

**Report to District Development
Management Committee
Date of meeting: 8 June 2016**



**Epping Forest
District Council**

Subject: Planning Application EPF/2899/15 - Major refurbishment of Chigwell Primary Academy (reserved matters) and enabling residential development (outline) comprising 36 no. detached residential properties together with associated off-street parking, dedicated parking court for existing residents, garden space, new vehicular accesses from High Road (A113) and Vicarage Lane, external landscaping and associated development.

**Officer contact for further information: Nigel Richardson 01992 564110
Committee Secretary: Gary Woodhall Ext 4470**

Recommendation:

That subject to a referral to the National Planning Casework Unit, consent is Granted, subject to the below conditions and by 31 August 2016 the completed legal agreement (Section 106 of the Town and Country Planning Act 1990) that ensures:

- A. A satisfactory financial contribution in respect of:-**
- (a) Off-site Affordable Housing and/or Local Infrastructure and**
 - (b) Community Public Transport**
- B. Planning Conditions as follows:**
- 1. The school development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.**
 - 2. Details of reserved matters in respect of the residential development as set out below shall be submitted to and approved by the Local Planning Authority within three years from the date of this permission:**
 - i. appearance**
 - ii. landscaping**
 - iii. layout**

The development shall be commenced within two years of the date of the final approval of the said reserved matters.

- 3. The school development hereby permitted will be completed strictly in accordance with the approved drawings nos: r2i-050-001 - 012 inclusive.**
- 4. No construction works above ground level shall take place until samples and documentary and photographic details of the types and colours of the external finishes to the residential development have been submitted to and approved by**

the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.

5. No development shall take place on the residential scheme until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
6. No development, including works of demolition or site clearance, shall take place on the residential development site until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
7. No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) for the residential development site have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
8. A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
9. Details of all walls, fences, gates and other means of enclosure to the residential development, including details of measures to separate the car park serving the surrounding area from being accessed from within the development shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development above ground level, and the development shall be implemented in accordance with such approved details.

10. Prior to the commencement of development, surveys recommended in the Phase 1 Habitat Survey accompanying the application shall be undertaken to determine:
 - i. bat activity, including bat roosts in existing buildings and inspection / emergence survey of trees to be removed
 - ii. breeding bird activity
 - iii. invertebrate survey,
 - iv. great crested newt survey of pond 2
 - v. reptile presence / absence survey
 - vi. hedgerow surveys

Surveys shall be undertaken in accordance with guidelines issued by Natural England or other relevant body and the results submitted and approved by the Local Planning Authority.

11. Notwithstanding conditions 7 - 9 above, in accordance with the Phase 1 Habitat Survey submitted with the application, details of habitat enhancement / restoration measures including (but not limited to) stag beetle piles, insect hotels, aquatic habitats, retaining and planting native species and provision of wildlife movement corridors through gardens shall be submitted to and approved by the Local Planning Authority prior to the commencement of the residential development above ground level. The works shall be fully implemented in strict accordance with the agreed details and an agreed timetable submitted as part of the details.
12. No development on the residential site shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the planning authority.
13. No construction works above ground level shall take place until details of external lighting throughout the development have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
14. No residential development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance. [Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 15. Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation. [Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]**
- 16. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.**
- 17. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.**
- 18. 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. 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.**
- 19. No works shall take place on the residential development site until a detailed surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved by the Local Planning Authority. The scheme shall include (but not be limited to):**

 - i. surface water run-off restricted to the 1 in 1 greenfield rate calculated from the area served by the drainage network.**
 - ii. Attenuation storage for the 1 in 100 inclusive of climate change storm event**
 - iii. Treatment in line with CIRIA SuDS Manual C753**

- iv. Details in regard to drainage proposed at the school
 - v. A drainage plan detailing final exceedance and conveyance routes, location and sizing of storage features, discharge rates and outfalls from the site.
 - vi. phasing details of the said works
- The agreed works shall be fully implemented in accordance with the agreed details.

- 20. No works shall take place until a scheme to minimise off site flooding caused by surface water run-off and groundwater during construction has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in full accordance with the agreed details.
- 21. No works above ground shall take place until a Maintenance Plan detailing the maintenance arrangements of the surface water system have been submitted to and approved by the Local Planning Authority. The applicant and any successor in title shall thereafter maintain yearly logs of maintenance made available to the Local Planning Authority on request.
- 22. The vehicle access to the residential development hereby approved shall be constructed so as to be used as the construction access for the said residential development. Other than during initial site investigation and set up, the existing Vicarage Lane entrance shall not be used for construction traffic or access for staff and shall be closed off for the duration of development by a suitable hoarding or fence to prevent access, and retained in that form for the duration of the work.
- 23. No development shall take place until the alignment of public rights of way crossing the site, and any variations thereto have been submitted to and approved by the Local Planning Authority. In the event any diversion is approved, no dwelling shall be occupied until an Order securing the diversion of the existing right of way has been confirmed and construction thereof has been completed in accordance with details that have been previously approved by the Local Planning Authority.
- 24. 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.
 - 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 25. All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises,

shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

26. All material excavated from below ground level shall be removed from the site unless otherwise agreed by the Local Planning Authority.
27. Prior to first occupation of the residential development, visibility splays for each access and footway improvement works shall be fully implemented in accordance with the agreed details and thereafter maintained in perpetuity.
28. Prior to the first occupation of the residential development, the developer shall submit details for the provision and implementation a Residential Travel Information Pack, for approval by the Highway Authority. The plan shall be fully implemented for all occupiers of the development.
29. Any gate, or barrier installed to the Vicarage Lane car park within the residential scheme shall be so installed a minimum of 6 metres from the back edge of the carriageway.
30. Existing public rights of way across the site, on public footpaths 80, 82 and 83 shall be retained at all times during development. In the event a route requires temporary closure, details of an alternative route shall be submitted to and approved by the Local Planning Authority and the alternative route made available before closure takes place.
31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, E and F of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

REPORT DETAIL:

PLEASE NOTE THAT THIS IS A REVISED REPORT FROM THAT FIRST PUBLISHED, WHICH UPDATES THE "AFFORDABLE HOUSING" SECTION BELOW FOLLOWING AN UPDATE FROM THE DIRECTOR OF COMMUNITIES ON THE AFFORDABLE HOUSING FINANCIAL CONTRIBUTION REQUIREMENT.

This application is before this Committee since it is "large scale major" application as defined within guidance issued by the DCLG (Pursuant to The Constitution, Part Two, Article 10 (b))

Description of Site:

The application site comprises an area of around 4.76 ha and includes the Chigwell County Primary School (around 1.3ha net) and the former BI Sports Ground fronting High Road and

extending on its south side along Vicarage Lane to a point opposite Lingmere Close and to the north along the full length of the access road serving the school.

The school comprises a mix of single storey buildings dating from the 1930's until the 1960's, a number of temporary classrooms have also been provided on the site in subsequent years. There are three principal school buildings identified as the main block, the old dining hall and the old kitchen block although the kitchen and dining facilities now lie in the main block and the other two buildings are used as teaching areas. Any evidence of buildings on the former sports ground have long since been removed above ground level and the land is given over to largely scrubland other than a vehicle access on Vicarage Lane and the mature tree screens that lie around and within the land.

Access to the school is from High Road to the north along a road that links to the roundabout opposite Grange Farm. The access road also serves the former Beis Shammei School site which extends along the east side of the access road and is currently vacant, although a local agreement means its car park is opened for use by parents dropping off and collecting students from the primary school. Parking also takes place along the access road and there is a small car park just within the school boundary used by staff and day time visitors. Pedestrian access to the school is also available from the west via footpaths linking to Vicarage Lane.

Opposite the site on High Road lie three listed buildings – Hainault House (part of Chigwell School), Proctors and Dickens Cottages and Christies 81 High Road, both residential. To the west

All of the land within the site boundaries lies within the Green Belt. The boundary of the Chigwell Conservation Area runs along the east side of Vicarage Lane and the south side of High Road such that the application site abuts but lies outside the Conservation Area. Much of the boundary screening on all sides is covered by group tree preservation orders and a number of trees are subject to individual orders. There are also two public rights of way crossing the site.

Description of Proposal:

The application seeks a mixed consent comprising a full planning permission for the works to the school and an outline permission for the residential redevelopment of the remainder of the site.

The works to the school include limited additional space with extensive remodelling. Extensions to the main block include a small front extension of around 30 sq. metres, a rear extension to the junior toilet facilities of around 10 sq. metres and the enclosure of two open courtyards within the centre of the building. A new canopy is included in the south eastern corner of the building to the foundation classrooms play area. The whole building is refitted including removal of some internal partitions to improve internal circulation and new kitchens.

The old dining hall building, which has significant access difficulties due to raised internal floor levels and has been poorly sub-divided in the past, will be refurbished to provide three principle learning areas. An existing lean-to extension along the flank of the building is replaced by a new flat roof structure which includes a ramped access and new student toilet facilities. A second ramp is also proposed to the main entrance enclosed within a small addition that includes a covered canopy entrance.

Works to the old kitchen block are primarily reordering of the internal layout, replacement windows and an external ramp to the only entrance to the building.

External works in front of the school building include removal of underused grassed areas to increase on site parking from 12 to 16 spaces and provision of a permanent bin store. Other external works include installation of CCTV and external lighting, cycle parking and improved segregation between pedestrian and vehicle routes..

