Framework Assessment.

Relevant History:

Lawful development certificates were issued in 2021 (EPF/0475/21 and EPF/1215/21) for extensions to the existing dwellings. As these have not been implemented, they have been excluded from the volume and footprint calculations in relation to the replacements.

Policies Applied:

Epping Forest Local Plan 2011-2033 (2023);

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

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

- SP1 Spatial Development Strategy
- SP2 Place Shaping
- SP5 Green Belt and Local Greenspace
- SP6 The Natural Environment, Landscape Character and Green and Blue Infrastructure
- H3 Rural Exceptions
- T1 Sustainable transport choices
- T2 Safeguarding of routes and facilities
- DM1 Habitat Protection and Improving Biodiversity
- DM2 Epping Forest SAC and the Lee Valley SPA
- DM3 Landscape Character, Ancient Landscapes and Geodiversity
- DM4 Green Belt
- DM5 Green and Blue Infrastructure
- DM7 Historic Environment
- DM9 High Quality Design
- DM15 Managing and reducing Flood Risk
- DM16 Sustainable Drainage Systems
- DM17 Protecting and enhancing Watercourses and Flood Defences
- DM18 On-Site Management and Reuse of waste water and water supply
- DM19 Sustainable water use

- DM20 Low Carbon and Renewable Energy
- DM21 Local Environmental Impacts, Pollution and Land Contamination
- DM22 Air Quality
- D1 Delivery of infrastructure
- D2 Essential facilities and services
- D3 Utilities

NPPF (July 2021):

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either; (a) approving development proposals that accord with an up-to-date development plan without delay; or (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

- 2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 8 Promoting healthy and safe communities – paragraphs 92, 97, 100
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112, 113
- 11 Making effective use of land – paragraphs 119, 120, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 13 Protecting Green Belt land – paragraphs 137, 138, 141, 143, 147, 148, 149
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169
- 15 Conserving and enhancing the natural environment – paragraphs 174, 175, 179 - 182, 183, 185, 186
- 16 Conserving and enhancing the historic environment – paragraphs 194, 195, 197, 199 – 205, 208
- 17 Facilitating the sustainable use of minerals – paragraphs 213, 214

Consultation Carried Out and Summary of Representations Received

Date of site visit: 16 January 2023
 Number of neighbours consulted: 18
 Site notice posted: 16 January 2023
 Responses received: Two neighbour responses have been received from residents in the Brentwood DC area:

A resident at Rose Hall Cottages, Shonks Mill Road comments primarily on matters relating to construction disturbance, site security, and issues relating to existing uses on the land forming part of the borrow pit for construction. Most of these matters are not material to the application, and relate to the Brentwood DC application (the resident confirms their comments have been sent to Brentwood DC as well).

A resident is Dudbrook Road, Kelvedon Common comments on matters relating to Lady's Pond. However, this area is part of the land outside of the District and is a matter only for Brentwood DC to consider as part of the parallel application.

Representations have also been received on behalf of the owner of 157 and 159 London Road raising a number of specific issues;

- Flood modelling is incomplete and fuller details are required to assess the impact fully. The comments argue that full flood modelling should be made available for further comment.
- Where the application refers to livestock fencing, it should be noted that the will be permanent.
- The case for the replacement dwellings amounts to very special circumstances in relation to Green Belt policy, the benefits outweighing the harm, permanent loss of the dwellings would impact housing delivery objectives.
- Conditions relating to the replacement dwellings should provide that the replacement can be implemented in such a way that the existing occupiers can be re-housed in the new dwellings.
- The representation questions the reference to ongoing landscape maintenance beyond the initial five years after completion, the landowner has not committed to taking this obligation forward

Parish Council: Stanford Rivers Parish Council commented in detail as under:

Outline application for 2 replacement dwellings:

The Parish Council is generally not in favour of building new dwellings in the Green Belt, however when taking into account the very special circumstances of this case it feels there is no alternative but to relocate the properties located at 157 and 159 London Road given that both are identified as being susceptible to flooding as a direct result of the proposals. Whilst in principle the Parish Council has no objection to the proposed location of these new properties, it does have concern that they are extremely close to the new flood area, and would like to see clear evidence that they will not be at risk of flooding. Consideration should also be given to moving them further away from the flood storage area towards Passingford Bridge. In principle the Parish Council has no objection to this part of the application, however will expect to see full detail in terms of safe access – ingress and egress – for the site, as well as evidence that this is a suitable location in terms of flood risk. In addition, the Parish Council will expect a condition imposed on any permission given that the new properties should be built to a liveable standard prior to the current properties being demolished – this is to ensure limited disruption to the residents of 157 and 159 London Road – and that once the new properties are built, the old properties must be demolished.

Full Application for Flood Storage Area

The Parish Council has a number of concerns regarding this application which it feels should be addressed and clarified before the Local Planning Authority issues its decision. There is no doubt that the creation of this flood storage area will increase flooding risk to the properties in both Stanford Rivers and Navestock, and every possible measure should be taken to ensure residents of both parishes do not suffer a detriment or disadvantage as a result of these works. It is also clear that the benefit to residents downstream in the London Borough of Redbridge seems to outweigh the additional risks to those residents in both Stanford Rivers and Navestock, especially the additional financial burden that they will undoubtedly face due to the increased risk of flooding (insurance costs). This is evident by the phrase within the submitted documentation which states that 'Overall the development was found to reduce flood risk downstream and any increases in flood risk are insignificant compared to the benefits provided by the scheme'. The Parish Council would like the following matters given full consideration before a decision is made:

- It is clear from the submitted documentation that the modelling needs further updating, the last set of modelling being completed in 2018. On 10th November 2022 members of the EA team managing this project gave a presentation to the Parish Council at which they confirmed that further modelling was needed and would be undertaken, however this does not form part of this application and as such one cannot be confident in the data submitted. In addition, the EA team seemed unaware of the problems experienced over the last 2-3 years with flooding across the A113 near to Traceys Farm, rendering the

A113 impassable. This has also been a historical problem on the A113 near Bridge Farm. The Parish Council would expect that the Local Planning Authority will want to see evidence from the EA that the proposal will not exacerbate the prevalence of flooding at both these locations. In essence, what modelling has been completed to ensure that the new flood storage area will not increase the prevalence of this flooding along the A113.

- There is expected to be a relatively long period of construction works during which a considerable amount of soil and mud will be moved. This will increase traffic on the A113 and the possibility of congestion. Should permission be granted, there should be clear conditions imposed to ensure the main road network is not unduly impacted, and neither are residents. Suggested conditions include:
 - o Wheel Washing – to ensure no debris is deposited onto the A113 / Shonks Mill Road
 - o Strict hours of operation during construction phase – to ensure limited impact on residents, with works limited to Monday to Friday 9am to 6pm, with no Saturday or Sunday operation.
 - o Making good of any damage to road surfaces – should there be any damage to Shonks Mill Road or the A113, the contractor must repair and make good any damage that has occurred.
- After liaison with our Neighbouring Parish, Navestock, the Parish Council would not support formal access to or from the site either during construction or when the site is operational from the Parish of Navestock, for reasons that the rural roads are unsuitable for such traffic. This should be controlled by way of a condition attached to any permission given.
- The Parish Council would expect that any compound used for the parking or storage of vehicles should be sited in a suitable location away from residential properties.
- The Parish Council expects to see some form of financial benefit provided to the Parish Council by way of a S106 agreement that would be put towards local projects for the benefit of local residents as a direct result of the disruption they will experience.

Navestock Parish Council have also objected to the application as under:

- The Upper Roding and Shonks Mill modelling studies were conducted in 2015 and 2018, how confident can we be regarding their validity in 2023? Also, given the protracted nature of the project, is the Jacobs modelling software used reflective of the latest dataset surrounding flood risk?
- Will all site traffic only access the area via the A113 and if so, how would this be enforced? The prospect of large vehicles attempting to negotiate access through the narrow lanes of Navestock would be both extremely dangerous and damaging to the already poor road surfaces.
- Will Shonks Mill Road remain open at all times, as there are serious safety concerns for through traffic on this narrow road? Should there be restricted usage or even temporary diversions, it should be made clear that Mill Lane (single track) is totally unsuitable for larger vehicles and should be signposted accordingly.
- Will site staff be parking within the works area only, as unrestricted parking on Shonks Mill Road will only add to our safety concerns?
- The Rose Hall Cottages track that is marked as 'occasional access for plant deliveries' currently allows no access to unauthorised vehicles onto the surrounding fields. This is due to trenches and a concrete block installed by the local farmer, a necessity to stop frequent (almost daily at one point) hare coursing, poaching and unauthorised quad bikes. If this is to be used as an access point without consideration to securing the area, it will allow these illegal activities to recommence.
- If heavy machinery is used on this concrete track, will it and the entry point from Shonks Mill Road be reinstated to its original condition once work is completed?
- The secondary access point for maintenance once works are finished in Shonks Mill Road is currently a hotspot for fly tipping, will steps be taken to mitigate this problem? If the area is enlarged as proposed by removing vegetation to increase space for vehicles to access the gates, surely this issue will be exacerbated.
- There is also a very strong possibility that the plant on site will bring unwanted attention to the location, as is evidenced by frequent stealing of machinery and tools in the local area. How would this be addressed?
- The haul road and borrow works compounds are much too close to Rose Hall Cottages given the 6 days a week operation plus overall length of works envisaged.

- Residents living within very close quarters of the earthworks should be given due consideration for the amount of noise and dust that they will incur for a possible 6-month period or longer? Should this be during the summer months with the wind in the wrong direction, they will most likely be unable to open windows plus everything will be covered in a layer of dust. Due to the 'open' nature of the area it is possible gardens will be unusable whilst this is taking place.
- Documents show that the dam will most likely be classed as category A, however this isn't confirmed as yet. What assurances will the residents located immediately downstream of the dam receive (Shonks Mill House, Millers Cottage and Riverside)? This does also lead to the longer-term question of said Navestock residents being severely disadvantaged, both in terms of likely insurance premiums plus value of their properties.
- Should the project proceed, what security is envisaged during / post construction given the remote location of the site, is CCTV under consideration? Any CCTV should be connected to the BBC monitoring system and be part of the proposed Navestock "ring of cameras" currently being deployed.
- As part of security there is likely to be permanent lighting during construction, how will this be mitigated to protect residents who have a general right to peace and tranquility?
- It appears that lighting will be installed for maintenance purposes post construction. Is this aesthetically acceptable for such a rural (Green Belt) location?
- Will there be a section 106 agreement or CIL applied so that Navestock residents will see benefits post construction?
- Navestock Parish Council trust that the planning application will be afforded the same level of scrutiny that any private scheme would receive.

