



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE WEST **Wednesday 15th November 2023**

You are invited to attend the next meeting of **Area Planning Sub-Committee West**, which will be held at:

Council Chamber, Civic Offices, High Street, Epping
on **Wednesday 15th November 2023 at 7.00 pm**

Georgina Blakemore
Chief Executive

**Democratic Services
Officer:**

T Larsen, Democratic Services Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors S Heather (Chairman), D Stocker (Vice-Chairman),
R Bassett, A Green, H Kane, S Kane, J Lea, J Lucas,
M Markham, T Matthews, J Parsons, R Pugsley, C Whitbread
and S Yerrell

This meeting will be broadcast live and recorded for repeated viewing.

1. WEBCASTING INTRODUCTION

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

"I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or other such use by third parties).

Therefore, by participating in this meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If any public speakers on MS Teams do not wish to have their image captured, they should ensure that their video setting throughout the meeting is turned off and set to audio only.

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

Members are reminded to activate their microphones before speaking".

2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 4 - 5)

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

To be announced at the meeting.

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

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

4. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

5. MINUTES (Pages 6 - 7)

To confirm the minutes of the last meeting of the Sub-Committee held on 4 October 2023.

6. ANY OTHER BUSINESS

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

7. SITE VISITS

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

8. EPF/1478/23 - CAMPS FARM, HOE LANE, NAZEING, WALTHAM ABBEY, EN9 2RG (Pages 8 - 30)

To consider the attached report on the demolition of all existing structures and redevelopment with 1 x 3 bedroom single storey dwelling (Plot A) and 1 x 4 bedroom single storey dwelling (Plot B) together with landscaping, a drainage strategy and arrangements for access and parking; resubmission of EPF/2100/22 with additional supporting evidence

9. EPF/0491/20 - PLAYING FIELD, WALTHAM ABBEY LEISURE CENTRE & COMMUNITY CENTRE NINEFIELDS WALTHAM ABBEY EN9 3EH (Pages 31 - 74)

To consider the attached report on the reserved matters application following outline consent for Health Centre building containing 60 no. extra care apartments & communal facilities with associated car parking & landscaping. (Revised application to EPF/1876/19).

10. EPF/2601/22 - LAND TO THE SOUTH & EAST OF THE FORMER CHIMES GARDEN CENTRE, NAZEING, WALTHAM ABBEY, EN10 6RJ (Pages 75 - 91)

To consider the attached report on the outline application for the redevelopment of the site to provide up to 52 later living apartments (Extra Care Housing) incorporating a convenience shop and café (use class E); 13 retirement cottages (Extra Care Housing); 10 self build & custom build houses; 4 affordable houses, open space, bowling green, children's play area and improved local bus service; all matters reserved except access.
Lower Nazeing

11. EXCLUSION OF PUBLIC AND PRESS

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

Background Papers: Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

Agenda Item 2

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

Are the meetings open to the public?

Yes, all our meetings are open for you to attend. Only in special circumstances are the public excluded. If you wish to observe meetings live you can [view the webcast](#) on the Council's website. Alternatively, you can attend in person and will be seated in the public gallery of the Council Chamber.

When and where is the meeting?

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

Can I speak?

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

Who can speak?

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

What can I say?

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

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

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

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

Yes, you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details are available on [our website](#). Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

How are the applications considered?

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

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

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

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

Further Information

Further information can be obtained from Democratic Services, email democraticservices@eppingforestdc.gov.uk

Agenda Item 5

EPPING FOREST DISTRICT COUNCIL AREA PLANNING SUB-COMMITTEE WEST MEETING MINUTES

Wednesday 4 October 2023, 7.00 pm - 8.15 pm

Council Chamber, Civic Offices, High Street, Epping

Members Present: Councillors D Stocker (Chairman), J Lea (Vice-Chairman), R Bassett, H Kane, S Kane, J Lucas, T Matthews, R Pugsley and C Whitbread

Apologies: Councillor(s) S Heather, M Markham, J Parsons and S Yerrell

Officers In Attendance: J Rogers (Principal Planning Officer) R Moreton (Corporate Communications Officer) and L Kirman (Democratic Services Officer)

Officers In Attendance (Virtually): S Dhadwar (Senior Planning Officer) and V Messenger (Democratic Services Officer)

[A RECORDING OF THE MEETING IS AVAILABLE FOR REPEATED VIEWING](#)

18 WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

19 WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements agreed by the Council, to enable persons to address the Sub-Committee in relation to the determination of applications for planning permission.

20 DECLARATIONS OF INTEREST

Pursuant to the Council's Members' Code of Conduct, Councillor Bassett declared a personal interest in the following item of the agenda. The Councillor had determined that he would leave the meeting for the consideration of the application and voting thereon:

- EPF/1478/23 Camps Farm, Hoe Lane, Nazeing, Waltham Abbey, EN9 2RG

21 MINUTES

RESOLVED:

That the minutes of the Sub-Committee held on 23 August 2023 be taken as read and signed by the Chairman as a correct record.

22 ANY OTHER BUSINESS

It was reported that there was no urgent business for consideration at the meeting.

23 SITE VISITS

There were no formal site visits requested by the Sub-Committee.

24 EPF/0625/22 - NETHERHOUSE FARM SEWARDSTONE ROAD WALTHAM ABBEY E4 7RJ

Decision: [approved with conditions](#)

25 EPF/0805/23 - 4, WOODBROOK GARDENS, WALTHAM ABBEY, EN9 3D

Decision: [approved with conditions \(subject to a S106 Legal Agreement\)](#).

26 EPF/0924/23 - ROSE COTTAGE, EPPING LONG GREEN, EPPING UPLAND, EPPING, CM16 6QN

Decision: [approved with conditions \(Subject to S106 Legal Agreement\)](#).

27 EPF/1478/23 - CAMPS FARM, HOE LANE, NAZEING, WALTHAM ABBEY, EN9 2RG

Decision: [deferred for a site visit](#).

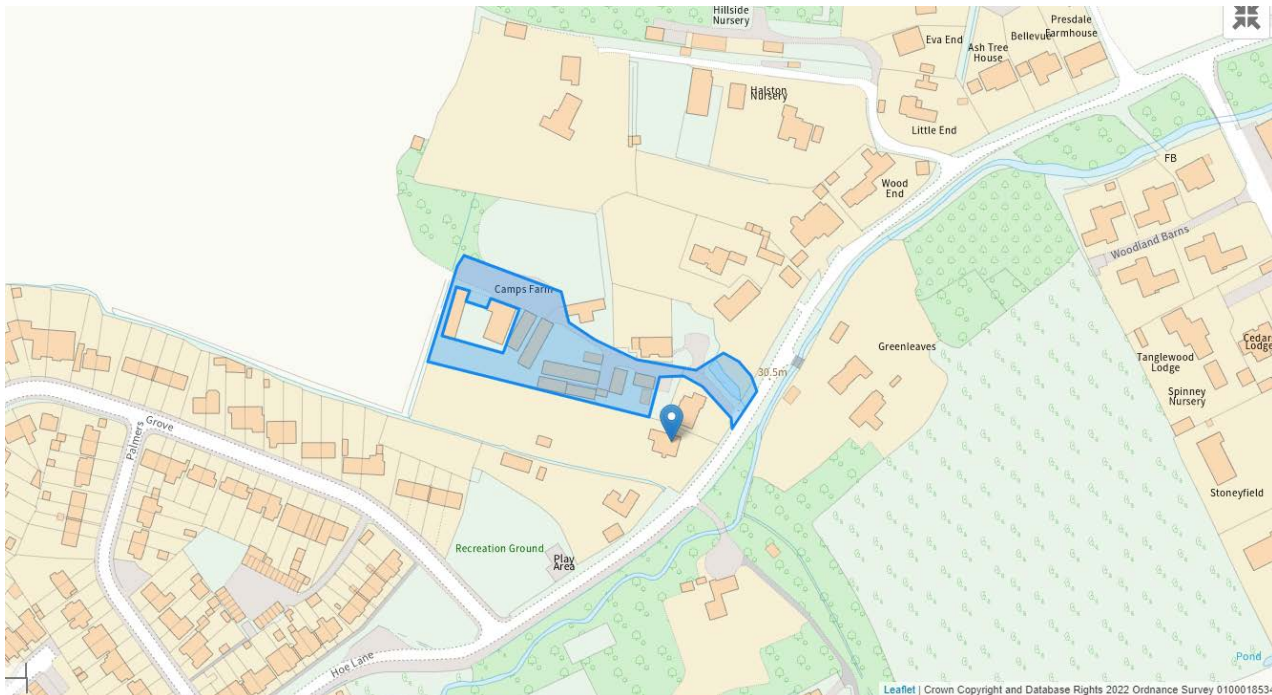
CHAIRMAN

Agenda Item 8

OFFICER REPORT

Application Ref: EPF/1478/23
Application Type: Full planning permission
Applicant: Mr P Arnold
Case Officer: Sukhvinder Dhadwar
Site Address: Camps Farm, Hoe Lane, Nazeing, Waltham Abbey, EN9 2RG
Proposal: Demolition of all existing structures and redevelopment with 1 x 3 bedroom single storey dwelling (Plot A) and 1 x 4 bedroom single storey dwelling (Plot B) together with landscaping, a drainage strategy and arrangements for access and parking; resubmission of EPF/2100/22 with additional supporting evidence

Ward: Lower Nazeing
Parish: Nazeing
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001WjtK>
Recommendation: Approved with Conditions (Subject to s106 Legal Agreement)



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This application was originally presented to the West Area Planning Committee held on 4 October 2023. The application was deferred for a site visit which took place on 27 October 2023. The report has also been amended since that meeting to provide further clarity in regard to Green Belt issues.

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

Description of Site:

The site covers an area of 0.39 hectares. The buildings on the site are single storey and comprise four former agricultural buildings used for chickens and feed storage together with a row of derelict pig sheds and a cart shed. A gravel drive runs through the centre of the site provides access to farmland to the west.

The eastern part of the site lies within Nazeing Conservation Area. The line of the Nazeing and South Roydon Conservation Area follows the eastern edge of Building No 5. The Site falls within land designated as Green Belt.

To the north, directly adjacent to Camps Farm's farmyard, is the grade II listed sixteenth century house known as Camps and separately listed grade II listed barn. On the opposite side of the road is the grade II* listed Greenleaves and its separately listed grade II* barn, there is also an outbuilding to the north of Greenleaves that is grade II listed. to the south is the grade II listed The White House (listed as Camps Farmhouse). This is a sixteenth century timber framed house used as the Camps Farm farmhouse during the twentieth century and which is now separated from the farmyard by a modern replacement farmhouse, known as Shiree Lodge. to the east is agricultural land and to the west are agricultural barns.

Description of Proposal:

Demolition of all existing structures and redevelopment with 1 x 3-bedroom single storey dwelling (Plot A) and 1 x 4-bedroom single storey dwelling (Plot B) together with landscaping, a drainage strategy and arrangements for access and parking; resubmission of EPF/2100/22 with additional supporting evidence.

Relevant History:

Reference	Description	Decision
EPF/0379/89	Change of use of chicken sheds to dry storage for general goods.	Approved until 20 April 1991
EPF/1481/89	Use of redundant farm buildings for the storage of exhibition materials	Approved until 20 Nov 1991
EPF/0126/91	Repair and refurbishment of exhibition materials stored in a redundant agricultural building	Refused allowed on appeal under reference APP/J1535/A/92/200522 until 30 September 1993
EPF/255/91	Retention of sheds for day storage purposes (renewal of planning permission EPF/379/89)	Approved until 30 th September 1993
EPF/1143/91	Use of redundant farm buildings for storage of exhibition materials. (Temporary permission	Approved- expiry 30 th September 1993
EPF/0887/93	Renewal of permission for: 1) Retention of sheds for dry storage purposes 2) Use of building for storage of exhibition materials 3) repair and refurbishment of exhibition materials.	Approved until 4/11/96
EPF/599/94	Renewal of planning permission EPF/946/88 (Conversion of barn/butcher's shop to dwelling)	Approved

EPF/1352/96	Retention of sheds for dry storage of exhibition materials and repair and refurbishment of such materials.	Approved Condition 4 was appealed under reference APP/J1535/A/97/277210 and resulted in the Inspector allowing the appeal to extend the temporary period to expire on 5 January 2000
EPF/1845/99	The continued use of four sheds for dry storage purposes	Approved until 5 January 2001
EPF/1992/00	Renewal of planning application for use of sheds for dry storage.	Approved until 31 st March 2004
EPF/0528/00	Change of use of farm shop and inclusion into barn conversion.	Approved
EPF/0536/04	Continued use of sheds for dry storage following expiry of temporary permission EPF/1992/00 (allowed on appeal). (Barley Shed)	Approved until 7 July 2009
EPF/2016/19	Continued use of former Turkey Shed (Unit 4) for B8 storage purposes with ancillary office use and vehicle parking.	Approved
EPF/1795/20	Redevelopment with four dwellings including a pair of linked detached three-bedroom properties (Plots A and B) and two detached four-bedroom dwellings (Plots C and D) together with a drainage strategy and arrangements for access and parking.	Withdrawn
EPF/2206/20	Re-build existing damaged outbuilding to same dimensions and similar materials.	Refused
EPF/2234/21	Application for a proposed demolition of all existing structures and redevelopment with 2 x 3-bedroom single storey dwellings and 1 x 4-bedroom single storey dwelling together with landscaping, a drainage strategy and arrangements for access and parking.	Refused
EPF/0765/22	The proposal is for prior approval for a change of use of agricultural building to 4 smaller dwellings under Part 3 Class Q (GPDO 2015 as amended).	Withdrawn
EPF/2105/22	Demolition of all existing structures and redevelopment with 1 x 3-bedroom single storey dwelling (Plot A) and 1 x 4-bedroom single storey dwelling (Plot B) together with landscaping, a drainage strategy and arrangements for access and parking	Withdrawn

EPF/2100/22	Demolition of all existing structures and redevelopment with 1 x 3-bedroom single storey dwelling (Plot A) and 1 x 4-bedroom single storey dwelling (Plot B) together with landscaping, a drainage strategy and arrangements for access and parking	Refused – Appeal pending.
<p>Reasons for refusal:</p> <p>The development would result in the loss of undesignated employment space and fails to provide any evidence that the employment site has no reasonable prospect of continuing to be used as such. The proposal is therefore contrary to policies SP1 (H) (i) and E1 of the Epping Forest Local Plan Adopted Local Plan (2011-2033)</p> <p>In the absence of a completed Section 106 planning obligation, the development has failed to mitigate against the adverse impact it has and will have on the Epping Forest Special Area for Conservation in terms of air pollution. Failure to have secured such mitigation is contrary to policies CP1 and CP6 of the Adopted Local Plan and Alterations, policies DM2 and DM22 of the Submission Version Local Plan 2017 and the requirements of the Habitats Regulations 2017.</p>		

DEVELOPMENT 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.

Epping Forest Local Plan 2011-2033 (2023):

On the 06 March 2023 at an Extraordinary Council meeting the Submission Version Local Plan was adopted by Epping Forest District Council. The now adopted Local Plan will be referred to as the Epping Forest District Local Plan 2011-2033 (2023).

The relevant policies are listed below:

Policy

SP1 - Spatial Development Strategy 2011-2033

SP2 - Place Shaping

H1 - Housing Mix and Accommodation Types

T1 - Sustainable Transport Choices

DM1 - Habitat Protection and Improving Biodiversity

DM2 - Epping Forest SAC and the Lee Valley SPA

DM4 – Green Belt

DM5 - Green and Blue Infrastructure

DM6 - Designated and Undesignated Open Spaces

DM7 - Heritage Assets

DM9 - High Quality Design

DM10 - Housing Design and Quality

DM11 - Waste Recycling Facilities on New Development

DM15 - Managing and Reducing Flood Risk

DM16 - Sustainable Drainage Systems
DM17 - Protecting and Enhancing Watercourses and
Flood Defences
DM18 - On Site Management of Wastewater and Water
Supply
DM19 - Sustainable Water Use
DM20 - Low Carbon and Renewable Energy
DM21 - Local Environmental Impacts, Pollution and
Land Contamination
DM22 - Air Quality

NATIONAL PLANNING POLICY FRAMEWORK (JULY 2021)

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

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

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

Consultation Carried Out and Summary of Representations Received

Site notice posted: Yes

Responses received: Greenleaves, Fieldside Hoe Lane, White House Hoe Lane

- The Camps Farm buildings are clearly all agricultural and non-permanent buildings and not previously developed land, so the application does not meet the Green Belt exemption rules and is therefore inappropriate development in the Green Belt
- A number of planning officers and two Planning Inspectors have already stated in the many previous storage planning applications at Camps Farm that the buildings are non-permanent and that permanent development of them would be inappropriate development in the Green Belt
- The buildings are of inferior quality and design to the nearby listed buildings and will negatively affect them.
- The buildings are too close to the listed buildings and too large which again will negatively affect the nearby listed buildings.
- The conservation area and listed buildings cluster will be cut in half by the very large two-lane road serving these proposed buildings; given the applicants have tried to develop the back fields before it is obvious that this overly large access road is seeking to open up the back fields to development again.
- There is far too much hardstanding and parking, and the road is too wide; it urbanises a rural, greenbelt, conservation area.

- There are great crested newts in the nearby area, but the applicants have not conducted the required survey.
- At present, there are very few traffic movements on site, just a few a day. Clearly houses will generate much more traffic, affecting the Epping Forest SAC and the already congested Nazeing roads.
- The buildings do not generate any noise at present - the change of use will produce a highly dense cluster of buildings which will impact the enjoyment of my house and garden (I have an open aspect over Camps Farm and the noise will easily travel). This is a peaceful rural area and should remain so
- The noise and traffic will be further exacerbated by the applicant's intention to develop further other parts of the site.
- The applicants have not properly addressed the employment space issue and clearly the planning officer has seen recent unauthorised use of various buildings for employment purposes.
- The sheds were previously used for poultry for many decades and will likely be contaminated. Asbestos is present across the Camps Farm site and there is a pile of it discarded next to the Chicken shed.
- This end of Hoe Lane is not a sustainable location for housing development. The proposed housing will suffer from small gardens, low amenity, poor light and are out of keeping with the character of existing housing which is historic houses with large gardens.
- The drainage strategy states that the drainage pipes will flow to the pond (at present no drainage pipes flow to the pond) - that will exacerbate the regular and dangerous flooding of Hoe Lane caused by the pond (which does not flow properly to Nazeing Brook as it is always flooding)
- There is much other wildlife in the vicinity, including deer, badgers, bats, foxes, and slow worms - the ecology report doesn't properly consider the impact on these. The site used to be much wilder than it is now and would have supported more wildlife than the pictures presented in the ecology report.
- The Camps Farm buildings are clearly temporary buildings, and the land is clearly not previously developed land, so this application does not meet the Green Belt exemption rules and is therefore inappropriate development in the Green Belt.
- The conservation area and listed buildings will be cut in half by the very large two-lane road serving these proposed buildings; given the applicants have tried to develop the back fields before it is obvious that this overly large access road is seeking to open up the back fields to development again.

PARISH COUNCIL: No objection.

Main Issues and Considerations:

Is the development appropriate for the Green Belt?

The NPPF states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. It is for these reasons that there is a presumption against inappropriate development in the Green Belt.

