

Report to District Development Management Committee



**Epping Forest
District Council**

Report Reference: EPF/0524/20
Date of meeting: 4 August 2021

**Address: High House Farm, Stapleford Road, Stapleford Abbots, RM4
1EJ**

**Subject: Construction of x20 no. new dwellings with associated
infrastructure, parking, public open space & landscaping.**

Responsible Officer: Ian Ansell (01992 564481)

Democratic Services: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

(1) That planning permission is granted subject to conditions and completion of a suitable legal agreement to address matters set out below;

(2) That Members agree for relevant officers to finalise the Appropriate Assessment (in accordance with the requirements of Regulation 63 the Conservation of Habitats and Species Regulations 2017 (as amended) and only to grant planning where the outcome of that assessment is concluded to be that there is no adverse effect on the integrity of the EFSAC; and

(3) That relevant officers be authorised to add and/or amend any planning conditions or S106 planning obligations in respect of securing necessary measures to mitigate air pollution impacts on the EFSAC.

Proposed conditions:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

2. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 18/02/03, 31 – 44 inclusive, and 46, 18026-100 Rev F, 180652-001 Rev A and 180652-002, and unnumbered SANG area plan.

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

6. Measures to control the emission of dust and dirt during construction, including wheel washing.
7. A scheme for recycling/disposing of waste resulting from demolition and construction works.

4. No development shall commence until 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 have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

5. Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

6. 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 unless the Local Planning Authority gives its written consent to any variation.

7. No ground works shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections 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.

8 - i. No works shall be carried within areas identified in the Ecological Assessment Report (prepared by SES dated March 2020) as supporting breeding newts until a Great Crested Newt survey shall be undertaken in accordance with the recommendations and the results submitted to and approved in writing by the Local Planning Authority.

ii. In the event that Great Crested Newts are present an Ecological Mitigation and Enhancement Method Statement shall be submitted, and provide detailed mitigation measures and ecological enhancements to be carried on site, together with a timetable for implementation, and it shall include specific mitigation measures required with regards to Great Crested Newts and identify those measures that will require a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010. The development shall be carried out in accordance with the approved details.

9. Prior to the commencement of construction works above ground level, details of measures to implement ecological mitigation strategy in the Ecological Assessment Report (prepared by SES dated March 2020), shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken only in accordance with the agreed strategy and methodology.
10. Details of the types and colours of the external finishes, including samples where required, shall be submitted to and approved in writing by the Local Planning Authority prior to their first use in the construction of the development. The development shall be implemented in accordance with such approved details.
11. 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. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; car parking layouts; other minor artefacts and structures, including signs 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.
12. Prior to the 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, a schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule. Version 2017.
14. Prior to their first construction within the site, details of all walls, fences, gates and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details, unless otherwise agreed by the Local Planning Authority.
15. Prior to their first installation within the site, details of all external lighting to be installed within the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall only be implemented in accordance with the approved details. No additional lighting, either free standing or attached to buildings, shall thereafter be installed within the site at a height of more than 2 metres above ground level without prior consent from the Local Planning Authority.
16. The development be carried out in accordance with the flood risk assessment (Flood Risk Assessment, Ref 180652-02) and the Foul and Surface Water Drainage Strategy prepared by Ardent and dated March 2020 and submitted with the application, unless otherwise agreed in writing with the Local Planning Authority.
17. No 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 careful, detailed check for active birds nests immediately before the structure is

demolished and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

18. All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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.

20. All material excavated from the below ground works hereby approved shall be removed from the site and where the material is contaminated such removal shall be to a licensed facility unless otherwise agreed in writing by the Local Planning Authority.

21. If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

22. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

23 Prior to the first occupation of the development the access works, as shown in principle on drawings 180652-001 Rev A and 180652-002, shall be fully implemented, the works shall include, but not be limited to:

- A new bellmouth access with 6m radii;
- Pedestrian dropped kerb crossing with tactile paving across the new bellmouth;
- Provision of the visibility splays clear to ground level;
- Provision of 2 no. x 2m wide footways into the site;
- Tabled speed restraint feature on the definitive route of footpath no.22 Stapleford Abbots, across the proposed access road.

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

25. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.

26. 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.