Brentwood DC were also consulted and chose not to comment in advance of consideration of the application before them.

Main Issues and Considerations:

Strategic context

While potential direct amenity impacts arising from the development are local, the application needs to be considered in the wider context. As set out above, the application has been evolving since flood events downstream first identified a need to secure flood prevention measures, focused by the 2012 Flood Risk Mitigation Strategy. The River Roding has a long history of flooding and it is estimated that more than 1,500 properties adjacent to the river are at risk, particularly in the urban areas to the south. Once climate change is taken into account, there would be further increased risk of breach of the existing flood defences. Recent surface water flooding experiences in and around Ongar along the Cripsey Brook (a major tributary of the Roding) provides anecdotal evidence that supports the need for additional capacity within the wider Roding zone of influence.

Officers have been involved in the evolution of the scheme through a pre-application process that has been ongoing since 2018. The wider project has examined potential locations from the river's source near Stansted through to the edge of the more urban area. As a result of that process, factors including the topography of the land subject of the application and resultant flood storage capacity, the proximity to a road access, the extent of the alterations required to the land and the watercourse, and existing infrastructure in the area, all contributed to this location emerging as the preferred option.

Given the significant strategic importance of the project therefore, considerable weight should be given to the wider flood management implications.

Green Belt

The two elements raise separate issues around development in the Green Belt, although ultimately any justification relies on the same case as to whether very special circumstances exist.

The flood storage scheme should be considered to be an engineering operation – such a definition would usually cover construction work not resulting in a building being erected. Paragraph 150 of the NPPF 2021 states that engineering operations can be considered as not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Guidance is not provided on the scale and form of such works that may be appropriate, as each operation can be expected to be sufficient unique to be considered on its merits.

The scale and extent of the works are significant in the general context of the location. The embankment will introduce a noticeable change in the local landscape in its height and extent, and this will initially have a noticeable visual impact until the landscape has matured; even thereafter the areas of hard surface materials within the scheme would remain prominent.

However, the works do not contain any significant buildings beyond the control gates themselves. The other works are limited - a small electricity kiosk, single track access roads and small parking and turning areas. The lower edge of the embankment is set back from the road by 30 metres, and the crest by around 60 metres. Significant landscape works will further screen the engineering elements. Thus, the land remains open in character. Consistent with the surroundings which vary in levels albeit in a more natural form. Further, the works cannot be considered to conflict with any of the key purposes for including the land in the Green Belt, as set out in paragraph 138 of the NPPF.

The arguments in relation to the replacement dwellings are more finely balanced. The construction of new dwellings in the Green Belt is regarded as inappropriate. Paragraph 149(d) of the NPPF specifically includes as an exception to inappropriate development the replacement of a building, providing the new building is *in the same use and not materially larger than the one it replaces*. It does not specify however that the replacement must be in the same location, although it is intended that such replacement should not have a materially greater impact on openness.

The loss of the existing dwellings is almost unavoidable, these lie within a lower lying area which could potentially become flooded in extreme events. A number of mitigation options have been considered including installing a bund around the dwellings, jacking the buildings and rebuilding at a higher level in situ. These have however been discounted as the buildings would remain vulnerable, and associated works would be required to also protect the access that would further add to cost and delay. Any such works would also require existing occupiers to be housed elsewhere during construction.

A number of alternative locations have also been considered, covering land within the ownership of the existing residential landlord. The current application site was favoured being in relatively close proximity to the existing dwellings, close to other dwellings, utilising an existing field access from London Road and being deliverable in the timeframe of the wider development.

Little weight is attached to the arguments in the representations in relation to the loss of the dwellings in housing supply terms – the loss of two dwellings would not impact housing delivery targets and would be swiftly balanced by other new homes being approved. Policy SP1 (D) (vi) of the Local Plan resists any net loss of homes unless it can be *'demonstrated that the benefits of doing so will materially outweigh the harm'*.

The Green Belt balance should take account of the above issues, and the very special circumstances that seek to justify the application, as set out above in terms of the site selection process and the significant benefits along the course of the Roding and its main tributaries. Officers conclude that there will be a change in the visual character of the immediate area around the embankment, but the landscaping works will lessen this harm. The new residential element can be viewed as a replacement of existing buildings that meet the key tests of paragraph 149 (d) in terms of scale, mass and use and while more visually prominent the overall impact on openness is tempered by the presence of other residential buildings in the vicinity. Thus, harm is limited, and therefore substantially outweighed by the benefits of allowing the development.

Visual impact, trees and landscape and ecology

The development is supported by a detailed landscape led design. The application identifies five key landscape opportunities:

- Creation of meadow grassland and wildflower meadows, which also creates biodiversity net gain,
- Low level grassland and planting on the embankment to soften the appearance but does not affect function or inhibit inspection and maintenance
- New tree, hedge and scrub planting around the area of the embankment to break up the visual mass,
- Maintain the river corridor habitat and establish new habitat along the new river channel,
- Creation of wetland habitats including ponds, scrapes and backwaters.

Evidently there is a change in landscape character given the existing character of farmland and fields which runs along both banks of the river at this point. In the wider context however, the landscape is significantly more varied, including areas of woodland and generally undulating ground. The works introduce a more managed style of landscape, but overall it remains a predominantly open environment consistent with the surrounding character.

Extensive research has been undertaken to identify existing habitats within the wider area and the application provides sufficient evidence what impacts the development will have on nearby designated sites of ecological interest, and that appropriate mitigation measures can be secured to make the development acceptable. A wide range of biodiversity enhancements are recommended that will result in net gain including in the creation of new habitats and wetland areas, and provide new provision for bats, birds and invertebrates. Subject to appropriate conditions therefore, development can be considered appropriate in its consideration of local ecological interests.

Heritage and conservation

The large extent of the site is noted by the applicant to be within the wider setting of fourteen Grade II Listed buildings comprising Medieval and Post-Medieval farmsteads, cottages and public houses.

Long range views of the proposed development will be visible from the rear area of the Grade II Listed group of buildings associated with the site of 'Lawns'. These designated heritage assets are positioned in close proximity to the road with the rear of the associated plot being occupied by a mid-20th century agricultural building of low significance, approximately 180m from the road. Additionally, the Listed buildings in this group are screened by dense vegetation and do not enjoy direct views of the proposed site located further to the south. Thus, the setting, including views to and from this group, will be adversely impacted to an unacceptable degree by the proposed development.

The Grade II Listed group of buildings associated with 'Rose Hall' are located approximately 250m east from the start of the secondary access road for the proposed development. This group is located just outside the boundary of Epping Forest District. Nevertheless, views to and from these designated heritage assets are not considered to be adversely impacted as the area of the site is heavily screened by both a historic woodland and dense vegetation along the road.

Similarly, by virtue of their distance from and limited intervisibility with the proposed site, the setting of the remaining designated heritage assets further north along London Road would not be affected or adversely impacted by the proposed development.

Residential amenity

Representations from local residents in relation to the application are limited to comments about construction issues, and matters falling within the scope of the parallel application with Brentwood DC. Few direct amenity issues arise in any event; the key works are remote from most dwellings, the

completed works will generate few vehicle and pedestrian movements, and the operation of the system will not generate noise or other disturbance.

Highways

The works have limited highway impact. The new access points for the flood embankment are sited to allow adequate visibility onto the road, which carries limited through traffic. The residential access already exists and will require minimal alterations to the boundary hedge to allow for visibility splays on the fast moving London Road.

Subject to conditions therefore, the proposals are acceptable on Highway grounds.

EFSAC

The site lies outside of the main areas of the EFSAC, at around 7.6km from the main areas. A Habitat Regulation Assessment accompanies the application, which recognises that most activity will be linked to the routine maintenance and monitoring of the river and the control system, similar monitoring and maintenance of the existing water course and bridge already occurs. The residential element simply relocates vehicle source within a short distance of the existing. As a result, vehicles movements through the EFSAC area are not imp-acted, as set out below:

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.

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the Local Plan. The screening stage of the HRA 2019 concludes 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). Consequently the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation 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.

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 outside of the 6.2 km 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 will not result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
2. The development would not result in a net increase in traffic using roads through the EFSAC. Therefore the proposal will not result in a likely significant effect on the integrity of the EFSAC as a result of atmospheric pollution.

3. On this basis the Council is satisfied that the application proposal would not result in a likely significant effect on the integrity of the EFSAC. Having undertaken this first stage screening assessment and reached this conclusion there is no requirement to undertake an 'Appropriate Assessment' of the application proposal.

Other matters

The historic use of the land for agriculture makes it likely that contaminants will be present within the ground, and this is confirmed by preliminary soil testing. More detailed analysis will be required and can be dealt with by condition.

The application includes broad measures in relation to surface water drainage, which are considered acceptable in principle, more detailed analysis is required of the potential for infiltrating local clay soil, and any measures to deal with foul sewage. Once again a condition can deal adequately with this issue.

A number of consultation responses refer to the stage flood modelling being incomplete. This is not surprising in an application of this complexity, and will continue to evolve as the project further evolves and any localised issues are identified and resolved, for example the extent of any contamination remediation and the redirecting of the watercourse. The application identifies the extent of the proposed flood plain and the key issues therein. Any variation to the extent of the flood plain that may be required as a result of the detailed design would need to be reconsidered by way of an amended application. At this time, the flood modelling is sufficient for the application to be determined.

Conclusion:

The application represents a significant local infrastructure project impacting not only the area of Stanford Rivers, but also the wider watercourse. The River Roding and its tributaries are prone to flooding and while the existing flood plain continues to deal with most such incidents, recent experience supports the case that changes to the local physical environment from development and global warming requires a more long-term solution is put in place.

The proposals before Members represent the culmination of over 10 years evolution of the scheme, including an exhaustive review of options. The application site meets most of the project's aims. The balance lies in the potential impact development may have on the Green Belt. As set out above however, that impact is limited – the engineering operation is acceptable in broad terms, while the dwellings can be considered as replacements. Therefore the impact on the Green Belt is outweighed by the wider benefits.