The residential proposals are submitted in outline. The application seeks to secure approval of the amount of development and the access thereto, with all other matters reserved. A parameters plan has been submitted and officers have secured revisions to that plan, resulting in reduction in the number of units proposed from the original 36 to 32 but it should be considered as illustrative in regards to layout, scale, appearance and landscaping.

The plan shows 32 detached dwellings with garaging and off-street parking, all are indicated through the application as being 5/6 bedroom dwellings. Access into the development will be from a single vehicle access point onto High Road located around 70 metres from the Grange Farm roundabout and around 120 metres from the Vicarage Lane junction. A greensward is created generally behind the retained road side tree screen that effectively extends along the whole of the northern and western site boundary and links into existing woodland at the southern end of the site. The key feature within this space is a swale taking the form of a water feature. Within the space, accessed from Vicarage Lane is a 10 space car park identified as providing parking for users of High Road properties..

Relevant History:

A number of historic applications may assist in understanding the evolution of the site, particularly in relation to the former sports ground.

Evidence from historic applications suggests that the sports ground was possibly in use into the 1990's. Plans indicate that a pavilion building was located in the north-east corner of the site and that the existing access onto Vicarage Lane provided the sole vehicle access to a small car park. A replacement pavilion received planning permission in 1979/80 (EPF/1716/79).

Proposals to redevelop the site began to emerge in the early 1990's. A series of applications were submitted for dwellings to replace the pavilion and the caretakers bungalow. Other applications included

- EPF/0696/90 – extension to bungalow, use of land for parking and turning for Primary School
- EPF/0646/91 – construction of private hospital
- EPF/0475/95 – nursing home / residential home for the elderly
- EPF/1114/95 – nursing home
- EPF/1117/96 – new carpark and playing fields for use of County Primary school and erection of 6 houses
- EPF/1420/96 – conversion of pavilion into B1 / B8 uses

These applications were consistently refused on a combination of Green Belt, amenity, tree protection, impact on conservation area grounds. A number of applications were taken through appeals, all unsuccessfully. It is possible that the Sports Ground remained available for use during this period as two subsequent approved applications indicate; EPF/0434/98 proposed

refurbishment of the existing pavilion and EPF.1103/98 a replacement pavilion.

A final residential proposal was made with application EPF/2236/03/ This proposed two large detached houses on the north-east corner of the site and included a 60 space carpark immediately west of the school with access from Vicarage Lane;. this was however subsequently refused permission.

Throughout this period, few developments took place on the school site; other than the construction of a series of temporary classrooms little substantive building work have been carried out since the 1970's or external works since a mid 1990's playground extension.

Redevelopment was first advocate under EPF/1124/00 where the County Council proposed a new school on the north eastern half of the sports ground and 16 dwellings on the existing school and the adjoining land to the west fronting Vicarage Lane. This was refused on grounds that it was inappropriate in the Green Belt, the residential element was cramped and the landscape setting was unduly affected.

Subsequently, an outline application EPF/0330/08 proposed to redevelop the current application site and the adjacent Beis Shammei School site to provide a new school on the existing site, playing fields on land to the west, parking and public open space in the north east portion and residential development including houses and flats on the remainder. This application was withdrawn before determination.

Policies Applied:

CP1	Achieving sustainable development objectives
CP2	Quality of Rural and Built Environment
CP3	New development
CP7	Urban Form and Quality
CP9	Sustainable Transport
GB2A	Development in the Green Belt
GB7A	Conspicuous Development
GB16A	Affordable Housing
RP4	Contaminated Land
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
H5A	Provision for Affordable Housing
H6A	Site Threshold for Affordable Housing
H7A	Levels of Affordable Housing
H10A	Lifetime Homes
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE4	Design in the Green Belt
DBE5	Design and layout of new development
DBE6	Car parking in new development
DBE7	Public Open Space
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL3	Edge of Settlement
LL7	Planting, protection and care of trees

LL10	Adequacy of provision for landscape retention
LL11	Landscaping schemes
ST1	Location of development
ST2	Accessibility of development
ST4	Road safety
ST6	Vehicle parking
I1A	Planning Obligations

NPPF The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 135
 Site notice posted: 18 December 2015

Responses received:

OBJECTIONS have been received from occupiers of 101 properties spread over a wide area. A total of 41 of these properties lie within a 400 metre radius of the site and a further 44 lie within a further 400 metres. The objectors are as follows:

Properties within 400m of site:

GREEN LANE, 1, 2, Hunters.
 HIGH ROAD, 54, 56, 58, 60, 62, 64, 65, 75, 77, 81, 85, 99, 105, 107,
 09, 123, 125, Sandon Lodge and 1 Haydens Cottages

LINGMERE CLOSE: 1, 2, 3, 4, 5A,6, 7

MEADOW WAY: 21, 37, 41, 43, 49, 52, 54, 56

VICARAGE LANE: Aingarth, Dunton House, Greenaces, Little Orchard

Properties within a further 400m of site:

COURTLAND DRIVE: 16, 18, 20, 22, 24, 28, 30, 36

DALESIDE GARDENS: 1, 4, 5, 6, 9,15, 17, 19, 22

HIGH ROAD: 94

MEADOW WAY: 2, 4, 7, 12, 14, 15, 16, 20

PARKLANDS CLOSE: 2, 3, 6, 7, 9, 10

VICARAGE LANE: Daleside, Derwen, Eastwood, Hillside, Oak Lodge House,
 Oaks Farm, Pine Lodge, The Chestnuts, 2, 4, 6 and 7
 Puckeridge Cottages

Others (Chigwell unless identified otherwise):

29 Chigwell Park Drive

10 Chigwell Rise

79 Coolgardie Avenue

16 Claremont Place, Brook Parade

26 Dickens Rise

27 Ely Place, Woodford Green
4 High Elms
10, 12, 33, 35, 53 Lee Grove
42 Millwell Crescent

Objectors have raised the following issues:

- i. Inappropriate development in the Green Belt, contrary to national and local policy where no special circumstances support the development..
- ii. Erosion of the Green Belt's function to prevent urban sprawl having an effect on the character of Chigwell Village
- iii. The proposal would set a dangerous precedent for future development in the Green Belt
- iv. Local finance considerations – refurbishment and new development are not mutually exclusive, other funding sources are available for the refurbishment.
- v. The level of residential development proposed goes beyond what may be required to fund the school refurbishment.
- vi. Traffic congestion caused by the school – existing arrangements are unsatisfactory and should be addressed.
- vii. Additional road junctions may affect traffic movement and safety, particularly the Vicarage Lane entrance. A wider review of traffic implications taking account of the Grange Farm development should have taken place.
- viii. The new entrance to the residential site from High Road may cause further traffic movement issues
- ix. Visual impact on properties in Vicarage Lane and Lingmere Close from loss of open Green Belt views and mass of buildings
- x. Questions are raised about the Tree Survey and the Phase One Habitat Survey. The hedgerows around the site existing trees within should be retained and enhanced.
- xi. Adequacy of existing water infrastructure
- xii. Added pressure of local medical facilities
- xiii. Impact on Conservation Area
- xiv. Objectors have queried whether there is a need for the parking spaces accessed from Vicarage Lane; if this is justified, it should be protected from use by parents at the school.
- xv. Access for construction traffic and disturbance arising therefrom.
- xvi. Potential conflict of interest for the Council in light of benefits from contributions.

IN SUPPORT of the application, the school have organised a small petition and there is one representation in support. The supporter, from 40 ELY PLACE Woodford Green, highlights the need for refurbishment of this school, the lack of other funding for the project, and the need for more housing land. They comment that the quantum of houses is not overly dense, will not dramatically affect local infrastructure and will support local businesses.

The petition simply asks signatories to support the application and contains 35 signatures of which 11 are school staff and 24 are parents/ grandparents.

PARISH COUNCIL: Chigwell Parish Council supports the application as they feel the school is long overdue a refurbishment.

Main Issues and Considerations:

Consideration of this application should be undertaken in stages, firstly assessing issues that affect the principle of the developments proposed and secondly dealing with any matters of detail that are relevant at this stage. These considerations should have regard to the dual nature of the application, a full application in respect of the school and an outline application for the residential element.

Thus, officers consider the essential matters of principle relate to the application of Green Belt policy, the principle of development proposed including the constraints thereto, and local finance considerations.

Matters of detail for consideration at this stage include highways and traffic issues, design and amenity issues with the school proposals, in relation to the residential development, housing density and local amenity concerns, landscape and tree issues and heritage and conservation issues.

Green Belt considerations:

It is not necessary to set out Green Belt policy in great detail, Members are familiar with the broad provisions of the NPPF in this regard and with policy GB2A in the Local Plan. In summary, the NPPF sets out that new buildings should be regarded as inappropriate in the Green Belt, is by definition harmful to the Green Belt, and should not be approved except in very special circumstances. Such very special circumstances will not exist unless harm to the Green Belt *'is clearly outweighed by other considerations'*. (NPPF - para 88). The applicants case is that the residential element of the proposals is required to fund the school refurbishment, causes limited harm and therefore meets the test in the NPPF to constitute very special circumstances.

There is little dispute that the school buildings are in urgent need of refurbishment. Some of the buildings are in poor condition raising concerns on a number of grounds including the safety to users. The layout and form is evidently outdated and not fit for modern educational needs. Officers have been advised that recent Ofsted inspections have been highly critical of the standard of accommodation being offered. Previous efforts to build a replacement school have been unsuccessful and conditions have continued to deteriorate as a result.