27. Details and location of the parking spaces (including garages) equipped with active and/or passive EVCP must be submitted prior to works commencing on site, including details which shall demonstrate that the development will deliver active EVCPs from occupation. The details shall include:

1. Location of active and passive charging infrastructure;
2. Specification of charging equipment; and
3. Operation/management strategy.

The council will expect that a management plan for the charging points is set out clearly. This will address:

1. Which parking bays will have active and/or passive charging provision, including disabled parking bays;
2. How charging point usage will be charged amongst users;
3. The process and the triggers for identifying when additional passive charging points will become activated; and
4. 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.

The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation.

28. Prior to the commencement of development, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.

29. Gates shall not be erected on the vehicular access to the site without the prior written approval 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 other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, E and F of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.

S106 obligations

- i. Provision of five units of affordable housing within the development site in partnership with an approved provider.
- ii. Contribution of £120,000 to provide a new Parish Room for Stapleford Abbots Parish Council.

- iii. Education contribution towards early years and childcare of £31,360 and towards primary education of £91,686.
- iv. Provision of public access, maintenance and extension of the Public Right of Way networks within 30 acres on land adjoining and surrounding the application site, as shown on the plan accompanying the application
- v. Subject to the Appropriate Assessment above, contribution to air quality mitigation impacts comprising contribution of £335 per dwelling.
- vi. Payment of 5% of total financial contribution monitoring fee

Report:

1. This application was reported to Area Planning Sub-Committee East on 3rd March 2021 with a recommendation to refuse permission on grounds of the impact on the openness and character of the Green Belt in which the site is located, sustainability issues arising from the location of the development outside the established settlement of Stapleford Abbots, the absence of a legal agreement to deal with section 106 matters, and the impact on air quality in the Epping Forest SAC.
2. In considering the application, Members had regard to the history of contaminative uses on the site and its current condition, the prospects of the site being redeveloped for a lesser scheme in light of abnormal development costs, and placed greater weight on s106 contributions including provision of a parish room and provision of additional publicly accessible open space.
3. As a result, Members voted to support the application and refer it to this Committee for further consideration with a recommendation to approve the application.
4. Subsequent discussions have continued, particularly around the issues of the air quality mitigation strategy and how this may apply to the site. Following legal advice, in order to complete an appropriate assessment, a site-specific Habitat Regulations Assessment has been submitted for further consideration, however the consideration of this has not been completed. The study supports the assumption that air quality impacts can be mitigated through measures including the financial contribution to delivering the mitigation strategy and other measures including provision of electric vehicle charging points and provision of high-speed broadband to all homes. These measures are incorporated into the proposed conditions and legal agreement set out above.

ORIGINAL REPORT

EPF/0524/20

Reasons for refusal

1. The proposed development, by reason of its overall built footprint, scale, bulk and massing would cause substantial harm to the openness, character and appearance on the Green Belt in this location. As such, the proposal constitutes inappropriate development in the Green Belt within the context of the NPPF (2019), which should not be approved except in very special circumstances, Notwithstanding the site's planning history, the potential harm by reason of inappropriateness, the substantial harm to the openness, character and appearance of the Green Belt in this location, and the other identified harm resulting from the proposal is not clearly outweighed by other considerations. Accordingly, as very special circumstances have not been demonstrated, the proposed development would be contrary to national Green Belt policy in the NPPF (2019), policies GB2A (Development in the Green Belt) and GB7A (Conspicuous Development) of the adopted Local Plan 1998 and Alterations 2006, and policy DM4 (Green Belt) of the Local Plan Submission Version 2017.
2. The proposed development lies outside of the established settlement of Stapleford Abbots and is thereby not in a sustainable location in the context of the sequential approach to site selection established by policy SP2 of the Local Plan Submission Version 2017 and the NPPF. Development in such a location is not required to meet the development needs of the settlement as set out in Policy P12 of the Local Plan Submission Version 2017, and thereby emphasises the inappropriate character of the development in the Green Belt as set out above.
3. The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such evidence, and of a completed Section 106 planning obligation to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of air pollution, the proposed development is contrary to policies CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM22 of the Epping Forest District Local Plan Submission Version 2017, the NPPF, and the requirements of the Habitats Regulations 2017.
4. In the absence of a completed legal agreement, the development fails to provide adequate mechanism for the delivery of affordable housing, provision of funding for a parish room, provision of electric bicycles and provision of high speed broad band connections which are reasonably and properly required to support the development. as such the development would be contrary to policies H2, D1, D2, D3 and D4 of the Local Plan Submission Version 2017 and the NPPF.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council which is material to the planning merits of the proposal, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)), and in light of previous decision by Members.