Taking account of all other material considerations, and the mitigation measures in landscape and ecological benefits, the proposals are 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: Ian Ansell
Direct Line Telephone Number: 01992 564481***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Conditions: (38)

FULL (FLOOD STORAGE AREA) ELEMENT

- 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:

ENVIMSE500156-JAC-XX-3A1-DR-Z-0101
ENVIMSE500156-JAC-XX-3A1-DR-Z-0106
ENVIMSE500156-JAC-XX-3A1-DR-Z-0108
ENVIMSE500156-JAC-XX-3A1-DR-Z-0109
ENVIMSE500156-JAC-XX-3A1-DR-Z-0120 to 0126
ENVIMSE500156-JAC-XX-3A1-DR-C-0301
ENVIMSE500156-JAC-XX-3A1-DR-C-0302
ENVIMSE500156-JAC-XX-3A1-DR-C-0501
ENVIMSE500156-JAC-XX-3A1-DR-C-0502
ENVIMSE500156-JAC-XX-3A1-DR-C-0503
ENVIMSE500156-JAC-XX-3A1-DR-GT-0601
ENVIMSE500156-JAC-XX-3A1-DR-GT-0603
ENVIMSE500156-JAC-XX-3A1-DR-C-0701
ENVIMSE500156-JAC-XX-3A1-DR-L-0801
ENVIMSE500156-JAC-XX-3A1-DR-L-0802
ENVIMSE500156-JAC-XX-3A1-DR-L-0810
ENVIMSE500156-JAC-XX-3A1-DR-L-0811
ENVIMSE500156-JAC-XX-3A1-DR-L-0813
ENVIMSE500156-JAC-XX-3A1-DR-L-0814
ENVIMSE500156-JAC-XX-3A1-DR-RD-0901
ENVIMSE500156-JAC-XX-3A1-DR-RD-0902
ENVIMSE500156-JAC-XX-3A1-DR-RD-0903
ENVIMSE500156-JAC-XX-3A1-DR-RD-0905
ENVIMSE500156-JAC-XX-3A1-DR-RD-0906
56-JAC-XX-3A1-DR-L-0807
ENVIMSE500156-JAC-XX-3A1-DR-PL-3001-S2-P06-B1300-EA3-LOD3
ENVIMSE500156-JAC-XX-3A1-DR-PL-3003

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

- 3 A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species), policy DM1 of the adopted Local Plan 2011-2033 (2023) and the NPPF 2021.

4 No development shall commence until:

- a) the hydraulic modelling undertaken by Jacobs has been updated and run for the higher central climate change allowance to assess impacts on Stanford WwTW; and
- b) the updated hydraulic model has subsequently been reviewed in detail by the Environment Agency.

Reasons: In order for the Environment Agency to be content that the hydraulic modelling undertaken for the Flood Storage Area satisfies all technical requirements, and to accord with policy DM15 of the adopted Local Plan 2011-2033(2023) and the NPPF 2021.

5 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.

- 6 Prior to preliminary ground works taking place, details of foul and 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 foul and 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.

- 7 No development to commence until an updated protection zone plan, following camera trap monitoring has taken place in advance of the work, has been submitted to the local planning authority. The plan must consider the whole duration of the development, from the construction phase through to development completion. Thereafter the following onsite working arrangements will be adhered to:
- Ground trenches to be filled in prior to the end of the working day or left with a plank leaning up from the base of the trench to the surface so as to provide a means of escape for any entrapped animals.
 - Avoid working during hours of darkness and within two hours of sunrise and sunset. Work to adhere to the Institute of Lighting Professionals Notes for the Reduction of Obtrusive Light GN01:2011.

Reasons: To protect the European Otter and its habitat within the development site, and to avoid disturbance, in accordance with policy DM1 of the Local Plan 2011-33 (2023), and the NPPF 2021.

- 8 Any works which will impact the breeding / resting place of bats, shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or
- c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.”

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s17 Crime & Disorder Act 1998 policy DM1 of the adopted Local Plan 2011 2033 (2023) and the NPPF 2021.

- 9 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.

- 10 A Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
 - d) persons responsible for implementing the enhancement measures; and
 - e) details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.”

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species), policy DM1 of the Local Plan 2011-2033 (2023) and the NPPF 2021.

- 11 Prior to any above ground works to the flood storage embankment, 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.

- 12 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Constraints Assessment (Mott MacDonald, September 2016), PEA Addendum (Jacobs, October 2020), Ecology Survey Report (Jacobs, November 2022) and Otter Monitoring Report (ENVIMSE500156-JAC-ZZ-3A1-RP-EN-0012) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), policy DM1 of the adopted Local Plan 2011-2033 (2023) and the NPPF 2021.

- 13 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.

- 14 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.

- 15 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.

- 16 Unless otherwise provided for in the application, all material excavated from the below ground works hereby approved shall be 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.

- 17 All ground works and deliveries shall be in accordance with the submitted Construction Works Phase Project Execution Plan. The Plan shall be adhered to throughout the construction period unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that appropriate parking and turning on-site is provide and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety, in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policy T1 of the Local Plan 2011-2033 (2023), and the NPPF 2021

- 18 The access arrangements, as shown in principle on Jacobs drawing no. ENVIMSE500156-JAC-XX-3A1-DR-RD-0902 Rev P03 & drawing no. 0903 Rev P02, shall be fully implemented and retained as such for the life of the development. All details to be agreed with the Highway Authority.

Reason: To ensure safe and appropriate access is provide to the site and improved accessibility for the locality in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policy T1 of the Local Plan 2011-2033 (2023), and the NPPF 2021.

- 19 Appropriate vehicle parking and turning areas, as indicated on Jacobs drawing titled 'Contractor's Temporary Working Areas and Access' shall be provided and retained as such for the duration of the construction period.

Reason: To ensure that appropriate parking and turning is provided in accordance with the Highway Authority's Development Management Policies, adopted as County Council

Supplementary Guidance in February 2011, policy T1 of the Local Plan 2011-2033 (2023), and the NPF 2021.

OUTLINE (RESIDENTIAL) ELEMENT

- 20 The residential development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 21 below, whichever is the later.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 21 Prior to commencement of the residential development, details of the layout, scale and appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to the Local Planning Authority for approval before the expiration of three years from the date of this permission, and the development shall be carried out in accordance with the details so approved.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 22 A) No work on the residential 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.

- 23 Prior to preliminary ground works taking place in relation to the residential development, details of foul and 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 foul and 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.

- 24 Prior to any above ground works on the residential development, 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.

- 25 Prior to any above ground works on the residential development, 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.

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

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

27 Prior to first occupation of the residential development, 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.

28 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 residential 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.

29 Wheel washing or other cleaning facilities for vehicles leaving the residential 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.

30 Prior to any above groundworks on the residential site, 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.

31 Prior to first occupation of the residential 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.

- 32 Prior to first occupation of the residential development hereby approved, 1 Electric Vehicle Charging Point shall be installed to each dwelling and retained thereafter for use by the occupants of the site.

Reason: To help support improvements to air quality in accordance with Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 33 Prior to the first occupation of the residential development the access arrangements, as shown in principle on Jacobs drawing no. ENVIMSE500156-JAC-XX-3A1-DR-PL-3003 Rev P02, shall be fully implemented and retained as such for the life of the development.

Reason: To ensure that appropriate access is provided in the interests of highway safety, in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policy T1 of the Local Plan 2011-2033 (2023), and the NPPF 2021.

- 34 Any gates provided at the residential 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 Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policy T1 of the Local Plan 2011-2033 (2023), and the NPPF 2021.

- 35 No unbound material shall be used in the surface treatment of the residential vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policy T1 of the Local Plan 2011-2033 (2023), and the NPPF 2021.

- 36 Within two months of the first occupation of the residential buildings hereby permitted, the existing dwellings shall be removed in the entirety and all resultant material shall be removed from the site.

Reason - The replacement dwellings are only acceptable as replacements within the Green Belt, and retention after occupation would have an adverse impact on the openness of the Green belt contrary to policy DM4 of the adopted Local Plan 2011-2033 (2023) and the NPPF 2021.

- 37 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, AA, B, E and F of Part 1 to Schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: The ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties and the Green Belt, in accordance with Policy DM4 and DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 38 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the residential development site forward of any wall of that dwellinghouse which fronts onto a road, without the prior written agreement of the Local Planning Authority.

Reason: The ensure further consideration is given with regards to the effect on the character and appearance of the area, and in the interest of highway safety, in accordance with Policies T1, DM4 and DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (3)

- 39 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 40 Note: Under the Land Drainage Byelaws of this Council, Land Drainage Consent is also required before any work commences. Please contact the Land Drainage team on 01992 564000 for application forms. The grant of planning permission does not imply the automatic grant of Land Drainage Consent.
- 43 This informative is requested by the Highway Authority:
- i. Please note that these comments only refer to the proposed accesses within the Epping Forest District, and not the access located in the Borough of Brentwood to the east of the River Roding.
 - ii. There shall be no discharge of surface water onto the Highway.
 - iii. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over Public Footpath no.47 Stanford Rivers, shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.
 - iv. The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant

and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

v. 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

vi. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks, safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.



Epping Forest District Council

EFDC



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Application Number:	EPF/0540/23
Site Name:	Cottis Lane Car Park, Cottis Lane Epping CM16 5LL

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OFFICER REPORT

Application Ref: EPF/0540/23
Application Type: Removal/variation of conditions
Applicant: Qualis Commercial Ltd
Case Officer: Nanayaa Ampoma
Site Address: Cottis Lane Car Park, Cottis Lane, Epping, CM16 5LL
Proposal: Variation to condition planning permission EPF/2925/20 (Full application for the redevelopment of existing surface level car park comprising the demolition of public toilets and the construction of a multi-deck car park, cinema (sui generis), commercial floor space (mixed Class E), replacement public toilets and cycle store, all associated plant, together with new vehicular and pedestrian access, all hard and soft landscaping, and associated works).to amend condition 2 (to include interim Phase drawings), and condition 26 (EV Charging Points)
Ward: Epping Lindsey and Thornwood Common
Parish: Epping
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001VeAy>
Recommendation: Approved with Conditions (Subject to s106 Legal Agreement)

This application is before this committee as it proposes a ‘major’ development where the Council is a landowner as defined in Article 10 of the Constitution.

The site has been transferred from Council ownership to Qualis Commercial Ltd, however given that this is a wholly owned company of the Council, the application is considered to meet the DDMC terms of reference.

Recommendation

That planning permission be **GRANTED** subject to:
The Conditions and s106 Legal Agreement obligations attached to permission EPF/2925/20. The s106 Legal Agreement includes provisions in the case of a s73 application and notes that the provisions shall also relate to and bind and future s73 applications.

A full list of conditions is provided at Appendix 1, which have been amended to reflect where matters that have already been discharged.