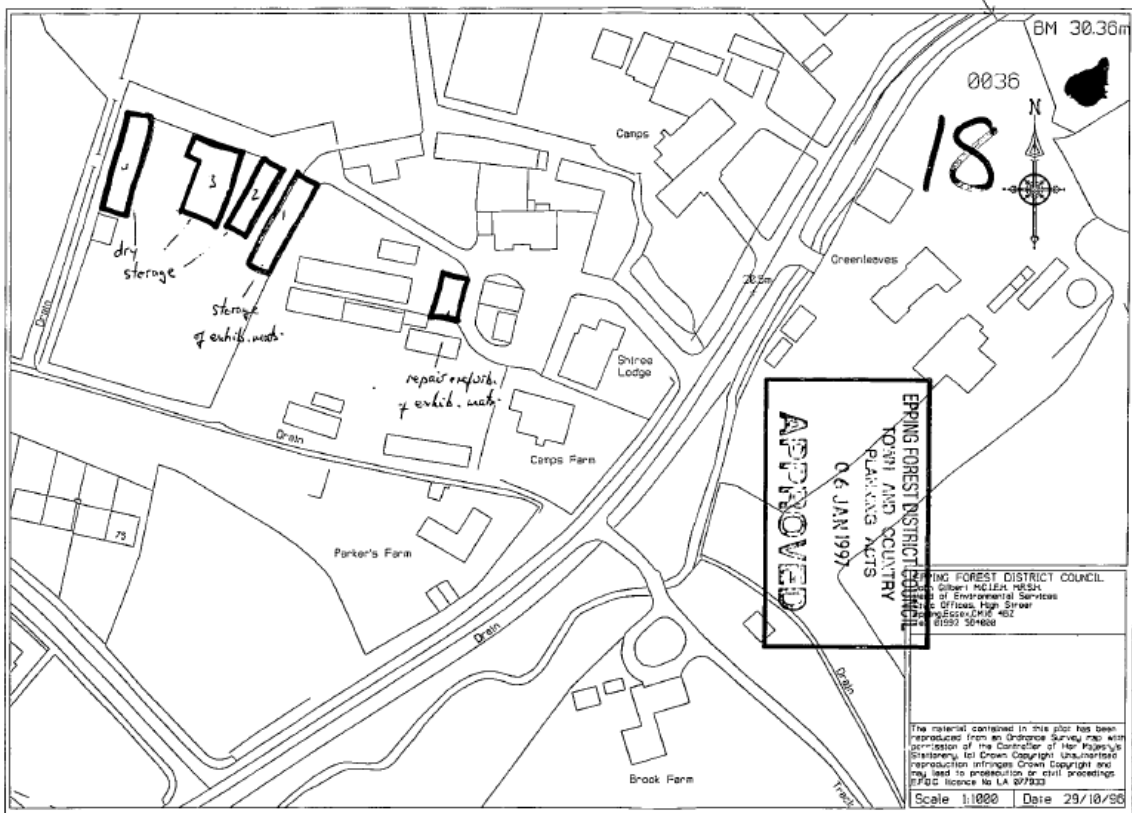
Paragraph 149 of the NPPF states that new buildings are inappropriate development subject to a number of exceptions. Paragraph 150 lists also certain other forms of development that are not inappropriate provided they preserve the openness of the Green Belt.

The Poultry sheds were built in 1955. Temporary permission was given under EPF/0379/89 for their change of use to B8 storage. The reason for this permission being temporary was that the buildings were not considered to be 'of permanent construction.'

The time limit on this permission was extended for another two years under reference EPF/0255/91 and EPF/0887/93.

The Mill Shed was given permission at appeal for use of the building for the repair and refurbishment of exhibition materials under reference EPF/1481/89. This permission was renewed under EPF/0126/91 and EPF/0887/93.

Then a further three-year permission was given under EPF/1352/96 for the retention of the 4 sheds for dry storage and of 1 shed for the storage of exhibition materials and repair and refurbishment of such materials. The temporary period of the permission was appealed against under reference APP/1535/A/97/77210, however the Inspector only allowed the change of use of these buildings to be extended until 5 January 2000. This would be just over 10 years from the permission date. The Planning Statement indicates that the Mill Shed was used by a local landscape firm for 25 years until the end of 2020.



The permission for the continued use of the four sheds for dry storage purposes under EPF/1845/99 was allowed until 2001.

An appeal under reference APP/J1535/A/01/1060845 (EPF/1992/00) allowed the time limit on use of the four sheds for dry storage purposes to be extended until 31st March 2004.

This permission was then again renewed under reference EPF/0536/04 on a temporary basis again until 7 July 2009 as the case officer found on his site visit that the buildings had been renovated and were in good condition for the purposes they were serving. This has resulted in the temporary permissions of the timber buildings having continued nonstop for a period of 20 years.

Given that the permissions have extended beyond 10 years; the proposed uses are immune from enforcement action under section 171B (3) of the Town and Country Planning Act.

The applicants then applied under reference EPF/1111/09 for use of the Turkey Shed for commercial storage purposes. This application was given a temporary permission of 10 years. This permission was then renewed under reference EPF/2016/19 which allowed for the use to continue until 2030.



The Turkey shed will therefore be in commercial use for a total of 41 years.

The Planning Statement indicates that the Office and Egg Shed are in use for domestic storage by the occupiers of Shiree Lodge.

It is for these reasons that the areas highlighted in green have been found to be previously development land. The Office, egg shed, and access have been covered in horizontal stripes as

proposal will therefore have a lesser impact on openness than the existing use.

Objectors have raised the concern that the pig sheds and combine shed which are located centrally within the site are not PDL. This comment is agreed by Officers. The area of the site not covered by green is considered to be agricultural land.

Given this position, works in this location are inappropriate development. Paragraph 144 of the NPPF requires that inappropriate development is by definition harmful to the Green Belt. It is for this reason that it would need to be demonstrated that there are very special circumstances which would clearly outweigh the harm to the Green Belt as a result of inappropriateness of the development and all other harms.

Location Sustainability

Hoe Lane has no pavement and no street lighting. The site is approximately 3 miles from Broxbourne and Rye Hill stations and over a 1 mile away from the nearest bus stop and amenities. Given these distances, new occupiers will be dependent on cars for the majority of their journeys. The proposal is therefore not sustainably located. It is for this reason that any future application would need to design in factors which promote a low carbon future in accordance with chapter 14 of the NPPF and policies DM10, DM11, DM15, 16, DM18, DM19, DM20 and DM22 of the Submission Local Plan.

Loss of Employment Use

The same scheme was refused under reference EPF/2100/22 on the grounds that:-

The development would result in the loss of undesignated employment space and fails to provide any evidence that the employment site has no reasonable prospect of continuing to be used as such. The proposal is therefore contrary to policies SP1 (H) (i) and E1 of the Epping Forest Local Plan Adopted Local Plan (2011-2033)

The justification for this decision was that:-

Permission under reference EPF/2016/19 for B8 storage purposes with ancillary offices relating to the Turkey Shed has been implemented.

I note the comments made in the planning statement for the withdrawn scheme in regard to the lawn maintenance business known as 'Top Grass' on the site. It has 10 employees.

The agent has also advised that there are also three solid brick buildings which occupy the eastern end of the farmyard up to the residential curtilage of Shiree Lodge labelled as Mill Shed, Egg Shed and Office/Workshop. The Mill Shed has been in use for some 25 years for commercial B8 storage purposes, latterly by a local landscape contractor. Although the previous tenancy for the Mill shed expired a year ago.

Policy E 1 A. (i) of the ALP seeks to retain and enhance existing, designated, and undesignated, employment sites in the district for their existing uses or for Class B or Sui Generis Uses of an employment character. Further A. (ii) outlines support for proposals to redevelop, renew, intensify or extend existing employment sites. Proposals that would result in the loss of existing employment space will be resisted by the Council unless it can be demonstrated through evidence that there is no longer a reasonable prospect of the site being used for the existing or alternative Class B or Sui Generis Uses of an employment character (E 1 A. (iv)). This policy has significant weight.

A letter has been submitted from the Managing Director of Topgrass which states that:-

“Referring back to my letter of August 2021 and with regards to the potential development at Camps Farm, I have reviewed again the options available and intend to relocate TopGrass locally once the development timescale is finalised. I have been in touch with various local agents who have advised there is availability in the area to obtain similar business units. However, until I have a clearer idea of the timescale for potential redevelopment, I am not in a position to commit to moving away from the Camps Farm site.”

The submitted planning statement indicates that the majority of the business’s employees only come to the site to collect supplies and only a small part of the unit is used for administrative work. (Area not defined).

The statement then indicates that should planning permission be refused the business will continue operating from this location.

Paragraph 3.47 of the Local Plan requires that evidence should be provided to demonstrate that the site has been marketed effectively for a minimum of 12 months at a rate which is comparable to local market value for its existing use and it must be demonstrated that the continuous use of the site for such uses is no longer viable, taking into account the site’s existing and potential long – term market demand for such uses. The submitted letter indicates that no such marketing campaign has been conducted, the proposal is therefore contrary to the requirements of policy E1 of the LP. “

The Planning Agent has now come back and references other examples of planning approvals given for residential uses on commercial sites including:

Reference	Description of development	Location off Hoe Lane	Reason for approval
EPF/0734/14	Erection of four dwellings following demolition of kennels and associated commercial buildings and relinquishment of a residential mobile home	Winston Farm	Reduction In HGVs
EPF/0110/16	Demolition of existing structures and cessation of commercial use and erection of two detached dwellings	Spinney Nursery	Reduction in vehicle movement
EPF/2271/16	Demolition of existing commercial buildings and erection of 6 x 4-bedroom detached dwellings	Burleigh Nursery	Local support for the reduction in HGV movements
EPF/0259/16 and EPF/3500/17	Demolition of existing industrial buildings, vacant stabling and a residential apartment and construction of 8 detached family homes and 10 ‘affordable’ houses And subsequent application (EPF/3500/17) which sought to increase the number of dwellings to 18 semidetached family houses and 18 “affordable” homes	Stoneshot Farm	Loss of commercial use was not cited as an issue for consideration. The proposed residential use would result in a reduction in HGV traffic using Hoe Lane, a narrow rural road. This would have benefits for road safety, the living conditions of the occupants of nearby dwellings and also in

			terms of air quality. Along with the provision of above policy requirement Affordable housing
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It should however be noted that these permission were given as a result of compliance with the now superseded policy E4 of the Local Plan (1998-2010) which did not require evidence of a 12 month marketing campaign and consultation responses from local residents indicated that they were in support of the proposals because Hoe Lane was considered inadequate as an access route to the existing lawful commercial uses which required the use of HGVs to carry out their functions safely and without nuisance to other users of this road.

This application also now includes a Commercial Viability Report by Withers Thomas dated May 2023 which has found that:-

- With the exception of the Turkey shed the buildings on the side of a poor condition. Permission for the Turkey Shed for B8 purposes runs out in 20230 therefore possibility of reletting would be very limited.
- Due to the poor condition of the units they will need extension renovation including new roofs, insulation and three phase electric supplies
- The access to the site in particular for HGV user would be difficult.
- There are more suitable properties nearby i.e. currently in excess of 300,000 sq. ft of industrial space on the market, within Broxbourne, Nazeing and Harlow (including 3 modern units within Nazeing) and a further circa 500,000 sq. ft in Waltham Cross and Waltham Abbey, including new, purpose built, units which are far more appealing to any prospective tenant (Beatty Road, Waltham Cross).
- Assuming any commercial redevelopment was restricted to the same height and floor space limitations as the two proposed residential units, it would not be possible to achieve a commercial return on the level of investment required to redevelop the site for employment related purposes.

The independent analysis made by the viability report has found that due to the poor condition of the site, lack of adequate HGV access and more suitable sites available in the locality, is accepted by Officers and as such this overcomes the previous reason for refusal and is considered to comply with the requirements of policy E1 of the Local Plan.

Impact on the setting of surrounding listed Buildings and wider Nazeing and South Roydon Conservation Area.

The Local Planning Authority has a legal duty under S66(1) and S72(1) of the Planning and Listed Building and Conservation Areas Act 1990 to

- (1) have special regard to the desirability of preserving the Listed Building and its setting or any features of special architectural or historic interest which is possess; and
- (2) special regard should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Paragraph 199 of the NPPF requires that: -

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 202 of the NPPF requires that: -

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

The Conservation Officer has reviewed the application and made the following comments: -

Camps Farm is a historic farmyard that currently consists of a number of largely redundant 20th century agricultural sheds. The subject site is located within the setting of numerous Listed buildings, and a majority of the site sits within the Nazeing and South Roydon Conservation Area, a large area designated to ensure the preservation of its distinctive open landscape and historic pattern of development. This designation takes special consideration of the area's ancient settlements, of which those along Hoe Lane including the larger 'Camps' site is a part. On the opposite side of the road is the Grade II Listed Greenleaves (no.1337294), an early 15th century hall house, and its early 15th century barn, listed separately Grade II* (no.1111139). Historic England notes that Grade II* Listed buildings are particularly important buildings of more than special interest, making up only 5.8% of all Listed buildings nationally. There is also an outbuilding of 18th century origins within the Greenleaves site that is constructed with 13th- 14th century timber posts; this is Listed separately at Grade II (no.1337295). To the north of the subject site, directly adjacent to Camps Farm's farmyard, is the Grade II Listed 18th century house known as Camps (a.k.a. 'Camps Manor') (no.1111137) and its separately Listed Grade II barn (no.1111138). To the south of the subject site is the Grade II Listed Camps Farmhouse (a.k.a. 'The White House') (no.1181814), a 16th century timber framed house used as the farmhouse for Camps Farm during the 20th century but is now separated from the farmyard by a modern 'replacement' farmhouse known as Shiree Lodge (c. 1976). The White House's curtilage Listed barn, Camps Grange, was converted to residential in the late 20th century; this sits just north of the subject site and would be sited directly across from the proposed development. Further to the south is Parker's Farmhouse, also Listed at Grade II (no.1111140) (...). This application seeks planning consent for the demolition of all existing structures and redevelopment with two dwellings: 1 x 3-bedroom single storey dwelling (Plot A) and 1 x 4-bedroom single storey dwelling (Plot B). This together with landscaping, a drainage strategy and arrangements for access and parking.*

The current application is a resubmission of the recently refused planning application, EPF/2100/22. That previous scheme was subject to multiple detailed comments from Conservation, the design and layout of which was subsequently amended in line with that advice. The current proposal closely follows that previous scheme is thusly considered to be ACCEPTABLE in terms of conservation.

It is for these reasons that the proposal complies with the requirements of policy DM7 of the Local Plan.

Design

The proposal is of the same design as that proposed under EPF/2100/22. That application found the proposed scale and form of the dwellings to be acceptable as it will preserve the barn aesthetic within this rural location.

The dwelling within Plot A is now separated from the boundary with Shiree Lodge by 11.67m, a minimum of 7.49m from the southern boundary which is screened by a hedge and 17.8m from the nearest point of the residential dwelling at The White House. It is separated from the dwelling within Plot B by a gap of 13m to the fencing in front of the glazed door serving the living /kitchen area of the dwelling within plot B. The nearest window within Camps Grange is 10.7m away. It is therefore recommended that natural screening be provided in front of the window serving bedroom 1 of this property. This dwelling has 300 sqm of amenity space.

Plans have been revised to show the position of the single storey dwelling within Plot B being amended so that its rear elevation is separated from the southern boundary by a gap of at least 9.37m. The plot has 428 sqm of amenity space and sufficient parking to meet the needs of any

future occupiers.

The internal size and layout of the proposed new houses meets the requirements of Policy DM10 (A).

The proposed landscaping trees indicates that 23 new trees will be planted on the site. This is a positive benefit weighing in favour of the scheme. The proposal therefore accords with the requirements of DM5 of the LP.

For the reasons listed above and the existing 3m-5m high leylandii hedge along the southern boundary, it is therefore considered that the proposal will not have an excessively harmful impact on neighbouring properties in terms of light, outlook, privacy, and sense of enclosure in accordance with policy DM9 (H).

Highway considerations

The Highway Authority is satisfied that subject to conditions there will be no detriment to the highway's safety or efficiency at this location. Sufficient parking has also been provided. The proposal therefore complies with the requirements of T1 of the Local Plan.

Land Drainage

The Land Drainage team recommend conditions to ensure that the proposal will mitigate against any flood risk including surface water flooding generated by the proposal. It is subject to these conditions that the proposal complies with the requirements of policies DM15 and DM16 of the Local Plan.

Land Contamination

Given the proposed sensitive use proposed, it is recommended further conditions area attached to ensure remediation prior to the implementation of any permission. It is on this basis that the proposal complies with the requirements of DM21 of the Local Plan.

It is the responsibility of the developer to ensure the safe development of the site (including the appropriate disposal of any asbestos within the existing building & hardstanding).

Ecology

An Ecological Survey and Assessment carried out by John Dobson B.Sc. of Essex Mammal Surveys dated July 2021 was submitted as part of the application.

Bat surveys were undertaken in 2018 and a full survey of protected species was carried out in July 2021. No evidence of any presence bats was found.

The pond had a Great Crested Newt Habitat Suitability Index of 0.41 indicating that it was of poor suitability for this species. In addition, the lawns and gravel drive at the site offered unsuitable terrestrial dispersal habitat for the species.

No evidence of badgers was found at the site.

Since there was no evidence of Protected Species at the site, a European Protected Species Licence will not be required for this project.

The recommendations made in section 9 and 10 of the Ecological Survey and Assessment by John Dobson B.Sc. of Essex Mammal Surveys dated July 2021 should be attached as a condition

to any permission. On this basis, the proposal would accord with the requirements of DM1 of the LP.

Epping Forest Special Area of Conservation

Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV)

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concluded that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology underpinning the appropriate assessment of the LPSV, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Impact Pathways to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

Recreation activities arising from new residents (recreational pressures); and

Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

Stage 1: Screening Assessment

This application has been screened in relation to both the recreational pressures and atmospheric pollution Pathways of Impact and concludes as follows:

The site lies within the 3km - 6.2 km Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council in April 2022 as a material consideration in the determination of planning applications. Consequently the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.

The development has the potential to result in a net increase in traffic using roads through the EFSAC.

Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

Stage 2: 'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently requires all new residential development within 3 - 6.2km ZOI to contribute £343.02 per dwelling. Within this strategic context the Council is satisfied that the application proposal would not, as a result, have an adverse impact on the integrity of the EFSAC.

Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. The applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

The Council is satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions as set out above, the application proposal would not have an adverse effect on the integrity of the EFSAC.

Planning balance / Conclusion

As shown above part of the proposal sits on land that is not considered Previously Developed therefore overall the proposal is inappropriate development by definition, In this circumstance Policy DM4B therefore requires that there to be very special circumstances in accordance with national policy to clearly outweigh the harm to the openness of the Green Belt and the purposes of containing land within it.

It is considered that the volume of the proposal is now 37% less than the volume of the non-agricultural buildings on the site. There is a 30% decrease in the footprint of the buildings. The new dwellings are well designed and will preserve special significance of the Conservation Area and surrounding listed buildings; Furthermore, it will result in the removal of the derelict pig sty accommodation and other paraphernalia on the site; the proposal will provide additional soft landscaping including 23 new trees and will provide two residential units suitable for those with poor mobility; and as such overall impact on the openness of the Green Belt and the purposes of containing land within it will be limited.

Whilst it is noted that objections have been received in regard to the extension of the roadway to the buildings named the cockerel and chicken shed. It is recommended that conditions be imposed which requires the reduction in the size of this access to these buildings to better reflect the minimum needed to service these buildings.

It is on this basis therefore considered that there are sufficient very special circumstances to justify the loss of former agricultural land to residential.

It is for these reasons considered that the proposal accords with the requirements of the NPPF and DM4 of Local Plan.

There will be no adverse impact on the significance of nearby heritage assets.

The loss of the existing commercial use has adequately been justified.

Subject to conditions, the proposal will not have adverse impact on highway safety or neighbouring residential amenity.

The applicant has agreed to enter into a Unilateral Undertaking to ensure that any adverse impact on the integrity of the Epping Forest Special Area of Conservation is mitigated.

It is for these reasons that the proposal is considered to comply with both national and local policy and approval is recommended subject to a S106 agreement to mitigate any harm to the EFSAC and conditions.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

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

Conditions: (19)

- 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:
Topographical Survey, Arboricultural Report by Ms Greenwood dated August 2021, Landscaping proposals drawing no. 1223.22.1 Rev C dated December 2022, Ecological Survey and Assessment by Essex Mammal Surveys dated July 2021, Phase 1 Geo Physical Report by Argyll dated July 2020
Expanded Phase II Geo Environmental Investigation by Land Science dated May 2021, Structural Report by DWW concerning the pig sties dated July 2021, FRA and SuDS Report by EAS dated November 2022, Heritage Statement including a Statement of Significance by BEAMS dated December 2019, Proposal and Impact Statement by BEAMS dated May 2022

Transport Statement and EFSAC Trip Generation Assessment by EAS dated April 2022, Letter dated 11th May 2022 concerning the future of TopGrass, Energy and Sustainability Statement by EEABS dated May 2022

Internal Daylight Assessment by EEABS dated May 2022, Plot A Post Occupancy Evaluation Questionnaire

Plot A Preliminary WLC Analysis

Plot B Post Occupancy Evaluation Questionnaire and, Plot B Preliminary WLC Analysis, Planning statement

Design and Access Statement November 2022, Commercial Viability Report by Withers Thomas, HD20007 – 1001 Rev E Location Plan, HD20007 – 5001 Rev B Existing Site Plan, HD20007 – 5002 Rev L Proposed Site Plan, HD20007 – 1002 Rev L Proposed Site Plan Overlay, HD20007 - 2000 Rev I Proposed Streetscene elevation, HD20007 – 4000 Rev L View 1 from Hoe Lane, HD20007 – 4001 Rev K View 2 from access road, HD20007- 4002 Rev L View 3 from Shiree Lodge, HD20007 - 4003 Rev L View 4 from end of access road, HD20007 - 4005 Rev M View 5 from upper floor of White House, HD20007 - 4010 Rev H 3D ISO, HD2007 - 5002 Rev L Proposed site plan, HD2007 - 5011 Rev H Plot A Proposed floor plans and elevations, HD20007 - 5012 Rev G Plot B Proposed floor plans and elevations,

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

- 3 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.
- B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme.

Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include:-
calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools.
details regarding 'Extra Flood Resistance and Resilience Measures' in line with the Environment Agency's Standing Advice, this ensuring the construction of methods used are appropriate in line with the flood depths.

A comprehensive Flood Evacuation Plan is required with particular attention paid to the access road, detailing safe access and egress from the development, and ensuring the future occupants are aware of the flood risk to the access of the proposed development.

There are known localised flooding issues within proximity of this development, as such exploration for improvements to existing drainage must be considered. This includes an assessment of the capacity within the existing pond, inclusive of maintenance/clearance of the feature as well as its associated drainage and improvements to the surface water drainage on the access road which is currently indicated as to continue with its current arrangement.

The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

Reason: The development is located in a flood risk area and would likely result in increased surface water run-off, in accordance with Policy DM15 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 Prior to above ground works taking place, the surface water drainage for the development shall be carried out in accordance with the drainage strategy set out in the Flood Risk Assessment and Drainage Strategy, '2777/2022, Revision E' and in turn the Proposed SuDS Layout '1834, SK08 A, 24th November 2022' submitted with the application and shall be retained for the lifetime of the development.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 Tree protection shall be installed as shown on Elizabeth Greenwood 'Tree surgery and protection farm', Darwing Ref: 1055.21.2 App H dated August 2021, prior to the commencement of development activities (including any demolition).
The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.
Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policies DM3 and DM5 of the Epping Forest District Local Plan 2011-2033, and the NPPF 2021.
- 7 Hard and soft landscaping shall be implemented as shown on Elizabeth Greenwood 'Landscape Proposals', Drawing No: 1123.22.1C dated May 2022; and the accompanying planting schedule. The works shall be carried out prior to the occupation of the building or completion of the development. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policies DM3 and DM5 of the Epping Forest District Local Plan 2011-2033, and the NPPF 2021.
- 8 The proposed development should be undertaken in accordance with the recommendations made in the Ecological Survey and Assessment carried out by John Dobson B.Sc. of Essex Mammal Surveys dated July 2021.
Reason: In order to conserve protected species or their breeding sites, or resting places in accordance with the NPPF, policy DM1 of the Adopted Local Plan.
- 9 Samples of the types and colours of all the external finishes shall be submitted for approval in writing by the Local Planning Authority prior to the commencement of the development. Thereafter, the development shall be completed in accordance with the approved details, and so retained.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.
- 10 Notwithstanding the plans hereby approved no permission is granted for the access road to extend beyond the western boundary of Plot B's curtilage area. Amended plans showing a revised access road shall be submitted to and approved in writing by the Local Planning Authority prior to above ground level works commencing on site.
The access road shall be carried out in accordance with the amended plans so approved, prior to the first occupation of the residential units hereby approved and shall be maintained as such thereafter.

Reason to preserve the openness of the site in accordance with DM4 of the Adopted Local Plan and the NPPF.

- 11 Additional drawings that show details of proposed new windows and doors, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the LPA in writing prior to the commencement of any works. Thereafter, the development shall be completed in accordance with the approved details, and so retained.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 12 All new rainwater goods and soil and vent pipes shall be of black painted metal.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 13 Additional drawings of the type, colour, and position of new boundary treatments and/or means of enclosure shall be submitted to and approved by the LPA in writing prior to the commencement of any works.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 14 Details and colours of all external pipes, extracts, grilles, flues, lights and any alarm boxes or satellite dishes to be fixed to the fabric of the building shall be submitted to and approved by the LPA prior to the commencement of any works.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 15 Prior to commencement of development, details of the planting which provides screening to bedroom 1 of plot A shall be agreed in writing by the Local Planning Authority and shall be planted and thereafter maintained in the agreed positions before the first occupation of any of the dwellings hereby approved.

Reason: To protect the amenities of neighbouring residential properties in accordance with Policy DM9 of the adopted local plan (Epping Forest District Local Plan 2011-2033 (2023) and the NPPF)

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

Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air

pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with Policies D5, DM2, DM9 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 17 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active 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 must include details as follows:

- Location of active charging infrastructure; and
- Specification of charging equipment to be used.

Reason: To ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the EFSAC, in accordance with Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability, in accordance with Policy DM19 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area; living conditions on adjoining properties and the openness of the Green Belt], in accordance with Policies DM4, DM7 and DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (3)

- 20 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 21 It is noted that the existing buildings may contain Asbestos Containing Materials (ACM's). The applicant is required to ensure that all contractors involved in the demolition and site clearance works are aware of the requirements of the Control of Asbestos at Work Regulations 2012. It is essential that an asbestos survey is undertaken and where ACMs are discovered, risks are appropriately managed, ensuring safe removal and disposal offsite by specialist contractors in

accordance with good practise and current HSE guidance. Further, it is the responsibility of the developer to ensure measures are put in place to prevent contamination of the soils during such works. Evidence may therefore be required by The LPA as part of the contaminated land condition to show that any ACMs, identified following a required asbestos survey, have been appropriately disposed from site.

- 22 Note: Under the Land Drainage Byelaws of this Council, Land Drainage Consent is also required before any work commences. Please contact the Land Drainage team on 01992 564000 for application forms. The grant of planning permission does not imply the automatic grant of Land Drainage Consent.

OFFICER REPORT

Application Ref: EPF/0491/20
Application Type: Approval of reserved matters
Applicant: Housing 21
Case Officer: Sukhvinder Dhadwar
Site Address: Playing Field, Waltham Abbey Leisure Centre & Community Centre
Ninefields
Waltham Abbey
EN9 3EH

Proposal: Reserved matters application following outline consent for Health Centre building containing 60 no. extra care apartments & communal facilities with associated car parking & landscaping. (Revised application to EPF/1876/19).

Ward: Waltham Abbey Paternoster
Parish: Waltham Abbey
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d00000NxS7>
Recommendation: Approve with Conditions



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This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

1. SITE AND SURROUNDINGS

- 1.1 This application site is rectangular in shape and covers an area of 0.85 hectares and comprises a flat grassed area of open space. It is located on the northern section of what was originally part of a wider 3.73 hectare playing field. In March 2017 outline consent was granted under reference EPF/2207/16 for 60 C2 units for the older people, a health centre to the south and beyond that a leisure centre and swimming pool. Open space is to be retained within the remainder of the site (west). Reserved matters approval was given under reference EPF/1139/17 for the Leisure Centre and swimming pool building. This building is now up and running.
- 1.2 The application site is bounded by an estate access footpath and the side flanks of residential properties within Cullings Court to the north, the highway and residential properties within Hillhouse to the east.

2. PROPOSED DEVELOPMENT

- 2.1 Outline consent has been granted under reference EPF/2207/16 for the erection of a Health Centre building; **60 Independent Living Older Persons Apartments Building (Use Class C2 - with a minimum of 6 hours care to be provided per week for each apartment) with a minimum of 40% affordable**; Leisure Centre and Swimming Pool Building (to include Fitness Suite and Community Hall); Open Space including a mini soccer grass pitch for use by under 7/8 year olds and footpaths; and ancillary development including three vehicular accesses off Hillhouse, car parking, and SUDs Infrastructure and demolition of Ninefields Community Centre Building. The only matter not reserved in this application was the access.
- 2.2 This application relates to the reserved matters following outline consent for the block of 60 no. extra care apartments & communal facilities with associated car parking & landscaping. The outstanding reserved matters include the appearance; landscaping; layout and scale of the development.
- 2.3 The flats are contained within a 'H' shaped part three storey part two storey building located centrally within the site and provides a total floorspace of 5626 sqm. It has a maximum height of 10.3m to the top of the front façade containing the main entrance to the building, then reduces to 9.8m for the majority of the building and then reducing further to 6.5m high to the top of the 2-storey element of the building.
- 2.4 Materials include red facing brickwork, off white reconstituted stone copings and bands, slate coloured concrete hanging tiles, grey steel balustrades and grey aluminium framed fenestration.
- 2.5 The external landscaped area includes activity lawns, woodland walk, vegetable gardens, biodiversity rich wildflower meadow with woodpile for reptiles, ornamental planting, gazebo, sensory garden and 2 ponds. Twelve existing trees at the site's eastern boundary are to be retained and 103 new trees are proposed.
- 2.6 A 1.8m high close metal railing fence will bound the site.

2.7 Schedule of Accommodation

Floor	1 bedroom 53.5 sqm - 60 sqm	2 bedroom sqm 68 sqm – 77.3 sqm	Total
Ground floor	13	2	15
First floor	18	5	23
Second floor	17	5	22
Total	48	12	60

2.8 The ground floor also provides hairdressing salon, which is also open to the general public, communal dining area, communal lounge with acoustic partition wall administration rooms, kitchen, laundry room. A 26 sqm buggy store, activity room along with a cycle store and refuse storage area.

2.9 30 car parking spaces will be provided, including 5 disabled parking bays. A cycle store is also to be provided which will store 16 cycle spaces, close to the building entrance. A minibus parking space is also to be provided on site. Access is the same as that approved under the Outline permission.

3. RELEVANT PLANNING HISTORY

Reference	Description	Decision
EPF/2207/16	Outline application with all matters reserved except access for the erection of a Health Centre building; 60 Independent Living Older Persons Apartments Building (Use Class C2 - with a minimum of 6 hours care to be provided per week for each apartment) with a minimum of 40% affordable; Leisure Centre and Swimming Pool Building (to include Fitness Suite and Community Hall); Open Space including a mini soccer grass pitch for use by under 7/8 year olds and footpaths; and ancillary development including three vehicular accesses off Hillhouse, car parking, and SUDs Infrastructure and demolition of Ninefields Community Centre Building.	Granted subject to conditions
EPF/1139/17	Reserved matters application for appearance, layout, scale, massing, materials, external works, and landscaping of the leisure centre site only on approved outline consent EPF/2207/16 (Outline application for Health Centre building; 60 Independent Living Older Persons Apartments Building; Leisure Centre and Swimming Pool Building; Open Space; Ancillary development	Granted subject to conditions

	including three vehicular accesses off Hillhouse, car parking, and SUDs Infrastructure and demolition of Ninefields Community Centre Building).	
EPF/1140/17	Application for approval of details reserved by condition 6 'Construction Management Plan' and condition 13 ' Surface Water Disposal Plan' of planning permission EPF/2207/16 (Outline application (all matters reserved, except approval sought for detail of access) for Health Centre building; 60 Independent Living Older Persons Apartments Building (Use Class C2 - with a minimum of 6 hours care to be provided per week for each apartment) minimum 40% affordable; Leisure Centre and Swimming Pool Building (to include Fitness Suite and Community Hall) ; Open Space including a mini soccer grass pitch for use by under 7/8 year olds and footpaths; Ancillary development including three vehicular accesses off Hillhouse, car parking, and SUDs Infrastructure and demolition of Ninefields Community Centre Building).	Details approved
EPF/1146/17	EPF/1146/17 Application for approval of details reserved by condition 14 'Phase 1 Investigation', condition 15 'Phase 2 Site Investigation' and condition 16 'Detailed Remediation Scheme' of planning permission EPF/2207/16 (Outline application [all matters reserved, except approval sought for detail of access] for Health Centre building; 60 Independent Living Older Persons Apartments Building; Leisure Centre and Swimming Pool Building; Open Space including a mini soccer grass pitch and footpaths; Ancillary development including three vehicular accesses off Hillhouse, car parking, and SUDs Infrastructure and demolition of Ninefields Community Centre Building).	Partially Approved
EPF/2947/18	Application for Approval of Details Reserved by Condition 17 'Contaminated Land - Verification Report' on planning permission EPF/2207/16 (60 Independent Living Older Persons Apartments Building (Use Class C2), Leisure Centre & swimming pool building with fitness suite & community hall, open space including a mini soccer grass pitch, ancillary development including three vehicular accesses, car parking, and SUDs Infrastructure & demolition of Ninefields Community Centre Building).	Approved
EPF/1876/19	Outline application for Health Centre Building; 60 Independent Living Older Persons Apartments Building (Use Class C2 with a minimum of 6 hours Care to be Provided Per Week for Each Apartment), Minimum 40% Affordable; Leisure Centre and Swimming Pool Building (to include Fitness Suite and Community Hall); Open Space including a Mini Soccer Grass Pitch for use by 7/8	Refused and dismissed at appeal. See appendix 1

	<p>Year Olds and Footpaths; Ancillary Development including 3 Vehicular Accesses off Hillhouse; Car Parking; SUDS Infrastructure; and Demolition of Ninefields Community Centre Building.</p> <ul style="list-style-type: none"> • The details for which approval is sought are: The Appearance; Landscaping; Layout and Scale of the 60 Independent Living Older Persons Apartments Building. 	
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4. CONSULTATION AND REPRESENTATIONS

Number of neighbours Consulted: 372.

Neighbours

4.1 **46 CULLINGS COURT, 62 CULLINGS COURT, 63 CULLINGS COURT, 68 CULLINGS COURT ANWELL COURT, 57 AMWELL COURT, 60 AMWELL COURT, 6 COBMEAD GROVE , 31 MASONS WAY, 49 MASONS WAY, 1 CHEQUERS WALK, 3 CHEQUERS WALK, 6 FULLERS CLOSE: 12 HILLHOUSE. 2 WILLOW PATH, 5 LUCUS COURT, 13 LUCAS COURT, 42 MALLION COURT, 5 CANELAND COURT, 63 CANELAND COURT, 13 MAYNARD COURT, 35 MAYNARD COURT, 42 MAYNARD COURT, 5 NEWHALL COURT, 22 BADBURGHAM COURT, resident of NEAL COURT, resident of NINEFIELDS, 40 WOODFORD COURT, 16 BRAMLEY SHAW, 18 BRAMLEY SHAW, 20 BRAMLEY SHAW, 17 WILLOW PATH, 63 MONKSWOOD AVENUE, 11 SMEATON CLOSE, 44 BROOKLAND DRIVE, 9 DENNY AVENUE, 4 HAYDEN ROAD, HUDSON HOUSE HOE LANE, 51 HAYWOOD COURT, resident of MAYNARD COURT, CAREBASE, 17 online comments with no address and 14 email comments with no address OBJECT:**

- Loss of football pitch.
- Loss of amenity space and football pitches
- Overdevelopment through excessive density and size
- Height/appearance of proposals out of keeping with the area
- Concerns over loss of car parking
- Concerns over additional traffic in area
- Loss of privacy
- Loss of light and sunshine
- Increased pollution during construction process
- Will create subsidence

- Loss of view as a result of construction hoardings
- The statement on the Traffic Assessment stating that the vehicle speeds in the vicinity of the site were judged to be low is also a misconception.
- The proposed lack of parking will exacerbate existing parking problems already in the area. Especially as there is a loss of 5 parking spaces compared with the approved use.
- When the leisure centre was being built, this CMP was not adhered to causing severe disruption and distress to neighbours. Will it be the same if this application is approved as well?
- Loss of Playing Fields (free amenity), community centre and car park.
- No Need for this accommodation. The approved site for the mini football pitch is now as of February 2021 protected under George V Fields Act therefore, no mini pitch can be built where stated.
- Harm from air pollution

. The 3-storey building looks to be in very close proximity to existing housing - just a path width away. No provision of extra lighting for public safety along the path near the houses of Cullens Court. The height of the building will make walking along the path extremely claustrophobic. With its lack of cctv, lighting, and high enclosed side, it could become a venue for criminal activity and antisocial behaviour.

- 4.2 Email **COMMENT** I would like to know if the proposed development for Independent Living Older Persons would be open to existing residents of Jessop court Shernbroke road Waltham Abbey. Would this new development be council run?
- 4.3 Chair of Governors Hillhouse C of E Primary School: **OBJECTION** The traffic situation is already a cause for concern especially since the new sports centre opened. We have seen an increase in traffic with cars, at times, speeding down the road. Parking has also become a concern particularly at school pick up and drop off. This was made worse by the parking crescent being built on as part of the sports centre development and it is only going to get worse if the proposal goes ahead! Already according to the plans, we would lose 5 street parking spaces to allow entrance into the new homes. In addition to that, with only 30 parking spaces being built for 60 flats it is highly likely we will lose more. Where is the justification in only providing parking spaces for half of the flats and where is it expected that visitors/carers will park?
- 4.4 As a school we are trying to deal with the parking situation ourselves but if we lose even more spaces, it will become unmanageable and will only be a matter of time before a child is seriously hurt. Parents should be able to get their children to school safely and without the worry of being able to park or to then cross the road with poor visibility due to parking.

- 4.5 It is unfair and wrong to assume that the Transport Assessment from 2016 is a true reflection on the current situation and this was highlighted at the most recent consultation. At this meeting the council advised they would do another assessment, but this has clearly not been done. In the same way it is obvious that no questions/concerns raised at the consultation have been addressed or answered. Is there any point in having these consultations if all that is discussed will be ignored?
- 4.6 If the proposal does go ahead, then parking will be our ongoing concern, but the immediate concern would be that of the works traffic. The lorries and vans will have a severe impact on the school and heighten the danger to our children. We experienced this already when the sports centre was being built which resulted in numerous conversations with the site manager to address it. I fear the situation will be even worse and more prolonged this time round and lorries coming and going onto the site will cause traffic problems, delay parents being able to get to the school and endanger children.
- 4.7 Lastly and by no means least important is the green space that will be lost. Many of our children live close to the school, some with no garden of their own. Having a large open space to run around and play on is vital to their well-being but this will be taken away from them. These children are our future, and they should be allowed the space to be able to play and grow.
- 4.8 As a primary school which is already struggling to manage the parking situation, we strongly object to the new proposal on the grounds of concerns around parking and more importantly child safety.
- 4.9 **WALTHAM ABBEY RESIDENTS ASSOCIATION: OBJECTION W.A.R.A** strongly opposes this planning application on a number of points; please find our objections below in no particular order.
- 4.10 We have been contacted by residents who are concerned over this particular development and the loss of community amenities by the proposals.
- 4.11 We understand money has been approved by Sport England for replacing lost amenities but no such information regarding the replacement has been published. We accept re-development of the Sport Centre was only a replacement, but new homes at the expense of the playing field are not something we can support without knowledge of the replacement location.
- 4.12 We understand the scheme was approved to allow the new sports complex to be developed and this site was given outline approval within the whole package that included a new doctor's surgery. Now that details are available residents have raised concerns to us over the scale of the development.
- 4.13 The playing fields are regularly used by the local sports teams as well as individuals taking advantage of the open spaces, so we are anxious to see the new scheme to replace the loss of this amenity and how they will benefit residents of the Ninefields estate. With the new Town Plan designating some 800 new homes in the district for

the immediate future we are not pleased to find a reduction in amenity facilities unless a new scheme in evidence first.

- 4.14 With regard to the actual development, we consider the total number of homes to be an overdevelopment of this particular site. Residents have complained to us that they will be overlooked by the three-story buildings and are not happy with the scale of this proposal on such a compact site.
- 4.15 We see no provision in the scheme to improve the access via Hillhouse that has major issues with additional traffic using this road following the opening of the new sport complex and parents dropping off and collecting children from the school and pre-school/nursery. Vehicles parked on both sides of the Hillhouse carriageway make the road impassable at times. This is especially notable when Hillhouse school opens/closes and we hear from residents that there are lots of arguments and road rage at these times because of the parking issues and blocked passage. If you decide to approve this application, we demand as a minimum a double yellow line on one side of the road to reduce the blockage issue.
- 4.16 In addition Hillhouse needs major road repairs as there is considerable subsidence at the Parklands end of Hillhouse that needs serious attention before further traffic adds to the subsidence situation.
- 4.17 We ask because of the parking issues, are there enough parking spaces being allocated to remove any possibility of the residents parking on the road adding to the situation. With 60 homes that means the possibility of up to 120 vehicles looking to park somewhere, I do not see sufficient in the proposals.
- 4.18 The Sport Centre has a car park ban on non-users of the facility and refuses parking permission, it also fines its own clients who do not sign in their vehicle registration numbers and clients overstaying their allotted time for their car park.
- 4.23 Town Council
- 4.24 **OBJECTION:** It was noted that outline planning permission has already been granted, so comments were made in relation to the detailed plans put before committee.

- I. The opening of the new leisure centre has caused traffic and parking issues. There needs to be an up-to-date traffic survey completed, including all forms of transport.
- II. The design of the building is out of keeping with the area.
- III. The design of the building is over dominant due to the additional height of the field.
- IV. It is understood that there is no flood risk assessment.
- V. It is considered the build is too big for the location.
- VI. Cllr Mrs Kane advised the meeting that as she is not a member of the District Development Management Committee, she would be happy to represent the Town Council at the meeting.

