

Our Ref: EPF/0930/21

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning (Development Management
Procedure) Order 2010
PLANNING DECISION NOTICE



Planning Services Directorate
Civic Offices,
323 High Street,
Epping,
Essex CM16 4BZ

An electronic version of this
decision notice is available
on our website:
www.eppingforestdc.gov.uk/iplan

Case Officer was: Muhammad Rahman
Direct Line: 01992 564415
Email:
mr Rahman@eppingforestdc.gov.uk

To: M P Architects LLP
Great Basons
Basons Lane
ONGAR
CM5 9AR
UK

Proposal: Replacement dwelling.

Location: Little Oaks, Abridge Road, Theydon Bois, Epping, RM4 1TX

In pursuance of the powers exercised by the Local Planning Authority this Council do hereby give notice of their decision to **GRANT PERMISSION** for the development described above, subject to compliance with the conditions listed below.

Signed

A handwritten signature in black ink, appearing to read 'N. Richardson'.

N. Richardson
Planning Services Director.

Date: 23 June 2021

Conditions:

1. 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 Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 01 and 05 Rev I.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.
3. Prior to preliminary ground works taking place, details of 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

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning (Development Management
Procedure) Order 2010
PLANNING DECISION NOTICE



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 policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF 2019.

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

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 5 Tree protection, methodology for construction adjacent to trees and Arb site supervision shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement and Tree protection shall be implemented as shown on Moore Partners 'Tree Protection Plan' drawing number MP/LOAK/01 dated 7th December unless the Local Planning Authority gives its prior written approval to any alterations.

Reason: To safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development, in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, the NPPF 2019, and Section 197 of the Town and Country Planning Act 1990 (as amended).

- 6 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning (Development Management
Procedure) Order 2010
PLANNING DECISION NOTICE



to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with policies LL10 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, and policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 7 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the submitted application form, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE1 & DBE4 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 8 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF 2019.

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

Reason: To help support improvements to air quality in accordance with policies T1 and DM22 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 10 Prior to first occupation of the development, the recommendations set out in the Preliminary Ecological Appraisal by T4 Ecology Ltd (dated December 2020) shall have been implemented and retained as such, unless otherwise agreed in writing with the LPA.

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 2019.

- 11 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning (Development Management
Procedure) Order 2010
PLANNING DECISION NOTICE



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

Reason:- It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy RP4 of the adopted Local Plan and Alterations 1998 & 2006, policy DM21 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 12 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 and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 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 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 14 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, D & E of Part 1 to schedule 2 shall be undertaken.

Reason: The ensure further consideration is given with regards to the effect on the character and appearance of the area and the Green Belt, in accordance with policies CP2, DBE1, DBE4 & GB2A of the adopted Local Plan 1998 & 2006, Policies DM4 & DM9 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 15 The development to which this planning permission relates shall not commence if any part of the development found lawful under EPF/1839/20 is already commenced.

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning (Development Management
Procedure) Order 2010
PLANNING DECISION NOTICE



Reason: The cumulative impact of implementing two permissions together would have a material impact to the Green Belt, in accordance with policy GB2A of the adopted Local Plan 1998 & 2006, Policies SP6 & DM4 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 16 All existing buildings shall be demolished and all materials resulting from the demolition shall be removed prior to first occupation of the proposed dwelling.

Reason: In the interest of safeguarding the Green Belt, in accordance with policies GB2A of the adopted Local Plan and Alterations 1998 & 2006, Policies SP6 & DM4 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 17 The outbuilding approved under Lawful Development Certificate EPF/1839/20 shall not be implemented if this planning permission is implemented. If the outbuilding subject to EPF/1839/20 is erected before works commence on this planning application it must be removed before the first residential occupation of the replacement dwelling hereby approved.

Reason: In the interest of safeguarding the Green Belt, in accordance with policies GB2A of the adopted Local Plan and Alterations 1998 & 2006, Policies SP6 & DM4 of the Local Plan Submission Version 2017, and the NPPF 2019.

Informatives:

The Local Planning Authority has acted positively and proactively by entering into pre-application discussion with the applicant and 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.

Notes:-

It is important that you read and understand all the following:

- a. **This decision is for planning purposes only and for no other purpose including Building Regulations. Separate approval may be required for these works.**
- b. Applicants must satisfy themselves that **all further consents** have been obtained including, where appropriate, those affecting protected trees and Public Rights-of-Way.
- c. Applications relating to **Council-owned or former Council-owned dwellings** must meet the requirements of covenants of their lease or deeds by obtaining consent for any works from the Communities Directorate.

It is a **legal requirement** that all new domestic and commercial property addresses are registered by our Street Naming and Numbering team. If a property is not lawfully assigned an address through this process it will not appear on the council's Local Land and Property Gazetteer which is used by Royal Mail and the Emergency Services. Apply on line at <https://www.eppingforestdc.gov.uk/planning-and-building/apply-to-name-or-number-a-property-or-development/>

- e. The Council's recommended **hours of construction work** are:
7.30am – 6.30pm Monday to Friday 8.00am – 1.00pm Saturday
No noisy work on Sundays and Bank/Public Holidays
- f. The Council encourages all developers to follow the principles of **Sustainable Drainage Systems (SuDS)** in designing facilities for the handling of rainwater run-off. Furthermore, if storm drainage discharges to an

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning (Development Management
Procedure) Order 2010
PLANNING DECISION NOTICE



existing ditch or watercourse and/or if any works are to take place to, or within 8 metres of, any open or piped watercourse, then Land Drainage Consent is required from the Council under its byelaws.

- g. Applicants are advised **not to store building materials** on the highway and not to damage highway verges, so please avoid parking construction vehicles and machinery on verges. If any damage occurs, the Council will require verges to be restored at the applicant's expense. Please be aware that highway damage is easily reported through the Council's website and will be investigated by Essex County Council officers.

h. Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State via the Planning Inspectorate under Section 78 of the Town and Country Act 1990.

There are varying time periods in which to make an appeal, which are:

Advertisement consent application - within 8 weeks from receipt of the decision notice

Refusal of a householder planning application or a 'minor commercial' development application - within 12 weeks from the date on the decision notice

Listed Building Consent application and any other types of application - within 6 months from the date on the decision notice

Discontinuance Notice – appeal **must** be received by Planning Inspectorate **before** the effective date of the notice

Certificate of Lawful Use or Development - No time limit

Non determination of applications – Appeal can be made any time within 6 months (**with the exception of advertisement consent applications for which appeals must be made within 28 days**) from the date which the local planning authority had to determine the application (13 weeks for major or 8 weeks for minor unless an extended period of time had been previously agreed)

If an **enforcement notice** is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you **must** do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of the notice, whichever period expires earlier.

For further details of how and when to appeal, including the varying time periods in which to make an appeal, please see the Procedural Guide issued by the Planning Inspectorate which can be found at

<https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

i. Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council of the District or London Borough in which the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Act 1990.

j. Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Act 1990.