Description of Site:

The application site lies to the west side of Stapleford Road. The whole site comprises around 9.97

ha and is served by a single vehicle access point. Within this area, two areas are proposed for development. The smaller parcel lies abutting the road on the north side of the access, and comprises the historic curtilage of the farmhouse (around 0.3ha), a detached two storey building and its garden – largely overgrown at the rear and containing a disused open swimming pool; much of the frontage is hard surfaced.

The larger parcel lies to the west around 125m from the road comprises around 1.2ha. This includes land formerly containing the agricultural and later industrial buildings on the site. All buildings in this area have been demolished, other than a limited array of structures relating to services on the land. Much of the hard surfacing remains in situ, and a large pile of building rubble over 4m high lies in the centre of the site.

The site lies wholly within the Green Belt to the north of the main settlement at Stapleford Abbots. A ribbon of frontage development extends along much of the west side of Stapleford Road, broken by open parcels such that there is not a continuous frontage such that the application site is physically separated from the nearest residential plots; Woodlands Farm around 100m south of the site access comprises a chalet bungalow set 70 metres back from the road with a permission granted in 2019 for replacement of outbuildings to the north and west with 9 dwellings. Nearest properties to the north are around 150m distant and comprise a former farm sub-divided into a number of residential curtilages.

The surrounding land is open and includes a mix of worked farmland and fallow ground. To the east side of Stapleford Road at this point, little frontage built development exists. A public right of way crosses north – south along the eastern edge of the larger parcel and links into other routes in the vicinity.

Description of Proposal:

The application amends the scheme refused by Committee in 2019.

The development comprises 20 residential units, 5 of which are designated as affordable units.. On the smaller parcel at the front of the site are 6 units – 2 x 2 bed and 1 x 3 bed open market houses and three affordable units comprising 1 x 3 bed house and 2 x 1 bed flats. On the rear site are 14 houses – 2 x 2 bed affordable houses and 12 open market houses comprising 7 x 3 bed and 5 x 4 bed. All units are provided with private gardens and off street parking comprising garaging and surface spaces. Houses are a mix of detached and semi-detached and built in a variety of architectural styles, all of which are two storey with pitched roofs. Materials are a mix of predominantly weatherboard cladding, brick and render, and tiles roofs.

The units on the frontage include with properties fronting the access and the affordable units served of a private access road, all buildings and the access are set a minimum of 10 metres back from the site frontage. Dwellings at the rear are set around a central green space of around 250 sq.m which also includes two visitor parking spaces.

The developed. area within the site has been reduced from the previously refused area, resulting in a reduced footprint of built development and larger gardens, the overall site area being unchanged.

The application includes a range of landscape and ecological improvements. Areas around the domestic curtilages will be screened by hedgerow and tree planting enhancements. Land to the south of the access, an area which currently includes a pond, will include provision for a Great Crested Newt Mitigation Area with access restricted. To the west, land will be restored the contamination remediation and creation of a Landscape and Ecological Enhancement Area with opportunities for public access from the existing public footpath network.

The application is supported by an offer of a section 106 agreement which offers the following:

- Affordable housing at 25%, details of delivery through an appropriate provider to be agreed,
- Contribution of £120,000 to provision of a parish room for Stapleford Abbots Parish Council, location yet to be determined,
- Provision of public access, maintenance and extension of the Public Right of Way networks within 30 acres of land adjoining and surrounding the application site on a 999 year lease,
- Provision of electric bikes for residents
- Contributions towards mitigating impact on the EFSAC of £352 per dwelling for recreational impact and £335 per dwelling for air quality mitigation.
- Provision of high speed broadband connection to all dwellings.

Relevant History:

EPF/1374/06 Outline application for the demolition of agricultural /industrial complex and the erection of 6 new dwellings and 1 replacement dwelling approved.

EPF/2565/07 Reserved matters application for the erection of 6 new dwellings, 1 replacement dwelling and a parish room – details approved.

A number of applications dealing with discharge of conditions in relation to the above approvals were dealt with

EPF/0604/14 Redevelopment to erect a total of eight dwellings, inclusive of a replacement farmhouse, a parish room, plus an associated access, provision of garaging and car parking – approved.