Site and Surroundings

The application site lays within the Epping Town Centre to the north of the proposed primary shopping area. The site currently comprises the construction site of the previously approved Cottis Lane multi-storey car park. A small public toilet building maintained by Epping Town Council is located within the site.

The north-west boundary is to Bakers' Villas a sheltered housing complex and to the east/ north-east are the residential properties of Buttercross Lane. To the south is a small staff and customer car park serving M&S, the rear of the M&S store and the Epping in Bloom community garden.

To the west on the opposite side of Cottis Lane there are two, three storey blocks of offices forming part of the Falconry Court development. Kestrel House and Peregrine House are modern buildings, designed in Georgian and Victorian Gothic styles. These properties have been subject of a recent Prior Approval Application (ref. EPF/2056/21) for conversion from office to residential use under the

provisions of Class O of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The prior approval was granted on 20/09/21 which enables these properties to be converted into the 51 residential dwellings if implemented.

Description of Development

The application seeks planning permission for a variation of condition 2 of the original approval for the Cottis Lane redevelopment (EPF/2925/20) to include additional phase drawings; and an amendment to the wording of condition 26 pertaining to the number of EV Charging Points. The original development was for Full Planning permission for the redevelopment of the existing surface level car park comprising the demolition of public toilets and the construction of a multi-deck car park, cinema (sui generis), commercial floor space (mixed Class E), replacement public toilets and cycle store, and all associated plant, together with new vehicular and pedestrian access, all hard and soft landscaping, and associated works).

It is proposed that condition 2, which provides for the approved plans, be modified as follows:

Table 1

Current	NEW
n/a	Ground Floor Plan – Interim Phase 1 - Reference 19756 - 2051 P1
n/a	Elevations – Interim Phase 1 - 19756 - 2203 P1
n/a	General Arrangement Plan – Interim Phase 1 – Reference 1270-03-030 P1
	RENAMED
Ground Floor Plan - Phase 1 (Meanwhile Use) 19756 - 2050 P02	Ground Floor Plan – Interim Phase 2 - Reference 19756 - 2050 P05
Elevations - Phase 1 (Meanwhile Use) 19756 -2202 P02	Elevations – Interim Phase 2 – Reference 19756 -2202 P05
General Arrangement Plan -Temporary Works 1270-03-009 Rev P4	General Arrangement Plan – Interim Phase 2 – Reference 1270-03-009 P7

The proposed interim phase proposals now introduced is to allow further clarification on the proposed phasing of the development and so the proposed interim arrangements are made clear. The Section 73 (s73) would result in the application having 2 phases of development as follows:

- Phase 1 – car park (this is phase A in the cross-site Section 106 agreement)
- Phase 2 – car park and commercial space

The design approach for Interim Phase 1 allows for a temporary public space in between the new car park and the remainder of the town centre ahead of the delivery of future phases. The drawings show a temporary landscaped area, including incidental play and seating areas.

The s73 application also proposes to amend the wording of condition 26 to allow for greater flexibility in the implementation of the requirements for electric charging spaces.

Table 2

Current wording	Proposed
------------------------	-----------------

Prior to the commencement of above ground works, details and location of the parking spaces equipped with active Electric Vehicle Charging Points (EVCP) must be submitted to and agreed in writing by the Local Planning Authority. The details shall demonstrate that the development will deliver 15 per cent active/85 per cent passive

ECVPs and shall include:

Location of active charge points
Specification of charging equipment
Operation/management strategy
Identify of the 15% active provision which spaces are restricted to use only by Electric

Vehicles (excluding hybrid vehicles)

Where 15% active points are proposed, with 85% passive point provision, a management plan for the charging points should be submitted to and agreed in writing by the Local Planning Authority. The management plan shall include:

Which parking bays will have active charging provision, including disabled parking bays;
How charging point usage will be charged amongst users and non-users;

Set out the process users can go through to activate passive charging points;

Electricity supply availability. The electricity supply should be already confirmed by UK Power Networks so that the supply does not need to be upgraded at a later date.

The development shall be completed in accordance with the approved details and retained in perpetuity. Prior to occupation, the application shall submit confirmation to the Local Planning Authority that the charging points are operational, with active provision. This must be supported by appropriate evidence.

Prior to the commencement of above ground works, a Management Plan which provides details and location of the parking spaces equipped with active Electric Vehicle Charging Points (EVCP) must be submitted to and agreed in writing by the Local Planning Authority.

The details shall demonstrate that the development is safeguarded and able to deliver 15% active / 85% passive EVCPs and shall include:

- The number of active chargers to be provided on opening of the car park (and if less than 15% supported by appropriate demand evidence)
- A monitoring and implementation strategy to ensure any deficit from the 15% in active chargers on opening is reviewed over the first 3 years of the development and provision increased inline with demand
- Which parking bays will have active charging provision, including disabled parking bays;
- Specification of charging equipment
- Operation/management strategy
- Identify of the active provision which spaces are restricted to use only by Electric Vehicles (excluding hybrid vehicles)
- Electricity supply availability. The electricity supply should be already confirmed by UK Power Networks so that the supply does not need to be upgraded at a later date.
- The Management Plan shall be updated every six months in the first three years of the development opening and then annually until 2030.

The development shall be completed in accordance with the approved details and retained in perpetuity.

Prior to occupation, the application shall submit confirmation to the Local Planning Authority that the charging points are operational, with active provision. This must be supported by appropriate evidence.

No other changes are proposed under the application. All other elements remain as under original application EPF/2925/20.

Relevant Planning History

EPF/1810/22: Non-material Amendment to application EPF/2925/20 (dated 25/2/2022) for the alteration to car parking layout, internal floor plans and minor elevational changes. – **Approved**

EPF/2925/20: Full application for the redevelopment of existing surface level car park comprising the demolition of public toilets and the construction of a multi-deck car park, cinema (sui generis), commercial floorspace (mixed Class E), replacement public toilets and cycle store, all associated plant, together with new vehicular and pedestrian access, all hard and soft landscaping, and associated works. - **Granted subject to conditions and s106**

Environmental Impact Assessment

The original application was accompanied by two Environmental Impact Assessments (EIA) that provided a comprehensive review covering all five Linked town centre development sites that formed part of the Qualis Commercial Ltd proposals. The s73 is accompanied by these Environmental Statements:

- Environmental Statement dated 31 March 2021 which reports the findings of the EIA for the three residential sites (St John's Road (EPP.R4), Sports Centre (EPP.R5) and Civic Offices (part) (EPP.RS) (the **Residential ES**); and
- Environmental Statement dated 28 July 2021 which reports on the findings of the EIA for the two commercial sites (Cottis Lane (EPP.R6) and Bakers Lane (EPP.R7)) (the **Commercial ES**).

The Epping Town Centre Development: Environment Summary Report (July 2020) sets out how the Commercial ES interact with environmental effects and methods of assessment for each site individually and cumulatively. It was determined by officers under the original application that the submitted ES collectively provide adequate environmental information to enable the original application to be determined. The effects have been analysed and mitigation measures have been applied where necessary.

It is not considered that the proposed changes to the original development, would give rise to new or significant effects on ecology and biodiversity, traffic and transport, socioeconomics, air quality, townscape, cultural heritage or climate change. Therefore, the proposed amendments remain consistent with the findings of the previous Environmental Statements.

Policy 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 Local Plan 2011-2033 (2023).

National Planning Policy Framework (NPPF) (2021)

The NPPF (2021) represents a material planning consideration for the planning assessment. It provides the framework for producing Local Plans for housing and other development, which in turn provide the policies against which applications for planning permission are decided.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

The most relevant chapters are as follows:

- 5 (Delivering a sufficient supply of homes);
- 6 (Building a strong, competitive economy);
- 7 (Ensuring the vitality of town centre);
- 8 (Promoting healthy and safe communities);
- 9 (Promoting sustainable transport);
- 11 (Making effective use of land);
- 12 (Achieving well-designed places);

- 14 (Meeting the challenge of climate change, flooding and coastal change);
- 15 (Conserving and enhancing the natural environment); and
- 16 (Conserving and enhancing the historic environment)

Epping Forest Local Plan 2011-2033 (2023).

The Epping Forest Local Plan was adopted on 6 March 2023 and now forms part of the Council’s Statutory Policy Framework. The plan aims to help focus development principles and provide robust planning policy for future decision making. The most relevant policies within the Plan are as follows:

- Policy SP1 Spatial Development Strategy 2011-2033
- Policy SP2 Place Shaping
- Policy SP 3 - Space shaping - Significant
- Policy SP6 The Natural Environment, Landscape Character and Green and Blue Infrastructure
- Policy H1 Housing Mix and Accommodation Types
- Policy H2 Affordable Homes
- Policy T1 Sustainable Transport Choices
- Policy DM1 Habitat Protection and Improving Biodiversity
- Policy DM2 Epping Forest SAC and the Lee Valley SPA
- Policy DM3 Landscape character, ancient landscapes and geodiversity
- Policy DM5 Green and Blue Infrastructure
- Policy DM6 Designated and undesignated open space
- Policy DM7 Historic Environment
- Policy DM9 High quality design
- Policy DM10 Housing design and quality
- Policy DM11 Waste Recycling Facilities in New Development
- Policy DM15 Managing and Reducing Flood Risk
- Policy DM16 Sustainable Drainage Systems
- Policy DM18 On-Site Management and Reuse of Wastewater and Water Supply
- Policy DM20 Low Carbon and Renewable Energy
- Policy DM21 Local Environmental Impacts, Pollution and Land Contamination
- Policy DM22 Air Quality
- Policy P1 Epping
- Policy D1 Delivery of infrastructure
- Policy D2 Essential Facilities and Services
- Policy D3 Utilities
- Policy D6 Community Leisure and Cultural Facilities

Epping Town Council Neighbourhood Plan

A draft version of the Epping Town Neighbourhood Plan (ETNP) was published for consultation in May 2018. The ETNP has not yet been finalised or adopted as part of the Development Plan. However, the emerging document was given weight during the assessment of the previous application with policies 3, 7, 11, 14, 15 and 19 being deemed most relevant. Given the stage of its development, only limited weight could be given.

Summary of Representations

Neighbour Representations

The application has been publicised to 60 neighbouring properties. No neighbour responses have been received.

A Site Notice was erected at the site on 30 March 2023 for a period of 30 days in line with the EIA rules. A Press Notice was also issued within the Epping Forest Guardian on the 6 April 2023 to 8 May 2023, in line with the EIA rules.

The consultation period ended on 8 May 2023. No responses were received.

