



Appeal Decision

Hearing held on 29 May 2024

Site visit made on 29 May 2024

by Timothy C King BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2024

Appeal Ref: APP/J1535/W/23/3334925

Chigwell Nursery, High Road, Chigwell, Essex IG7 5BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by M Scott Properties Ltd against the decision of Epping Forest District Council.
 - The application Ref EPF/0503/22, dated 1 March 2022, was refused by notice dated 28 June 2023.
 - The development is described as '*Demolition of existing buildings and construction of residential dwellings (Class C3), alterations to existing access, landscaping and associated works (Allocation CHIG R5)*'.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and construction of residential dwellings (Class C3), alterations to existing access, landscaping and associated works at Chigwell Nursery, High Road, Chigwell, Essex IG7 5BL, subject to the conditions set out in the attached Schedule.

Application for Costs

2. An application for an award of costs was made by M Scott Properties against Epping Forest District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The Council's decision departed from the officers' recommendation to grant planning permission for the proposed development. Members voted otherwise and the committee's decision has been appealed.
4. For the avoidance of doubt, as this was a point of confusion at the said committee meeting, the appeal site, which had been previously designated as Green Belt land, had its designation removed when the new development plan, the Epping Forest District Local Plan 2011-2033 (DLP), was adopted in March 2023. This was consistent with the site's allocation (ref. CHIG R5) in the DLP for new housing development. Accordingly, national Green Belt policy considerations are not relevant in the determination of this appeal.
5. The last figures released by the government, relating to 2023, showed Epping Forest District Council's Housing Delivery Test measurement as being only 30% of the total number of homes required. However, on 15 May 2024 the

Department for Levelling Up, Housing & Communities, following receipt of revised information from the Council, wrote back to indicate that a recalculation had increased the measurement to 105%.

6. The appellant then made representations in this regard and, at the Hearing, the matter was the subject of discussion. The Council witness confirmed that the housing completions and commitments figure remains unchanged from its 2022/23 monitoring report. The appellant was of the opinion that, when factoring in all relevant details, it left the Council with a housing land supply of only 3.81 years; thus significantly below a five year supply, and significantly below the 5.4 years (including a 20% buffer) which the Examination in Public Inspector had identified when reporting on the submission version of the DLP in February 2023.
7. In terms of the refusal reasons 1 and 2 (ie. the development's character and the effect on the outlook of neighbouring occupiers, respectively) the Council's evidence in its Written Statement says that that the refusal reasons' wording are precise and unambiguous, yet this is not expounded upon. Regarding, reason 3, which is concerned with the development's effect on the setting of Little West Hatch, a statutory listed building, the Statement merely invites me to come to a conclusion on this issue.
8. I have simplified the description of the proposal to better focus on the development involved.

Main Issues

9. With reference to the Council's stated reasons for refusal the main issues in this appeal are:
 - 1) the effect of the development on the character and appearance of the area;
 - 2) the effect of the development on the living conditions of neighbouring residential occupiers, with particular regard to outlook;
 - 3) whether or not the development would affect the setting of Little West Hatch, a statutory listed building; and
 - 4) whether the development would allow for accessibility to local public transport facilities.

Reasons

Character and appearance

10. This is a predominantly residential area characterised by building heights of 2 to 3 storeys. This stretch of the High Road has a varied character, in terms of architectural form, style and age. Housing fronts the south side of this stretch of the High Road, save for the Chigwell Golf Club clubhouse which sits directly opposite the entrance to the nursery car park. There is also significant residential development to the south west of the appeal site, including relatively higher flatted blocks, and also to the north east of the nursery land.
11. The proposed scheme would occupy a parcel of unused land set between the nursery proper and the curtilage of Little West Hatch beyond to the west, which is set behind tree screening. The land is surplus to the nursery's requirements.

