Committee Agenda

Webcast Meeting

Epping Forest District Council

AREA PLANNING SUB-COMMITTEE WEST
Wednesday, 16th March, 2022

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, 16th March, 2022**
at **7.00 pm** .

Georgina Blakemore
Chief Executive

Democratic Services Officer	Vivienne Messenger, Democratic Services Tel: (01992) 564243 Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors S Heather (Chairman), D Dorrell (Vice-Chairman), N Avey, R Bassett, H Kane, S Kane, Y Knight, J Lea, J Leppert, T Matthews, A Mitchell, D Plummer, M Sartin and D Stocker

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WEBCASTING/FILMING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.

If you have any queries regarding this, please contact the Corporate Communications Manager on 01992 564039.

1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. 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 another use by such third parties).

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery."

2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)

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 https://eppingforestdc-self.achieveservice.com/service/Member_Contact 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' https://www.eppingforestdc.gov.uk/your-council/members-portal/

4. MINUTES (Pages 9 - 12)

To confirm the minutes of the last meeting of the Sub-Committee held on 16 February 2022.

5. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

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. EPPING FOREST DISTRICT COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)

This briefing note, dated October 2021, has been produced by the Planning Policy team to ensure that a consistent approach is taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version ("LPSV"), which was published on 18 December 2017 and the Main Modifications to the LPSV published for consultation between 15 July and 23 September 2021. The primary purpose of this note is to inform the development management process and to assist Development Management officers, Councillors, applicants, and planning agents. Other Council officers involved in the development management process may also find the note helpful (e.g., Housing, Contaminated Land, Landscaping etc).

The Planning Policy Briefing Note (October 2021) is available at:

https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.pdf

8. 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.

9. PLANNING APPLICATION - EPF/1549/18 - RACEDALE, TYLERS ROAD, ROYDON, ESSEX, CM19 5LJ (Pages 13 - 24)

To consider the attached report on the demolition of existing dwelling and erection of two detached dwellings ** SAC case now progressing **.

10. PLANNING APPLICATION - EPF/2609/19 - 1-6 SHERNBROKE ROAD HOSTEL, SHERNBROKE ROAD, WALTHAM ABBEY, EN9 3JF (Pages 25 - 38)

To consider the attached report Erection of 26 flats with associated parking & landscaping following demolition of the former Shernbroke Hostel.

11. PLANNING APPLICATION - EPF/1144/20 - GLENHOLME NURSERY, NURSERY ROAD, NAZEING, WALTHAM ABBEY, EN9 2JF (Pages 39 - 54)

To consider the attached report on the proposed removal of 2 existing caravans, demolition of existing buildings (115m2), retention of building A (97m2), erection of building B (97m2) for agricultural workers accommodation with provision of associated amenity space.

12. PLANNING APPLICATION - EPF/2036/20 - ROYDON MARINA VILLAGE, HIGH STREET, ROYDON, HARLOW, CM19 5EJ (Pages 55 - 72)

To consider the attached report on an extension to existing marina to provide an additional 168 berths, 99 parking spaces, additional associated facilities and widening and improvement to existing vehicular and pedestrian access.

13. PLANNING APPLICATION - EPF/2713/21 - LAND AT THE FORMER CHIMES GARDEN CENTRE, OLD NAZEING ROAD, NAZEING, WALTHAM ABBEY, EN10 6RJ (Pages 73 - 96)

To consider the attached report on the erection of 14 dwellings (4 flats and 10 dwellings) (resubmission of EPF/3040/19).

14. 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.

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 at: https://www.eppingforestdc.gov.uk/your-council/watch-a-meeting/ 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 Zoom 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 Zoom. Speakers must NOT forward the Zoom 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 can be obtained from Democratic Services or our website https://www.eppingforestdc.gov.uk/ 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.

Area Planning Sub-Committee West 2021-22
Members of the Committee and Wards Represented:

Chairman	**Vice Chairman**			
Cllr Heather	Cllr Dorrell	Cllr Avey	Cllr Bassett	Cllr Knight
Waltham Abbey Honey Lane	Waltham Abbey Paternoster	Broadley Common, Epping Upland and Nazeing	Lower Nazeing	Lower Nazeing
Cllr Sartin	Cllr Matthews	Cllr S Kane	Cllr Stocker	Cllr Lea
Roydon	Waltham Abbey High Beach	Waltham Abbey Honey Lane	Waltham Abbey Honey Lane	Waltham Abbey North East
Cllr Mitchell	Cllr Leppert	Cllr H Kane	Cllr Plummer	
Waltham Abbey North East	Waltham Abbey Paternoster	Waltham Abbey South West	Waltham Abbey South West	

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EPPING FOREST DISTRICT COUNCIL
COMMITTEE MINUTES

Committee:	Area Planning Sub-Committee West	**Date:**	16 February 2022
Place:	Council Chamber, Civic Offices, High Street, Epping	**Time:**	7.00 pm- 7:15 pm
Members Present:	S Heather (Chairman), D Dorrell (Vice-Chairman), N Avey, R Bassett, H Kane, S Kane, J Leppert, T Matthews, M Sartin and D Stocker		
Other Councillors:			
Apologies:	J Lea and A Mitchell		
Officers Present:	L Kirman (Democratic Services Officer) and R Moreton (Corporate Communications Officer)		
Officers Present Virtually:	G Courtney (Planning Applications and Appeals Manager (Development Management)) and J Leither (Democratic Services Officer).		