The works required are extensive and include structural renovations, elements of new build, remodelling of almost all internal areas and substantial external resurfacing and related works. Estimates of the costs of the works of around £4million are broadly accepted. It has been submitted that other funding sources would not support such a level of investment for refurbishment. The school would be unlikely to qualify for most national funding schemes which often rely on deprivation indices to determine priorities and the local area would be unlikely to ever meet such criteria. The Education Authority have not disputed the arguments in respect of available funding

Notwithstanding any debate over the relative merits of refurbishment or the building of a new school (see below), officers are satisfied that benefits to the school community now and in the future arising from upgrading of the existing accommodation to meet current and future educational needs are considerable. Officers are further satisfied that these works can only be funded through development acting as a cross subsidy. As the alternative would be the continued decline of the accommodation and potentially long term parts of the school being incapable of use if other public funding does not become available, officers conclude that the benefits to the school could be described as very special circumstances justifying development

in the Green Belt.

It is still necessary to consider the level of harm the development may cause to the Green Belt and determine whether this outweighs the very special circumstances. The NPPF identifies some of the key objectives of the Green Belt to be to check the unrestricted sprawl of built up areas, to safeguard the openness of the countryside and to preserve setting and character. These criteria should be judged against the specific local character.

While the site lies outside the extent of the primary settlement, there is built development on the north side of High Road extending along at least 75% of the site frontage. Further, the areas of existing built development on the Beis Shammei site immediately to the east would in all circumstances meet the requirements of previously developed land for the purposes of assessing its potential for future redevelopment. The proposal for the application site is set significantly back from the High Road frontage with landscape enhancement works incorporated providing limited views of the built development. In the context of its setting on High Road therefore the site could be seen as related primarily to the local built environment rather than as open countryside.

The rear part of the site on the Vicarage Lane frontage is less developed but in this area existing trees and boundary screening are more dense and will be retained more completely and such that the existing character can be seen as being retained.

It is your officers view therefore that the overall level of harm arising to the Green Belt does not outweigh the very special circumstances supporting development.

Development principles:

The works to the school raise few issues in respect of the principle of development. It has been argued in consultation responses that the cost of refurbishment may not be that different to the cost of building a new school. However, a high pressure gas main runs along the length of the school access road and development on this and adjoining land has been constrained over a number of years by the presence of this and other infrastructure. The Health & Safety Executive (HSE) offers standing advice to local planning authorities on development in close proximity to infrastructure that may constitute a hazard and this establishes a hierarchy of uses that may be vulnerable. Education uses are amongst the most at risk uses and the HSE advises against development of a new school in this location on safety grounds.

In terms of housing development, sites will be identified for residential development through the Local Plan process. In compiling the required evidence base, the revised Strategic Housing Market Assessment (SHMA), which covers the Housing Market Area of Epping Forest, East Herts, Harlow and Uttlesford has been accepted as of October 2015. The SHMA suggests a total figure of 11,300 new homes as the Objectively Assessed Housing Need (OAHN) for Epping Forest District Council over the Local Plan period 2011-2033.

The SHMA gives a figure for the OAHN of the District and for the rest of the SHMA area, but the Local Plan housing requirement will not necessarily be the same as the OAHN. This is because the Council has to do further work considering factors such as capacity in terms of strategic constraints, other evidence base information, the Council's policy aspirations and also how to apportion the need over the Housing Market Area, i.e. between Epping Forest, East Herts, Harlow and Uttlesford. It will be the decision of members of the four authorities to discuss this apportionment through the Duty to Co-operate.

Consequently whilst the Council does have a supply of housing sites (through extant permissions) it cannot be assessed whether this is sufficient to amount to a five year supply as required by the NPPF. This is due to the fact that the Council does not yet have an adopted housing requirement and as a result it cannot be calculated. Therefore whilst the Council concedes that it cannot demonstrate a five year supply of housing sites as required by the NPPF, this does not necessarily mean that it does not exist.

Given that the NPPF requires a demonstrable five year supply of housing, paragraph 49 of the NPPF is engaged whereby Local Plan policies which address the supply of new housing are considered to be out of date. As a result these policies are to be afforded less weight in the decision making process in favour of a greater reliance on the NPPF. The lack of a five year supply of housing therefore weighs in favour of granting planning permission and is attributed substantial weight in this application.

Policy H3A seeks to ensure the level of development is commensurate with local services and facilities, recognising that higher densities should be focussed in more accessible urban locations. The proposals in fact achieve a very low density of 18 dwellings per hectare, below what the policy considers the most appropriate form of development. However, these are larger dwellings and by other measures (such as habitable rooms), and having regard to the fact this is an enabling development, the overall level of development is not considered inappropriate.

Affordable Housing:

The development exceeds the threshold in policy H6A whereby provision of affordable housing is required Policy H7A would seek in this location that 40% of the accommodation be affordable. The applicants have acknowledged the contents of these policies and are advocating a financial contribution to enable such accommodation to be provided off site.