12. The main part of development (plots 13-36) would involve new housing following its western boundary, and bending round to meet the site's northern point. Fronted by a row of 2-storey dwellings with centrally ridged gabled roofs facing towards the High Road, the dwellings proposed behind (plots 20-28) would be angled away from, and, along with the dwellings on plots 29-36, would be clustered around a prominent, centrally placed, triangular green/public garden feature.
13. The proposed gabled dwellings, shown set back from the High Road, would be positioned behind a new footway running behind grassed verges and trees. Their roof design breaks up the buildings' massing and makes for an attractive threshold to the new development which would have a varied mix of building types. In not offering any written evidence other than that worded in the corresponding refusal reason the Council's case was confined to oral rebuttals throughout the Hearing and rests on its consideration that the proposal would introduce a scale, mass and form of development out of character with its surroundings and incongruous to the High Road frontage.
14. The scheme would respond to the variation in topography across the site. The higher land to the south would accommodate 2 and 2.5 storey buildings and, to the north, where the levels fall off, the buildings' heights would be increased to 3 and 4 storeys. From my site visit I found that the dwellings fronting the High Road, in terms of their height would not be inconsistent with the general character of the immediate area, and the taller elements to the rear represents appropriate development relative to the lower land levels.
15. To the west of the nursery car park a single vehicular driveway and adjoining footways would be constructed to serve the whole development.
16. The appellant indicates that the scheme has been design led and was informed by input from the Council's Quality Review Panel which, it was indicated, considered an original concept of 45 dwellings as being of insufficient density. Accordingly, the scheme was revised to incorporate additional dwelling units, thereby increasing the density to that prescribed for the CHIG.R5 site allocation, as set out in the DLP. This approach is consistent with paragraph 123 of the National Planning Policy Framework (the Framework) which advises that planning decisions should promote an effective use of land in meeting the need for homes.
17. DLP policy DM9 says that new development should achieve high quality of design and policy DM10, with respect to the Nationally Described Space Standards' says that all new housing should exceed minimum standards.
18. Landscape buffers would be provided along the majority of the boundary with Little West Hatch, and then around the perimeter of the site from the rear of Block D to the site's proposed driveway entrance point. The Landscape Masterplan (Drawing no NC16 264-P202 Rev E) comprehensively details the proposed boundary treatment, the intended new planting, and also refers to specific existing trees which are to be retained. There would be some tree removal necessary for the development to proceed, but this would be adequately compensated for by the remedial measures proposed in this connection.
19. Given the character, physical arrangement and design of the development proposed in its contextual setting I am not convinced that the Council was able

to make a credible case on the character and appearance issue such as to substantiate the corresponding reason for refusal. Instead, I find that the development would relate positively to its immediate surroundings and would achieve a high quality design, complemented by extensive landscaping and greenery, easily meeting the objectives of policy DM9 and also, in terms of the layouts, the Nationally Described Space Standards as referred to in policy DM10.

20. All in all, the scheme would produce an attractive residential environment, and I must conclude that the development would not be harmful to the character and appearance of the surrounding area.

Living conditions

21. The Council indicates that the living conditions of occupiers of properties to the north would be impacted upon by reason of loss of outlook. The relevant refusal reason, to this end, cites incongruous built form and its resultant intensity.
22. The nearest properties to the north are the two storey dwellings on the southern side of Lyndhurst Rise, whose deep rear gardens abut the active nursery site, and those on Tudor Close. At the Hearing the appellant produced a plan showing the distances from the rear of the nearest dwellings to the proposed Block G, a 3-storey block of flats. The nearest house in Lyndhurst Rise is distanced some 193m away, and the closest house in Tudor Close has its rear elevation to a distance of 180m. The eastern side of the nursery site, where the glasshouses are situated in a shallow basin, sits below the Lyndhurst Road land levels.
23. The outlook from the rear facing upper floor windows of the dwellings to the north would be across the glasshouses, beyond which the land levels rise again westwards. Importantly, the shared boundary with the nursery land is screened with a row of semi-mature trees.
24. Given the distances involved between the existing dwellings and those proposed I conclude that the proposal would not be harmful to the living conditions of neighbouring occupiers, privacy and amenity would be maintained, and there would be no conflict with policy DM9 which requires for such.