- 4.25 Cllr Mrs Kane advised the meeting that as she is not a member of the District Development Management Committee, she would be happy to represent the Town Council at the meeting.
- 4.26 Adult Social Care Essex County Council:- **Need and demand**
- 4.27 The number of people aged 85 and over in Essex is predicted to rise by over 58% percent by 2035, from 42,400 to 67,000 (ONS 2020). By then the proportion of people 65 and over in Essex will rise from a fifth to a quarter of our population. In Epping, the number of residents aged 65 and over is expected to increase by over 7,400 to nearly 33,500 by 2035, a 28% increase, making up almost a fifth of Epping's projected total population. The population of those aged over 85 in Epping is expected to see a 45% increase between 2020 and 2035, increasing to 5,800 people. A growing older population requires the right accommodation and the right care at the right time.
- 4.28 As at November 2022, there were 325 adults known to Adult Social Care in Epping Forest District who had high, medium and standard suitability factors for Extra Care (Independent Living). This does not include adults who already live at Honeytree Court, the only Extra Care (Independent Living) scheme in Epping.
- 4.29 Meeting the needs housing, care and support needs of older adults**
- 4.30 Essex County Council (ECC) is committed in our organisational and housing strategy to enable more adults with care needs to live independently. ECC is committed to reducing the proportion of people in residential care and focussing on providing care for people in their own home, in line with the home first agenda. ECC also works with local housing authorities in Essex to adapt individual's homes who have care needs, using disabled facilities grants.
- 4.31 The Extra Care (Independent Living) programme is a further strand of ECC's work to provide care for people at home. Extra Care (Independent Living) provides specialist accommodation for people with varying care and support needs who would benefit from a home environment, with 24-hour onsite care and support that enables their continued independence. Extra Care (Independent Living) housing is recognised as a better option to meet people's housing, care and support needs than staying at home in unsuitable accommodation and as an alternative to residential care, where appropriate.
- 4.32 As we discussed, Extra Care (Independent Living) housing schemes offer contemporary apartments rented or part- owned by residents, along with shared communal areas such as cafés, wellbeing rooms, and lounge/activity areas to socialise and form a welcoming community. There is a care provider on-site 24/7 to give residents and their families peace of mind. Individual care packages are also provided to meet assessed need, this planned care can either be provided by the on-site care team or another care provider as appropriate and in line with the residents

wishes It is proposed that rented flats within the Independent Living scheme will be affordable, with rents and service charges set in line with the Government's rent guidance and agreed by the provider with your Housing Benefit Team. A nomination agreement will be drawn up and we will share this with you. The agreement will require prospective occupants to have a local connection to the Epping Forest District Council area and in line with your Allocations Policy.

4.33 Wider benefits of Extra Care (Independent Living) housing

4.34 Research has shown that Extra Care (Independent Living) schemes provide a significant reduction in isolation, loneliness, anxiety and depression; visits to GP's/hospitals for older residents; and can delay or even reverse frailty. Scheme design reduces the risk of falls and provides full wheelchair accessibility. Schemes can also be used as 'community assets' where the wider community benefits from the facilities, social activities and support provided. ECC aspires for each scheme to demonstrate social value by enhancing the local community and economy for example, by providing jobs for local residents. Extra Care (Independent Living) can contribute to freeing up much needed family housing in both the rented and owner-occupied sector, bringing benefits to those in housing need.

4.35 Proposed scheme in Epping Forest District

4.36 Currently, the Epping Forest District Council area has very limited Extra Care (Independent Living) provision that does not meet demand. Honeytree Court is a 40-apartment scheme owned and managed by Places for People. Essex Housing and ECC are proposing a new Extra Care (Independent Living) housing scheme, Hillhouse, in Epping. The proposed scheme of 60 apartments would therefore contribute significantly to meeting the rising demand set out above.

4.37 Alignment with your Local Plan and Housing Strategy ambitions

4.38 We are confident that ECC's ambitions to provide Extra Care (Independent Living) housing in Epping are aligned with Epping Forest District Council's own strategic ambitions as set out in your Local Plan and Housing Strategy.

4.39 Epping's Housing Strategy 2017-2022 sets out the District Council's action to "Work with Essex County Council to facilitate the provision of a new Independent Living (Extra Care (Independent Living)) scheme for older people at Hillhouse, Waltham Abbey, comprising both market housing and affordable rented homes". Furthermore, the study Epping Forest District Council commissioned from the Housing LIN, "Assessment of need for housing and accommodation for older people in Epping Forest District to 2033" outlines an estimated requirement for 110 units of accommodation by 2033, and 160 units of accommodation by 2037.

4.40 Chapter 3, section 3.7 of Epping's Local Plan 2011-2033 sets out that, specialist accommodation will continue to play an important role in providing for those residents who currently or may in the future require assistance. Emphasising a support for new

provision which is “appropriately located and designed”. The 60-apartment scheme at Hillhouse would contribute to meeting that need.

Other Consultation

- 4.29 Quality Review Panel – 24 January 2019: See appendix 2.
- 4.30 Development Management Forum – 4 March 2019 7pm: See appendix 3.

5. DEVELOPMENT PLAN

- 5.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations.
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.3 On the 06 March 2023 at an Extraordinary Council meeting the Submission Version Local Plan was adopted by Epping Forest District Council. The now adopted Local Plan will be referred to as the Epping Forest District Local Plan 2011-2033.

SP2 - Spatial Development Strategy 2011-2033

SP3 - Place Shaping

H1 - Housing Mix and Accommodation Types

T1 - Sustainable Transport Choices

DM1 - Habitat Protection and Improving Biodiversity

DM2 - Epping Forest SAC and the Lee Valley SPA

DM5 - Green and Blue Infrastructure

DM6 - Designated and Undesignated Open Spaces

DM9 - High Quality Design

DM10 - Housing Design and Quality

DM11 - Waste Recycling Facilities on New Development

DM15 - Managing and Reducing Flood Risk

DM16 - Sustainable Drainage Systems

DM17 - Protecting and Enhancing Watercourses and Flood Defences

DM18 - On Site Management of Wastewater and Water Supply

DM19 - Sustainable Water Use

DM20 - Low Carbon and Renewable Energy

DM21 - Local Environmental Impacts, Pollution and Land Contamination

DM22 - Air Quality

6. NATIONAL PLANNING POLICY FRAMEWORK

6.1 The current version of the National Planning Policy Framework ("the Framework" or "NPPF") was published in July 2021. It provides the framework for producing Local Plans for housing and other development, which in turn provide the policies against which applications for planning permission are decided.

6.2 Reflecting the proper approach identified in the previous section of this Report, the NPPF explains (at paragraph 2) that:

"2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.²"

6.3 Paragraph 11 of the NPPF concerns the presumption in favour of sustainable development and states (so far as relevant):

"Plans and decisions should apply a presumption in favour of sustainable development.

*For **decision-taking** this means:*

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; 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."

6.4 Paragraph 11 d) ii. is often referred to as the 'tilted balance'.

6.5 In summary, the effect of footnote 7 is that where a local planning authority is unable to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 73 of the NPPF, or where the Housing Delivery Test indicates that the delivery of housing was substantially below (that is less than 75% of) the housing requirement over the previous three years, "*the policies which are most important for determining the application*" are deemed to be "*out-of-date*", so that the presumption

in favour of sustainable development applies and planning permission should be granted unless either sub-paragraph (i) or (ii) is satisfied.

- 6.6 For the purposes of sub-paragraph (i) of paragraph 11, footnote 6 lists the policies in Framework (rather than those in development plans) that protect areas or assets of particular importance including: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, or Local Green Space; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63 of the NPPF); and areas at risk of flooding.
- 6.7 The presumption in favour of sustainable development does not, however, change the statutory status of the development plan as the starting point for decision making. In accordance with paragraph 213 of the NPPF and subject to paragraph 11 d) and footnote 7 referred to above, policies in the development plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Rather, due weight should be given to such policies according to their degree of consistency with the NPPF; in other words the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given to them).
- 6.8 In addition to paragraph 11, the following policies in the NPPF are relevant to this application:
- Achieving sustainable development – paragraphs 7, 8, 10, 11, 12 5
 - Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
 - Promoting healthy and safe communities – paragraphs 92, 97
 - Providing sustainable transport – paragraphs 104, 107, 108, 110, 111,112 11
 - Making effective use of land – paragraphs 119, 122, 123, 124
 - Achieving well designed places – paragraphs 126, 130, 131, 132, 135 13
 - Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169

7. PLANNING CONSIDERATIONS

- 7.1 Background
- 7.2 Permission was granted on 21 March 2017 under reference EPF/2207/16 for an Outline application with all matters reserved except access for the erection of a Health Centre building; 60 Independent Living Older Persons Apartments Building (Use Class C2 - with a minimum of 6 hours care to be provided per week for each apartment) with a minimum of 40% affordable; Leisure Centre and Swimming Pool Building (to include Fitness Suite and Community Hall); Open Space including a mini soccer grass pitch for use by under 7/8 year olds and footpaths; and ancillary development including three vehicular accesses off Hillhouse, car parking, and SUDs Infrastructure and demolition of Ninefields Community Centre Building.
- 7.3 The reserved matters relating to the Leisure centre component of this application have already been approved and implemented under reference EPF/1139/17.

- 7.4 This application is the second phase of reserved matters and relates to just the older person accommodation element of the scheme, the only consideration for this application is regarding the details of the design of the development for 60 extra care flats for older people in accordance with the requirements of conditions 2 (Reserved matters: layout, scale, appearance and landscaping) and 3 (drawing numbers) of EPF/2207/16.
- 7.5 This application was submitted prior to the deadline of 21/3/20, when the outline application would have expired had this application not been submitted, it can therefore still be considered. Refusal and dismissal at appeal of this application will result in the expiry of the outline application.
- 7.6 This application has been submitted as an amendment to the previously refused application under reference EPF/1876/19. That application was refused on the grounds that:-
- 7.7 The proposal fails to provide adequate and appropriate details in respect of materials, poor layout, landscaping, water management, flood risk, SUDS, lack of daylight/sunlight analysis or sustainability strategy. The proposal is therefore considered to be of poor design and as such is contrary to the requirements of chapter 12 of the NPPF, the National Design Standards, policies CP1, CP7, DB1 and DBE 3 of the Adopted Local Plan along with policies SP3, DM5 and DM9 of the Submission Version Local Plan.
- 7.8 An appeal was subsequently made against this decision. The Inspector in his dismissal of the appeal noted that while matters related to flood risk, sustainable drainage and detailed landscaping can be dealt with by other conditions and that the proposed materials were not unacceptable, he did share the Council's concerns regarding:
- 7.9 "Natural light to both internal and external area; general permeability and accessibility, including corridor lengths; the need for further information on wider sustainability matters such as climate change and water management...I consider these to be fundamental when designing larger scale developments."
- 7.10 The current revised scheme has now removed all north facing single aspect units to ensure adequate levels of daylight within each unit is achieved.
- 7.11 Communal spaces brought to the front to activate elevation facing the road. The hair salon has been brought to the building frontage with external signage and entrance, making it available and accessible for the local community. Other features include the Introduction of courtyard garden for dining area and the introduction of glazing to central corridor on each level, increasing natural daylighting, with views of external landscaping and other communal areas.
- 7.12 The main issues for consideration in this case are:
- a) Appearance; Landscaping; Layout and Scale
 - b) Impact on the living conditions of neighbouring residents

- c) Highway safety and parking provision;
- d) The Provision of Affordable housing;
- e) Impact on the integrity of the Epping Forest Special Area of Conservation
- f) Ecology and biodiversity
- g) Loss of an existing playing field.
- h) Flooding and drainage
- i) Other matters

7.13 (a) Appearance; Landscaping; Layout and Scale

7.14 Paragraph 126 of the NPPF advises that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”.

7.15 Paragraph 126 also states that design quality should be considered throughout the evolution and assessment of individual proposals. Furthermore, paragraph 127 states (amongst other things) that developments should optimise the potential of the site and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users. The National Design Guide reinforces the provisions of the NPPF by providing further guidance on urban design and place making.

7.16 Policies SP3, DM5, DM9 and DM18-DM21 of the Local Plan require that design is considered more holistically in order to contribute to public health, quality of life, sustainability as well as contributing positively to visual amenity.

7.17 Any scheme for development of extra care units should accord with the ‘HAPPI principles’, laid out within current best practice guidance on Extra Care design and housing for the elderly e.g. Housing LIN Factsheet 6 ‘Design Principles for Extra Care Housing’ 3rd Ed. by PRP (June 2020) to ensure that that it is a high-quality development which caters for the needs of its residents.

7.18 In light of the comments made in the appeal decision, the only areas which can be considered are:-

- The provision of adequate natural light to both the internal and external areas
- General matters of permeability and accessibility, including corridor lengths
- The inclusion of sustainable design.

7.19 Since that decision, the applicants and their design team have worked with the Council to evolve the scheme. This has resulted in the agreement to enter into a planning performance agreement; appointment of landscape architects and the scheme being revised six times, in order to overcome issues the above concerns and to improve the development’s form and materials. This has resulted in the 60

units being configured into a 'H' shape. Whilst the design and position are not strictly in accordance with the original parameter plan No. 01131 PP 03 Rev P1, since that plan was not specified within the conditions relating to the approved drawings and was instead only included within the list of informatives, it only has the weight of an illustrative drawing. It is for this reason that the revised layout and position can be considered as a reserved matter and remains within the scope of the original outline permission granted under reference EPF/2207/16.

- 7.20 It is noted that the 3-storey height is taller than the surrounding context but remains within the agreed parameters of the outline consent.
- 7.21 The Senior Urban Design Officer found the form and appearance of the revised scheme to be acceptable as *'The proposal inset from the site boundary, and the introduction of the mansard roof this is considered acceptable.'*
- 7.22 *The removal of the heavy brick parapet and introduction of the sloped mansard roof, with greater variety and articulation has helped to address the concerns previously raised regarding the institutional character of the proposal. The revised proposal now has a more domestic scale and character which is more sensitive to the existing context, and future inhabitants.*
- 7.23 *The use of red multi-toned brick and tile is in keeping with the character of the local area and would therefore be supported. Further information on the specific choice of both would be welcome. The quality of materials should be secured through a planning condition and a samples of both including a sample panel of the proposed brickwork showing intended mortar colour/type of joint should be requested.*
- 7.24 The proposal provides apartments that exceed minimum space standards set out in DM10 and will be built to Category 2: Accessible and Adaptable Homes standards in accordance with policy H1A (v). The flats have balconies, patios, or terraces with enough space for tables, chairs and plants. Privacy screens are provided between windows of neighbouring flats which adjoin each other.
- 7.25 All units have large windows to maximise the amount of natural light received within each flat. The Daylight and Sunlight Report for within the development by Right to Consulting chartered surveyors dated 17 May 2023 found that:-
- 7.26 "The proposed design satisfies all of the requirements set out in the BRE guide 'Site Layout Planning for Daylight and Sunlight'.
- 7.27 In our professional opinion, the proposed design will provide the development's future occupiers with adequate levels of natural light."
- 7.28 Given the amount of time future occupiers are likely to spend in their homes, this is a positive feature of the scheme.
- 7.29 All units will be equipped with Mechanical Ventilation with Heat Recovery (MVHR) systems for the removal of heat and moisture from kitchens and washrooms. Given the number of units proposed, it is not possible to avoid long corridors, however,

given that the scheme now proposes 2 lifts at the end of each intersection of corridor provide an improvement in the overall accessibility of the proposal. Improvements have also been made as a result of providing separate more direct safe routes for pedestrians through the site.

- 7.30 Plans indicate there is sufficient space to house the mobility scooters or bikes inside the proposed flats and there is also room for these facilities at ground floor level and within the front curtilage of the site.
- 7.31 This along with large windows along the northern elevation of the central section of corridor and a window in both the southernmost corridors ensure that the maximum achievable natural light and ventilation is achieved along with seating areas in its middle to allow social interaction and rest.
- 7.32 Plans indicate there is sufficient space to house the mobility scooters or bikes inside the proposed flats and there is also room for these facilities at ground floor level and within the front curtilage of the site.
- 7.33 The submitted sustainability Statement by Darren Evans dated 20 April 2023 indicates that the proposal through using a fabric first approach utilising the principles of passive design, along with the provision of Air Source Heat Pumps, MVHR and solar panels will ensure that the development will meet the requirements of Net Zero- Carbon by 2050. The statement also lists ways in which water consumption can be reduced to below 110 litres per person per day. Therefore subject to the recommendations made in this statement being implemented, it is considered that the proposal will provide an energy-efficient, well insulated and well-ventilated development.
- 7.34 The layout of the scheme promotes progressive privacy starting with an open to all hairdressing salon at the front, the communing dining area and lounge providing semi-public spaces to allow visitors to socialise with residents at certain times of the day in a more spacious setting in comparison with the individual extra care flats, the semi-private corridors and circulation spaces where occupiers and invited guests use and the private realm of the self-contained flat. This layout encourages social interaction and will allow the local community to also benefit from some of the facilities the development will provide.
- 7.35 Paragraphs 2.5 and 2.8 lists the facilities to be provided which will enable activities which will positively promote the well-being of the future occupiers, this list includes a sensory garden for dementia sufferers or those with loss of sight.
- 7.36 Subject to further details, it is considered that the proposed landscape features listed in paragraph 2.5 including the planting of more trees and creation of two ponds will ensure that the development provides high quality landscaping which is multi-functional, and which will provide biodiversity net gain, enhance the appearance of this part of Waltham Abbey as well provide wildlife habitats.
- 7.37 **(b) Impact on the living conditions of neighbouring residential occupiers:**

- 7.38 Indicative layouts and massing assessments were provided with the original outline application and the parameter plans indicated that the building height of the proposed building would reach a 13m maximum height. The proposal has a maximum height of 10.3m (excluding lift overruns).
- 7.39 The Daylight and Sunlight Report for neighbouring properties by Right to Consulting chartered surveyors dated 18 April 2023 which concluded that:-
- 7.40 *In summary, the numerical results in this assessment demonstrate that the proposed development will have a low impact on the light receivable by its neighbouring properties. The only window which does not pass the BRE numerical tests is situated underneath an overhang. The BRE guide explains that one way to demonstrate that the overhang is the main factor in loss of light is to carry out an additional calculation without these existing obstructions in place. In this instance, the window passes the test using the additional calculation with the existing obstruction removed. This demonstrates that the development is a modest obstruction, and it is the presence of the overhang, rather than the size of the new obstruction, which causes an unavoidable reduction in daylight/sunlight. Therefore, in our opinion, the proposed development has an acceptable impact on the daylight and sunlight amenity of the neighbouring properties.*
- 7.41 Officers are therefore satisfied that the proposal will not have an adverse impact on light levels to neighbouring residential windows.
- 7.42 The western section of the linear block positioned nearest to 48 and 49 Cullings Court is 6.6m high to its flat roof and is 12.5m away from the side flank of 49 Cullings Court. The distance increases to 19.6m at second floor level. The nearest upper floor balcony is just over 12.4m away but would only overlook the public footpath between 48 and 49 Cullings Court. Further conditions are recommended, to prevent the roof of the first-floor area in this location being used as an amenity area and to require privacy screens being provided for the balcony areas of units 34, 38, 56 and 59 so that any perceived overlooking is prevented. The nearest balcony on the eastern elevation of this linear arm to Cullings Court is 19m away, this distance is considered sufficient to ensure that the occupants of 49 and 61 Cullings Court will not be excessively affected in terms of loss of privacy. The northern elevation of the eastern section of the linear block is positioned 19.6m from the side flank of no. 61 Cullings Court of the proposal. This distance is considered sufficient to ensure that the privacy and outlook of this dwelling will not be adversely affected.
- 7.43 All other neighbours separated from the proposal by a greater distance. It is therefore considered that the proposal will not result in an excessive loss of light, outlook or privacy for these neighbours. The proposal therefore accords with the requirements of DM 9 of the Local Plan.
- 7.44 **(c) Highway safety and parking provision**
- 7.45 The only aspect of the development that was dealt with at Outline stage was access and as such this has already been agreed. Therefore, the loss of five spaces to create the access have also been agreed.