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21. 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.

22. 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.

23. MINUTES

RESOLVED:

That the minutes of the Sub-Committee held on 19 January 2022 be taken as read and signed by the Chairman as a correct record.

24. DECLARATIONS OF INTEREST

a) Pursuant to the Council's Code of Member Conduct, Councillor Avey declared a non-pecuniary interest in the following item of the agenda by virtue of being known to the applicant of agenda item 10. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2893/21 Land at Bentons Farm, Off Middle Street, Bumbles Green, Nazeing, EN9 2LN.

25. EPPING FOREST DISTRICT COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)

It was noted that the briefing note, dated October 2021, had been produced by the Planning Policy team to ensure that a consistent approach was taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version (LPSV), which was published on 18 December 2017 and the Main Modifications to the LPSV published for consultation between 15 July and 23 September 2021.

The Planning Policy Briefing Note (October 2021) was available at: https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-PolicyBriefing-Note-06-October-2021-accessible.pdf

26. SITE VISITS

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

27. PLANNING APPLICATION - EPF/2712/21 AVER HOUSE, NURSERY ROAD, NAZEING, WALTHAM ABBEY EN9 2JE

APPLICATION No:	EPF/2712/21
SITE ADDRESS:	Aver House Nursery Road Nazeing Waltham Abbey EN9 2JE
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Demolition of commercial office building and replacement with a single dwelling.
DECISION:	WITHDRAWN

Click on the link below to view related plans and documents for this case:
http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=658754

ITEM WITHDRAWN BEFORE THE COMMITTEE MEETING

28. PLANNING APPLICATION - EPF/2893/21 LAND AT BENTONS FARM, OFF MIDDLE STREET, BUMBLES GREEN, NAZEING EN9 2LN

APPLICATION No:	EPF/2893/21
SITE ADDRESS:	Land at Bentons Farm Off Middle Street Bumbles Green Nazeing EN9 2LN
PARISH:	Nazeing
WARD:	Broadley Common, Epping Upland and Nazeing
DESCRIPTION OF PROPOSAL:	Erection of 2no. single storey two bedroom detached residential dwellings together with single garages. Existing access will be utilized from oak tree close.
DECISION:	Refuse Permission

Click on the link below to view related plans and documents for this case:
http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=659474

REASON FOR REFUSAL

1 The site is located within land designated as Metropolitan Green Belt where there is presumption against inappropriate development. Due to the area and location of the site, the proposal is not considered to constitute the limited infilling of a village. No very special circumstances or other considerations have been advanced that would outweigh the harm caused by the inappropriateness and the other harm identified, and the development would therefore conflict with Chapter 13 of the National Planning Policy Framework and Policy GB2A of the Combined Policies of Epping Forest District Local Plan and alterations 2008 and DM 4 of the Submission Version Local Plan.

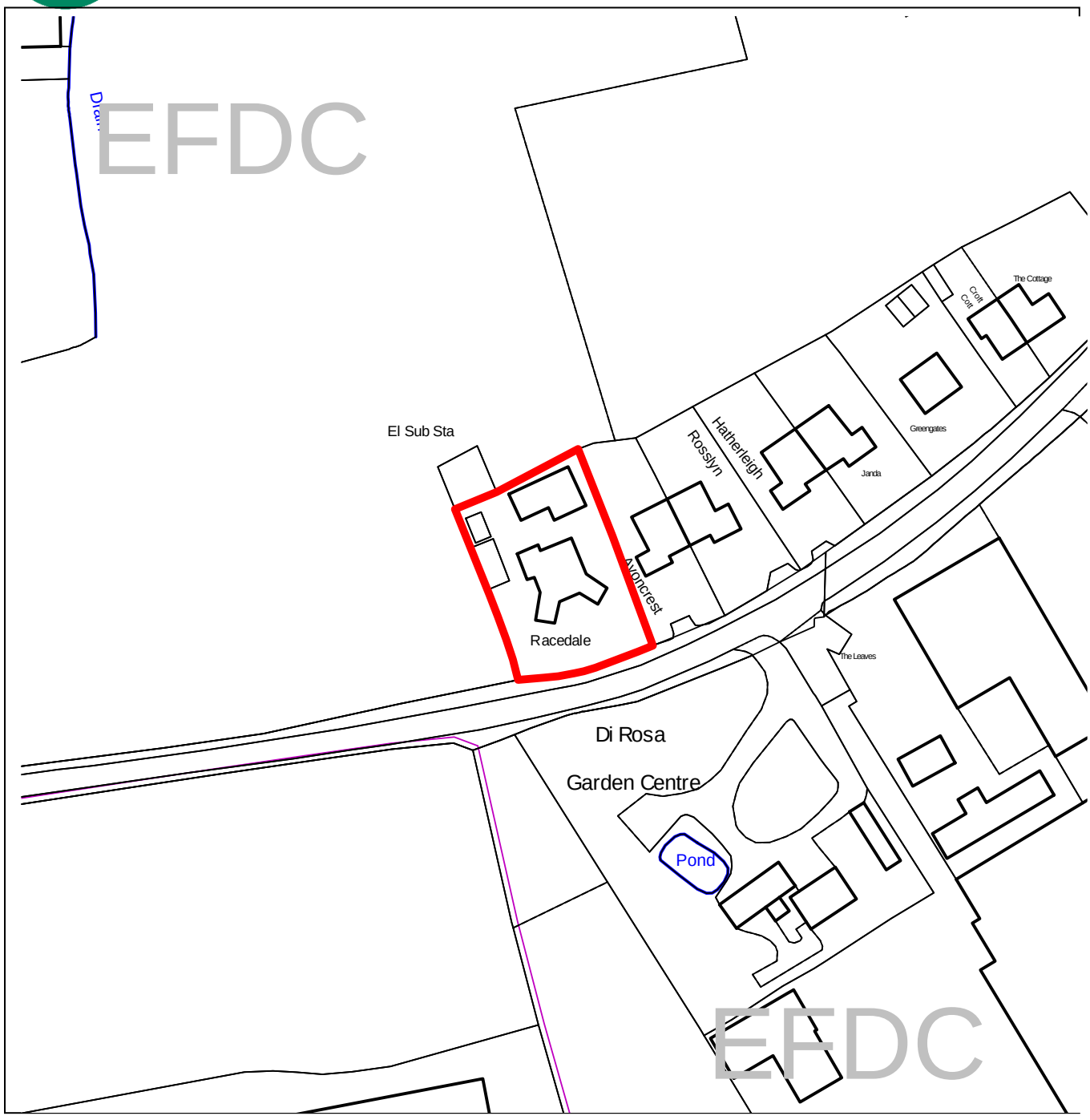
2 The site falls within land designated as being within the Nazeing and South Roydon Conservation Area. The significance of this Conservation Area is derived from its historic open natural landscape. A right of way adjoins the eastern boundary of the site. The siting of the proposed dwellings behind the existing frontage development would result in a discordant form of development that would be out of keeping with the prevailing character of the area. The orientation of the proposed dwelling perpendicular to the buildings in Middle Street would further emphasise the incongruous nature of the proposal. This suburbanisation of the site would erode the open verdant character of this locality and as such would fail to preserve or enhance the character and appearance of the Conservation Area and as such is contrary to the requirements of S72(1) of the Planning and Listed Building and Conservation Areas Act 1990, Chapter 16 of the NPPF and policies, HC6, HC7 of the Local Plan and DM7 of the Submission Version Local Plan.