EPF/2708/18 Redevelopment comprising 27 dwellings (including 7 affordable) with associated infrastructure, parking, public open space and landscaping – refused on over concentration of affordable units at the front of the site, impact on Green Belt and impact on EFSAC.

Policies Applied:

Adopted Local Plan:

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

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

- CP1 Achieving Sustainable Development Objectives
- CP2 Protecting the Quality of the Rural and Built Environment
- CP3 New Development
- CP4 Energy Conservation
- CP5 Sustainable Building
- CP6 Achieving Sustainable Urban Development Patterns
- CP7 Urban Form and Quality
- GB2A Development in the Green Belt
- GB7A Conspicuous Development
- GB16 Affordable Housing
- NC1 SPA's SAC's and SSSI's

NC3 Replacement of lost habitat
 NC4 Protection of established habitat
 NC5 Promotion of nature conservation schemes
 RP4 Contaminated Land
 RP5A Adverse Environmental Impacts
 H2A Previously Developed Land
 H3A Housing Density
 H4A Dwelling Mix
 RST2 Enhance rights of way network
 U3B Sustainable Drainage Systems
 DBE1 Design of New Buildings
 DBE2 Effect on Neighbouring Properties
 DBE4 Design in the Green Belt
 DBE6 Car Parking in New Development
 DBE7 Public Open Space
 DBE8 Private Amenity Space
 DBE9 Loss of Amenity
 LL10 Adequacy of provision for landscape retention
 LL11 Landscaping Schemes
 ST1 Location of Development
 ST2 Accessibility of Development
 ST4 Road Safety
 ST5 Travel Plans
 ST6 Vehicle Parking

NPPF (February 2109):

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, 11
 5 Delivering sufficient supply of homes – paragraphs 59, 64, 67, 73, 77, 78, 84
 9 Providing sustainable transport – paragraphs 103, 108, 109, 110, 111
 11 Making effective use of land – paragraphs 118, 122, 123

- 12 Achieving well designed places – paragraphs 124, 128, 130, 131
- 13 Protecting Green Belt land – paragraphs 134, 143, 144, 145
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 153, 155 – 165
- 15 Conserving and enhancing the natural environment – 170, 174, 175, 176, 177, 180, 181

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "may give weight to relevant policies in emerging plans according to:

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

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

POLICY		WEIGHT AFFORDED
SP1	Presumption in favour of sustainable development	Significant
SP2	Spatial Development Strategy 2011 - 2033	Significant

SP6	Green Belt and District Open Land	Some
SP7	The Natural Environment, landscape character and green infrastructure	Significant
H1	Housing mix and accommodation types	Significant
H2	Affordable housing	Significant
T1	Sustainable transport choices	Significant
T2	Safeguarding of routes and facilities	Significant
DM1	Habitat protection and improving biodiversity	Significant
DM2	Epping Forest SAC and Lee Valley SPA	Significant
DM3	Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4	Green Belt	Significant
DM5	Green and Blue Infrastructure	Significant
DM6	Designated and undesignated open spaces	Significant
DM9	High Quality Design	Significant
DM10	Housing design and quality	Significant
DM15	Managing and reducing flood risk	Significant
DM16	Sustainable Drainage Systems	Significant
DM18	Onsite management of waste water and water supply	Significant
DM19	Sustainable water use	Significant
DM20	Low carbon and renewable energy	Significant
DM21	Local environmental impacts, pollution and land contamination	Significant
DM22	Air quality	Significant
P12	Coopersale, Fyfield, High Ongar, Lower Sheering, Moreton, Sheering and Stapleford Abbots	Significant
D1	Delivery of infrastructure	Significant
D2	Essential services and facilities	Significant
D3	Utilities	Significant
D4	Community, Leisure and Cultural Facilities	Significant
D5	Communications Infrastructure	Significant

Consultation Carried Out and Summary of Representations Received

Date of site visit: July 2020

Number of neighbours consulted: 50

Site notice posted: 27 March 2020

Responses received: One response was received from STAPLEFORD HALL FARM in respect of traffic speeds on Stapleford Road at this point. With additional vehicle movements, the resident expresses the view that speed limits at this point should be reduced to 30mph. This would be a matter for the Highway Authority.

Parish Council: Stapleford Abbots Parish Council have advised that they have had extensive consultation with the developers on the proposal, have no objections and will fully support the application.