- 7.46 30 car parking spaces have been provided, five of which are accessible parking bay sized. This is 16 car parking spaces less than that stipulated at the outline permission. The scheme also provides 16 cycle parking spaces, a store area for up to 9 scooters; minibus drop off area;
- 7.47 This provision is similar to the parking ratios for two other independent living schemes within Essex managed by ECC and the site is within an urban area with adequate sustainable transport links to local services and facilities.
- 7.48 Furthermore the nature of the development likely to result in most vehicle trips to be undertaken outside of peak times;
- 7.49 The allowed appeal under EFDC reference EPF/1521/13 at the Green Man Public House Broomstick Hall Road permitted 12 parking spaces for 28 elderly flats, this equates 0.42 spaces per dwelling whereas this application provides 0.5 spaces per dwelling therefore refusal on the grounds of lack of parking cannot be justified at appeal.
- 7.50 As a result of the level of concern raised by objectors in relation to the impact of the development on parking congestion in close proximity to the site and highway safety during school pick up times. The applicants commissioned a 'Parking and Highway Safety Review' which was carried out by PJA a firm of transport, engineering and placemaking consultants (dated 27/2/23 rev B) who advised that within other Housing 21 extra care residential facilities run by Housing 21, average car ownership for rented units was 8.5% of total number of rented units and average car ownership for leaseholders (shared ownership units) equated to 45.1% of the total number of shared ownership units. On this basis the consultants calculated that the projected residential parking demand for the proposal would be 16 spaces.
- 7.51 Looking at car parking spaces required for staff, they compared another Housing 21 facility which they state was of a comparable size, that site has the following characteristics:-
- *71 units, all for rent*
 - *Total staff across all roles: 23 (the majority are care workers in three shifts)*
 - *Maximum number of staff on-site at any one time: 15*
 - *35% of staff come to work in their own car equating to a maximum staff parking demand of six parking spaces. This compared to a journey to work mode share for the surrounding area of 58% car driver based on information from the 2011 Census.*

- 7.52 *Assuming a proportional number of staff will be employed at Hillhouse with the same working pattern, 20 staff in total will be employed with a maximum of 13 on-site at any one time.*
- 7.53 *Applying the same car driver modal share of 35% would equate to a maximum parking demand of five vehicles at any one time. The total parking demand for residents and staff based on the evidence from a comparable Housing 21 scheme would equate to a total of 21 spaces. The proposed provision of 30 car parking spaces will therefore allow for this demand and visitor parking demand without any overspill on the surrounding highway network.*
- 7.54 *The consultants visited the site on 24/02/23 and made observations in regard to the parking situation between the times 08:30 – 9:30, 11:30- 12:00 and 14:30 and 15:30. The study found:-*
- 7.55 *Prior to 08:15, there were several parking spaces available in the vicinity of the development, site, including circa 10 spaces along Hillhouse and multiple spaces in the shopping parade car park.*
- 7.56 *At 08:25, cars began to arrive for the school drop-off period. Peak occupancy of on-street parking spaces occurred between 08:30 3 08:40, which coincided with the school start time of 08:40. During this period, on-street parking at the southern end of Hillhouse was limited, however there were approximately three spaces available to the north. Likewise, the shopping parade car park was also close to full occupancy.*
- 7.57 *A number of cars also parked along the single yellow line markings near the school entrance to drop-off pupils. Some parents/guardians were observed to use the leisure centre car park to drop-off pupils; however this was a rare occurrence.*
- 7.58 *The study also found that no car related accidents or incidents had occurred during school drop off times.*
- 7.59 *Between 11:30 and 12 there were up to 15 car parking spaces available. The leisure centre car park was at its busiest during this time period, however there were still 15 free parking spaces.*
- 7.60 *On arrival at 14:30, there were approximately 20 on-street parking spaces free along Hillhouse (Figure 4), as well as 15 free spaces at the shopping parade car park.*
- 7.61 *Peak occupancy occurred between 14:50 and 15:05. During this period, the southern section of Hillhouse was at full occupancy, with two to three spaces available to the north, near the junction with Ninefields. The shopping parade car park was also at full occupancy, with a maximum of two available parking spaces during peak occupancy. Again, multiple parents/guardians were observed to park on the single yellow line markings in the vicinity of the primary school access. Some parents/guardians were observed to use the leisure centre car park to park in, however this was rare and despite this there were multiple free spaces available.*

- 7.62 They therefore concluded in accordance with evidence submitted in previous transport assessments already submitted, *the 30 car parking spaces provided are sufficient to accommodate the development, during short periods in the AM and PM peaks, on-street parking was limited due to parking demand generated by the nearby primary school. However, this was constrained to a 15-minute period in both peak periods and did not coincide with the peak parking accumulation of the proposed development. As such, there is sufficient off-site parking capacity to accommodate any residual parking demand generated by the proposed development, in the unlikely event that this should occur.*
- 7.63 The Highways Authority has advised that it is still satisfied that in terms of safety and capacity that the impact of the proposed development will be minimal on the highway in the vicinity of the site and on the wider highway network in accordance with policy T1 of the Local Plan.
- 7.64 It is also recommended that a condition be attached to any permission which requires a Green Travel Plan to be submitted and approved by the Council and that approval be implemented in order to manage car travel and to maximise the use of sustainable transport choices.
- 7.65 **(d) The Provision of Affordable housing;**
- 7.66 The site is owned by Essex County Council who have partnered with Housing 21, to manage the development. This organisation is a national not for profit housing association which provides Extra Care accommodation for older people on low incomes.
- 7.67 The original outline permission and attached legal agreement under reference EPF/2207/16 only requires that 40% of the units be affordable. However the applicant has confirmed that all the units will be affordable, of which 50% will be affordable rent and 50% will be in shared ownership.
- 7.68 The affordable rent units will be occupied by older people from the County Council's waiting list requiring affordable housing, and the shared ownership units will be sold to qualifying residents (with a proportion of ownership retained by Housing 21). Those residents will need to comply with the parameters of the outline planning permission (i.e., be over the age of 55 and receive a minimum of 6 hours care per week).
- 7.69 This provision exceeds the requirements of policy H2 of the Local Plan and is therefore considered to be material benefit of the scheme.
- 7.70 **(e) Impact on the integrity of the Epping Forest Special Area of Conservation**
- 7.71 A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the

assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan.

7.72 The 2017 evidence base which informed the baseline traffic and air quality modelling for the Strategic Habitats Regulations Assessment considered all the 'in combination' effects of all planned proposals including (inter alia) sites which had planning permission, and which were considered in the site selection process. This base data therefore included the outline permission under reference EPF/2207/16 connected to this application. The number of units proposed in this application is the same as that previously approved therefore it is considered that the proposed units have already been accounted for and as such, it is considered that the proposal would not have an adverse impact on the integrity of the EFSAC over and above what has already been approved. The proposal therefore complies with the requirements of policy DM2 of the Local Plan.

7.73 **(f) Ecology and biodiversity**

7.74 An Ecological Assessment was carried out by Hushwing Biodiversity Assessment and Auditing dated 14/4/23. which found there were no important ecological features within the Application Site.

7.75 The report makes suggestions to provide habitats for protected species on the site once the development is completed, these are recommended to be secured by condition.

7.76 A Biodiversity Assessment was also submitted with the application which was undertaken by the same firm under reference HW1075.2.5. It found that:-

7.77 *The calculated baseline value is 2.30 Habitat Units. Post-development conditions were predicted with reference to the Proposed Site Plan. The estimated post-development biodiversity value is 6.65 Habitat Units with and uplift of 4.35 units.*

7.78 *The development satisfies metric trading rules and is predicted to deliver a significant gain. The proposal is predicted to exceed local and national planning policy by delivering an estimated up-lift of 189.08% Habitat Units.*

7.79 *The predicted significant gains in habitat area units are reliant on the success of 103 new specimen trees. It has been assumed that 38 medium sized trees will attain a stem diameter of more than 30cm within a 30-year period.*

7.80 A condition requiring the submission and implementation of a Habitat Management and Monitoring Plan is therefore recommended.

7.81 On this basis, the proposal makes a positive contribution to biodiversity net gain and therefore accords with the requirements of DM1 of the Local Plan.

7.82 **(g) Loss of an existing playing field.**

- 7.83 The Outline approval gave approval (EPF/2207/16) to the change of use of the application site area from a recreational field to residential accommodation for the elderly.
- 7.84 However that permission still protected some 1.58 hectares of that wider site as public open space, which would include a 33m x 43m mini football pitch. Furthermore, implementation of this proposal would trigger the requirement for Essex County Council to make a financial contribution of £166,090 towards a larger pot of £340,000 from applicants of the wider outline scheme to be used on projects identified through the Playing Pitch Strategy in Waltham Abbey and agreed by Sport England.
- 7.85 It should be noted that there is no formal agreement to allow Abbey Youth Football Club to use this site. Instead current alternative suitable sites include the Town Mead recreation grounds and the Larsons recreational grounds. Furthermore the housing development approved under reference EPF/1869/21 at the Roundhills Swimming Pool site includes a 3.5m wide cycle and pedestrian path which will connect that site to the Roundhills Playing Fields allowing them to also be utilised. (Currently this playing field has been blocked off by the development).
- 7.86 **(h) Flooding and Land Drainage**
- 7.87 The application site is located within an Environment Agency Flood Zone 1. However, the wider Outline approval includes areas within flood zone 2.
- 7.88 Holding objections have been raised by the Land Drainage Team and Lead Local Flood Authority in regard to the surface water drainage information, however, the principle of the development has already been approved at the outline stage and the applicants have agreed to the imposition of pre-commencement conditions should approval be given to address these concerns prior to any development taking place. This is considered sufficient to meet the requirements of policy DM16 of the Local Plan.
- 7.89 **(i) Other Matters**
- 7.90 The principle of the use and number of units has already been agreed as part of the outline consent. This application only seeks permission for the reserved matters, therefore objections in regard to the suitability of the type and number of residential accommodation is beyond the scope of what can be determined within this application.
- 7.91 The requirement for the elderly in need of extra care accommodation to occupy existing available care homes would be difficult to enforce and, in any case, the existing provision may not cater for needs of the person looking for the accommodation.
- 7.92 Increased competition from new businesses is not a material planning reason to refuse an application.

- 7.93 Remediation of the site will be controlled by a separate condition attached to the outline consent.
- 7.94 The effect of the development on neighbour building subsidence issues will be controlled by the Building Regulation legislation.
- 7.95 The construction of boarding during the construction phase of the development is necessary safety precaution and is only temporary and as such falls within the limits of permitted development legislation.
- 7.96 A Fire Statement by Ardenlea Fire Consulting Limited (March 2023) and associated plans have been submitted with the application which demonstrate compliance with all current applicable Fire Safety Standards in terms of minimising risk to future vulnerable users, construction management, build quality and evacuation procedures.

8. PLANNING BALANCE & CONCLUSION

- 8.1 The principle of the development was approved under reference EPF/2207/16. Officers are satisfied that the proposal has addressed the concerns raised by the Planning Inspector in his dismissal of the scheme under reference EPF/1876/19. This is because the proposal provides sufficient natural light to the proposed extra care flats; includes features which will minimise its vulnerability to climate change impacts and improvements have also been made to the circulation spaces and overall accessibility of the site for pedestrians.
- 8.2 The proposal will provide 100% affordable good quality extra care residential units for the elderly to meet local housing need. The proposed appearance, landscaping, layout and scale of the development accords with the intent of the original outline consent and will make a positive contribution to the distinctive local character of this area. The impact on neighbours; highway safety; parking and congestions will also not be excessive. In addition the implementation of the proposal will trigger the release of funding towards achieving the goals outlined in the Playing Pitch Strategy within Waltham Abbey.
- 8.3 It is therefore recommended that planning permission to be granted subject to conditions.
- 8.4 ***Should you wish to discuss the contents of this report item please use the following contact details above by 2pm on the day of the meeting at the latest, or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk.***

Planning Application Case Officer: Sukhi Dhadwar

Direct Line Telephone Number: 01992 564597



Appeal Decision

Site visit made on 26 October 2020

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2021

Appeal Ref: APP/J1535/W/20/3251628

Playing Fields, Hillhouse, Ninefields, Waltham Abbey, EN9 3EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Stephen Hogben, Housing and Care 21, against the decision of Epping Forest District Council.
 - The application Ref EPF/1876/19, dated 6 November 2018, sought approval of details pursuant to condition No 2 of outline planning permission Ref EPF/2207/16, granted on 21 March 2017.
 - The application was refused by notice dated 30 October 2019.
 - The development proposed is an outline application for Health Centre Building; 60 Independent Living Older Persons Apartments Building (Use Class C2 with a minimum of 6 hours Care to be Provided Per Week for Each Apartment), Minimum 40% Affordable; Leisure Centre and Swimming Pool Building (to include Fitness Suite and Community Hall); Open Space including a Mini Soccer Grass Pitch for use by 7/8 Year Olds and Footpaths; Ancillary Development including 3 Vehicular Accesses off Hillhouse; Car Parking; SUDS Infrastructure; and Demolition of Ninefields Community Centre Building.
 - The details for which approval is sought are: The Appearance; Landscaping; Layout and Scale of the 60 Independent Living Older Persons Apartments Building.
-

Decision

1. The appeal is dismissed.

Background and Procedural Matters

2. Outline planning permission was granted on 21 March 2017 (reference EPF/2207/16) for a development that comprises a number of different elements, as described in the banner heading above. This appeal relates solely to reserved matters in respect of the apartments building. These reserved matters concern the appearance; landscaping; layout; and scale of the building. The access was included and approved at the outline stage.

Main Issue

3. The main issue is whether the submitted details would result in a sustainable and acceptable form of development in terms of its design, layout, effect on the environment and standard of amenity.

Reasons

4. The appeal site is currently a flat grassed area of open space. It is within a residential estate, which also includes a recently built leisure centre (that also

<https://www.gov.uk/planning-inspectorate>

formed part of the outline permission). The layout of the residential estate is designed along Radburn principles and it includes a mixture of flats and houses connected by a range of footpaths, with shared parking areas. The design is typical of its time and I consider that renewal and regeneration of the area would bring significant social and environmental benefits to this part of the town. The developments approved by the outline permission, including the apartment building will contribute towards these benefits.

5. The apartment building would be a 'landmark' structure, due to its prominent position and its scale. Consequently, I consider it incumbent upon the appellant and the Council to ensure the highest of design and environmental standards in its planning and construction.
6. The proposal is for a single building of two and three storeys with parking and landscaping predominantly on its northern side. It would be constructed largely of brick with render with balconies providing private outdoor space for the occupants of the apartments. The position and footprint of the building is similar to a 'parameters' plan that was considered as part of the outline application. The appeal proposal has also been the subject of public consultation and reviews by Design Panels.
7. The Council states that the proposal fails to provide adequate details in terms of materials, layout, landscaping, water management, flood risk, SUDS, sunlight/daylight analysis and sustainability. As a consequence, the Council considers the proposal to be of a poor design and in conflict with Policies CP1, CP7, DB1 and DBE3 of the adopted Epping Forest District Local Plan 1998 and Alterations 2006 (LP). These policies generally seek to achieve sustainable development, promote high quality design and ensure that spaces around buildings are functional and attractive.
8. In addition, the Council refers to a conflict with emerging Policies SP3, DM5 and DM9 of the Submission Version Local Plan. These emerging policies, whilst not having full weight, have similar objectives to those of the adopted LP. I consider both the existing and emerging policies to be generally consistent with the provisions of the National Planning Policy Framework (the Framework), which are material considerations.
9. Paragraph 124 of the Framework states that high quality design and the creation of high-quality buildings and places is fundamental to what the development and planning process should achieve. Paragraph 126 also states that design quality should be considered throughout the evolution and assessment of individual proposals. Furthermore, paragraph 127 states (amongst other things) that developments should optimise the potential of the site and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users. The National Design Guide, published in October 2019, reinforces the provisions of the NPPF by providing further guidance on urban design and place making.
10. As stated above, the appeal proposal largely follows the concept that was provided as part of the outline application. This included the position of the building; a footprint and indications of scale and heights. The appellant points to the reserved matters submission as being largely in accordance with that concept and to the processes that have been gone through in arriving at the design of the apartment building. Concern is also expressed that the Council's

criticism of the scheme relates more to the design process, rather than focussing on the merits of the development itself.

11. In terms of the submitted details, I accept that the Council's concerns relating to flood risk and SUDS (whilst important matters) can be dealt with through the discharge of other conditions of the outline permission. Consequently, I do not find against the appeal proposal on these matters. Likewise, with regard to detailed landscaping, I agree that the majority of the Council's concerns could be addressed by a further condition. I note that the Council has recommended such a condition in the event of the appeal being allowed. Furthermore, I am not persuaded that the external materials proposed by the appellant are unacceptable, given the mix of materials used on other buildings in the locality.
12. However, I share the Council's concerns relating to some aspects of the design, including the matters relating to natural light to both the internal and external areas; general matters of permeability and accessibility, including corridor lengths; and the need for further information on wider sustainability matters such as climate change and water management (notwithstanding compliance with the Building Regulations). I note that absence of validation requirements and development plan policies on such matters, but I consider these to be fundamental when designing larger scale developments.
13. I have taken into account the appellant's statement that it would be difficult to achieve a development of this scale without, for example, relatively long corridors. However, I have no detailed evidence that this is the case. Likewise, I have no evidence to show that the levels of natural light in the both the internal and external areas would be satisfactory and that other options have been fully considered.
14. In reaching my decision, I have given weight to the social benefits of the proposal in terms of the provision of specialist housing for the elderly. I accept this benefit would be substantial and the issues are finely balanced. However, my decision does not mean that the development will not take place, only that more needs to be done in design terms. The importance and prominence of the site and the longevity of any building means that different options should be explored and considered. In that regard, I note that the Council is currently considering a revised planning application and it has stated that good progress is being made. This indicates to me that a satisfactory outcome will be achieved in due course.

Conclusion

15. For the above reasons, I conclude that the absence of detail means that I cannot be sure that the proposal provides the most satisfactory design for the site and its surroundings and for the future occupants of the building. Therefore, the proposal conflicts with the relevant policies of the Development Plan and with the provisions of the Framework, as referred to above. Consequently, the appeal is dismissed.

Ian McHugh

INSPECTOR

Appendix 2



Epping Forest District Quality Review Panel

Report of Formal Review Meeting: Hillhouse, Waltham Abbey

Thursday 24 January 2019

Committee Room 1, Epping Forest District Council, 323 High Street, CM16 4BZ

Panel

Peter Maxwell (chair)
Kirsten Henson
Jan Kattein
Chris Snow
Peter Studdert

Attendees

Corey Isolda	Epping Forest District Council
Ione Braddick	Epping Forest District Council
Michael Johnson	Epping Forest District Council
Richard Fox	Epping Forest District Council
Graham Courtney	Epping Forest District Council
Mary Young	Essex County Council
Deborah Denner	Frame Projects
Allison De Marco	Frame Projects
Sarah Thwaites	Frame Projects

Apologies / report copied to

Alison Blom-Cooper	Epping Forest District Council
Nigel Richardson	Epping Forest District Council
Bliss O'Dea	Epping Forest District Council

Confidentiality

This is a pre-application review, and therefore confidential. As a public organisation Epping Forest District Council is subject to the Freedom of Information Act (FOI) and Environmental Information Regulations (EIR), and in the case of an FOI/EIR request may be obliged to release project information submitted for review.

Report of Formal Review Meeting
24 January 2019
EFD08_Hillhouse, Waltham Abbey

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1. Project name and site address

Hillhouse Independent Living, Hillhouse, Ninefields, Waltham Abbey, Essex EN9 3ED

2. Presenting team

Ian Johnson	Hunters
Steve Hogben	Housing & Care 21
Peter Smith	Housing & Care 21

3. Planning authority's views

The Epping Forest Local Plan (Submission Version) was approved for publication and for submission to the Secretary of State on 14 December 2017. Epping Forest District Council has also resolved to approve the Local Plan (SV) as a material consideration in decision making. The Local Plan (SV) has been submitted to the Secretary of State for examination. This pre-application scheme is for an Independent Living Extra Care scheme comprising 60 affordable housing apartments and associated communal facilities for older persons. The scheme is intended to be submitted as a reserved matters application (scale, appearance, layout, landscaping) seeking approval for the independent living element of an outline consent granted in March 2017.

4. Quality Review Panel's views

The Quality Review Panel supports overall aspirations for the type of accommodation proposed and thinks the scheme's strong credentials - 100 per cent affordable independent living accommodation - form a solid foundation for promoting a positive vision of the scheme. It recommends that Essex County Council and Epping Forest District Council work to promote a clearer vision of the area – to ensure the Independent Living scheme and future health centre schemes are well integrated and create a coherent place. It strongly recommends further exploration of the benefits the community could gain from the scheme – articulating broader benefits could help shift the tone of discussions with the community. It recommends further work to explore the treatment of the site's edges and desire lines and movement around and across the site. It also recommends further work to ensure proposed public frontages are sufficiently prominent when viewed from Hillhouse so that they contribute positively to the public realm and support the vitality and viability. The panel strongly encourages further work to ensure the approach to landscape is integrated with built form and to explore opportunities to enhance ecological richness. It recommends exploring refinements to address: entrance arrangements; the level difference between parking areas and Hillhouse; colonnade, which it thinks may unhelpfully exaggerate the height of the building; a seemingly institutional appearance; roofline; and potential overheating. These comments are expanded below.