Setting of listed building

25. Little West Hatch (LWH), is a Grade II statutory listed building. The house itself can be viewed through the decorative wrought iron gates which contribute to its imposing entrance off the High Road, although it is understood that the curved flank walling and decorative posts here were constructed within the past thirty years.
26. Garden land, immediately to the east of the house, is separated and screened from the appeal site beyond by a tree-lined boundary. As mentioned, the new development spurs north-eastwards which, although still bordering land within LWH's control, lies outside its intimate curtilage. It is understood that the appeal site once formed part of LWH's grounds, but the severance is no longer discernible.

27. In terms of proximity the rear elevations of a row of two-storey dwellings on Plots 13-18, would sit almost 40m from the facing windows of the listed building. Within this distance is LWH's side lawn and the substantial verdure this side of the common boundary. New planting intended would enhance this. Notwithstanding this effective screening the first floor of the dwellings on plots 13 -18 would have en suite bathrooms or dressing rooms to the rear rather than bedrooms with clear glazing. Also, given the circumstances described any resultant light pollution would be minimised.
28. I have a particular duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the desirability of preserving the listed building's setting, along with its features of special architectural and historic interest.
29. Development proposals that affect any heritage asset or its setting should preserve and, wherever possible, enhance the significance of the asset having regard to its special architectural or historic interest of its character, appearance and the contribution made by its setting which comprises the house's gardens, the distinctive circular driveway surrounding the front lawn, the service outbuildings and the former staff cottage.
30. In the face of the development the period house's architectural features would be preserved and the intended boundary treatments would secure effective screening between the new housing and LWH. Also, with the setting of the listed building having been altered over time I find that any resultant harm – which the Council considers would be 'less than substantial' – would, given the sites' physical relationship along with the mitigation measures built into the scheme, not be so significant as to unduly harm the setting of LWH. Moreover, there would be marked public benefits arising from the development which the Framework says should be weighed into the balance.
31. The public benefits include the re-use of what is effectively redundant land, the mix of dwellings to be built thereon for purchase and rent (including a substantial affordable housing element, for which recent provision across the District has been limited in number), environmental and ecological improvement measures that would complement the scheme, and also the planning gain that would result from the initiatives and contributions to be delivered through the Unilateral Undertaking, and the s106 Agreement which would help towards improvements to a local bus service.
32. On balance, I conclude that the proposal would not be harmful to the setting of the listed building, and the requirements of DLP policy DM7 would be met.

Accessibility

33. Although I acknowledge that there would be heavy reliance on the private motor vehicle given the provision for car parking within the development scheme it is accepted by the main parties that the site is some eight minutes walking distance from Chigwell Station, which lies eastwards, and there are local bus stops in proximity. Facilities for cycle storage would also be provided to serve the individual dwellings.
34. The refusal reason refers to the absence of adequate measures to secure improved public transport access, yet the site owner has since entered into a

s106 Agreement with Essex County Council in order that a significant contribution towards a local bus service can be secured.

35. It appears to be the case that Essex CC did not request such a contribution at the application stage, as the case report would indicate that the local highway authority (LHA) initially examined the proposal in terms of safety of access to and from the development onto the High Road, and the considered effect on the local highway network. The LHA indicated that its assessment satisfied the various criteria, subject to the imposition of appropriate conditions.
36. In the circumstances I see no conflict with the aims and objectives of DLP policies DM9 and T1, and consider that the scheme would promote opportunities for sustainable transport modes, improving accessibility to local services.

Other Considerations

Five Year Housing Land Supply

37. The Council witnesses dispute that a five year housing land supply cannot be demonstrated despite the recently adopted replacement development plan, although I was not provided with compelling evidence otherwise. Paragraph 11(d) of the framework indicates that, in such circumstances, development proposals should be approved unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. However, notwithstanding this, and even if such a housing land supply is in the pipeline, a comprehensive planning balance must still be undertaken.

Affordable Housing

38. The appellant is obligated through the Unilateral Undertaking produced to provide twenty six (26) of the residential units built as affordable dwellings. This would equate to 40% of the 65 units proposed. Of the affordable dwellings not less than 73% would be social rented, with the remainder being shared ownership units. This provision and arrangement is in accordance with the requirements of DLP policy H2.