Statutory and Non-Statutory Consultees

Statutory and technical consultee comments are summarised below:

- Epping Town Hall: No objection.
- Place Services Ecology: No objection. The proposed alterations would not impact the ecological mitigation.
- EFDC Urban Design: No comment.
- ECC Highways: No comment.
- EFDC Environmental Health Noise: No comment.
- EFDC Environmental Health Light: No comment.
- EFDC Environmental Health Contamination Land: No comment.
- EFDC Environmental Health odour/air quality/Traffic Assessment: No comment.
- EFDC Conservation Officer: No comment
- EFDC Trees and landscaping: No comment.

Planning Considerations

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

- Principle of Development
- Impact On the Epping Forest SAC
- Design
- Impact on Amenity
- Highways and Transport
- Infrastructure

Principle of Development

The principle of development has already been assessed and deemed acceptable under application EPF/2925.20. There is no change to the proposed use of the site and the original parameters remains as approved:

- 330 space multi-storey car Park
- 1,166 sq m GIA (1,201 GEA) Class E commercial floorspace
- 846 sq m (GIA) (871 sq m GEA) Cinema (Sui Generis)

As such, subject to the development's compliance with all other relevant policies, it is acceptable.

Impact on Epping Forest Special Area of Conservation

Epping Forest is designated as a Special Area of Conservation (SAC), which limits what can be done within the forest, as well as having impacts upon all proposed development in its vicinity. The Conservation of Habitats and Species Regulations 2017, as amended by the 2019 EU Exit Regulations (the Habitats Regulations) transpose the EU Habitats Directive into UK law and require a decision-maker to consider the effects of proposed projects on European protected sites through undertaking a habitats regulations assessment (HRA). Under the Habitats Regulations, the Epping Forest SAC (EFSAC) is a European site. If the result of an initial screening assessment is that a project is likely to have significant effects on a European site, a full assessment of those effects must be carried out. Regulation 63 of the Habitats Regulations requires the competent authority to conduct an 'appropriate assessment' ("AA") if concluding that the project is 'likely to have a significant effect' on a European site, either alone or in combination with other plans or projects. Where an appropriate assessment is conducted, then Regulation 63(5) applies, such that "the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site".

Accordingly, the Council has a legal duty as the 'competent authority' under the Habitats Regulations to protect the EFSAC from the effects of development (both individually and in combination) and in doing so, must have regard to the representations of Natural England (NE).

The Local Plan Habitats Regulation Assessment dated June 2021 ("the HRA 2021") (EB211A). Two specific 'pathways of impact' relating to new development within the District have been identified as

being likely to have a significant effect on the integrity of the EFSAC. Firstly, as a result of increased levels of visitors using the EFSAC for recreation arising from new development (referred to as "recreational pressure"). Secondly, damage to the health of the protected habitats and species of flora within the EFSAC from atmospheric pollution generated by motor vehicles (referred to as "air quality") caused primarily by motor vehicles using roads within 200m of the EFSAC.

Policies DM2 and DM22 of the Local Plan provide the policy context for dealing with the effect of development on the integrity of the EFSAC outlined above. They state that all new development should ensure no harm is caused to the integrity of the EFSAC and identifies its strategic solutions to ensure no such harm.

Policy DM22 sets out that applications for planning permission will be required to identify and deliver necessary mitigation measures, including monitoring mechanisms for the EFSAC before consent is given. This will include, where appropriate, measures identified in the most up to date APMS.

Any potential adverse effect on the integrity of the EFSAC, by way of the recreational pressure, only arises from residential development. Consequently, the development proposals at Cottis Lane were screened out as having no adverse impact under the original scheme. Thus, proposed amendments under the s73 would result in no adverse impact on the recreational pressure, as original approved.

In respect of atmospheric pollution, the proposed amendment to condition 2 and 26, would result in no significant change to the already approved. However, Policy DM22 states that any development proposals which propose a change in traffic movements to what has been modelled in the Local Plan need to be justified through the submission of an air quality assessment taking into the account other plans and projects and if necessary including further and bespoke mitigation measures. The measures put forward will be required to be precise, enforceable (both legally and in practice), quantifiable and effective beyond reasonable scientific doubt.

Policy T1 of the Local Plan requires that any development which proposes vehicle parking spaces must ensure that those spaces have direct access to an electric charging point. The provision of electric charging points are also noted in the APMS as a required mitigation measure.

The current s73 maintains the provision of electrical charging as per the below table:

Table 3

Applications	Public car park	Allocated	Visitor	Blue badge	Car club	Total	EV Charging	EV only spaces
Original	330	0	0	12	TBC	330	85% Passive 15% Active	15
Current s73	Unchanged.							

The proposals would also have no impact on the previous approved financial contributions against the 3 other sites (St John's Road, Civic Centre and Bakers Street) or any air quality mitigation measures. These legal agreements would also remain unchanged.

In light of the above, the proposal are considered compliant with the requirements of all relevant policies and with the requirements of the Habitats Regulations.

Design

The Council's Local Plan Policies SP2, H1, DM9 and DM10 are committed to ensuring that all new developments meet the highest standard of design in the broadest sense. In this respect, good design should result in development which functions well within the surrounding area and encompasses buildings which are durable and adaptable within their context. It further emphasises that good design is not solely a visual concern, but also has social and environmental elements such as the potential to create high quality public realm, improving quality of life for local communities and contributing to the sustainability agenda. All of which are essential components of an integrated, modern-day life. This approach aligns with the NPPF.

Policy SP2 seeks to ensure that developments accord with exceptional place making principles and it is recognised that placemaking is a holistic approach to planning. Meanwhile Policy DM9 sets out an overall design approach.

The proposed s73 amendments would make no significant changes to the previously approved development by way of detailed design, scale, parking layout or other such changes to the approved plans. However, following the approval of the section 278 highways works, the servicing arrangements at the site have been modified to remove the on-street loading bay at Cottis Lane. This was outside the approved application site's redline boundary, and this change was considered acceptable by the ECC Highways Officers.

As the proposed variation would not impact the approved layout or principle design elements, it would also not impact the below approved areas under the original application:

- Archaeology
- Contamination
- Landscaping and Trees
- Ecology
- Sustainability, Energy / Climate Change

In light of the above, it is considered that design matters under the application are acceptable.

Impacts on neighbouring amenity

Paragraph H of Policy OM 9 requires development proposals to take account of the privacy and amenity of the users of a development as well as that of neighbours. Policy DBE9 of the ALP contains the same objective by seeking to safeguard the living conditions of neighbouring properties. Paragraph H of Policy OM 9 is further split into subsections (i - iv) and the report will consider these issues in turn.

As started above, there are no design changes or other significant amendment to the original scheme by way of its scale or overall design that would affect outlook to neighbouring properties, privacy or noise. As such, there would be no change to the previously approved amenity arrangements.

In light of this, the proposed development is considered acceptable on amenity grounds and fully compliant with all relevant policies governing amenity.

Highways and Transport

The car parking provisions under the original scheme remain the same; the level of electric vehicle spaces would also remain the same; and the section 278 highways works have been approved by Essex County Council's Highways Officer. These 278 works are in line with the submitted s73, with the loading bay removed from the main Cottis Lane highway. All other measures remain as previously approved.

Under the original approval a number of s106 obligations were secured. These will subsist under the current s73:

- Bus Infrastructure Improvements
- Travel Plan

- Controlled Parking Zones Review
- ECC highways contribution £22,000
- Section 278 legal agreement

In light of the above, the proposed amendments to the original application will not result in an unacceptable impact on highway safety and create further cumulative pressure on the public highway in keeping with Policy T1 of the Local Plan.

Infrastructure

The Local Plan Policy D1 has identified that significant investment is required in order to deliver sustainable and balanced growth across the District and to continue to meet the needs of residents and businesses. Infrastructure may include a wide remit including transport, utilities, flood and surface water management, open space and social and community infrastructure. In order to set out necessary infrastructure requirements in a detailed and clear way, the Council has produced an Infrastructure Delivery Plan (IDP) to help manage the future growth of the District.

The IDP is split into development areas and identifies the various interventions necessary within each area. The majority of infrastructure requirements are triggered by residential development and don't apply to the site given the current proposal.

However, areas of particular relevance to this application were considered under the original application and secured by legal agreement. There were:

- ECC Highways and Transportation enhancement to bus infrastructure
- ECC highways contribution £22,000 to provide for ongoing maintenance for a 10-15 year period.
- Employment and Skills Plan

These will continue to subsist under the current s73 if approved by Members.

Equality Duties and Human Rights

Section 149 of the Equality Act (2010) requires that a public authority must exercise its functions having due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic (age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation) and persons who do not share it, and foster good relations between persons who share a relevant protected characteristic and persons who do not. In making this recommendation, due regard has been given to this Public Sector Equality Duty and the relevant protected characteristics. It is considered that there will be no specific implications and that, if approving or refusing this proposal, the Council will be acting in compliance with its duties.

The Human Rights Act (1998) makes it unlawful for a public authority to act in a way which is incompatible with any of the Convention rights protected by the Act unless it could not have acted otherwise. Careful consideration has been given to the rights set out in the European Convention on Human Rights, in particular Article 6 (right to a fair trial); Article 8 (right to respect for private and family life; Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (right to peaceful enjoyment of possessions).

The Council is of the opinion that the recommendation to approve does not interfere with any such rights except insofar as is necessary to protect the rights and freedoms of others. The Council is permitted to control the use of property in accordance with the public interest and the recommendation is considered a proportionate response to the submitted application based upon the considerations set out in this report. Officers have had due regard to all the above Acts and directions and are satisfied the approval of the development would not affect any protected characteristic in a disproportionate manner.

Conclusion

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

The principle of development has been previously assessed against the adopted Local Plan and deemed to be in compliant. The design language and principles remain as originally approved. The development would result in no additional or further harm to existing residential amenity or the highways. The application will secure all previously approved conditions and s106 obligations. Therefore, benefits secured under the original application will continue.

In light of the above, the application has demonstrated its compliance with the requirements of the Local Plan, the Adopted Local Plan and the NPPF. It is therefore recommended for **Grant**.