3 The proposal fails to demonstrate that it will provide adequate privacy and outlook for future residents of the proposed new self-contained dwellings and as such the proposal provides a substandard form of accommodation and as such is contrary to the requirements of policy DBE1, DBE2, DBE 5 and DBE9 along with DM9 of the Submission Version Plan and the National Planning Policy Framework.

4 In the absence of a completed s106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area of Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to Policy CP1 and CP6 of the Epping Forest Local Plan, Policies DM2 and DM22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

CHAIRMAN

Epping Forest District Council



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Application Number:	EPF/1549/18
Site Name:	Racedale Tylers Road Roydon, CM19 5LJ
Scale of Plot:	1:1250

Report Item No:

APPLICATION No:	EPF/1549/18
SITE ADDRESS:	Racedale Tylers Road Roydon Essex CM19 5LJ
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr & Mrs J Cain
DESCRIPTION OF PROPOSAL:	Demolition of existing dwelling and erection of two detached dwellings ** SAC case now progressing **
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

Click on the link below to view related plans and documents for this case:
http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=610393

CONDITIONS

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

2. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: CA 0318.01, 02, 03, 04, 05 & 06

3. Samples of the types and colours of the external finishes shall be submitted to and approved by the Local Planning Authority in writing prior to their use on site. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.

4. No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The

remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

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

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

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

8. Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; 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

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

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

10. 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.

11. Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

12. 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 tool. 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.

13. Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include: - Location of active and passive charging infrastructure; - Specification of charging equipment; and - Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
    a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
    b) How charging point usage will be charged amongst users;
    c) The process and the triggers for identifying when additional passive charging points will become activated; and
    d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date

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

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

16. The proposed new roof light shall be of the conservation type and shall be installed so

that it is not any higher than the surrounding roof tiles.

17. 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 any Class A, AA, B, or E within Part 1 of schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

This application is before this committee since the recommendation is for approval contrary to an objection from a Local Council which is material to the planning merits of the proposal, supported by 1 local resident (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)

Description of site

The application site is located on Tylers Road, a ribbon of residential development within the Roydon Hamlet and is entirely within the Green Belt. The existing building is a large, detached dwelling which has been extended and altered significantly over time. Until recently, the rear garden curtilage was covered by various outbuilding/structures although only one of these now remain in situ.

Whilst the site falls within the designated Nazeing and South Roydon Conservation Area the building (or curtilage) is not statutorily or locally listed.

Description of proposal

The proposed development is to demolish the existing buildings and replace with a pair of detached dwellings.

Development Plan

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

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

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
CP7	Urban Form and Quality
GB2A	Development In the Green Belt
GB7A	Conspicuous Development
HC7	Development within Conservation Areas
HC9	Demolition in Conservation Areas
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
H9A	Lifetime Homes
NC1	SPA's, SAC's and SSSI's
UA1	Infrastructure Adequacy
U2B	Flood Risk Assessment Zones
U3B	Sustainable Drainage Systems
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
DBE8	Private Amenity Space
LL7	Planting, Protection and Care of Trees
LL10	Adequacy of Provision for Landscape Retention
L11	Landscaping Schemes
ST1	Location of Development
ST2	Accessibility of Development
ST4	Road Safety
ST6	Vehicle Parking
I1A	Planning Obligations

Epping Forest District Local Plan Submission Version 2017 (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the Council's District, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August 2019, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

Following the Examination Hearing Sessions for the emerging Local Plan, the Council has prepared a number of changes, known as **Main Modifications**, to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan.