Vision and comprehensiveness

- The panel supports overall aspirations for the type of accommodation proposed, including active uses and benefits the scheme will bring to the local economy.



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- Within the constraints of the outline planning permission, the panel thinks there are opportunities to work towards a more comprehensive outcome. It recommends Essex County Council and Epping Forest District Council work to promote a clearer vision of the area to ensure the remaining outline uses of independent living and health centre are well integrated into a coherent place.
- In order to achieve this coherence, it will be important for Essex County Council and Epping Forest District Council to take a proactive approach in steering how these different uses come forward.
- The panel notes the current overall masterplan does not properly consider how the leisure, health and independent living elements relate to each other, or the larger open space – yet very prescriptive development platforms have been set. It urges this approach be avoided in future plans.

Benefits and integration

- While the panel supports the scheme's positive aspirations, some of the constraints of the outline planning permission, such as building set-back and indicative pedestrian and cycle routes, compromise opportunities for a more convincing response to context.
- It suggests exploring interventions that enhance how the public will experience the scheme. These can be promoted as scheme benefits – helpfully shifting the tone of community engagement.
- The panel strongly recommends a programme of continuous community engagement. It thinks there are opportunities to work with the community to enable it to feel that it has more investment in the scheme. This will be critical in dispelling any negative perceptions inherited from the outline planning process.

Contextual relationship – edges and desire lines

- The treatment of the site's edges will be essential in eliciting a positive response to the scheme – integrating it within the established community and supporting a sense of the scheme as a 'great neighbour'. The panel thinks the community could become more receptive if there were opportunities to access the Independent Living site, including its open spaces.
- The panel thinks there are opportunities to further explore desire lines and movement around and across the site within the constraints of the outline planning permission. It recommends exploring how local residents could be allowed to cross through the open spaces within the Independent Living site.
- The panel recommends looking at precedents of privately managed landscapes with permeable perimeters that appear welcoming to surrounding communities. Options could include controlled access arrangements, that limit access to spaces and routes to during the day.



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- It recommends reconsidering how 'indicative' pedestrian and cycle routes shown in the outline permission respond to desire lines. These do not appear to be aligned, with desire lines likely to cross the site diagonally from existing homes to the existing shops.

On-site public facilities and existing local centre

- The panel welcomes the economic benefits the scheme will bring forward, with additional spending aiding local shops and strengthening the community. It supports ambitions to create a spine of active uses – linking the scheme's public facing uses and spaces with the existing local shops to the south.
- It recommends further work to ensure proposed public frontages within the scheme are sufficiently prominent when viewed from Hillhouse so that they make a positive contribution to the public realm.
- Creating clear visual and physical links between new amenities and Hillhouse will be key in ensuring the viability of uses such as the hairdresser and will help draw people from the street – reducing any potential perception that they are exclusive to the scheme's residents.
- There is an opportunity to influence what comes forward on the adjoining site. For example, there may be potential to introduce a small public square along the southern edge of the site, fronting onto the health centre site - which could act as an anchor drawing the community into the scheme.

Residential entrance

- The panel suggests considering whether entrance arrangements, including legibility and layout, can be improved. There may be potential to ease the challenging level change between the building's main entrance and Hillhouse.
- It recommends that the legibility of the route towards the main entrance could be enhanced and suggests refining the arrival sequence – including the current prominence of the buggy store and refuse store fronting Hillhouse and the manner that the building is set back.
- It recommends testing the location of the refuse store. The proposed location is not readily accessible to staff and could result in refuse vehicles potentially blocking the site's vehicular entry.

Topography and massing

- The panel understands floorspace and footprint have been informed and confined by the outline planning permission which influences the scheme's massing and its height. Within these constraints it thinks there are two moves that could reduce the risk of scheme dominating its context.



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- It suggests examining the level difference between parking areas and Hillhouse – it is concerned this level change will give a sense of cars towering above pedestrians walking along Hillhouse. An option may be to set cars at a lower level – particularly as parking is a less sensitive use in respect of any flood risk issues.
- It thinks some architectural devices, such as the way a colonnade with three storey columns has been incorporated at the corner, may unhelpfully exaggerate the height of the building when viewed from the south east.

Architectural expression and materiality

- The panel broadly supports the way the scheme's architectural expression is evolving, including its elevational rhythm.
- There may be opportunities to reduce the seemingly institutional appearance of the scheme by reconsidering brickwork colour. The buff colour is more closely aligned with another institutional building, the Leisure Centre, rather than the warmer brick prevalent for surrounding homes.
- As architectural detailing is further evolved, the panel recommends detailed brickwork studies alongside work on the depth of elements such as reveal.
- The panel is surprised that the architectural expression and materiality do not respond more clearly to the strong contextual cues of surrounding development – including the strong identity of 70s architecture.

Roofline

- The panel thinks the roof design results in the building having a greater visual impact than alternative choices, such as a simple parapet, might have. It is concerned the roofline will undermine the attractive elevational rhythm being established. A simple parapet may be more sympathetic to context.

Landscape, including existing feature

- The panel thinks there is a gap in respect of landscape and encourages pursuing a detailed approach with a landscape architect that convincingly embeds built form within a landscape setting.
- The panel welcomes the commitment to retain the line of existing trees along Hillhouse – it thinks these are a distinctive feature. It recommends further work to enhance ecological diversity – which would have broader benefits for the area.
- It welcomes proposals for allotments but worries the proposed location will be overshadowed. It also suggests looking at whether the community could be given opportunities to access the allotments, expanding their benefit more widely, for example through links with local schools.



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Amenity and accessibility

- The panel applauds the team's expansive approach to housing guidance, especially reference to Housing for Ageing Population Panel for Innovation guidance.
- The panel also commends unit layouts and large windows. It supports the generous balconies, with depths that will assist in preventing overheating. It would like to see individual elements detailed to give a delicate appearance.

Circulation

- The panel asks whether there are opportunities to capitalise on the independent self-contained flat typology, including scope to reduce the amount of internal circulation space. Corridors appear overly lengthy, creating a long walk for elderly residents.
- If opportunities exist, the panel recommends looking at refining access arrangements to reduce these distances – potentially reducing the number of units accessible off cores or considering if circulation can be provided externally.

Overheating and sustainability

- As a long-term investor and owner operator, the panel thinks Housing & Care 21's approach to building fabric and energy efficiency could be more ambitious – securing meaningful energy cost reductions for residents in the long-term. It thinks the absence of photovoltaics is a missed opportunity.
- The panel suggests early overheating modelling of west facing apartments. While applauding the generous windows, there may be overheating risks in respect of some west facing units, which will receive low angle sun.
- It suggests exploring opportunities for the use of modular construction – which could be compatible with this building typology. It also recommends considering long-term transition away from gas boilers – noting a trend towards electric heating.

Visualisations

- The panel urges that additional visuals be generated showing the scheme from street level – as it would appear walking along Hillhouse.

Next steps

- The panel would like the opportunity to comment on the scheme again, once designs have evolved in response to its recommendations.



Minutes of Development management Forum

Development Management Forum held at Waltham Abbey Leisure Centre, Hill House, Waltham Abbey.

4th March 2019, 7pm

Proposal: Land at Hillhouse, Waltham Abbey, EN9

Council Officer Attendees:		Applicant Attendees:	
Richard Fox (RF, Chair)	Principle Planning Officer– Epping Forest District Council	Steve Hogben (SH)	Housing and Care 21
Corey Isolda (CI)	Senior Planning Officer – Epping Forest District Council	Peter Smith	Housing and Care 21
		Ian Johnson	Hunters

Principle Officer (Planning), Richard Fox chaired the meeting and welcomed those who had attended (about 50 people). He informed the audience that the purpose of the meeting was to allow them to raise any issues they may have and to obtain answers to questions about the particular proposal, after the introduction by EFDC officers and presentation of the development by the applicant. Such a Forum allows early discussion on planning issues related to these proposals and to explore the scope for amendments and agreement between all parties in a positive and constructive way prior to the consideration and determination of the application at a future meeting of the Council's District Development Management Committee. Any letters already received through the planning application consultation will still be valid and considered as part of the planning application process. He set out the timetable/agenda for the meeting.

The Case Officer (Corey Isolda) gave background information on the application. This included the location of the site; the details of the proposal; policy implications; the main issues affecting the determination of the application He listed the main issues when considering the proposed development to be:-

- Inclusive, accessible and legible design needed for older residents.
- Need connectivity and cohesion with surrounding community.
- Proposals must be high quality and appropriate for its use; welcoming, homely, residential, community orientated.
- A sense of place must be established; innovation and design quality aspirations would be supported.

A strong landscape vision is required. The Architect gave a presentation outlining the proposed development. He would send his presentation to be included as part of the supporting information to the minutes.

RF then opened up the meeting to comments and questions from audience members.

Comments and questions (Q and A)

Q. If outline consent has already been agreed what are we here to discuss?

CI: The council recognises the sensitive nature of the site and the outline approval and want to ensure, through discussion, that the proposed building responds to local needs and concerns through its detailed design and landscaping etc..

Q. How will highway safety concerns be dealt with through this application, as older peoples accommodation could mean lots of ambulances etc.

CI: At outline stage the application was looked at by the highways authority and considered acceptable. Whilst reduced parking has been proposed this will be looked at through the wider application.

Q. Is all the affordable housing social rent.

SH: The proposal would contain a majority of shared ownership unit with some social rented units.

Q. How will overlooking be dealt with?

SH: The upper floors have been recessed to avoid any significant overlooking of nearby dwellings

Q. Jubilee Court is a block of Sheltered accommodation within the Ninefields estate, it is currently under capacity and cannot be filled, why is this accommodation needed.

SH: We have been instructed by Essex County Council to provide older peoples accommodation as they have identified a need.

Q. Could this not be housing for younger people?

SH: Essex County council have identified a need for older peoples accommodation.

Q. Does the proposed height of 10 to 13 metres include the field?

SH: The height of the building does not include the raised land level of the field..

Q. Could the application be refused by committee.

RF: Yes, it could be refused by committee but the applicant would retain the right to appeal.

Q. Would the rent include a service charge?

SH: Yes, there would be a £180 service charge due to the onsite staff required

Q. Would air quality impact be controlled, with emphasis on the impact of traffic on the school nearby.

CI: Yes, this would be protected under environmental and planning regulations, including policies in the Submission Version Local Plan relating to air quality and the Epping Forest Special Area of conservation

Q. Is the height and unit number fixed

CI: The unit number is a maximum as opposed to a minimum and the height could be lowered

SH: It would not be viable to reduce the scheme.

Q. How long will construction take

SH: 18 months approximately.

Audience members stated that due to the capacity of the highway lorries may not fit and would cause issues. Concern was also stated about the loss of on-street parking during and after construction. Great disruption would be caused to the school at pick up/drop off times

CI: Construction management could be controlled by condition.

Residents then voiced concern about the impact on parking, with specific reference to Maynard Court. Residents also stated that the introduction of a coffee shop and hairdresser where not big enough benefits to outweigh the loss of public space and that the height of the building would cause harm to amenities and the character of the area. The applicants responded stating:

SH: The building has to be of this height to meet building regulations and to accommodate 60 units. The design has been made higher to reduce its footprint and overall impact on the green space in response to concerns raised.

Q. Will there be a loss of parking to the school

CI: The parking situation at the school will remain the same.

Q: Will we be listened to?

CI: All neighbours and attendees who have registered today will be consulted as part of any application. We will encourage that the points from today's meeting actively impact the design of the proposal.

Q. What do your other developments look like?

SH: All of our sites respond to their setting and context of the area.

Q. Brickendon Court will be overlooked and there may be drainage issues?

CI: Overlooking of any neighbouring properties will be given careful consideration. Drainage and flood risk details would be required as part of any application.

Q. Where will the people who live in the development be from?

PS: 90% of residents would be likely to be from Epping Forest District, more specifically within a 5 mile radius of the development.

Q. Were all against this development, how will this be taken into account?

CI: All affected residents and attendees of this meeting who have registered today will be consulted as part of any application. We will advise that the points from today's meeting be taken into consideration by the applicant, as they further develop their proposals.

Meeting was closed by RF at 9:00pm.

Conditions: (26)

- 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:

Topo Plan – Drg No. APL 1001 Rev B
Proposed Site Plan – Drg No. APL 1002 Rev C
Landscape Concept Plan – Drg No. APL 1003 Rev A
Ground Floor Plan – Drg No. APL 1004 Rev D
First Floor Plan – Drg No. APL 1005 Rev D
Second Floor Plan – Drg No. APL 1006 Rev D
Roof Plan – Drg No. APL 1007 Rev C
Elevations – Drg No. APL 1008 Rev D
Elevation Detail – Drg No. APL 1009 Rev C
Sections – Drg No. APL 1010 Rev C
Proposed Fire Strategy – Ground Floor Plan – Drg No. APL 1020
Proposed Fire Strategy – First Floor Plan – Drg No. APL 1021
Proposed Fire Strategy – Second Floor Plan - Drg No. APL 1022
Fire Design Statement Dated May 2023
Addendum Design and Access Statement
Ecology Statement Dated May 2023 and BNG Report Dated 14 April 2023
Daylight and Sunlight Report (Within Development) Dated 17 May 2023
Daylight and Sunlight Report (Neighbouring Properties) Dated 18 April 2023
Highways/Car Parking Note Dated 27 February 2023
Arboricultural and Planning Integration Report Dated 28 February 2023
Drainage Strategy Dated 14 April 2023
Sustainability Statement Dated 20 April 2023

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

- 3 No development shall take place until details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:-

- Construction drawings for each drainage/SuDS feature proposed on site;
- Volume of attenuation – To assure the Council that sufficient attenuation is provided for the whole development, please provide further information with regards to the rain gardens and the areas which drain into them (m²). It is noted that the raingardens are proposed to manage run off from the footpaths and overland flows from amenity areas, with the east garden also managing the road run off from access and parking.
- Water Quality – This in relation to the surface water picked up by the linear drain in the access to the development which connects directly into the cellular storage, it must be ensured that this area is sufficiently treated in line with the Simple Index Approach.
- Permeable paving – As infiltration is not a viable solution, the permeable paving

identified in the key by a blue shade must connect into the wider system, please provide details of how these areas are managed, ensuring they are attenuated.

The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

Further details in regard to how the fin drain proposed at the entrance of the site will function to meet best practice guidelines as laid out in non-statutory technical standards for sustainable drainage systems; Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide; The CIRIA SuDS Manual (C753); BS8582 Code of practice for surface water management for development sites.

The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: 1. The parking of vehicles of site operatives and visitors 2. Loading and unloading of plant and materials 3. Storage of plant and materials used in constructing the development 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate 5. Measures to control the emission of dust and dirt during construction, including wheel washing. With regards to dust control measures and wheel washing, reference shall be made to the Institute of Air Quality Management (IAQM) best practice Guidance on air quality monitoring in the vicinity of demolition and construction sites and Guidance on the assessment of dust from demolition and construction. 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To limit the impact of the construction work on the living conditions of residents living in close proximity to the site, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 8 (1) Prior to any above ground works, sample panels of brickwork demonstrating the colour, texture, bond and pointing of the brickwork have been constructed on site. The Local Planning Authority shall approve in writing the colour, texture, bond and pointing of the brickwork prior to development commencing and the development shall be carried out in accordance with the approved details. The sample panel shall be retained on site until development is completed or removal is approved in writing by the Local Planning Authority.
- (2) Prior to any above ground works, documentary and photographic details of the type and colours of all other external finishes of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 9 The proposed development shall be undertaken in accordance with the recommendations made in the Ecological Assessment by Hushwing dated 14/4/23 submitted as part of this application.

Reason: In order to conserve protected species or their breeding sites, or resting places in accordance with the NPPF, policy DM1 of the Adopted Local Plan.

- 10 Prior to the occupation of the development a Habitat Management and Monitoring Plan shall be submitted to and approved by the Local Planning Authority. , detailing how habitats will be enhanced, created, secured, managed and monitored for 30 years. The plan shall include the following:-

- Description and evaluation of the features to be managed;
- Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery;
- Aims and objectives of the management plan, and appropriate management options for achieving aims and objectives;
- Ecological trends and constraints Onsite which might influence its management;
- A work schedule including planting and an annual work plan capable of being rolled forward over a 30-year period;
- Details of the body or organization responsible for implementation of the plan; and
- Ongoing monitoring and remedial measures. Include a long-term management plan with details

of monitoring and remedial actions to be taken if enhanced or created habitats fail to attain the desired level of condition within predicted timescales..

The Habitat Management and Monitoring Plan shall be carried out as approved.

Reason: To maintain and improve the biodiversity of the site and to mitigate any impact from the development hereby approved, in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 11 The development hereby approved shall not be occupied until details of a scheme of external lighting have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and no external lighting other than in accordance with the approved details shall be installed on the site.

Reason: To ensure that the use does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 12 Prior to any above groundworks, details and location of the parking spaces equipped with active 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 must include

details as follows:

- Location of active charging infrastructure; and
- Specification of charging equipment to be used.

Reason: To ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the EFSAC, in accordance with Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 13 The proposed development shall be undertaken in accordance with the recommendations made in the Sustainability Statement by Darren Evans dated 20 April 2023 submitted as part of this application.

Reason: To ensure the development contributes to supporting the Council towards a low carbon future in accordance with Policies DM9 & DM20 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 14 The proposed development shall be undertaken in accordance with the recommendations made in the Biodiversity Gain v5 ref HW1075.2.5 by Hushwing dated 14/4/23.

Reason: To maintain and improve the biodiversity of the site and to mitigate any impact from the development hereby approved, in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with Policies D5, DM2, DM9 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability, in accordance with Policy DM19 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 17 Details of the roof top plant or roof located paraphernalia (including communications antennae) and solar panels to be installed on the roof shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground works commencing onsite. The development shall be carried out and operated strictly in accordance with the details so approved. The solar panels shall be provided/installed prior to the first occupation of the

development and shall be maintained as such thereafter.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with policy DM9 and DM20 of the Adopted Local Plan (2023), and the NPPF.

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

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policy T1 of the Epping Forest Local Plan 2011-2033 (2023), and the NPPF 2021.

- 19 The development hereby approved shall not be occupied until a scheme of secure, covered cycle parking and timetable for implementation has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

Reason:- To provide and encourage the use of more sustainable means of travel as an alternative to motor vehicles in accordance with the guidance contained within the National Planning Policy Framework and policies SP3 and T1 of the Local Plan.

- 20 Prior to first occupation of the building hereby permitted the windows in the northern flank elevation at first floor level and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those windows that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 21 Prior to the first use of the balconies within units numbered 34, 38, 56 and 59, details of privacy screens positioned close to the northern boundary of the balconies which are no lower than 1.7 metres high shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented before occupation in accordance with the approved details and so retained.

Reason:- To prevent overlooking and loss of privacy to the occupants of the neighbouring properties, in accordance with the guidance contained within the National Planning Policy Framework and policy DM9 of the adopted Local Plan.

- 22 The parking spaces shall be as dimensioned on the approved plan drawing no. APL1002 rev C and shall be provided prior to the first use of the development and shall be retained free of obstruction for the parking of staff and visitors' vehicles.

Reason:- In the interests of highway safety, in accordance with the guidance contained within the National Planning Policy Framework and policy T1 of the adopted Local Plan.

- 23 Other than shrub or tree planting, the front boundary railings and gates hereby permitted shall not be infilled or enclosed by, or supplemented by any fence, screen or other means of enclosure without prior consent from the local planning authority through submission of a planning application.

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

- 24 All areas of open space outside of domestic curtilages shall be retained in perpetuity for general use by all residents within the development, and shall not be enclosed nor have access restricted without prior consent from the local planning authority through a planning application.

Reason This aspect of the application has been justified as a public facility and any change thereto requires appropriate consideration in accordance with policies DM5, DM9 and DM10 of the Local Plan and the NPPF 2021.

- 25 Access to the flat roof over the flat roof area of the western section of the linear block positioned nearest to 48 and 49 Cullings Court hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio, or similar amenity area.

Reason: To safeguard the privacy of adjacent properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 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.