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: Nanayaa Ampoma
Direct email address: nampoma@eppingforestdc.gov.uk***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Conditions: (37)

- 1 Time Limit
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country

- 2 Planning Act 1990 (as amended).
M4 - Approved Drawings
The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:
Location Plan 19756 - 0201 P01
Existing Site Plan 19756 - 0202 P01
Combined Site Plan Cottis and Bakers Lane Car Parks 19756 -0301 P03
Extent of Off-Site Highways and Public Realm Works 19756 -0302 P03
Proposed Site Sections 19756 -0303 P02
Proposed Ground Floor Plan 19756- 2001 P03
Proposed First Floor Plan 19756 -2002 P03
Proposed Second Floor Plan 19756 -2003 P03
Proposed Third Floor Plan 19756 -2004 P03
Proposed Roof Plan 19756 -2005 P03
Ground Floor Plan – Interim Phase 2 - Reference 19756 - 2050 P05
Sections - 1of 2 19756 -2101 P02
Sections -2 of 2 19756 -2102 P01
Elevations 19756 -2201 P02
Elevations – Interim Phase 2 – Reference 19756 -2202 P05
Detail Bay Elevation 1 -Car Park 19756 -2301 P02

Detail Bay Elevation 2 - Yard 19756 -2302 P01
Bakers Lane & Cottis Lane Sites - General Arrangement Plan 1270-03-001 Rev P6
Cottis Lane Car Park - General Arrangement Plan 1270-03-002 Rev P5
Cottis Lane Car Park - General Arrangement Plan Roof Level 1270-03-003 Rev P5
Cottis Lane Car Park -Existing Condition 1270-03-004 Rev P1
Vegetation Retention & Removal Plan - Phase 1 1270-03-005 Rev P1
Vegetation Retention & Removal Plan - Phase 2 1270-03-006 Rev P1
General Arrangement Plan - Public Realm Improvements 1270-03-008 Rev P6
General Arrangement Plan – Interim Phase 2 – Reference 1270-03-009 P7
Site Section A-AA -Existing Condition 1270-03-010 Rev P1
Site Section A-AA - Proposed Condition 1270-03-011 Rev P4
Site Section B-BB - Proposed Condition 1270-03-013 Rev P5
Site Section C-CC - Existing & Proposed Condition 1270-03-014 Rev P4
Site Section D-DD - Existing & Proposed Condition 1270-03-015 Rev P5
Site Section E-EE - Existing Boundary Condition 1270-03-016 Rev P3
Site Section E-EE - Proposed Boundary Condition 1270-03-017 Rev P3
Boundary Condition A-AA 1270-03-018 Rev P2
Boundary Condition B-BB 1270-03-019 Rev P2
Boundary Condition C-CC 1270-03-020 Rev P2
Boundary Condition D-DD 1270-03-021 Rev P2
Boundary Condition E-EE 1270-03-022 Rev P2
Planting Plan 1270-03-201 Rev P5
Planting Plan - Roof Level 1270-03-202 Rev P5
Planting Plan - Public Realm Improvements 1270-03-203 Rev P3
Typical Detail - Tree Protective Fence 1270-03-400 Rev P1
Typical Detail - Tree Pit in Soft 1270-03-401 Rev P1
Typical Detail - Tree Pit in Hard 1270-03-402 Rev P1
Typical Detail - Biodiversity Roof 1270-03-403 Rev P1
Typical Detail - Planter Upstand 1270-03-404 Rev P1
Surface Detail - Brick Paving Type 1 1270-03-411 Rev P1
Surface Detail - Concrete Surface 1270-03-412 Rev P1
Surface Detail - Site Branding 1270-03-413 Rev P1
Surface Detail - Drainage Rill 1270-03-414 Rev P1
Surface Detail - Manhole Covers 1270-03-415 Rev P1
Surface Detail - Kerbs & Edges 1270-03-416 Rev P1
Surface Detail - Macadam 1270-03-417 Rev P1
Surface Detail - Granite Setts 1270-03-418 Rev P1
Street Furniture Detail - Seating Type 1 1270-03-421 Rev P1
Street Furniture Detail - Concrete Seating Wall 1270-03-422 Rev P1
Street Furniture Detail - Bollard 1270-03-424 Rev P1
Street Furniture Detail - Cycle Stand 1270-03-425 Rev P1
Street Furniture Detail - Litter & Recycling Bin 1270-03-426 Rev P1
Street Furniture Detail - Bespoke Concrete Seating 1270-03-427 Rev P1
Street Furniture Detail - Swing Seat 1270-03-428 Rev P1
Ground Floor Plan – Interim Phase 1 - Reference 19756 - 2051 P1
Elevations – Interim Phase 1 - 19756 - 2203 P1
General Arrangement Plan – Interim Phase 1 – Reference 1270-03-030 P1

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended). For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

3 Finished Floor Levels

Prior to the commencement of any above ground works, details of the finished floor levels of the buildings of the development hereby permitted in relation to existing ground levels shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. *Except where permission has already been provided.*

Reason: To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, the amenities of neighbouring occupiers and existing trees, hedgerows and other landscaping, in accordance with Policies T 1, DM 9, DM 18 and DM 19 of the Local Plan Submission Version 2017 and with Policies DBE2, DBE3, DBE4, DBE9, LL11 and RP3 of the Adopted Local Plan and Alterations 2006.

4 Design

H1 Details/Samples of External Materials

Prior to the commencement of development above slab level, detailed drawings and samples of all materials (or documentary and photographic details where samples are unavailable) to be used in the construction of the external surfaces of the development, including any external cladding and internal cladding that is decorative and visible externally, decorative fascia or panels, balustrades and glazing, hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details / samples. Please do not send materials to the Civic Offices. Materials should be kept on site and arrangements made with the planning officer for inspection.

Detailed drawings and samples shall include:

Principal features on the facades e.g. bay studies (1:50 @ appropriate paper size)

Details of each envelope / roof type (1:20 @A3)

Detailed brick elements including mortar joint profile (1:20 @A3)

Details of glazing and curtain walling systems including any manifestation (1:20 @A3)

Key junctions/bonds between materials/finishes (1:20 @A3)

Ground floor frontages including entrances, glazing and signage zones, infill panels on plant rooms/bike stores etc, shopfronts or commercial/workspace frontages (1:50@ appropriate paper size)

Parapets, roof edges, rooftop plant screening, lift over runs etc (1:20 @A3)

Elevational location of all joints e.g. structural, movement, panels (1:100 @ appropriate paper size)

Elevational location of all openings in envelope e.g. ventilation grilles, bird & bat boxes (1:100 @ appropriate paper size)

Elevational location of all items which are fixed to the facade e.g. fins/louvres, rainwater pipes, lighting, CCTV, alarms including any provision for cable runs boxes (1:100@ appropriate paper size)

Head, jamb and sill details, including profiles, for typical openings and all ground floor

entrances and doors to balconies / terraces (1:20 @A3)
Details of key architectural metalwork / screens / gates (1:20 @A3)
Details of balconies and terraces including floor finishes (1:20 @A3)
Balustrade details (1:20 @A3)
Details of soffits and canopies (1:20 @A3)
Details of external stairs (1:50 @A3)
Junctions with neighbouring buildings (1:20 @A3)
External signage details including elevations and sections (1:50 @A3)
Details of green / brown roof system (1:20 @A3)
Any other items not listed but bespoke to building requirement

Reason: To ensure a high quality design and satisfactory appearance to the development in the interests of visual amenity of the area, in accordance with policy DBE1 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

5 H2 -Materials

The details of materials to be submitted pursuant to Condition 4 and to be used in the construction of the external surfaces of the development hereby permitted shall match (in colour, style, bonding & texture) those shown on plan numbers:

Combined Site Plan Cottis and Bakers Lane Car Parks 19756 - 0301 P03
Extent of Off-Site Highways and Public Realm Works 19756 -0302 P03
Proposed Site Sections 19756 - 0303 P02
Proposed Ground Floor Plan 19756 - 2001 P03
Proposed First Floor Plan 19756 - 2002 P03
Proposed Second Floor Plan 19756 -2003 P03
Proposed Third Floor Plan 19756 -2004 P03
Proposed Roof Plan 19756 - 2005 P03
Ground Floor Plan - Phase 1 (Meanwhile Use) 19756 - 2050 P02
Sections -1of 2 19756 - 2101 P02 Sections -2 of 2 19756 -2102 P01
Elevations 19756 -2201 P02
Elevations - Phase 1 (Meanwhile Use) 19756 -2202 P02
Detail Bay Elevation 1 -Car Park 19756 - 2301 P0 2
Detail Bay Elevation 2 - Yard 19756 - 2302 P01

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 of the adopted Local Plan 1998 & 2006, and DM9 of the Local Plan Submission Version 2017, and the NPPF 2021

6 H3 Boundary Treatment

Prior to the commencement of any above ground works of the development, or any phase of the development, whichever is the sooner, hereby permitted, a scale plan of not less than 1:100 indicating the position, design, materials and height and type of boundary treatment to be erected, shall be submitted to and approved in writing by the Local Planning Authority. The details of the boundary treatment to be submitted and used in the construction of the development shall accord with the noise attenuation criteria detailed within the submitted Noise Impact Assessment Technical Report: R8437-2 Rev 1 (24 Acoustics: 10th December 2020). The development shall be carried

out in accordance with the approved details and all boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained. *Except where permission has already been provided*".

Reason: To ensure the safe movement of vehicles between the highway and off-street parking areas and to ensure a satisfactory appearance of the development, in accordance with Local Plan and Alterations policies ST4 & DBE1 and Submission Version Local Plan (2017) policies T1 (paragraph F) & DM 9, all of which are consistent with the National Planning Policy Framework.

7 External Lighting

Details of any external lighting of the site, or any phase of the development, whichever is the sooner, shall be submitted to, and approved in writing by, the Local Planning Authority 6 months prior to the occupation of the development. This information shall include layout and elevation plans with beam orientation, light spill and a schedule of equipment to be installed (luminaire type, mounting height, aiming angles and luminaire profiles) and details of when all non-essential external lighting for the development shall be non-illuminated. The lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. *Except where permission has already been provided*".

Reason: To ensure that the use of the lighting 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 and Alterations, and policies DM9 & DM21 of the Local Plan Submission Version 2017, and the NPPF 2021.

8 Soft/Hard Landscaping/Trees

C1 - Retention of Trees and Shrubs

If any tree, shrub or hedge shown to be retained in the submitted Arboricultural Impact Assessment 200659-PD-11a (TMA: June 2021) 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 6 months or during the next planting season (whichever is the sooner) 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 6 months or during the next planting season (whichever is the sooner), be planted at the same place. *Except where permission has already been provided*".

Reason: To safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with policies LL10 & LL11 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, the NPPF 2021, and Section 197 of the Town and Country Planning Act 1990 (as amended).