Strict application of the current policy would suggest that the affordable element should be provided on site and in normal circumstances, officers would defend this approach and indeed it is the requirement on this planning application by the Council's DIRECTOR OF COMMUNITIES, following receipt of the report from the Council's consultants, KCL, who OBJECTS and states the following:-

KCL has concluded that, based on the submitted information, the national guidance that supports the approach to financial viability and assumptions KCL has made, KCL is of the opinion that the scheme, as submitted, would generate a surplus of around £17,772,954 which, clearly, could be used to support a good level of affordable housing on-site.

However, KCL have drawn attention to the fact that the scheme, as currently designed to provide executive style 5 and 6 bed houses, is not suitable for the delivery of on-site affordable housing, as the proposed properties are too large. Therefore the scheme will need to be re-designed to accommodate on-site provision.

*As you are aware, our Local Plan states quite clearly that, in the first instance, applicants should, if at all possible, meet the Council's affordable housing requirements for developments on site (rather than in the form of a financial contribution). Therefore, in view of the large surplus that has been identified by KCL, **it is my recommendation that planning permission for the submitted scheme be refused on the grounds of:***

(1) Insufficient affordable housing provision, when it is considered by the Council to be viable to do so; and

(2) In view of (1) above, no affordable housing is proposed on-site.

If the site is considered suitable for development in all other respects, the applicant may want to consider submitting a revised proposal, using the surplus from the development to fund an appropriate amount of on-site affordable rented housing within a redesigned scheme. The amount of on-site affordable housing should be policy compliant (40%), with the affordable mix reflecting the market mix or, if this is unviable, comprise a development with either less than 40% affordable housing and/or a different mix of affordable housing to the market housing (which would need to be discussed with, and agreed by, the Council), backed up with two (further) financial appraisals demonstrating:

(1) That the residual value for a policy compliant scheme (40%) would be negative; and

(2) That the residual value for their proposed "viable" scheme, with less affordable housing than compliant, amounts to zero.

He further comments following publication of the first edition of this report:-

*It is correct to say that Kift have assessed that the surplus **without any affordable housing** would be £17,772,954 – which is referred to in the report. However, this is **not** the level of financial contribution that would be expected.*

Under our Local Plan policies, in the exceptional circumstances that on-site affordable housing is not provided and a financial contribution is provided instead, the financial contribution should be equivalent to the subsidy that the developer would have otherwise if affordable housing were to be provided on-site – i.e the difference between the development value without any affordable housing and the development value with affordable housing.

Accordingly, Kift were asked to assess this figure, which they provided in their Supplementary Report dated 25th May, which is not referred to in the DDM Committee Report.

*In order for Kift to assess the subsidy (financial contribution), it was necessary for them to work on the basis of a "hypothetical" development which included a sufficient number of affordable homes, to compare against the submitted scheme with 100% market housing. **Having done this, they assessed that the required subsidy (ie. the required financial contribution) is £8,021,012. Therefore, if a contribution of £600,000 towards the proposed new connecting bus service is to be sought/agreed, this figure would reduce to £7.42million.***

Therefore, the developers are offering £1.625million as an affordable housing contribution compared to the (adjusted) level of financial contribution assessed by the Council of £7.42million. Clearly this is a significant difference, which is not referred to in the report.

THE APPLICANTS AGENT on the other hand states the following:-

The Council's policy is clear that in seeking affordable housing from qualifying sites at least 40% of the total number of units to be affordable. The scheme is for 32 dwellings. Our original discussions with the Parish council made it clear that the parish would not accept any more than 35 dwellings on this site. Therefore the suggestion of another 39 being achievable is misplaced. Our scheme is now for 32 owing to the need to provide adequate surface water attenuation. 40% would require 13 on site provision. It is common ground that offsite contribution is acceptable as RPs would not seek to acquire the properties on site. We are therefore proposing to provide a contribution towards the construction of 13 homes from our revised surplus and have assumed a construction cost £125,000.00 per dwelling equating to £1,625,000.00 towards affordable housing and £600,000.00 towards new connecting bus service under the control of Chigwell Parish Council. Accordingly I have amended the original heads of terms.

This offer is greater than was accepted by the Planning Committee on the development adjacent the site at Land at Chigwell Grange, High Road, Chigwell Grange where £1.2m towards affordable housing was accepted for a scheme of a greater number of dwellings.

The applicant notes the suggested surplus of £3.2m within our report but a £1m contingency is being held to account for professional fees in the build of the school works and protection from uncertainty within the infrastructure costs and housing market.

There clearly are conflicting financial assessments on the amount of financial affordable housing contribution required and as it currently stands, the applicants offer is **£1,625million towards affordable housing compared with the required £7.42million Kift subsidy as supported by the Director of Communities, plus £600,000.00 towards new connecting bus service**. Any further changes to the sum of this financial provision and requirement will be verbally reported at the meeting by the presenting officer as negotiations are still on-going.