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

The following policies are relevant to the determination of this application:

SP1 - Presumption in Favour of Sustainable Development
SP6 - Green Belt and District Open Land
SP7- The Natural Environment, Landscape Character and Green and Blue Infrastructure

H1 – Housing Mix and Accommodation Types
T1 - Sustainable Transport Choices
DM1 – Habitat Protection and Improving Biodiversity
DM2 – Epping Forest SAC and Lee Valley SPA
DM3 - Landscape Character, Ancient Landscapes and Geodiversity
DM4 - Green Belt
DM5 - Green and Blue Infrastructure
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
DM18 - On Site Management of Waste Water and Water Supply
DM22- Air Quality
D1- Delivery of Infrastructure
D3 – Utilities

Consultation Carried Out and Summary of Representations Received

EFDC Arboricultural Officer – No objections subject to conditions to secure tree protection, hard and soft landscaping and retention of trees that die or are removed within 5 years of planting.

EFDC Land Contamination – No objections subject to conditions to secure a Flood Risk Assessment and details of surface water drainage prior to development.

EFDC Environmental Health – No objections subject to conditions to secure a Phase 1 and 2 contamination appraisal.

EFDC Conservation Officer - No objections subject to inclusion of planning conditions to secure details of materials; rooflight type and hard and soft landscaping details.

ROYDON PARISH COUNCIL – Object – Overdevelopment of the site and highway safety concerns.

NEIGHBOURS – 7 properties consulted and 1 response received –

Avoncrest, Tylers Road – The flank gable wall of the proposed development adjacent to my property will be full height, close to, and directly opposed to the flank window of my lounge, obliterating a crucial light source for what is already a dark room due to the direction it faces.

The existing properties along this stretch of road are bungalows with a shallow pitched roof. Racedale is no exception and is currently situated a considerable distance from the border fence.

Additionally the rear projection of the proposed property will extend back beyond the rear line of my property, again at two storey height (currently single storey flat roof) affecting the primary light source to this room being the double glazed doors at the back.

Issues and considerations

The main issues to consider are the potential impacts on the Metropolitan Green Belt, the housing type, the living conditions of the neighbours and its design in relation to the character and appearance of the area.

Metropolitan Green Belt

The National Planning Policy Framework (NPPF) indicates that the Government attaches great importance to Green Belts. 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.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated to clearly outweigh the harm caused.

The NPPF also emphasises that when considering an application, a Local Planning Authority 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, is clearly outweighed by other considerations.

However paragraph 149 part (e) of the NPPF allow certain exceptions to inappropriate development one of which is the:

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

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

The first point to address with this application is that it constitutes previously developed land since it is not in an agricultural use. The building is a residential dwelling and there is photographic and aerial evidence showing that the rear curtilage was covered by large outbuildings. Despite the fact that the majority of these buildings have since been removed by the applicants, these building were in situ at the time of the submission of the application. In these circumstances, officers consider it is reasonable to assess the total combined nature/effect of this previously built form.

In order to fulfil the exception set out above, the redevelopment of the site cannot have a materially greater impact on the Green Belt. The total approximate footprint of the previous and existing buildings (bungalow plus outbuildings) equates to approximately 300 square metres. The proposed new dwellings would also have an approximate combined footprint of 300 square metres as well. The proposed height of the new dwellings would be slightly taller, than the existing house, however the proposal would see a more compact form of development generally.

Officers would also recommend that any future potential householder extensions that would normally be permitted under the GPDO (as amended) are restricted by planning condition in order to maintain the openness of this Green Belt location.

It is therefore concluded that the new development will not have a materially greater impact on the Green Belt in physical terms and complies in principle with Polices CP1, CP2, GB2A and H2A of the Adopted Local Plan and Alterations (2008); Policy DM4 of the Submission Version Local Plan (2017) and Green Belt objectives set out in the NPPF.

Housing type

The existing property is a largely single storey sprawling building with additional space within the roof space to the rear. This would meet the definition of a 'bungalow', and as such is protected by Policy H 1 of the Submission Version Local Plan 2017. Whilst the proposal would result in the loss of this bungalow, the first floor of the two new dwellings would be largely accommodated within the roof slope.

This factor, along with the other benefits of this particular scheme, are considered sufficient to address policy H 1(F) of the Submission Version Local Plan 2017.

Design and character

The proposed new dwellings are similar in neighbouring dwellings. The houses feature elements common to the Essex vernacular and would appear appropriate within their setting beside the existing dwelling on the site. At present the detracts from this part of the conservation which is considered to be of a low quality and would go some way to improve the existing situation. The Council's Conservation Officer does not object to the demolition and replacement of the existing building subject to securing high quality external construction materials as well as agreement to hard and soft landscaping.

It is therefore concluded that the design and character of the dwellings including their impact on the Roydon Conservation Area are acceptable and complies with Polices HC7, HC9, DBE1, DBE4, DBE5, DBE6 and DBE8 of the Adopted Local Plan and Alterations; Policies DM7, DM9 and DM10 of the Submission Version Local Plan 2017 and the aims and objectives of the NPPF.