9 C3 - Hard and Soft Landscaping

Prior to any above ground works, a scheme of hard and soft landscaping for the site, including details of materials, species and a planting schedule shall be submitted to and approved in writing by the Local Planning Authority. The hard landscaping details shall include:-

- a) details of existing features to be retained;
- b) proposed finished levels or contours;
- c) hard surfacing materials;
- d) means of enclosure;
- e) car parking layouts;
- f) other vehicle and pedestrian access and circulation areas;
- g) secure cycle storage facilities;
- h) refuse facilities;
- i) other minor artefacts and structures, including furniture, play equipment, signs, functional services above and below ground (e.g. drainage, power, communications cables, pipelines) including heating strips, indicating lines, manholes, supports etc.;
- j) retained historic landscape features and proposals for restoration where relevant;
- k) existing trees and hedgerows to be retained; .
- l) soft landscaping details including 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;
- m) tree/hedgerow removal;
- n) tree planting including species, planting location, timing of planting, specification and maintenance;
- o) tree protection measures;
- p) programme of management of the soft planting;

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. If any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. *Except where permission has already been provided*".

Reason: To secure the provision and retention of the landscaping in the interests of the visual amenity of the area in accordance with policies CP2 & LL11 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, the NPPF 2021, and Section 197 of the Town and Country Planning Act 1990 (as amended).

10 Soft Landscape

Soft landscape works pursuant to Condition 9 shall comply with the approved planting plans (1270-03-201 P5, 1270-05-202 P5 and 1270-03-203 P3) and include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme. All

planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation. *Except where permission has already been provided.*

Reason: To ensure a satisfactory appearance to the development and landscape treatment of the site. To safeguard the visual character of the immediate area in accordance with Policies DM 3, DM 5 and DM 9 of the Local Plan Submission Version and with LL10 and LL11 of the Adopted Local Plan and Alterations 2006, and the NPPF 2021.

11 C6 - Tree Protection Measures

The development hereby permitted shall proceed in accordance with the terms of the Arboricultural Impact Assessment 200659-PD[1]11a (TMA: June 2021). Its implementation shall include the supervision of the tree protection during the demolition and construction phases by an Arboricultural Consultant (provided by the applicant with the agreement of the local planning authority). *Except where permission has already been provided.*

Reason: To protect existing trees during the construction works in order to ensure that the character and amenity of the area are not impaired, in accordance with Policies DM 3, DM 5 and DM 9 of the Local Plan Submission Version and with LL10 and LL11 of the Adopted Local Plan and Alterations 2006.

12 Construction Environmental Management Plan (CEMP)

Prior to the commencement of the development hereby permitted (including ground works, vegetation clearance), a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of ""biodiversity protection zones"".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) Measures to protect badgers from being trapped in open excavations and/or pipe culverts.
- e) The location and timings of sensitive works to avoid harm to biodiversity features.
- f) The times during which construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or Similarly competent person.

Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. *Except where permission has already been provided.*

Reason: To avoid or mitigate the effects of the construction of the development on ecological receptors, in accordance with Policies DM 3, DM 5 and DM 9 of the Local Plan Submission Version and with LL10 and LL11 of the Adopted Local Plan and Alterations 2006.

13 Landscape and Ecological Management Plan (LEMP)

Prior to the first occupation of the development, or any phase of the development, whichever is the sooner, a landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Prescription of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The maintenance schedule shall be for a minimum period of 5 years and include details of the arrangements for its implementation. The development shall be carried out in accordance with the approved schedule. The management plan & maintenance schedule 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. *Except where permission has already been provided.*

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species). To ensure habitat enhancement within the landscape of the development, in accordance with Policies DM 1, DM 3, DM 5 and DM 9 of the Local Plan Submission Version and with LL7, LL10 and LL11 of the Adopted Local Plan and Alterations 2006, the NPPF 2021 and Section 197 of the Town and Country Planning Act 1990 (as amended)

14 Highway Works

Prior to any above ground works of the development hereby permitted, the improvement works to the public highway as shown in principle on Meinhardt drawing no. 2748-MHTCV-003 Rev P02 shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with Essex County Council. The improvement works shall be implemented prior to the occupation of the development in accordance with the approved details and these details shall include phasing of the works that broadly accord with drawing 19756-XX-00-DR-0302-P P2. The design details to be agreed shall include but not be limited to the following:

- New vehicular/pedestrian/cycle accesses for Cottis Lane development and Bakers Lane development.
- The provision of a new junction arrangement and street materials including increasing existing footway widths and provision of dropped kerb crossing points with tactile paving;
- Provision of a new layby and road widening on Bakers Lane with an adoptable 2m footway to rear of each;
- Implementation or amendment of Traffic Regulation Orders (TROs) as appropriate for parking and loading restrictions considered relevant and necessary along Cottis Lane and Bakers Lane;
- To implement an appropriate TRO and works as necessary, on Cottis Lane, to prevent motor vehicles along approx. 50m of its length from the High Street to the turning head to the rear.

Except where permission has already been provided.

Reason: To ensure that safe, efficient and improved accessibility is provided for all highway users. In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Policy T 1 of the Local Plan Submission Version and with Policy ST4 of the Adopted Local Plan and Alterations 2006.

15 Vehicle Turning Areas

Prior to the first occupation of the development the vehicle/cycle parking and turning areas as indicated on the approved plans shall be implemented, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose. *Except where permission has already been provided.*

Reason: To ensure that appropriate parking and turning is provided, in accordance with Policy T 1 of the Local Plan Submission Version 2017 and with Policy ST4 of the Adopted Local Plan and Alterations 2006

16 Delivery and Servicing Plan

Prior to the commencement of any above ground works for the development, or any phase of the development, whichever is the sooner, hereby permitted, a highways management plan shall be submitted to and approved in writing by the Local Planning Authority. The highways management plan shall include the management responsibilities and maintenance schedule for the private access road; the on-site car and cycle parking; electric vehicle charging points; servicing, loading and unloading, turning and waiting areas. The management plan shall be carried out in accordance

with the approved details and its requirements adhered to thereafter. *Except where permission has already been provided.*

Reason: In the interest of highways and pedestrian safety and the character and appearance of the development, in accordance with Policies T 1 and DM 9 of the Local Plan Submission Version and with Policies DBE1, DBE4 and ST4 of the Adopted Local Plan and Alterations 2006.

17 Construction Management Plan

Prior to the commencement of development, or any phase of the development, whichever is the sooner, hereby permitted, a Construction Management/Method Plan and Statement with respect to the construction phase of the development shall be submitted to and approved in writing by the local planning authority. Development works shall be undertaken in accordance with the approved Construction Management/Method Statement. The details shall include:

- a) Construction vehicle numbers, type and routing;
 - b) Traffic management requirements, including crossing the public highway and other rights of way;
 - c) Vehicle parking for site operatives and visitors (inclusive of travel plan measures to
 - d) Loading/unloading and storage of plant and materials used in constructing the development;
 - e) Construction and storage compound areas;
 - f) The erection and maintenance of security hoarding;
 - g) Siting and details of wheel washing facilities including location of petrol/oil interceptors in all car parking/washing/ repair facilities;
 - h) Frequency and method of cleaning of site entrances, site tracks and the adjacent public highway;
 - i) Minimisation of dust emissions arising from construction activities on site and any temporary access to the public highway;
 - j) Details of the responsible person (site manager/office) who can be contacted; and
 - k) A scheme of recycling/disposing of waste resulting from demolition and construction works.
- Except where permission has already been provided.*

Reason: In the interest of highways and pedestrian safety and the character and appearance of the development. To prevent oil-polluted discharges entering local watercourses. To ensure satisfactory provision in relation to adjoining properties and circulation within the site, in accordance with Policies T 1 and DM 9 of the Local Plan Submission Version and with Policies DBE1, DBE4 and ST4 of the Adopted Local Plan and Alterations 2006.

18 Vehicle Wheel Washing

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 ST4 of the adopted Local Plan 1998 & 2006,

19 Swept Path Analysis

Prior to commencement of the development hereby permitted, swept path assessments for the specified phase of development shall be submitted to and approved in writing by the Local Planning Authority and shall include the following:

- a) Large car accessing car parking spaces to demonstrate that they can be safely entered and departed from. This should be demonstrated for the car parking spaces that are in corners and for one midway in a row. This will be necessary for any public or employment car parks;
- b) Swept path assessment for a fire tender manoeuvring within the site to demonstrate that a fire tender can safely manoeuvre within to access all units;
- c) Swept path assessment for a refuse vehicle to demonstrate that refuse collection and servicing can take place to serve development site;
- d) Swept path assessments for servicing and delivery vehicles for any commercial land uses to demonstrate that servicing and deliveries can be accommodated to serve the development site and within the respective land use sites. Thereafter, the development, or the specified phase(s) of the development (whichever is the sooner) shall only be carried out in accordance with the approved details.

Except where permission has already been provided.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Policy T 1 of the Local Plan Submission Version 2017 and with Policy ST4 of the Adopted Local Plan and Alterations 2006.

20 Sustainability

Prior to the commencement of any above ground works for the development hereby permitted, a method statement that demonstrates the way in which the development will meet the minimum sustainability levels and standards as set out in the Energy Strategy Report (Elementa: December 2020) and Sustainability Statement (Elementa: December 2020) shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include both passive and active sustainability measures to be incorporated into the built fabric of the development and those measures to be carried out during the construction phase of development. The development shall be carried out in accordance with the approved details. *Except where permission has already been provided.*

Reason: In the interest of delivering positive sustainability and environmental benefits. To support the move towards a low carbon economy, in accordance with the National Planning Policy Framework and Policies DM 20 of the Local Plan Submission Version and with Policy CP8 of the Adopted Local Plan and Alterations 2006.

21 Flood Risk and Drainage

No development hereby approved (except demolition and enabling works) shall take place until a detailed surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by Meinhardt (Issue

P02 - 10 December 2020) and the Drainage Strategy indicated on drawing nos. 2780-MHT-CV-100 P03; 2780-MHT-CV-110 P03; 2780-MHT-CV-120 P03 in the Below Ground Drainage Strategy (Issue P02 - 10 December 2020).

The surface water drainage scheme should include:

Limiting discharge rates to 1.95/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.

Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.

Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.

Final modelling and calculations for all areas of the drainage system.

The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. All proprietary treatment devices should have the simple index mitigation indices provided by the manufacturer. If these are not available then an alternative device should be used.

Please note that silt traps, gullies, and catchpits are not accepted as suitable means of treatment.