Main Issues and Considerations:

Preliminary considerations

In considering the application, Members must consider the grounds on which the previous application was refused in 2019. These were:

1. By concentrating the affordable housing to a discrete part of the site, thereby separating it

from the market housing, the proposed development would fail to provide a mixed, balanced and appropriately integrated residential development. As such, the proposal would undermine the achievement of mixed and balanced communities within the District contrary to Policies H1 (Housing Mix and Accommodation Types) and H2 (Affordable Housing) of the Local Plan Submission Version 2017.

2. The proposed development, by reason of its overall built footprint, scale, bulk and massing would cause substantial harm to the openness, character and appearance on the Green Belt in this location. As such, the proposal constitutes inappropriate development in the Green Belt within the context of the NPPF (2019), which should not be approved except in very special circumstances, Notwithstanding the site's planning history, the potential harm by reason of inappropriateness, the substantial harm to the openness, character and appearance of the Green Belt in this location, and the other identified harm resulting from the proposal is not clearly outweighed by other considerations. Accordingly, as very special circumstances have not been demonstrated, the proposed development would be contrary to national Green Belt policy in the NPPF (2019), policies GB2A (Development in the Green Belt) and GB7A (Conspicuous Development) of the adopted Local Plan 1998 and Alterations 2006, and policy DM4 (Green Belt) of the Local Plan Submission Version 2017.
3. The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such evidence, and of a completed Section 106 planning obligation to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of air pollution, the proposed development is contrary to policies CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM22 of the Epping Forest District Local Plan Submission Version 2017, the NPPF, and the requirements of the Habitats Regulations 2017.

Members will note that the reasons make reference to the then emerging policies of the LPSV, and advice at the time was that these policies would have carried limited weight, albeit they were consistent with other policy guidance. The application should also be reconsidered in the light of the more substantial weight that can be given to these policies now as a result of the progress through the examination process, and in the light of changes to the NPPF in the intervening period.

Site History

Historic uses on the site have contributed to the current conditions. On the larger parcel, pig farming continued for many years and later investigation has confirmed that slurry had been spread on surrounding land. Following cessation of this use, the remaining buildings were used for commercial and industrial purposes. This is known to have included a butchery and slaughterhouse, for waste transfer and as a lorry yard with a weighbridge. There is evidence of waste lagoons that were subsequently filled in. Historic aerial photographs support this; the Council's own aerial surveys from 2001 and 2007 shows extensive buildings and hard surfacing; large lorries and a range of other vehicles can be seen outside of the hard surfaced areas with areas of land clearly used by vehicles for turning and general manoeuvring.

In terms of the smaller parcel, this comprises the existing farmhouse and what amounts to its residential curtilage

Following grant of outline planning permission for residential development in 2007 and subsequent approval of reserved matters, records indicate that development was commenced. In reporting the 2014 planning application referred to above, officers state "*the approved development remains capable of implementation*" and while the reasons for coming to that view are not specified, the

extent of demolition would under present interpretation be considered to constitute commencement and this must remain the Council's position.

The previous permitted schemes are also significant in the site boundaries of the development area which have taken a more rectangular form and have not taken the more linear form of the existing buildings. This resulted in a limited incursion into the land to the north and south but a significant reduction in the westward extent. The current application site broadly sits on the footprint of the 2014 application, which in turn reflects the previous proposals.

Green Belt considerations

The primary national policy considerations remain as set out in the NPPF. In light of the previous history and planning permissions, the application should primarily be considered in the context of paragraph 145 (g) of the NPPF which states:

limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

Where such harm may be identified, then Members should have due regard to paragraphs 143 and 144 in respect of the consideration of any very special circumstances that may exist.

The LPSV is consistent with the NPPF, policy DM4 in particular reflecting the wording above. The site was considered as part of the Green Belt review conducted as part of the evidence base for the LPSV and did not progress as the site was outside of the identified settlement buffer zone for Stapleford Abbots. As such the site can be viewed as performing a Green Belt function that should be retained unless very special circumstances exist.