Planning Obligations

39. Planning obligations, offered by way of the Unilateral Undertaking (UU) and the s106 Agreement between the appellant and Essex County Council (ECC) should be seen as necessary for the development to proceed, and in accordance with paragraph 57 of the Framework and Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).
40. The Council's Infrastructure Delivery Plan, which provides details and descriptions of infrastructure required to mitigate the impacts of new development, and give rise to transport, education, health and community facility needs, was published in 2020 to support the Local Plan.
41. Financial contributions are calculated on a tariff basis and, through a Unilateral Undertaking, the appellant has offered financial contributions to the Council, towards public parks and improvements to open space, community facilities and allotments, transport related improvements in respect of active initiatives in Chigwell, and also towards sport and leisure improvements.

42. Contributions are being offered to ECC towards early years childcare and primary school education, along with monies towards the County's library service. In addition, contributions would be made to the local Health Authority in respect of improvements or upgrades to facilities at Chigwell Medical Centre.
43. Also, a standardised payment would go towards Recreational and Air Quality mitigation in respect of the designated Epping Forest Special Area of Conservation (SAC) given that the site is within the recognised distance zone. In terms of the requisite Habitats Regulations Assessment I am satisfied, through Natural England's advice on such, and by way of an Appropriate Assessment, that the integrity of the SAC would not be harmed as long as this financial contribution is paid.
44. I consider that all the above measures meet the Framework and CIL Regulations tests in that they are all necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the proposed development.
45. In addition to the above a s106 Agreement between the owner and ECC has been signed which would contribute £169,000 towards local bus service improvements in order to assist with the desired aim for new homes to be within 400m of a regularly served bus stop. Given the 65 units proposed I am satisfied that this contribution also meets the three necessary tests mentioned.

Representations from interested parties

46. I have had regard to the various representations received from interested parties which set out objections to the development. As regards those submitted at the application stage they largely relate to the main issues and I have already discussed the grounds for these earlier in my decision letter. However, in addition, there have been further letters of objection received during the appeal process, notably from the local Parish Council and also the occupiers of LWH.
47. The Parish Council has indicated its belief that the proposal is in conflict with DLP policy T1 as the car parking provision falls short of Essex CC's 2009 standards. However, the policy says that new development should provide appropriate parking and servicing provision, in terms of amount, design and layout along with cycle storage arrangements, having regard to the County's parking standards. Upon assessment Essex CC, the local highway authority (LHA) concluded that the proposal would not be detrimental to highway safety, capacity or efficiency.
48. Although the LHA did mention that there is the potential for vehicles to park inappropriately within the development, in its role as the parking authority for the area, Epping Forest District Council, decided that, in view of this being an accessible location, the development, which includes garages, curtilage spaces and parking courts with standardised dimensions, meet reasonable parking and highway requirements. I agree with this approach.
49. Amongst other matters which I have already addressed the occupiers of LWH make the point that there are two other listed buildings in the vicinity; Great West Hatch, which is situated beyond LWH, on the opposite side of Luxborough Lane, and also Chigwell golf club clubhouse which sits off the High Road, directly opposite to the nursery itself. Due to the physical divides and

separation distances involved neither of these buildings' settings would be affected by the development.

Conclusion and Conditions

50. I have concluded that the proposal satisfies all the main issues in this appeal, and there is no material conflict with the DLP policies cited and, moreover, the development plan as a whole. For the above reasons, and having had regard to all matters raised, the appeal is allowed.
51. In terms of planning conditions I have had regard to the government's planning practice guidance. There are a number of pre-commencement conditions imposed, agreed between both main parties, in order to provide and approve the necessary details to allow the development to proceed. These relate to a land contamination investigation, a programme of archaeological investigation, details of existing land levels, a tree protection plan, full landscaping details (to be informed by the Landscape Masterplan), surface water disposal, a Construction Management Plan, measures to protect bats and details of external materials to be used and finishes.
52. Imposing conditions are necessary and reasonable for details to be submitted and approved prior to first occupation in respect of access arrangements, surfacing and hardstanding, an ecological enhancement scheme, boundary treatment, a landscape management plan, a requirement to achieve a water efficiency standard, details of boiler installations, broadband connections, a residential travel information pack, and improvements to local bus stops. All these measures are required in order to achieve a satisfactory standard of development.
53. Conditions are also necessary and reasonable to safeguard the environment stipulating that all excavated material be removed from the site, restrictions on hedgerow, tree and shrub removal (and their replacement), restrictions on times for the delivery of materials during the construction phase, and the installation of wheel washing and cleaning facilities for this phase.
54. Restrictions on householder permitted development entitlements are necessary to allow the Council to retain reasonable control over the dwellings built. Also, standard conditions are included requiring that the development is carried out in accordance with the approved plans and drawings, and that the standard three year time limit is observed.