Detailed engineering drawings of each component of the drainage scheme.

A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Except where permission has already been provided.

Reason: To prevent an increased risk of flooding and to prevent the pollution of the water environment, in accordance with policy RP3, RP5 and U3B of the adopted Local Plan 1998 & 2006, Policies DM16, DM18 and DM19 of the Local Plan Submission Version 2017, and the NPPF 2021.

22 Drainage Maintenance 1

Prior to occupation of the development hereby permitted, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies shall be submitted to and agreed in writing, by the Local Planning Authority. *Except where permission has already been provided.*

Reason To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk, in accordance with policies RP3, RP5 and U3B of the adopted Local Plan 1998 & 2006, Policies DM16, DM18 and DM19 of the Local Plan Submission Version 2017, and the NPPF 2021.

23 Ecology

The development hereby permitted shall be carried out in accordance with the Ecological Appraisal (BSG Ecology: December 2020) and the Ecological Mitigation and Enhancement Measures (detailed in Section 6.11 of Epping Forest Environmental Impact Assessment - Commercial Sites Chapter 6 - Ecology and Biodiversity (Stephenson Halliday: July 2021)). Prior to the commencement of above ground works a timetable for the implementation of the ecological mitigation measures shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details. *Except where permission has already been provided.*

Reason: To enable proper consideration of the impact of the development on the contribution of nature conservation interests to the amenity of the area, in accordance with Policy DM 1 of the Local Plan Submission Version and with CP1 of the Adopted Local Plan and Alterations 2006.

24 Biodiversity Enhancement Strategy

A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority prior to above ground works, following the details contained within the Ecological Appraisal (BSG Ecology: December 2020) and Section 6.11 of Epping Forest Environmental Impact Assessment - Commercial Sites Chapter 6 - Ecology and Biodiversity (Stephenson Halliday: July 2021). The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter. *Except where permission has already been provided.*

Reason: To maintain and improve the biodiversity of the site and to mitigate any impact from the development hereby approved, in accordance with Policy DM1 of the Local Plan Submission Version 2017, and the NPPF 2021.

25 Air Quality

Ultra Low NOx Boilers Condition

Prior to completion of the development hereby permitted, or the relevant phase of the development, whichever is the sooner, details of boilers shall be submitted to and approved in writing to the Local Planning Authority. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%). The development shall be carried out in accordance with the approved details. *Except where permission has already been provided.*

Reason: To help improve local environmental conditions and limit emissions to air as required by the national planning policy framework. Boilers can be a significant source of NO₂ emissions and worsen local air quality. To help support improvements to air quality in accordance with the NPPF and Policy T1 and DM22 of the Epping Forest

26 Electric Charging Points

Prior to the commencement of above ground works, a Management Plan which provides details and location of the parking spaces equipped with active Electric Vehicle Charging Points (EVCP) must be submitted to and agreed in writing by the Local Planning Authority.

The details shall demonstrate that the development is safeguarded and able to deliver 15% active / 85% passive EVCPs and shall include:

- The number of active chargers to be provided on opening of the car park (and if less than 15% supported by appropriate demand evidence)
- A monitoring and implementation strategy to ensure any deficit from the 15% in active chargers on opening is reviewed over the first 3 years of the development and provision increased inline with demand
- Which parking bays will have active charging provision, including disabled parking bays;
- Specification of charging equipment
- Operation/management strategy
- Identify of the active provision which spaces are restricted to use only by Electric Vehicles (excluding hybrid vehicles)
- Electricity supply availability. The electricity supply should be already confirmed by UK Power Networks so that the supply does not need to be upgraded at a later date.

The Management Plan shall be updated every six months in the first three years of the development opening and then annually until 2030.

The development shall be completed in accordance with the approved details and retained in perpetuity. Prior to occupation, the application shall submit confirmation to the Local Planning Authority that the charging points are operational, with active provision. This must be supported by appropriate evidence.

Reason: In the interest of promoting increased choice of sustainable transport options. To encourage the use of electric vehicles in order to reduce air pollution on the District and help support improvements to Epping Forest SAC in accordance with Policy T1 and DM22 of the Epping Forest District Local Plan Submission Version 2017, and the NPPF 2021

27 Land Contamination Survey

Prior to the commencement of development hereby permitted (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), an assessment of the risks posed by any land contamination shall be 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 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.

If following the risk assessment (pursuant to the details outlined above) unacceptable risks are identified from land affected by contamination, no work on any part of the development shall take place, until a detailed land remediation scheme has been 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. *Except where permission has already been provided.*

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 RP4 of the adopted Local Plan 1998 & 2006, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF 2021

28 Car Park Management Plan [Cottis Lane]

Prior to first occupation of the Multi-Storey Car Park hereby permitted, a Car Park Management Plan, shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include details of operation, security, CCTV and provide evidence that Park Mark accreditation has or is to be obtained (or other recognised similar scheme). The development shall be carried out in accordance with the measures and accreditation approved pursuant to this condition and shall be maintained throughout the operational use of the site.

Reason: In order to ensure good management and security within the Car Park, in accordance with Policies DM 9 and T 1 of the Local Plan Submission Version 2017.

29 Restriction on Operating Hours & Times [Cottis Lane]

The commercial uses hereby permitted (excluding the use of the multi-storey car park) shall not be open to customers outside the hours of 06.30 to 23.00 on Monday to Saturday and 08.00 to 23.00 on Sundays and Bank Holidays.

Reason: In order to minimise disturbance to local residents, in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, Policy DM21 of the Local Plan Submission Version 2017, and the NPPF 2021

30 Extract Ventilation [Cottis Lane]

Prior to the commencement of the use or operation of a unit, details of any extraction system for food preparation areas, or other processes which may produce odours and/or noise and vibration, shall be submitted to, and approved in writing by, the Local Planning Authority. The details submitted shall include the extract ventilation system and/or odour control equipment, including details of any external ducting and measures to control noise and vibration. The development shall be carried out in accordance with the approved details and such approved equipment shall thereafter be operated at all times when cooking is carried out and maintained in accordance with the manufacturer's instructions. The external ducting shall be removed when the authorised use of the premises for the sale of hot food ceases. *Except where permission has already been provided.*

Reason: To safeguard the appearance of the premises and minimise the impact of cooking smells and odours in accordance with policy DBE9 of the adopted Local Plan 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021

31 Noise Management: Cottis Yard Terrace

Prior to first occupation of the unit or unit(s) containing or using the upper floor terrace hereby permitted, a noise management plan in relation to the use of the terrace area on the upper floor of the development, shall be submitted to and approved in writing by the Local Planning Authority. The noise management plan shall include details of measures to minimise noise from proposed activities on the open roof terrace space fronting Cottis Yard. The development shall be carried out in accordance with the approved details and shall be adhered to at all times. *Except where permission has already been provided.*

Reason: In order to minimise any noise from the use of the terrace which will affect the amenity of local residents, in accordance with policy DBE1 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

32 Plant Noise

The use of any plant which services this development must cease during any period that the rating level of noise (as defined by BS4142:2014) exceeds the prevailing background noise level at the affected noise sensitive premises. The measurement position and assessment shall be made according to BS4142:2014, and shall include the cumulative effect of all of the plant on the site. The cumulative plant noise limit for this site shall not exceed 39dB LAeq, 1hr between 07.00-23.00 hrs, and 32dB LAeq, 15 mins between 23.00-07.00 hrs.

Reason: In order to minimise any noise which will affect the amenity of local residents, in accordance with policy DBE1 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

33 Low Frequency Noise

Low frequency, unweighted noise levels should be controlled to a maximum of 50 dB

Leq, 63Hz, 5 min and 40 dB Leq, 125Hz, 5 min at the façades of nearby noise sensitive premises.

Reason: In order to minimise the impact of any low frequency noise from music which will affect the amenity of local residents, in accordance with policy DBE1 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

34 Meanwhile Use Area [Cottis Lane]

Prior to the completion of the development hereby permitted (excluding the Sui Generis Cinema Use) and in the event the Sui Generis Cinema Use is not implemented (defined as being capable of operational use) within a period of five years following first commencement of development hereby permitted, details of the proposed meanwhile use strategy shall be submitted to and approved in writing by the Local Planning Authority. The proposed meanwhile use strategy shall include an alternative landscape scheme for the site to create publicly accessible open space. The meanwhile use shall be implemented within one year of first occupation of any part of the development hereby permitted. *Except where permission has already been provided.*

Reason: To make the most efficient use of land within the town centre of Epping. In the interest of the character and appearance of the site and surrounding area and to protect the amenities of neighbouring commercial and residential occupiers. To comply with policies DBE1 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

35 Restriction on Use [Cottis Lane]

The ground floor commercial premises shall be used for Class E (a-f) and for no other purpose (including any other purpose in Class E of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order. *Except where permission has already been provided.*

Reason: In the interest of proper planning and to ensure that full consideration is given by the Local Planning Authority to any alternative in the interests of safeguarding the vitality and viability of Epping Town Centre, in accordance with policies E1, E4A and E4B of the adopted Local Plan 1998 & 2006, Policies E 1 and E 2 of the Local Plan Submission Version 2017, and the NPPF 2021. In the interest highway safety and safeguarding habitats and species of significant ecological importance within the Epping Forest Special Area of Conservation, in accordance with Policy T 1, DM2 and DM22 of the Local Plan Submission Version 2017, and the NPPF 2021

36 Permitted Development Rights Removed

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 generally permitted by virtue of Class MA of Part 3 of Schedule 2 shall be undertaken without the prior written permission of the Local Planning Authority.

Reason: To allow the Local Planning Authority to retain control over the development and 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 policies E4A and DBE2 of the adopted Local Plan 1998 & 2006, policies E 1, DM 9 and DM 14 of the Local Plan Submission Version 2017, and the NPPF 2021. In the interest highway safety and safeguarding habitats and species of significant ecological importance within the Epping Forest Special Area of Conservation, in accordance with Policy T 1, DM2 and DM22 of the Local Plan Submission Version 2017, and the NPPF 2021.

37 Air Extraction/Ventilation

Notwithstanding the development hereby approved, details of any extract/air conditioning/refrigeration and /or ventilation system proposed for installation outside of the approved roof plant enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to its installation within or on any individual unit. The development shall be carried out in accordance with the approved details.

Reason: To protect nearby noise sensitive residential and commercial premises from significant loss of amenity due to noise, in accordance with policy DBE9 of the Adopted Local Plan and Alterations 2006, policy DM 9 of the Local Plan Submission Version 2017, and the NPPF 2021.