In considering the issue of whether very special circumstances may exist, these issues were addressed in considering the previous application. Most significant in this regard is the results of investigations into ground conditions on the site. There is clear evidence that the historic uses of the site have resulted in high levels of contamination both within the area proposed for development and in the immediate surroundings, both as a result of the activities carried on above ground, and from the leeching of contaminants into the surrounding ground. Investigations identified made ground in parts of the site up to 6.5m deep, but more generally across the site of at least 3m depth. The made ground is shown to contain arsenic, lead, mercury, some asbestos and sediments with high organic content from animal rearing and slaughtering activities known to have taken place. On the frontage site, the presence of a heating oil tank makes it highly probable that there are contaminants in the soil in the vicinity. Accordingly, there are significant plausible pollution linkages with the potential to cause significant harm to human health.

Remediation of such a contaminated site is in the public interest irrespective of whether the land is being bought forward for development. However, the costs would inevitably be prohibitive without some form of enabling development to fund it. The costs have been estimated in the applicants' viability assessment as being in excess of £200,000, a figure not contested by the Council's viability consultant. Accordingly, the unusually high costs in achieving the wider public benefit are material to the test of very special circumstances in terms of assessing impact on the Green Belt.

Circumstances in this regard have not changed, and Members previously determined that the harm to the Green Belt outweighed such considerations. It is necessary to reconsider whether the modifications to the proposals have reduced the impact to such a degree that the balance is now

more in favour of the arguments over the very special circumstances.

In refusing the previous application, Members were concerned at the spread of development beyond the previously approved schemes, and the impact of the increased built volume. The application does seek to address this issue - the built footprint on the larger parcel has been condensed such that it is now contained within the footprint of the extant scheme (ie the buildings do not extend in any direction beyond the outer walls of the that earlier scheme) This does however need to be considered in the context of the more intensive built form: the approved scheme included 7 dwellings on this parcel and the current scheme proposes 14 smaller but still substantial buildings. As a result, the development is more compact with less visual breaks between the buildings, consistent with a more urban or suburban location than a typical Green Belt location.

The development on the front parcel is significantly more intensive than the permitted scheme, replacing one large dwelling and a community building on the south side of the access with six new properties located within the broad curtilage of the existing farmhouse and the replacement approved. Located on the site frontage, a more intensive form of development may be viewed as consistent with the wider character within the settlement, but the site does lie some distance from the settlement and some distance from the neighbouring plots. It is noted that the nearest plot to the north has been sub-divided into 3 residential plots and the extant permission on Woodlands Farm to the north includes 9 new dwellings, elements of both are set back from the road frontage. Notwithstanding landscaping proposals for the site frontage, the proposal is similarly intensive to that at the rear.

Affordable housing

The scheme proposes provision of 5 units as affordable housing separated as 3 on the front parcel and 2 at the rear, representing 25% of the development by units numbers. The application is accompanied by a viability assessment.

The previous scheme proposed all affordable units on the front parcel which Members viewed as failing to meet objectives to provide mixed and balanced communities. The alterations to the mix across the site goes some way towards addressing the issue, although it is noted that the affordable element on the frontage is distinctly separate and the two units on the rear are provided in the south east corner and have smaller gardens. This in some way reflects the requirements of social housing providers for management purposes, and a broader distribution impacts on the opportunity to provide affordable units for identified local needs. As a result, officers consider the proposal represents a reasonable compromise.

In terms of the overall level of affordable housing proposed, the issues around a fully policy compliant scheme not being viable were broadly accepted previously as the reason for refusal was specific to the distribution of the units. That application proposed 26% of units as affordable and the current proposal in effect makes a similar offer.

The applicants viability assessment argues that in light of the extraordinary costs associated with the site, the scheme is unable to deliver sufficient surplus to support additional affordable housing. The report has been reviewed by independent consultants who noted inconsistencies in the assessment in terms of adopted assumptions around the benchmarking of sales and residual land values, and adopted sales values for the proposed dwellings. For the applicants, it is pointed out that the analysis does not take account of the elements offered by way of section 106 agreement including the contribution for the parish room and the land for public open space, such that the difference in the residual value taking account of the affordable housing being offered is around £200,000.

Officers attach substantial weight to the comparison between the two schemes in terms of the overall proportion of affordable housing remaining consistent and are satisfied that the proposal in

this regard meets objectives of providing such housing in a viable development.

Impact on Epping Forest Special Area of Conservation (EFSAC)

The application proposes introduction of additional vehicle activity at and in the vicinity of the site above that which currently operates. While the historic uses of the site would have generated a higher level of commercial vehicle activity, the Interim Air Quality Strategy has modelled activity during the most recent periods relevant to the obligations arising out of the Habitat Regulations when the site has been predominantly unused (other from limited activity arising from the intermittent occupation of the farmhouse).