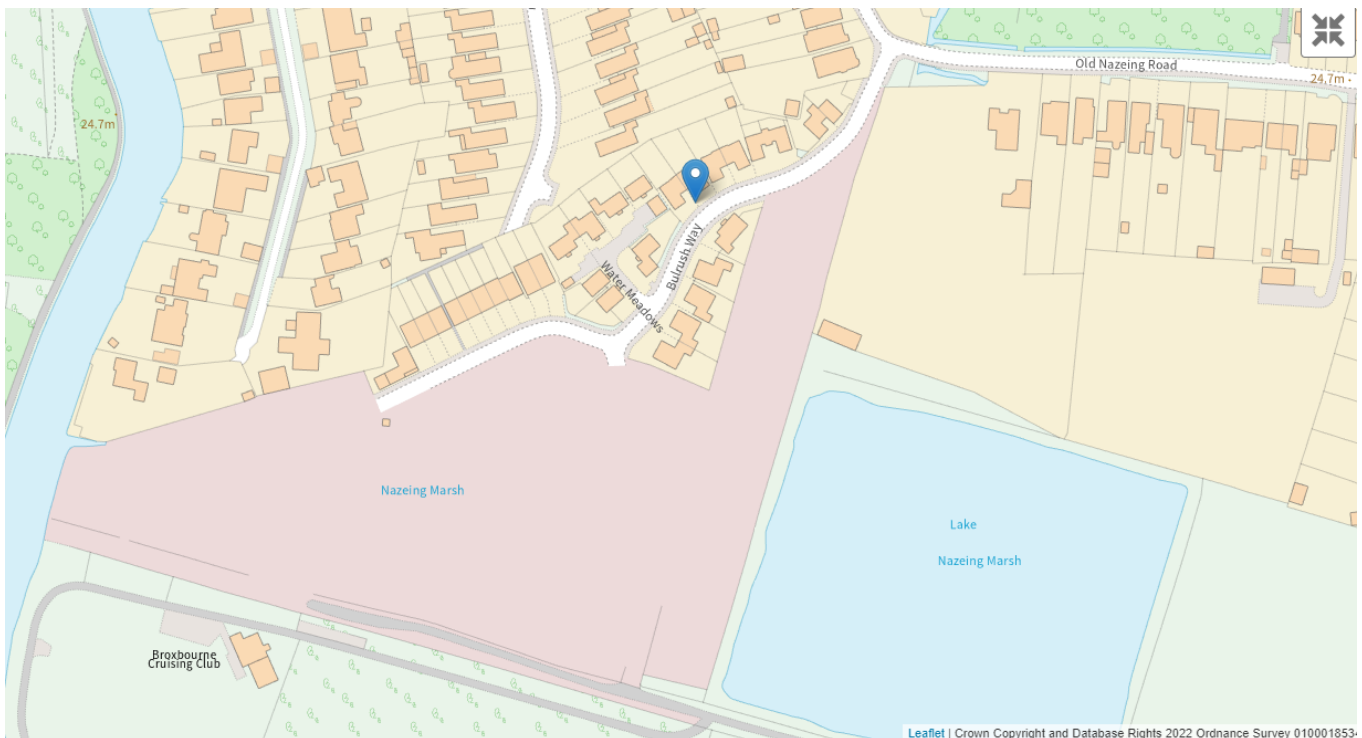
Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (1)

- 27 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

OFFICER REPORT

Application Ref: EPF/2601/22
Application Type: Outline planning permission: Some matters reserved
Applicant: Lifestyle Care and Community Ltd
Case Officer: Muhammad Rahman
Site Address: Land to the South & East of the former Chimes Garden Centre, Nazeing, Waltham Abbey, EN10 6RJ
Proposal: Outline application for the redevelopment of the site to provide up to 52 later living apartments (Extra Care Housing) incorporating a convenience shop and café (use class E); 13 retirement cottages (Extra Care Housing); 10 self build & custom build houses; 4 affordable houses, open space, bowling green, children's play area and improved local bus service; all matters reserved except access.
Ward: Lower Nazeing
Parish: Nazeing
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001Ufuc>
Recommendation: Refuse



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

Site and Surroundings

The site comprises of open green Belt land within the former Chimes Garden Centre. The site is accessed from Old Nazeing Road. It lies wholly within the Metropolitan Green Belt and the Lea Valley

Regional Park (LVRP). It is not within a conservation area, nor are there any heritage assets within the site. The site is wholly within EA Flood Zones 2 & 3. A gas pipe runs adjacent the site.

Proposal

Outline application for the redevelopment of the site to provide up to 52 later living apartments (Extra Care Housing) incorporating a convenience shop and café (use class E); 13 retirement cottages (Extra Care Housing); 10 self-build & custom build houses; 4 affordable houses; open space, bowling green, children's play area and improved local bus service; all matters reserved except access.

To summarise above, a total of 79 units are proposed along with commercial units.

The proposal was amended since its initial submission. The following amendments were made;

1. Removal of the previous proposed roundabout;
2. The 4 starter homes have been amended to 4 affordable houses;
3. The removal of the previous proposed 1 market dwelling which was sited to the rear of 95 Old Nazeing Road; and
4. Red/Blue line on the submitted Local Plan was amended removing the development to the rear of 95 Old Nazeing Road and the Blue line represents the parcel of land for Biodiversity Net Gain.

All parties were reconsulted on the amended description and plans.

A Planning Performance Agreement was entered into with the applicant to work through some of the key issues.

Relevant Planning History

Multiple Planning Histories with the most relevant below;

EPF/0689/84 - Extension of garden centre area with access road and additional car parking - Approved with Conditions

EPF/0229/90 - Section 106, Use of building for light industrial and storage uses (Classes B1 & B8) and car parking associated with Chimes Garden Centre - Approved with Conditions – Use ceased.

EPF/0206/14 - Demolition of existing garden centre/commercial buildings and erection of 43 dwellings with associated parking and landscaping - Refused

EPF/0570/15 - Demolition of existing Garden Centre/Commercial Buildings and erection of 26 dwellings with associated parking and landscaping - Approved with Conditions

EPF/1232/16 - Demolition of existing Garden Centre/Commercial Buildings and erection of 17 (16, 6 bed and 1, 4 bed) dwellings with associated parking and landscaping - Approved with Conditions

EPF/1492/16 - Outline planning application for 7 no. Self-Build Houses in accordance with Self-Build Act 2015 with all matters reserved - Refused

EPF/0566/18 - Outline planning application for 7 self-build homes with all matters reserved - Refused

EPF/1351/18 - Demolition of site buildings and redevelopment to provide 33 new homes
Approved & Implemented

EPF/1769/18 - Variation of planning conditions 4,5,6,7,9,10,12,13,14,15,16,17,18,19,20,21,24, 25 & 26 on planning permission EPF/0570/15 (Demolition of existing garden centre/commercial buildings and

erection of 26 dwellings with associated parking and landscaping).To enable specific demolition works to take place before the conditions are discharged - Approved with Conditions

EPF/3040/19 - Proposed erection of x14 no. dwellings (4 flats and 10 dwellings) - Refused

EPF/3043/19 - Application for Variation of Condition 2 `Plan numbers' of EPF/1351/18 (Demolition of site buildings and redevelopment to provide x33 no. new homes) - Approved with Conditions

EF\2019\ENQ\00807 - Residential development proposed on Brownfield Land - Advice Given

EPF/0549/20 - Application for Variation of Condition 2 `Plan numbers` of EPF/1351/18 (Demolition of site buildings and redevelopment to provide x33 no. new homes - Extensions to plots 15 and 16 - Approved with Conditions

EF\2021\ENQ\00794 - Follow up to EF\2019\ENQ\00807 - Advice Given

EPF/2713/21 - Erection of 14 dwellings (4 flats and 10 dwellings) (resubmission of EPF/3040/19) – Approved

PRE/0149/22 – Pre-application in respect of conditions 4"– Details of Surface Water Proposals", 6,"– Flood Mitigation", 7"Submission of Contamination Risks and Mitigation", 9"Details of Hard and Soft Landscaping" & 16"Details of Enhancements for Nature Conservation" for EPF/2713/21 – Closed

EPF/0440/22 - Application for Approval of Details reserved by condition 16"verification report" for EPF/1351/18 – Refused

EPF/1168/23 - Variation of Condition `Plan numbers' of EPF/2713/21 (Erection of 14 dwellings (4 flats and 10 dwellings) (resubmission of EPF/3040/19)) – Refused

EPF/2602/22 - Outline application for the redevelopment of the site to provide up to 52 later living apartments (Extra Care Housing) (use class C2) incorporating a convenience shop and café (use class E); 13 retirement cottages (Extra Care Housing) (use class C2); 10 self-build & custom build houses (use class C3); 4 starter homes (use class C3) at 70% of Open Market Value; associated mini-roundabout access, open space, bowling green, children's play area and improved local bus service; all matters reserved except access – In Progress

This application differs from EPF/2601/22, in that the 4 proposed starter homes include a larger discount (70%) of open market value

EPF/1955/23 - Application for approval of details reserved by condition 3'External Finishes' on planning permission EPF/2713/21 (Erection of 14 dwellings (4 flats and 10 dwellings) (resubmission of EPF/3040/19) – Details Approved

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023)

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

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

SP1 Spatial Development Strategy 2011-2033
SP2 Place Shaping
SP5 Green Belt and District Open Land
H1 Housing Mix and Accommodation Types
H2 Affordable housing
T1 Sustainable Transport Choices
DM1 Habitat protection and improving biodiversity
DM2 Epping Forest SAC and the Lee Valley SPA
DM3 Landscape Character, Ancient Landscapes and Geodiversity
DM4 Green Belt
DM5 Green and Blue Infrastructure
DM9 High Quality Design
DM10 Housing Design and Quality
DM11 Waste Recycling Facilities on New Development
DM16 Sustainable Drainage Systems
DM19 Sustainable Water Use
DM21 Local Environmental Impacts, Pollution and Land Contamination
DM22 Air Quality
P10 Nazeing
D1 Delivery of Infrastructure
D2 Essential Facilities and Services
D3 Utilities
D4 Community, Leisure, and Cultural Facilities

National Planning Policy Framework 2023 (Framework)

Paragraph 11
Section 5 Delivering a sufficient supply of homes
Section 8 Promoting healthy and safe communities
Section 11 Making effective use of land
Paragraphs 126 & 130
Paragraphs 137 – 150
Paragraph 180

Summary of Representations

Number of neighbours Consulted: 135. 40 Responses Received.

Site notice posted: Yes, including a Press advert

MULTIPLE OBJECTIONS RECEIVED inc. Broxbourne Cruising Club – Summarised as:

- Increased Traffic
- Lack of Infrastructure
- Impact on the Green Belt & LVRP
- Flood Risk
- No very special circumstances
- Ecology Concerns
- Impact on Rural Environment/Trees/Landscape
- Noise and general disturbance.
- Loss of privacy/overlooking; and
- Insufficient Lighting for Elderly Residents.

NAZEING PARISH COUNCIL – The Council has supported this application throughout and continues to do so. We reiterate our previous comments made on 02/01/2023, that the Council fully support the application EPF/2602/22 because the following will be specifically provided:

- i. Assisted living apartments and care facilities,
- ii. A new children's play area which will also be available for use by the residents of the completed phases of the Chimes development,
- iii. Four starter homes,
- iv. Ten self-build homes,
- v. Financial contribution to Epping Forest Community Transport, which will provide an improved bus service to Nazeing and residents of Riverside ward,
- vi. A roundabout at the entrance to the Chimes site and
- vii. Communal facilities.

Resolved – that the Council also support application EPF/2601/22, although the Council's preference is for application EPF/2602/22 as the starter homes are at 70% of Open Market Value. The reasons for supporting the application are the same as for application EPF/2602/22.

The Council have requested that District Cllrs Bassett and Pugsley call in both applications, namely EPF/2602/22 and EPF/2601/22.

Further comments following the re-consultation exercise;

At a meeting of Nazeing Parish Councils Planning Committee on 13th April 2023, the case detailed above was considered.

This Council is aware that negotiations have been taking place with the Case Officer and as a result changes have been made to the scheme which is the subject of these applications.

In my letter dated 10 February 2023 I set out a number of reasons why the Council is supporting the applications. In the main these have not changed notwithstanding amendments which have been made by the applicant to the proposals. For example, it appears that Essex Highways objected to the proposal to include a mini roundabout at the entrance to the Chimes development on the basis that it was not required. Accordingly, the roundabout has been removed from the applications which is one of the reasons for the re-consultation.

The applicant has also indicated an intention to enter into a S.106 Agreement on the basis that the money contributed will be ring-fenced for Nazeing.

Following further discussion, the Council resolved to continue to strongly support both of the above applications as explained in the penultimate paragraph of my letter dated 10 February 2023.

Planning Considerations

The application has been submitted in outline with all matters, except for access, reserved for subsequent determination. As such the scope of the proposal is limited to consideration of the principle of the development and the access. Matters relating to scale, appearance, layout, and landscaping are to be fully assessed via a future reserved matters application(s).

The proposal would utilise the existing access, albeit with an extended vehicular crossover and no objections have been raised by the Highways officer in this regard. Whilst the parking spaces are indicated on the plans, these are merely indicative since layout is a reserved matter and would be considered subsequently if outline planning permission is granted. In terms of the proposed access, it is clear that it can accommodate the scale of the proposed development and would not harm the safety or operation of the highway network. Officers note the concerns raised by local residents, however; no substantive evidence has been provided to reach a different conclusion.

Thus, the remaining main issues relate to;

- a) The principle of the development within the Green Belt; and
- b) The impact on the Epping Forest Special Area of Conservation.

Background

Under the 2016/2017 site selection process part of the site (SR-0438b) (where the proposed self builds are located) was assessed, however, it did not make it to stage 1 due the extant planning permission dated prior to 31st July 2016 (EPF/0570/15).

Too add, under the 2018 site selection process (SR-0438B-N), again part of the site as mentioned above was assessed, however it did not go past stage 1 as it was located outside the settlement buffer zone – one of the Major Policy Constraints.

Members should also be aware that prior to the submission of the application, an application for the site to be included in the Brownfield Register was made. As per the Town and Country Planning (Brownfield Land Registers) Regulations 2017, the Council will only enter previously developed land in its area in Part 1 of the register where it meets the criteria in regulation 4(1). The land must (a) have an area of at least 0.25 hectares, or be capable of supporting at least 5 dwellings; (b) be “suitable for residential development”; (c) be available for residential development; and (d) residential development of the land must be achievable.

As for what land is “suitable for residential development”, this is defined further in regulation 4(2). The first three criteria under reg.4(2) reflect decisions that have already been made – that the site has been allocated in a local plan, has planning permission, or permission in principle. The final criterion requires a judgment by the LPA to be made, in that the land:

“(d) is, in the opinion of the local planning authority, appropriate for residential development, having regard to—

(i) any adverse impact on—

(aa) the natural environment;

(bb) the local built environment, including in particular on heritage assets;

(ii) any adverse impact on the local amenity which such development might cause for intended occupiers of the development or for occupiers of neighbouring properties;

and

(iii) any relevant representations received.”

The site was reviewed by the Council and the Brownfield Land Register (‘BFLR’) assessments sets out why the site was discounted, and so was not added to the Brownfield Register. Too add, the Council sought legal advice on this matter which was shared with the applicant, and the conclusions are below;

40. The current applicant (Lifestyle Care and Community Ltd) continues to place reliance on a legal opinion that criticised the Council’s BFLR conclusions...

41. This Legal Opinion was submitted to the Council as part of the response on behalf of the applicant at that time, River Lea Developments Limited, to the BFLR assessment. They obtained an Opinion from Steven Whale, a planning barrister, dated 8 March 2022. He states that he considered both “the former Poultry Farm site” and the “Chimes Phase III site”. Reference is also made by him to the planning appeal decision. A number of criticisms were made in that Opinion, but - as his last section makes clear – Mr Whale did not reach a conclusion on whether or not the areas he was asked to consider were or were not Brownfield land. At its highest, his conclusions in para 33 are that:

“33. The Council should re-assess the two sites. There are factual reasons for doing so. Moreover, the Council appears on present evidence to have erred in law in that it has not applied section 14A(7)(a) of the Planning and Compulsory Purchase Act 2004. ...”

42. Despite these criticisms, the Council has stood by the assessments that it has made. There was an exchange of pre-action protocol correspondence, in September and October 2022, regarding a possible judicial review challenge to the Brownfield Land Register assessments. The Council also obtained and shared its own legal opinion dated 8 August 2022 with River Lea Developments Limited. The Council did not accept the points made on behalf of River Lea Developments Limited. The legal points at issue were about the Council’s assessment of the sites’ suitability for residential development under regulation 4, and the application of section 14A(7)(a).

43. In any event, no judicial review proceedings were issued. Therefore, as matters stand now, the 2021 Brownfield Land Register assessment remains valid, and has not been legally challenged. It was also part of the evidence base for the Local Plan and considered as part of that process before its adoption this year.

Principle of the Development within the Green Belt

Paragraph 137 of the Framework states: the Government attaches great importance to the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence, or in other words, it is characterised by an absence of development.

Paragraphs 147 & 148 further state; Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The adopted Local Plan echoes the position of the NPPF and both identify that certain forms of development are not considered to be inappropriate in the Green Belt.

It is common ground with the applicant that the proposal represents inappropriate development within the Green Belt, which is by definition, harmful, and given its significant quantum and scale will also result in substantial material harm to its openness , both in visual and spatial terms. In addition, the areas of parking along with the residential paraphernalia and domestic/commercial activity that would result from the dwellings and commercial units would cause a further significant erosion of the openness of the Green Belt.

The site has an overall area of some 2.7027 hectares and of this approx. 0.44 ha is previously developed land which includes Bullrush way and a small section contained at the northern end of the old poultry farm site. However, this small section of previously developed land (PDL) is immaterial in this application due to the significant harm to the openness of the Green Belt that this development proposal would cause.

The proposal conflicts with the fundamental purpose of the Green Belt of keeping land permanently open and will result in substantial urban sprawl. In accordance with the requirements of the Framework, each of the identified harms to the Green Belt noted above, which are considerable, must be afforded substantial weight against the proposal. Very special circumstances (“VSCs”) are required to clearly outweigh these and any other harm, and this matter will be discussed further in the Planning Balance.

Epping Forest Special Area of Conservation (SAC)

A large part of the Epping Forest is designated as a Special Area of Conservation (EFSAC) primarily for its value in respect of beech trees and wet and dry heaths and for its population of stag beetle. As an internationally important site it is afforded the highest level of protection due to it containing habitats and species that are vulnerable or rare.

The Council, as a 'competent authority' under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations), and in accordance with Policy DM2 of the Epping Forest District Local Plan 2011 – 2033, has a duty to ensure that plans and projects for whose consent it is responsible will not have an adverse effect on the integrity of such designated sites either alone or in combination with other plans and projects.

The Council, through the Local Plan Habitats Regulations Assessment 2022, (the HRA 2022) has identified two main issues (known as 'Pathways of Impact') that are currently adversely affecting the health of the Epping Forest.

The first relates to recreational pressure. Surveys have demonstrated that the 75th percentile of visitors live within 6.2km (Zone of Influence) of the Epping Forest. As such new residential development within this 6.2km 'Zone of Influence' is likely to result in more people visiting the Epping Forest on a regular basis which will add to that recreational pressure.

The second issue is atmospheric pollution which is caused primarily by vehicles travelling on roads within 200m of the EFSAC which emit pollutants harmful to the EFSAC's interest features (Nitrogen Dioxide and Ammonia). Development proposals (regardless of their type, size, and location within the District) which would result in even an increase in just one additional vehicle using roads within 200m of the EFSAC has the potential to contribute to increases in atmospheric pollution within the EFSAC when taken in combination with other plans and projects.

Stage 1: Screening Assessment

This application has been screened in relation to the recreational pressures and atmospheric pollution 'Pathways of Impact' and concludes as follows:

1. The site lies outside of the 6.2 km Zone of Influence as identified in the Epping Forest Strategic Access Management and Monitoring (SAMM) Strategy. Consequently, the development would not result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
2. Based on the information provided by the applicant the development would result in a net increase in Annual Average Daily Traffic (AADT) using roads within 200m of the EFSAC. Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to atmospheric pollution Pathway of Impact.

Having undertaken this first stage screening assessment and reached this conclusion there is therefore a requirement for the Council to undertake an 'Appropriate Assessment' of the application proposal in relation to the atmospheric pollution Pathway of Impact.

Stage 2: 'Appropriate Assessment'

Atmospheric Pollution

The information provided by the applicant has indicated that the proposal would result in a net increase in Average Annual Daily Traffic (AADT) using roads within 200m of the EFSAC of some 14 vehicles. The application site has not been allocated in the adopted Local Plan for the provision of residential development and as such the proposals has not been assessed through the modelling undertaken to inform the HRA 2022 and the Council's Adopted Air Pollution Mitigation Strategy.

The Council, through the adoption of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities.