Living conditions of the neighbours

The proposed dwellings would be set away from neighbouring dwellings, at over a metre away from the shared boundary with Avoncrest and would be of a scale appropriate to the site. Whilst neighbours are concerned about a loss of light, this would be to secondary windows adjacent the boundary fence and flank of the existing dwelling and it is not considered that the proposed dwelling would have any significant impact on these windows. Whilst it is recognised that the development would be deeper within the site these elements would be located where there are existing outbuildings and would be set well away from neighbouring dwellings, not visible from 45-degree lines of sight from neighbouring windows.

The impact on residential amenities are acceptable and therefore comply with Policy DBE2 of the Adopted Local Plan and Alterations (2008) and Policy DM9 of the Submission Version Local Plan (2017).

Landscaping

There are no objections to the landscaping of the proposal subject to the recommended conditions indicated by the Council's arboricultural officer.

Flood Risk and Land Contamination

No objections have been made to the proposals on flood risk or land contamination grounds provided the above recommended planning conditions are secured on the grant of planning permission.

In this regard the proposals would comply with Policies U2B and U3B of the Adopted Local Plan and Alterations (2008) and Policies DM15, DM16 and DM21 of the Submission Version Local Plan (2017).

Epping Forest Special Area of Conservation

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

a. The site lies outside of the 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 on 18 October 2018 as a material consideration in the determination of planning applications. Consequently, the development will not result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.

b. The development has the potential to result in a net increase in traffic using roads through the EFSAC. Therefore, the proposal has the potential to result in a likely significant effect on the integrity of the EFSAC as a result of atmospheric pollution.

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

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.

Conclusions

The redevelopment of this previously developed site to provide two new dwellings can be considered an exception to inappropriate development under emerging local plan policy DM4 (part C (vi)) and paragraph 149 of the NPPF and is therefore acceptable in principle. The scale and design of the dwelling, through the reduction of the existing built form on site would achieve a development that would be maintain the openness of the Green Belt. The scale, design and appearance of the proposals are also considered compatible to the conservation area and would not cause significant harm to existing residential amenities in terms of daylight, sunlight and outlook. The impact of the proposed development on the EFSAC can be avoided and mitigated by

securing relevant financial contributions under S106 Agreement including the imposition of planning conditions that will support electric car charging and home working.

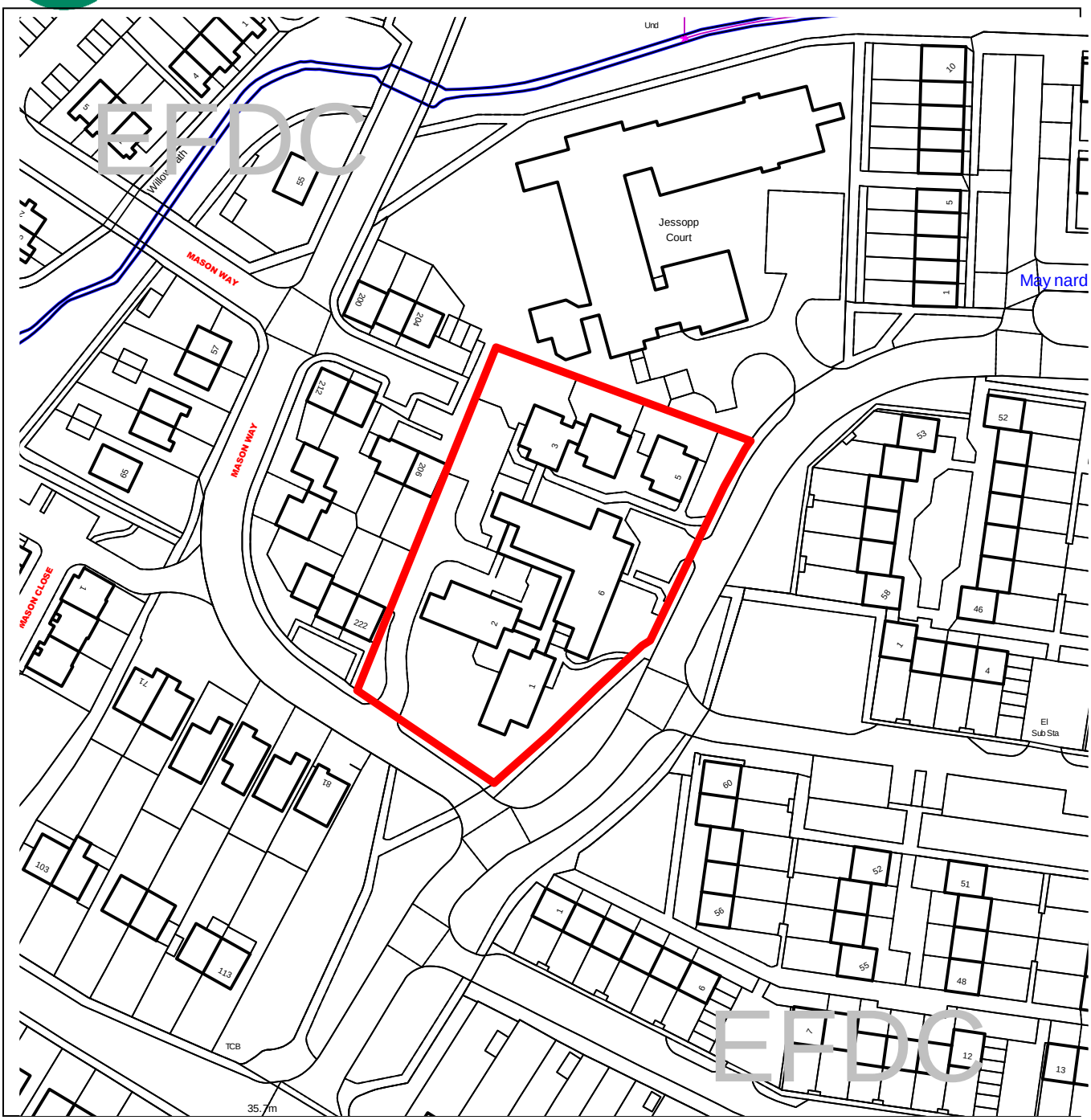
For the reasons outlined above this proposal complies with the relevant policies under both the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006), the Epping Forest Local Plan Submission Version 2017 as well as advice contained in the NPPF.