Timothy C King

INSPECTOR

Schedule of Conditions

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: 21/11/01, 21/11/02 Rev A, 21/11/03 Rev D, 21/11/04 Rev A, 21/11/06 Rev A, 21/11/08, 21/11/010 21/11/11, 21/11/12, 21/11/13 Rev A, 21/11/14, 21/11/15 Rev A, 21/11/16, 21/11/17, 21/11/18, 21/11/19, 21/11/20, 21/11/21 Rev A, 21/11/22, 21/11/23, 21/11/24 Rev A and 21/11/25 Rev A.

3) No development shall take place until a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

4) No development shall take place until the local planning authority has been provided with either:

- 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
- a method statement relating to a registered site supplied by an individual registered to use a Bat Mitigation Class Licence for Bats; or
- 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.

5) A) No development shall take place until the applicant

has secured the implementation of a programme of archaeological mitigation in accordance with a Written Scheme of Investigation.

B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation, and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured. Confirmation of compliance with the requirements of this condition shall be submitted in writing to the Local Planning Authority prior to occupation of the development hereby approved.

6) 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.

7) A. No works 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.

8) 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.

9) Prior to preliminary ground works taking place, details (including maintenance) 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 and maintained in accordance with the approved details for the lifetime of the development.

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

11) Prior to any preliminary 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 be in general accordance with Drawings NC16.264-P202 Rev E and NC16.264-P204 Rev A and 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.

12) Prior to first occupation of the development or any phase of the development, whichever is the sooner, for its permitted use, a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other

than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.

13) Prior to first occupation of the development details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA). The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:

- Location of active and passive charging infrastructure;
- Specification of charging equipment; and
- Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:

- a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
- b) How charging point usage will be charged amongst users;
- c) The process and the triggers for identifying when additional passive charging points will become activated; and
- d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.

14) All material excavated from the ground works carried out shall be removed from the site at the earliest opportunity, unless retention of material is agreed pursuant to any landscaping works approved as part of the relevant condition.

15) No development shall take place until a full specification of the external finishes of the development hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details.

16) Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved, and so retained.

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

18) Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials, and type of boundary treatment to be erected, shall have been submitted to and 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.

19) Prior to their installation, 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.

20) 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.

21) Prior to the first occupation of the development the access arrangements, as shown in principle on the Ardent drawing no. 2101960-001 Rev E, shall be fully implemented and retained for the life of the development. All details to be agreed with the Local Planning Authority, and to include, but not limited to the following:

- 2.4m x 90m visibility splays
- A bellmouth with minimum radii of 6m with dropped kerb crossing points
- Provision and implement of a pair of pedestrian dropped kerb crossing points across the High Road within the vicinity of the bus stops to the north of the site access.

22) Prior to the first occupation of the development the developer shall provide the following improvements, to ECC specification, to the existing Club House bus stops, to the north of the site, either side of the High Road:

- Provision of raised kerbs to both bus stops.

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

24) Prior to the first occupation of each dwelling, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by the Local Planning Authority to include six one day travel vouchers, and or Oyster cards, for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

25) No removal of hedgerows, trees or shrubs, or works to or demolition of buildings or structures that may be used by breeding birds, shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared, provided a written report of confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site, and that written confirmation has been approved by the Local Planning Authority.

26) 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.

27) 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.

28) 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.

29) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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.

30) 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 curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written agreement of the Local Planning Authority.