In respect of the issue of on-site provision of affordable housing, a number of mitigating factors are relevant, however.

The residential element of the development is included as an enabling development to support the primary objective of delivering the improvements to the school, as such a relatively low density of development is proposed, and as set out elsewhere, that low level of development allows extensive area of the existing landscape to be retained and seeks to limit the impact on surrounding properties. A scheme that includes affordable housing on the site will affect the viability of the development and

has two potential outcomes; firstly that the development will not be deliverable, or secondly that the density of the private element will need to be increased to produce similar outcomes particularly in respect of the school refurbishment costs, in turn resulting in more built footprint and more activity.

The residential proposals include only 5 and 6 bedroom dwellings. All local housing information shows clearly that the demand for affordable housing in the District is almost exclusively for smaller house types up to 3 bedrooms. Thus, to take the 405 of units on site (13 units) would leave the Council with units it would be unlikely to fully utilise these in the short to medium term. A financial contribution evidently allows the Council to better target resources to local need.

The applicant has also cited development at Grange Farm which was granted permission with an off site affordable housing contribution on grounds that the site is remote from local services. This original permission for this site predates the current policy adopted in the 2006 Local Plan

Alterations and while it should be noted, it is not considered directly relevant.

Local finance considerations:

Section 70 of the Town & Country Planning Act 1990 (as amended) requires that local planning authorities have regard to a local financial consideration as far as it is material. A local finance consideration is defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy or similar.

National Planning Guidance further states that a 'local finance consideration' is material if it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other Government body.

The applicants have proposed a financial contribution through a section 106 agreement to fund the provision of not only off site affordable housing, but also provision of additional transport infrastructure and support for a new connecting bus service in the Chigwell Parish area. Negotiations on the detail of the level of contribution were still ongoing at the completion of this report and supplementary information will be supplied to Members when these negotiations conclude.

Members will note that the issue of congestion in and around the school is of significant concern to local residents. This in part can be attributed to the lack of local transport infrastructure linking the school to the village centre and to other connecting public transport facilities. This can be seen as a contributor to the issues raised by residents. While some parents will always use their cars for reasons of distance, accessibility etc, the provision of alternative means of travel to and from school will introduce greater choice and will enable positive measures to discourage car use to be introduced by the school and local authorities. Further, improved local public transport will provide choice for residents of the new development.

Officers conclude that the contributions meet the tests for such contributions in that they are fair and reasonable to the scale of the development, directly relate to the development and are necessary.

Highways and traffic issues:

The residential development proposes a single point of vehicle access to serve the new units and the outline element of the application seeks approval of the location of this s part of any consent. In this regard, Essex County Council as Highway Authority have commented as under:

The Highway Authority has considered the above planning application, visited the site and thoroughly assessed the submitted transport information and has concluded that the proposal is not contrary to current national/local policy or current safety criteria.

The proposed access arrangements have appropriate geometry and visibility splays onto the High Rd for the speed of the road. Furthermore the submitted Transport Statement demonstrates that the impact of the development will be relatively minor in the am/pm peak periods and will not cause any capacity or efficiency issues. The applicant is improving and

widening the existing footway along the site frontage and is creating informal crossing points across Vicarage Lane which will improve accessibility in the vicinity.

Consequently the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity or efficiency in the local area or on the wider highway network.

The secondary access to the 10 space car park in Vicarage lane is a direct replacement for an existing, albeit currently unused, vehicle crossing. This access serves only 10 parking spaces and will not provide direct vehicle access into the main body of the development and no concerns arise in highway or amenity terms.

The most significant highway issue in the area remains drop off and pick up for the school however. The school proposals do show improved daytime parking facilities within the site but these will not address the wider issues. As discussed above, contributions will allow alternative solutions to be developed locally in order to seek to promote alternatives and / or to improve traffic control but this is a longer term solution. The proposal does not propose any substantive increase in the school population and in the short term it is difficult to argue that the proposal results in any further deterioration in local conditions.

It should be noted that two public rights of way cross the site accessed from Vicarage Lane. The northern route, which is used as a primary route of access to and from the school, is shown retained in its current position. The southern route is indicated as being realigned and this has been queried by the highway authority. This is a matter of detail and can be adequately dealt with at details stage.

School – design and amenity:

The alterations propose limited external changes to the existing buildings, none of which are listed or of particular architectural merit. The site is remote from surrounding properties and no local amenity concerns arise.

Housing - design and amenity:

Consideration of these issues must have regard to the outline nature of the development. There is sufficient clarity in the proposals however to reasonably assess general amenity. The development will be largely screened from surrounding residential properties through retention of much of the existing hedgerow around the site boundary. Where this is at its weakest, particularly in the corner of the site at the road junction and at the new access, there is scope for further landscape enhancement within the new area of public open space. Indicative drawings suggest the dwellings will be primarily two storey with some accommodation in roofs, but no dwelling is located within 15 metres of the High Road or Vicarage lane boundaries. Officers consider therefore that in physical terms, development has little direct impact on surrounding residents.