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: Cuma Ahmet Telephone Number: 01992 564000 (x2581).

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

Epping Forest District Council



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Application Number:	EPF/2609/19
Site Name:	1-6 Shernbroke Road Hostel Shernbroke Road, Waltham Abbey EN9 3JF
Scale of Plot:	1:1250

Report Item No:

APPLICATION No:	EPF/2609/19
SITE ADDRESS:	1-6 Shernbroke Road Hostel Shernbroke Road Waltham Abbey EN9 3JF
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Honey Lane
APPLICANT:	C/O Agent
DESCRIPTION OF PROPOSAL:	Erection of 26 flats with associated parking & landscaping following demolition of the former Shernbroke Hostel.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

Click on the link below to view related plans and documents for this case:
http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=629854

CONDITIONS

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

2 The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers:
001 Rev I, 002 Rev G, 003 Rev G, 004 Rev G, 005 Rev G, 201 Rev G, 203 Rev E, 205 Rev F, 207, 208, 209, 501 Rev M and901 Rev C;
54 064.21, 23 and 24;
22182se-01;
PSF1076WA 100 Rev I, 101 Rev ! and 200 Rev I;
18159-SYM-XX-XX-DR-C-3000 Rev T4 and 3001 Rev T4;
2867/SK/E/230 Rev T1 and 2867/E/230 Rev T3

3 No development shall take place, including any works of demolition, until measures set out in the Construction Method Statement prepared by DCH Construction to accompany the application have been fully installed. The approved Statement shall be adhered to throughout the construction period.

4 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.

5 No development, including works of demolition or site clearance, shall take place until the measures in the Tree Protection Plan, and Arboricultural Method Statement set out in the Arboricultural Impact assessment accompanying the application, particularly drawing number P3141.1 . 002 rev B in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations). 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.

6 No increase in the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas shown in the drawings hereby approved shall take place without prior consent from the Local Planning Authority.

7 The development be carried out in accordance with the Surface Water Drainage Strategy set out in the approved drainage plans (Drainage Layout Sheet 1 and 2, 18159-SYM-XX-XX-DR-C-3000, Rev T4, and 18159-SYM-XX-XX-DR-C-3001, Rev T4, September 2020) submitted with the application unless otherwise agreed in writing with the Local Planning Authority.

8 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.

9 Hard and soft landscaping works as detailed in drawings PSF1076WA 100 Rev I and 101 Rev I shall be undertaken during the first appropriate planting season following substantial completion of the buildings, unless otherwise agreed by the Local Planning Authority. 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.

10 External lighting within the development in accordance with the details shown on drawing 28567/SK/E/230 Tev T1 shall be fully installed prior to first occupation of any residential unit within the development, unless otherwise agreed by the Local Planning Authority. No further lighting shall thereafter be installed on any external elevation of the above 3 metres above ground level without the consent of the Local Planning Authority.

11 Cycle and refuse stores in accordance with details shown on drawings 207, 208 and 209 hereby approved shall be fully installed in accordance with the agreed details, and made available for use by residents within the development prior to first occupation of any residential unit within the development, unless otherwise agreed by the Local Planning Authority.

12 Prior to first occupation of the development, ecological enhancements set out in section 5.4 of the Ecological Assessment accompanying the application (by AGB Environmental dated 28 October 2019) shall be implemented in full, unless otherwise agreed by the Local Planning Authority.

13 No removal of hedgerows, trees or shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

14 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.

15 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

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

17 No trenches or pipe runs for services and drains required to service the development hereby approved shall be cut or laid otherwise than in accordance with BS5837:2012 (Trees in relation to design, demolition and construction - Recommendations), except with the approval of the local planning authority.

18 Prior to first occupation of the development hereby approved, the active Electric Vehicle Charging Points shown on drawing 2867/E/230 Rev T3, and infrastructure indicated on the said plan for future installation of additional Electric Vehicle Charging Points shall be installed and retained thereafter for use by the occupants of the site.

19 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

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

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

22 Prior to the first occupation of the development the Developer shall implement raised kerbs to the two adjacent bus stops (Morris Court and Gants Court), with all details being agreed with the Highway Authority.

23 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

24 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

25 External balconies indicated on the plans hereby permitted shall not be infilled or enclosed above the height of the external means of enclosure thereto without prior consent from the Local Planning Authority.

This application is before this Committee since it is an application for residential development consisting of 10 dwellings or more (other than an application for approval of reserved matters) and is recommended for approval (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The application site is a 0.4ha parcel of land located within the middle of Waltham Abbey. Shernbroke Road runs directly to the east of the site and Mason Way is to the south. The site is currently occupied by the former Shernbroke Hostel, which was formally a residential care home, providing respite for up to 25 adults. The site is formed of a number of buildings, which range from one, two and three storey and pitched roofs. There are areas of hardstanding along the western part of the site and a small courtyard to the east providing car parking. The southern section of the site contains bungalows which are very effectively screened from public view due to a severe

slope from south to north and a row of mature trees on the boundary. The application site is not located within a conservation area and it is not within the Green Belt.