It is important to note that the evidence base that has been developed to inform the IAPMS has taken into account Annual Average Daily Traffic (AADT) that would arise from development planned through the adopted Local Plan. The use of AADT is the appropriate method for understanding the effects of atmospheric pollution on ecological health. The IAPMS therefore provides the mechanism by which the competent authority can arrive at a conclusion of no adverse effect on the EFSAC as a result of planned development.

The application has indicated that they would be prepared to make a financial contribution towards the implementation of monitoring and mitigation measures identified in the IAPMS. However, in this particular case, as the proposal has not been allocated in the adopted Local Plan and, having regard to the scale of development proposed, the applicant cannot rely solely on the measures contained in the IAPMS for its mitigation. A scheme of this scale would need to be supported by bespoke air quality modelling to determine the level of impact on the EFSAC over and above those identified in the HRA 2022 and be supported by a bespoke mitigation strategy. As the application is not supported by either the Council cannot be satisfied that the proposal would not have an adverse effect on the integrity of the EFSAC.

As such the Council, as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations), and in accordance with Policy DM2 of the Epping Forest District Local Plan 2011 – 2033 (whereby it has a duty to ensure that plans and projects for whose consent it is responsible) has not been satisfied that the proposal would not have an adverse effect on the integrity of the EFSAC either alone or in-combination with other plans and projects within the adopted Local Plan.

Therefore, the proposal fails to demonstrate with reasonable scientific certainty that there would be no adverse effect on the special interest features of the EFASC. As such the proposal has the potential to result in an adverse effect on the EFSAC and as such is contrary to Policy DM2 of the adopted Local Plan, the requirements of the Framework and the legislative requirements of the Habitat Regulations.

Other Considerations

C2/C3 Use Class

PPG 10 states;

Extra care housing or housing-with-care: This usually consists of purpose-built or adapted flats or bungalows with a medium to high level of care available if required, through an onsite care agency registered through the Care Quality Commission (CQC). Residents are able to live independently with 24-hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages - the intention is for residents to benefit from varying levels of care as time progresses. Paragraph: 010 Reference ID: 63-010-20190626

It is for a local planning authority to consider into which use class a particular development may fall. When determining whether a development for specialist housing for older people falls within C2 (Residential Institutions) or C3 (Dwellinghouse) of the Use Classes Order, consideration could, for example, be given to the level of care and scale of communal facilities provided. Paragraph: 014 Reference ID: 63-014-20190626

Having reviewed the proposed care package and taking into account the self-contained element of the proposed units, Officers are of the opinion that the units should be treated as C3 use. In any case this has no material impact to the merits of the case.

Landscape/Visual Impact

Officers are satisfied that the resulting development has scope to sit comfortably and successfully assimilate with its existing residential and countryside context. However, as above-mentioned layout, landscaping etc, i.e., the important finer details of the scheme can be adequately controlled by planning conditions and at the reserved matters stage to ensure this.

Community Infrastructure

The proposal will generate additional demands on healthcare and other community facilities including leisure. Interested parties have raised concerns about the capacity of these local services to support such increased demands. However, Officers are satisfied that the appropriate mitigation measures as detailed in the Planning Obligation section below, if secured via a completed s106 legal agreement would overcome these concerns.

Consequently, in the absence of harm there is no conflict with the LP or the Framework in these regards. However, as these obligations are mitigation, they do not constitute material benefits.

Self-Build

The Council has been unable to meet the demand for self-build and custom housebuilding in their area as required under the Self Build Act 2015 (as amended), and so the proposed up to 10 self-build plots is afforded moderate weight.

Affordable Housing

Policy H2 states; development sites which provide for 11 or more homes or residential floorspace of more than 1000m² (combined gross internal area), the Council will require 40% of those homes to be for affordable housing and provided on site. Further, the Framework and the Local Plan recognise that, for some developments and in exceptional circumstance, it may be more appropriate for financial contribution to be provided in lieu of affordable housing on site, thus helping the District Council fund the provision of affordable housing on another site suitable for the provision of those home. This is subject to the following conditions, provided that the Council is satisfied:

- The financial contribution is at least equivalent to the increased development value if affordable housing was not provided on site, subject to such a contribution being viable; and
- A financial and viability appraisal has been provided (with supporting evidence) which is transparent and complies with relevant national and local guidance applicable at the time, properly assessing the level of financial contribution to be provided.

Although it is possible to incorporate affordable housing within this proposed development, the Council has accepted in the past, for practical reasons, that private extra-care, or assisted living accommodation is not particularly suited for the provision of on-site affordable housing. In such circumstances, the Council has agreed an appropriate level of financial contribution for other such developments. In the circumstances of this application therefore, it is concluded that a similar approach would be appropriate. However, in this instance the applicant has not offered an appropriate contribution to affordable housing provision.

In accordance with the policy noted above, a financial and viability appraisal was submitted by the applicant which has been assessed by the Council's affordable housing consultants (BPS Surveyors).

Having reviewed the submitted information, BPS have concluded that the proposed scheme is in a substantial surplus at some £3.4 million and, therefore, can viably contribute towards additional affordable housing.

The applicant has currently proposed 4 affordable houses + £250,000 payment. To achieve 40% policy compliance a further £2.2 million is required, so £250,000 + £2.2 million = £2.47 million. Further information was submitted by the applicant inc a further payment of £250,000 (Total of £500,000) which was reviewed by BPS; however, it did not lead to a different conclusion nor any of the concerns raised in the reports addressed by the applicant. In total therefore the application has a significant shortfall of £1.97 million (£2.47m minus £500,000) which should be provided towards affordable housing provision.

The applicant disagrees with the above assessment but has not provided sufficient justification as to why the above figure is not viable. Thus, BPS and Officers are of the view that no reasonable agreement would be reached. As such for the reasons above, the proposal fails to provide an appropriate level of affordable housing contributions despite such provision being financially viable, and so this lack of provision should be afforded substantial weight against the proposal.

Air Quality in respect to Human Health

The submitted air quality assessment concludes that the impacts on Human health from the construction and operational phases will be low subject to the mitigation measures. The Councils Air Quality Officer has raised no objections to the above assessment subject to recommended conditions.

Health and Well-Being

The proposal would reduce the risk of social isolation and may reduce the potential call on the NHS as well as improve health and well-being of older residents. This benefit attracts neutral weight. The Councils Public Health Improvement Officer has reviewed the submitted Health Impact Assessment (HIA) and raised no objections.

Economic Development and Employment

The proposal would be likely to generate jobs approx. 135 Direct and 200 indirect jobs as stated in the submitted HIA, with further supply chain benefits from services providing support to older residents. There would be economic benefits from the construction of the proposal and long-term benefits from spending in the local economy for goods and services. These benefits are afforded some weight.

Location

Public transport services run within walking distance of the site and a large urban catchment close by would help to reduce the travel distance of potential staff. The convenience and sustainability of the location for the development including the improvement to the C392 Bus Service would attract some weight.

Flood Risk

The site is within Flood Zone 2 & 3 and the applicant has carried out a sequential test which sets out why the site is suitable for the proposed development and that no other alternative suitable sites are available within the District. 4 different methodologies were carried out and of this Officers do not agree with methodologies 1-3 but give some weight to methodology No. 4.

The following Paragraphs of the Frameworks states;

162. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

163. If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.

164. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

165. Both elements of the exception test should be satisfied for development to be allocated or permitted.

167. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

As per Para 164 (a) as mentioned throughout the report there are some benefits to the wider community in regard to health and wellbeing, economic development, and employment along with the upgrades to the bus network and other various improvements inc to the Local Parish as outlined in the Planning Obligation section below.

Turning to Para 164 (b) & Para 167, Officers note that the Environment Agency, ECC Suds Team & the Councils Drainage Team are satisfied with the submitted Site-Specific Flood Risk Assessment subject to recommended conditions.

On this basis, it is not considered reasonable to recommend refusal on Sequential Test grounds, particular one that could be defended on appeal.

Lee Valley Regional Park (LVRP)

Officers note the concerns raised by the LVRP Authority with regards to ecology and the impact on the LVRP. Additional surveys were submitted during the course of the application and reviewed by both the LVRPA & ECC Ecology Team. No material objections were raised, however, there is still some scope

for improvement. As layout, landscape is a reserved matter, some of the finer details, such as the suggested 10m buffer from the eastern, southern, and western boundaries of the site to ensure sufficient space was provided within which to create a substantial landscape buffer in order to shield the development from the Regional Park, can be reviewed at that stage along with suitably worded planning conditions.

To summarise this matter, the LVRPA have suggested appropriate mitigations in their comments along with a financial contribution which are set out in the Planning Obligation sections below.

The applicant has queried this financial contribution and the LVRPA has provided the following response below;

It is important that the development, positioned as it is within the Regional Park, provides sufficient amenity space to cater for the immediate informal recreational, play and open space requirements of all the new residents, so as to reduce the pressure on adjoining Park areas. The proposed public open space will no doubt be a popular and a well-used area given the number of new units proposed and the fact that there is very little open space provided as part of the recent residential developments immediately to the north of the application site. A substantial number of the new residents from the proposed 80 units, are likely therefore to make use of adjoining Park areas, in particular Rusheymead just to the north of the application site, which is public open space and includes some informal paths and wayfinding. It is unclear how the access proposed in the southeast corner of the site is to be managed as public access along the section of Snakey Lane between the two lakes heading east through to Green Lane is not currently permitted, and it is unlikely that the fishery would wish to see this area and access to the lake opened up. Contributions via S106 funding have therefore been sought to enable the Authority to enhance visitor infrastructure and woodland habitat at Rusheymead to accommodate the increased and regular use/footfall arising from the proposed development; indicative figures suggested a sum of 89k for these enhancements, as per the Authority's original submission.

Officers consider that the mitigation measures suggested by the LVRP are justified and thus consider that the impact on the LVRP can be overcome via a suitably worded conditions, along with a completed s106 Legal Agreement.

Trees, Landscape and Ecology

The submissions recognise a number of assets exist within the site in landscape and ecological terms. This includes a range of existing trees and extended natural environments which may include nesting sites for bats and birds etc, and the likelihood that other ground foraging fauna exist.

Opportunities for biodiversity enhancement evidently exist and will form a key component of the of the wider site, likely to include new habitats.

The broad principles established in the Preliminary Ecological Assessment and Supporting surveys, the Landscape Strategy and the Biodiversity Net Gain assessment are accepted by Officers and ECC Ecology Team, Natural England and the Environment Agency and the Councils Tree Team, and further details can be progressed at the reserved matters stage, along with suitably worded planning conditions and a completed s106 legal agreement.

Planning Obligations

It is recognised that larger scale developments have potentially greater impacts on the wider environs beyond the site-specific matters considered above. The Infrastructure Delivery Plan establishes the broad mechanism by which such matters can be resolved through appropriate contributions to improve local services and facilities to meet the increased needs placed on them by increased demand arising from development. Additional information from key service providers will inform the local requirements.

In the event that planning permission is granted a s106 legal agreement would be required to secure the following financial contributions below.

For clarity, Officers are satisfied that the obligations below are necessary to make the development acceptable in planning terms, that they are directly related to and are fairly and reasonably related in scale and kind to the development, and so meets the tests set out in paragraph 57 of the Framework and the CIL Regulations 2010.

- 4 Affordable houses + Payment of £2.47 million
- GP Surgery - £657.30 per dwelling (79 x 657.30 = £51,926.7)
- Libraries - £6,224
- Community Facilities - £1322 per dwelling (x79) = £104,438
- Sport and Leisure Facilities - £1142.35 per dwelling = £90,245.65
- Open Space and Green Infrastructure - £7262.03 per dwelling (x79) = £573,700.37
- East of England Ambulance Service - £17,557
- Epping Forest Community Transport C392 bus service - £158,000
- Nazeing Parish Community Centre - £150,000
- LVRPA Rushmead habitat and visitor infrastructure enhancements
 - Woodland habitat enhancement - £50K
 - Access improvements approx. 500m type 1 path upgrade - £30k
 - Visitor infrastructure improvements 4 benches - £3k
 - Boundary fencing upgrade approx. 200m - £5k
 - Bird & Bat boxes - £1k
 - Total - £89,000
- The Provision of BNG Land & Offset contribution & Monitoring Strategy & Habitat Creation Plan to deliver Biodiversity Net Gain - £100,000
- 10 Self Build plots.
- The Provision of public open space, bowling green and children's play area including a Management Plan and Details and arrangements of the Management company will be required.
- The provisions of an Employment and Skills Plan' (ESP) seeking to drive forward an increase in construction employability levels and workforce numbers.
- EFSAC Mitigation financial contributions in relation to air pollution - £335 per dwelling (x79) = £26,465

Total Costs = £3,837,556.72

- Epping Forest DC S106 Monitoring Fee - Five percent (5%) of the cost value of the financial planning obligations included in the agreement (up to a maximum of £50,000) and/or a flat rate of £500 per each non-financial obligation.

Total EFDC Monitoring Fee = £50,000

- Essex County Council Monitoring Fees - £550 per obligation

Total ECC Monitoring Fee = £1100

Planning Balance & Conclusion

As mentioned earlier in the report, since the proposal constitutes inappropriate development in the Green Belt that causes additional harm to its openness and conflicts with its fundamental purposes, the applicant must advance VSCs to clearly outweigh this harm.

The main thrust of the VSCs advanced by the applicant is the need, principally for the extra care housing and lack of an up to date 5-year housing supply, which are assessed below.

Need for extra care housing in the Epping Forest District

The Councils Planning Policy Team have provided the following comments below;

The outline planning application proposes the erection of 52 later living apartments and 13 retirement cottages both promoted as being categorised within use class C2. The development is described as providing 'enhanced extra care'. It is stated that both 'schemes would meet a clear unmet need for (the) Specialist Accommodation proposed'.

Epping Forest District Council commissioned research in 2021 from the Housing LIN, a consultancy specialising in research on older peoples housing, into the need for specialist accommodation for older people in Epping Forest District over the Local Plan period, 2011-2033. The Housing LIN reported back their findings in the 'Assessment of need for housing and accommodation for older people in Epping Forest District to 2033' at the end of 2021. This research was further updated in 2023 to take account of the ONS 2021 census population estimates, with the Housing LIN reporting back their updated findings in July 2023.

The Housing LIN report breaks down the net need for housing for older people by different categories – Housing for Older People (Sheltered social housing & private sector retirement housing), Housing with Care (extra care housing and assisted living), residential care homes and nursing care homes. Table 15 of the report (p23) summarises this net need. It states that over the remaining Plan period to 2033, 60 more housing with care units will be needed for sale/shared ownership and 60 for rent. This equates to 6 new housing with care units per year on an annualised basis for both rental and for sale/shared ownership, or 3 just for sale/shared ownership. On a non-annualised basis, the Housing LIN table states that 15 new housing with care units are needed in 2023, 35 by 2027, and 60 by 2033.

There is therefore a need for more extra care units over the Plan period. However, this need is far from critical, and the Council believes that this need could be accommodated on already allocated sites as:

- The Council has flexibility in how some residential allocations it has can be used as there is a need for a minimum of 11,400 homes over the Local Plan period, but the allocations will deliver 12,199 as outlined in Table 2.3 on page 28 of the Local Plan.
- Policy H1 D specifically states that large scale new residential developments, which would include a number of allocated sites within the Local Plan, 'should incorporate specially designed housing/specialist accommodation for people with support needs (including for older people and housing with care).'
- The Council has a specific allocated site for 105 new specialist dwellings – CHIG R4 Policy P7 P159 Local Plan Part 1 and P92 & 93 Local Plan Part 2.

Therefore, it is the Council's view that very limited weight should be attached to the need for extra care units in the District in relation to the case made by the applicant for very special circumstances.

The applicant has submitted a report by DLP which challenges the findings of the Housing LIN report and suggests there is a much greater need for new extra care units in the District over the Plan period. Housing LIN has issued a rebuttal to this challenge and stands by the findings of their 2023 updated report.

5 Year Housing Supply

The Councils Planning Policy Team have provided the following comments below;

The Epping Forest District Local Plan 2011–2033 was adopted on the 06 March 2023. As agreed by the Local Plan Inspector, when considered against the stepped trajectory, the latest 5-year housing land supply, including a 20% buffer, stands at 5.4 years. Therefore, the plan makes sufficient provision for housing over the plan period and takes a practical and sound approach towards housing delivery and the housing trajectory. There is adequate evidence to indicate that a 5-year supply of housing will be

maintained. The plan delivers an appropriate provision for affordable housing, older people, specialist housing, Gypsy and Traveller accommodation and accessible homes to meet the identified needs of different groups.

Furthermore paragraph 75 of the 2021 NPPF states that:

‘A five-year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and
- b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process’.

The Epping Forest District Local Plan qualifies as a ‘recently adopted Plan’ under Footnote 40 of the 2021 NPPF which states that ‘a plan adopted between 1 November and 30 April will be considered recently adopted until 31st October in the same year’.

As such, despite the assertion of the applicant (supported by their submission documents) to the contrary, the Council can demonstrate a five-year supply of land for housing and therefore very limited weight is attributed to this matter in terms of ‘very special circumstances’, and therefore the ‘tilted balance’ as set out in paragraph 11 of the NPPF is not engaged.

The Council consider that the cumulative reasons advanced by the applicant do not amount to very special circumstances to clearly outweigh;

1. The harm by reason of inappropriate development in the Green Belt, the additional harm derived from loss of openness, and conflicting with fundamental purposes of including land within it;
2. The harm by reason of lack of sufficient affordable housing provision; and
4. The harm to the EFSAC; and
5. The harm to the Infrastructure due to the absence of a completed s106 Legal agreement.

Consequently, the ‘very special circumstances’ necessary to justify the development do not exist. The proposal would therefore be contrary to the Framework, to the policies of the adopted Local Plan, and the Habitats Regulations.

Thus, the application of policies in the Framework that protect the Green Belt and Habitats Sites provide a clear reason for refusing the development proposed (as per footnote 7). Paragraph 11 of the Framework – the presumption in favour of sustainable development is not therefore engaged.

Officers have considered the representations and these have been addressed above. although some issues will be assessed in detail at reserved matters stage, when layout, landscape, scale etc is considered.

Officers have also considered the numerous appeal decisions submitted by the applicant in support of the application, however, each case needs to be assessed on its own individual merits and for the reasons set out above, they afforded limited weight.

For the reasons set out above having regard to all the matters raised, it is recommend that that planning permission is refused.

If you wish to discuss the contents of this report item, please contact the case officer by 2pm on the day of the meeting at the latest. If no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Case Officer | Muhammad Rahman | mrahman@eppingforestdc.gov.uk

Refusal Reason(s): (4)

- 1 The proposal constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. In addition, the proposal would cause significant additional harm to its openness and would conflict with its fundamental purpose of keeping land permanently open. The nature of the proposal would cause a significant increase in the residential paraphernalia in and around the site which would cause additional significant harm to the character of the Green Belt. The very special circumstances advanced by the applicant do not clearly outweigh these identified harms to the Green Belt and the other harms identified. The proposal is therefore contrary to Policies SP5 & DM4 of the Epping Forest District Local Plan 2011 - 2033 (2023), and Paragraphs 137, 147 - 150 of the NPPF 2023.
- 2 The application has failed to provide the required provision of / contribution towards affordable housing despite such provision being financially viable, contrary to Policy H2 of the Epping Forest District Local Plan 2011 – 2033 (2023) and the NPPF 2023.
- 3 The proposal fails to demonstrate that there would be no adverse effect on the special interest features of the EFASC and certainly not beyond a reasonable scientific doubt. Taking a precautionary approach therefore, the proposal has the potential to cause an adverse effect on the EFSAC and is contrary to Policy DM2 of the adopted Local Plan 2023, with the requirements of the NPPF 2023, and with the legislative requirements of the Habitat Regulations 2017.
- 4 In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the local infrastructure and service, including provision of affordable housing, health capacity, sports & leisure, open space, BNG, the Epping Forest Special Area for Conservation in terms of air pollution, and local community facilities as set out in the adopted Infrastructure Delivery Plan. Failure to secure such mitigation is contrary to policies H2, DM2, DM22, D1, D2, D3 and D4 of the Epping Forest Local Plan 2011-2033 (2023), the NPPF 2023, and the requirements of the Habitats Regulations 2017.

Informatives: (2)

- 5 The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority has a formal post-application advice service. Please see the Councils website for guidance and fees for this service - <https://www.eppingforestdc.gov.uk/planning-and-building/apply-for-pre-application-advice/>. If appropriate, the Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development through this service.
- 6 This decision is made with reference to the following plan numbers: 17152-E-001 Rev G, 17152-P-001 Rev G, 10891L.LSP.003 Rev H, Tree Constraints Plan (Preliminary) - Sheets 1 - 3, Artist Impressions 1 - 6, and Supporting Information.