The applicants have accepted the case that this needs to be mitigated and are prepared to make the relevant contributions set out in the Interim Strategy, specifically in respect of air quality. Therefore, if Members are minded to approve the application, the proposed s106 offer accompanying the application provides the appropriate mechanism to deliver the contribution.

If Members are minded to refuse the application, as the s106 agreement has not been secured then this reason should remain on the decision to facilitate inclusion of the provision in any future appeal should this arise.

Emergence of the LPSV

The progression of the LPSV through it's examination gives much greater weight to the policies it contains than would have been the case at the time of the 2019 refusal.

Policy SP2 sets out the Spatial Development Strategy setting out how the LPSV will deliver new homes using a sequential approach to site identification. This is supported by Policy P12 which identifies sufficient sites within the existing settlement boundary that will cumulatively provide for the desired growth within Stapleford Abbots. The application site was subject to rigorous testing during the local plan process but did not proceed as other more suitable and deliverable sites were identified through the sequential approach to site selection.

The allocated sites identified by Policy SP2 and supporting policies can be expected to deliver the Council's housing targets during the plan period, together with a limited number of windfall sites not identified in the process (most likely smaller sites) not considered as part of the process. The purpose of identifying sites through this process meets obligations on the Council not only to meet overall targets can be met, but also demonstrates that a 5 year supply of housing land is available as required by the NPPF. This as a result reduces the pressure to allow development in less suitable locations, including sites within the Green Belt.

S106 offer and gains arising from the development

The development offers a number of enhancements through the offer in the section 106 heads of terms and from general landscape and ecological enhancements within and around the site. A number of s106 issues have been discussed above, but additional proposals included the provision of an area of public open space, a contribution for a parish room for Stapleford Abbots, provision of electric bicycles and delivery of high speed broadband. Such provisions are required to meet the three statutory tests of being necessary to make the development acceptable, directly related to the development and related in scale and kind to the development.

A number of issues arise from these matters:

- In terms of the provision of access to additional open space, this area includes land to the south of the access road which is the subject of ecological enhancements covered elsewhere in the application, and beyond the space identified for landscape enhancement

and is currently ploughed land. Thus around 18 acres (60%) of the land would be inappropriate for such access. The site is not within an area of recognised open space deficiency, and its general remoteness from the settlement would be likely to mean if it were to be used, it is likely to attract vehicle movements. The land is offered on a 999 year lease but no provision is made for ongoing management and maintenance. As such, unless the Parish Council were prepared to take the land on (and no such intention has been indicated), officers would not see this as a positive gain beyond the works committed in the application and would be advising Members against including this in their consideration of development benefits.

- The extant permitted scheme included provision of a Parish room on the land to the south of the access. A number of reasons suggest this no longer meets local and wider requirements. It is understood that the existing parish facilities are in a poor condition and the need to replace them has increased since the original permission. The Parish have indicated that they are considering other locations more suitable than this. In addition, the ecological evidence of the presence of great crested newts and other species is more apparent now than previously, and the desirability of providing the protected habitat in the area south of the access road is more apparent. As such the contribution can be viewed as meeting an identified need, and the provision off site is supported by the planning benefit of creating the habitat area.
- Provision of electric bicycles would be welcome subject to further discussion on the level of such provision. It should be noted however that this would be a short term gain as the legal agreement would not provide for such provision running with the dwellings, only the first occupiers.
- The broadband commitment is viewed as positive provision and would run with the land.

As a result, some aspects of the s106 agreement can be viewed as gains from the development.

In broader terms, other potential gains arise from developing the site. In this regard, consideration should be given to the condition of the site. There is agreement between the officers and the applicants that the site is in a poor condition as a result of the historic use. Large areas of hardstanding were laid in the past to a depth to accommodate heavy vehicles; other excavations to a depth of up to 3 metres can also be readily identified. The presence of extremely high levels of contaminants is recognised and there is little dispute over the broad costs of remediation. It is accepted that the previously permitted scheme would not generate sufficient income to be viable in the light of the costs associated with such development.

Arising from development, in addition to the benefits that accrue above, the proposal supports this with landscape and ecological enhancements.