Proposal

The proposed development is for the erection of 26 flats with associated parking & landscaping following demolition of the former Shernbroke Hostel. 10 of the new homes will be utilised by Essex County Council to provide social care for vulnerable adults.

Relevant Planning History

EPF/2715/19 – Application for Prior Notification of a proposed demolition of former hostel. – Prior approval not required

Development Plan Context

Local Plan (1998) and Alterations (2006)

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

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

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
CP3	New Development
CP6	Achieving Sustainable Urban Development Patterns
CP7	Urban Form and Quality
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
U3B	Sustainable Drainage Systems
GB2A	Development in The Green Belt
GB7	Conspicuous Development
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

National Planning Policy Framework (NPPF) (February 2019)

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

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

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

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraph 108 - 110
Paragraph 117
Paragraph 124
Paragraph 127
Paragraph 130
Paragraph 131
Paragraph 133
Paragraph 143 - 145

Epping Forest District Local Plan Submission Version (LPSV) (2017)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant

SP2 Spatial Development Strategy 2011-2033	Some
H1 Housing Mix and Accommodation Types	Some
T1 Sustainable Transport Choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM3 Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4 Green Belt	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM11 Waste Recycling Facilities on New Development	Significant
DM15 Managing and Reducing Flood Risk	Significant
DM16 Sustainable Drainage Systems	Significant
DM17 Protecting and Enhancing Watercourses and Flood Defences	Significant
DM18 On Site Management of Waste Water and Water Supply	Significant
DM19 Sustainable Water Use	Significant
DM21 Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 Air Quality	Significant

Summary of Representations

132 neighbours consulted – No comments received

Waltham Abbey Town Council – Objection

Whilst the Council is not objecting to the principle of the development, the Committee feel that the design is not sympathetic to the surrounding area and is therefore out of keeping, a four storey development is too high in that location and so would be over dominant and concerns were raised regarding the designing out crime report from the Police expressing their concern regarding the design.

Planning Considerations

The following report will set out the material considerations relevant to this case as well as analysis of the proposal against the requirements of the Development Plan.

Principle

This application site has not been proposed for allocation in the emerging Local Plan to deliver new housing in the District. A small number of windfall sites have been assumed in the Local Plan, but they are not required for the Council to meet its objectively assessed housing need. However since the Local Plan assumes a certain number of windfall sites will be delivered during the Plan Period, it follows that such sites can be acceptable, providing an application for such development complies with the requirements of the Development Plan. This issue is considered further in the final planning balance section of this report.

Highway safety and parking provision

Essex County Council as the Local Highway Authority have considered this application and commented that there will be no adverse impact on the local highway network subject to the imposition of planning conditions. Such conditions relate to the provision of clear parking and turning areas, new raised kerbs for the adjacent bus stops on Morris Court and Gants Court, the

provision of a residential travel information pack and the prevention of unbound material within 6m of the highway boundary. Each of these conditions are reasonable and necessary to impose.

Turning to parking provision, the applicant proposes to deliver 39 new car parking spaces and 30 new bicycle spaces, which will include 16 enclosed spaces for Block A and 10 enclosed spaces for Block B as well four cycle spaces for visitors. The former hostel had car parking for 7 cars and therefore the development will increase the number by 32. It is concluded that the increased level of car parking is justified to serve the needs of the proposed new development, without increasing pressure for parking on surrounding roads. It is also noted that the hostel did not have any bicycle spaces, whereas the proposed development will deliver 30, facilitating and encouraging sustainable travel movements for new residents.

Character and appearance

The proposed development is split into two residential blocks, referred to as Block A and Block B. Block A will provide 16 new flatted homes for private sale and Block B will provide 9 flatted homes as supported living housing for people with learning impairments. Block B will also provide 1 flatted home that will be used by carers and include a meeting room for communal use.

Block A will be located in the southern portion of the site, close to the boundary with Shernbroke Road and Mason Way. It will be a four storey building, finished with a variety of materials including red brick and grey cladding. Block B is a three storey building which steps down to two storey on its northern portion. Similarly to Block A, Block B will have a red brick and grey cladding finish.

Extensive new areas of landscaping are proposed throughout the site, notably on the eastern and western boundaries of the site and the creation of new communal garden amenity areas for each Block.

The emerging Local Plan requires that new development must achieve a high specification of design and contribute to the distinctive character and amenity of the local area. It is important to firstly have an understanding of the prevailing character of the street scene. In this case, there are a vast number of different architectural designs and use of building materials in the viewable street scene, notably two storey flat roofed dwellings on the other side of Shernbroke Road, conventional two storey dwellings with hipped and gabled roofs on Honey Lane and chalet bungalows with front dormer windows on Mason Way. Jessop Court is also located just behind Shernbroke Hostel and is a building with a mixture of two and three storey buildings.

As a result, the street scene has a very varied and distinct character with very little uniformity when considered as a whole. Considering the proposed design of the development together, both Blocks follow a similar architectural design to each other and would read as a coherent development. The relatively modern style of design and use of materials can be accommodated in this location given the varied character of the area.