It is further considered that development also has limited general amenity impact. The low density will not give rise to undue noise or general activity and issues around vehicle access and traffic meet the highway authority requirements, as set out above.

Residents have commented on issues of loss of open views across Green Belt land and this is an inevitable consequence of allowing development in such a location Officers have had regard to the wider amenity value of the land in question, which largely takes the form of poorly

maintained scrubland of substantially lesser quality as Green Belt than much of the land in the surrounding area and beyond, and considered this in the context of the scheme as a whole and the guidance in the NPPF which would apply a test of significant and demonstrable harm. Officers conclude that the level of harm in this regard would be insufficient to support refusal on this ground.

Landscape and trees:

The works to the school are acceptable in terms of their impact on the natural landscape. Three individual trees and a group are required to be removed to accommodate the additional parking spaces but this is acceptable in the overall context.

The residential element seeks to retain the majority the boundary trees and hedging, trees around the northern public right of way and an area of woodland at the southern end of the site (part of a Natural England Priority Habitat (Deciduous Woodland). All of these elements are welcomed. As the application is submitted in outline, there remain many issues around tree protection and landscape improvement that would be the subject of proper consideration at details stage.

Natural England has not objected to the application. An extended Phase 1 Habitat Survey accompanies the application and recommends further surveys in respect of bats, reptiles and hedgerows amongst others. These issues can be adequately addressed by conditions.

Heritage and conservation:

The site abuts the edge of the Chigwell Village Conservation Area, and it is noted that the buildings opposite on High Road are all listed. Officers have had regard to the impact of the development on both the conservation area and listed buildings and do not consider either are materially affected.

Other matters:

The County Council advise that the site is located adjacent to the Roman and medieval road and opposite the medieval core of Chigwell. It is possible therefore that archaeological deposits relating to this may be affected by the development and a condition is therefore recommended to enable a programme of archaeological investigation to be undertaken.

The application is accompanied by a Flood Risk Assessment which includes a number of measures which promote the use of sustainable drainage systems. Subject to conditions, these measures are agreed by the Lead Local Flood Authority.

A Phase 1 Desk study for contamination has identified potentially contaminative uses on the residential land in the past which warrants further site investigation. This report has been accepted and suitable conditions are therefore recommended.

Conclusion:

Numerous attempts have been made to secure improvements to the primary school. A combination of rising costs, a historic lack of resources and investment and local constraints have frustrated a number of schemes. The end result is that the school is failing to meet the current and future needs of the community it seeks to serve. Options for grant funding are

limited in any event, but the school is unlikely to succeed in securing such funding when assessed against other schools operating in harsher local economic environments. This leaves little option other than to cross subsidise the improvements with enabling development. Officers are satisfied therefore that the wider benefits of securing the improvements to the school constitute very special circumstances that would support development contrary to usual Green Belt policy which are not outweighed by any harm to the openness and character of the wider Green Belt.

Members may wish to note that this approach is consistent with a decision taken by this Committee on application EPF/0853/14 on the former Tottenham Hotspur FC training ground site whereby an enabling residential development was permitted on Green Belt land to support development of a new specialist school.

As to the details of the development, such as they are for the outline element, the residential proposals represent a low density development recognising that the site is clearly constrained by the need to protect much of the historic landscape around its boundaries. As a result, direct impact on the surrounding area is minimal, either from the indicative siting of buildings or the level of activity that such a scale of development would generate. The Highway Authority is satisfied that the position and design of the access is safe and that the development will not increase vehicular activity on the local road network to an unacceptable level. The application is not able in the short term to provide a solution to the primary highway concern in the area, the dropping off and collecting of children from the school, but it does provide an opportunity for this to be further addressed by way of local transport improvements. Applying NPPF guidance, the development can be seen as sustainable and while it does impact on the local area, this does not significantly and demonstrably outweigh that impact.

Arguments in relation to the provision of affordable housing are very finely balanced. Officers have taken particular account of the significant benefits of securing the upgrade of the school and the limited impact the level of development ultimately has on the adjoining landscape and wider area which may be affected if a higher level of density is required to deliver the other benefits. As such an off site contribution is justified in the particular circumstances of this application.

Accordingly, the application is recommended for approval, subject to successful conclusion on negotiations on the appropriate level of financial contribution and the subsequent completion of a legal agreement dealing with this contribution. Members will note that conditions primarily relate to the residential element. A detailed schedule of the phasing of the school works is intended to be included as part of the legal agreement and most matters are adequately dealt with therein.

Members should also note that the application will need to be referred to the National Planning Casework Unit before final decision can be issued.