The application proposes a comprehensive landscape approach, much of which lies outside the built area. On the small parcel, this includes an informal open space between the site boundary and the development, and a new native hedgerow around the west and north boundaries.

Removal of hardstanding and debris to the west and south of the large parcel will allow regrading of existing banks to blend with surrounding levels and the introduction of tree planting and the introduction of new wild flower meadows.

The results provide for a significantly enhanced landscape setting to the site that removes the much of the visual harm arising from the current condition of the site. Conditions would be available to protect existing trees and shrubs and to provide for future management and maintenance of new landscaping areas.

An ecology report accompanying the application recognises that the site and immediate surroundings have potential to support a range of ecological interest, including a range of fauna and flora. Evidence of bat activity and grass snake presence was identified and a precautionary approach is called for in relation to a range of other species, including great crested newts, badgers

and nesting birds.

The report recommends a number of ecological enhancements, in particular land to the south of the access road is identified as an opportunity to allow for a worst case scenario in respect of great crested newts and introduce new ponds and habitats an appropriate environment as well as enhancing general biodiversity in this area.

Highways

The application proposes minor enhancements to the site entrance, which it should be noted has been designed previously for access for commercial vehicles. Traffic calming is introduced at a central point in the access drive, which is otherwise open. A pedestrian route is created from Stapleford Road through to the rear.

The Highway Authority have advised that the proposals are acceptable on highway grounds. In terms of access and capacity, no highway improvements to the junction are required as the required visibility taking account of traffic speeds are already in place. Conditions are recommended in relation to construction traffic and completion of various works before occupation of the development.

Parking provision within the development meets adopted standards for the level and scale of development proposed.

Design and built form

The development introduces common themes throughout the two development areas in scale and materials.

Residential curtilages are clearly established with curtilage parking and generous private gardens, and additional visitor parking. The rear parcel features a central communal open space with all units fronting onto this to provide active frontages.

Buildings are two storeys with traditional pitched rooves in a mix of gabled and hipped end forms with varying pitches, and without roof additions. Materials are intended to reflect the local vernacular incorporating a mix of brickwork, render and weatherboarding, and both plain tile and slate roofing. Added interest is provided through detailing including a mix of sash and casement windows, gable end motif features and oak frame entrance porches.

This approach is consistent with broader design criteria in the Essex Design Guide and represents an appropriate response to local character and wider site context.

Neighbour impact

In direct impact terms, the site lies some distance from the nearest properties. Woodlands Farm to the south lies 100m away and is the closest neighbouring property. Thus direct harm has not been identified.

The proposal would safeguard the living conditions of neighbours.

Conclusion:

The application raises a number of key policy issues around the increased volume of development in the Green Belt and it's impact on the openness and character thereof, and the primacy of the Local Plan in the extensive work in identifying sites for development, the result of which was that

the site was not considered suitable for allocation due to its location outside of the settlement.

This has to be balanced in any assessment against the unusual site circumstances arising from the historic contamination which has now been adequately investigated and requires such extensive remediation that the previously approved developments would not support. These issues are only likely to be resolved as a result of redevelopment to a more intensive level. This may be a lower level than is currently proposed, but such a reduction may require other compromises in terms of the s106 offer made with the current proposal.

Officers recognise the issues are very finely balanced. In coming to a view Members must determine how much weight to give to the very special circumstances of the application, as set out above. In arguing that case however, the applicants have not raised any new issues that Members were not previously aware of when determining the previous application and determining that the harm to the Green Belt outweighed other matters. Given the overall level of development remains more intensive than the approved development, officers have concluded that harm to the Green Belt remains the primary issue and that the lack of visual breaks in the development does not adequately resolve the Green Belt concern. Further, the more advanced stage of the Local Plan supports greater weight being given to the unsustainability of the development in the context of policies SP2 and P12.

In light of this, the application is recommended for refusal. The earlier reason of the concentration of affordable units does appear to have been addressed and is not now included. At this stage, in the absence of an agreed wording to a s106 agreement, a reason on this issue in particularly in relation to the delivery of the mitigation in respect of the EFSAC has also been included at this time, although it is recognised that this would be a procedural issue primarily at this time.

If Members choose to give greater weight to the very special circumstances arguments, details of any such s106 agreement can be delegated to officers to proceed, although attention is drawn to the uncertainty around the delivery and upkeep of the open space and Members should consider whether such a provision can be supported.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day before 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***