The proposed development would introduce buildings up to 4 storeys in height, which has the potential to be somewhat prominent in the street scene. However this 4 storey height is constrained to Block A, which as previously noted is located on the southern portion of the site, where there is a significant slope from south to north. As such the building will appear more akin to a three storey building when viewed from Shernbroke Road and it is notable there are many examples of three storey buildings in the local area. Indeed, there is also robust landscaping on this boundary which further lessens the potential impact in the local area.

Considered as a whole, it is concluded that the development would preserve the character of the area by contributing to its already varied appearance, adding a further interesting architectural style into the area. The proposal is therefore compliant with the requirements of the Local Plan from a design perspective.

Living conditions of neighbours

The Local Plan requires that new development must take account of the privacy and living conditions of the neighbours. This includes ensuring that neighbours will not suffer a significant loss of light, overlooking, an overbearing impact or noise, light or vibration issues.

There are a number of single storey bungalows to the immediate west of the site, which have very little space in their rear gardens and could therefore be significantly impacted by a four storey building. However in this case, Block A has been positioned approximately 26m from the shared boundary with the closest of these neighbours and a close boarded fence and landscaping will be erected on the shared boundary. In addition the proposed balconies for the new development will be located on the eastern elevations fronting Shernbroke Road. As a result of this design and distance from the shared boundary, there will not be a significant loss of light or overlooking to these neighbours, nor will the development appear overbearing given the significant distance it will be from the boundary.

The highest section of Block B will be fronting onto Shernbroke Road, which will then step down to a modest two storey height towards the western boundary. Such a design will ensure that the neighbouring properties to the west, who have similarly small garden areas to the neighbours noted above, will not have significant harm caused to their living conditions.

Residential amenity of future occupiers

The proposed development will provide 26 new homes of suitable sizes for their proposed number of bedrooms, each with access to private amenity space outside. Residents of Block A will also have the benefit of balconies for their enjoyment. The proposed development will therefore deliver a good standard of accommodation for new residents.

Affordable and specialist housing

The former hostel was used by Essex County Council as a residential care home which catered for vulnerable adults. The site offered 24/7 support for its residents who require trained and experienced support staff to meet their needs. Essex County Council are now moving away from residential care in favour of supported living accommodation, giving residents more independence and community engagement. Indeed, the demand for the hostel had been in decline in the two years before its closure to under 30% of its capacity, equivalent to 7 permanent residents. As such the continued operation of the hostel was no longer financially viable and lead to its inevitable closure.

The development proposes to deliver 9 new homes for social care, plus one unit as communal space and an office. Similarly to the former hostel, carers will be on the site 24/7 to facilitate the needs of its residents. Considering that the former hostel did not offer an adequate standard of accommodation to meet the modern needs of its residents and that there were only 7 permanent residents, the delivery of 9 purpose-built homes for use by vulnerable adults does not result in the loss of specialist accommodation in the District; rather it delivers an improved offer for such needs.

In terms of affordable housing, a viability assessment has been submitted that was assessed by the Councils independent consultants. This concludes that the scheme cannot viably provide affordable housing, even if developed as a pure open-market housing development. Nonetheless, the specialist nature of the new dwellings for use by vulnerable adults is akin to the delivery of affordable housing; a position which has been confirmed by the Council's Affordable Housing Team. The delivery of 9 new homes and new communal space in the context of this scheme which will deliver 26 new homes in total and is supported by a viability assessment, is compliant with the required quantum for affordable housing required by the emerging Local Plan.

The use of the 9 homes will be secured by formal Nominations Agreement with the appropriate housing association. The District Council will be involved in this process and it is considered that this will sufficiently secure their delivery.

Land Drainage

The applicant has provided a flood risk assessment and SuDS strategy with the application and the Council's Land Drainage Team have commented that they agree with the findings in principle. The details of the strategy can be secured by condition, which is reasonable and necessary to impose.

Land contamination

The Land Contamination Team have considered the application, including the submitted Contaminated Land report and have concluded that since the site was once used for horticultural purposes and residential use is vulnerable, it is appropriate to attach conditions to ensure that further investigations are undertaken to ensure there are no potential hazards to human health. These are reasonable and necessary conditions to impose.

Trees and landscaping

The proposed development includes a robust planting scheme, which includes significant new areas of landscaping in and around the site to provide for amenity, ecological value, screening and to enclose spaces and soften the built form of the development. The delivery of the planting scheme will ensure a high quality finish and these details can be secured through planning conditions.

Impact on the Epping Forest SAC

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 Pathways of Impact 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:

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

2. 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:

1. The site lies within the 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 on 18 October 2018 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.

2. 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 only seeks these from proposals for new homes within 3km of the EFSAC, as is the case with this planning application. The applicant has agreed to make a financial contribution in accordance with the Interim Approach. 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.

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.

Conclusion

The proposed development will provide 26 new homes which will deliver a good standard of accommodation for new residents. Of these 26 new homes, 9 of them will deliver sate of the art accommodation for vulnerable adults, thereby providing important new specialist accommodation for the local community. There are no conflicts with the policy requirements of the Development Plan or the emerging Local Plan and therefore it is recommended that planning permission is granted subject to conditions and subject to completion of a S106 Legal Agreement to secure appropriate financial contributions for the management and monitoring of visitors/air quality to the Epping Forest Special Area of Conservation.

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

Planning Application Case Officer: James Rogers
Direct Line Telephone Number: 01992 564371

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

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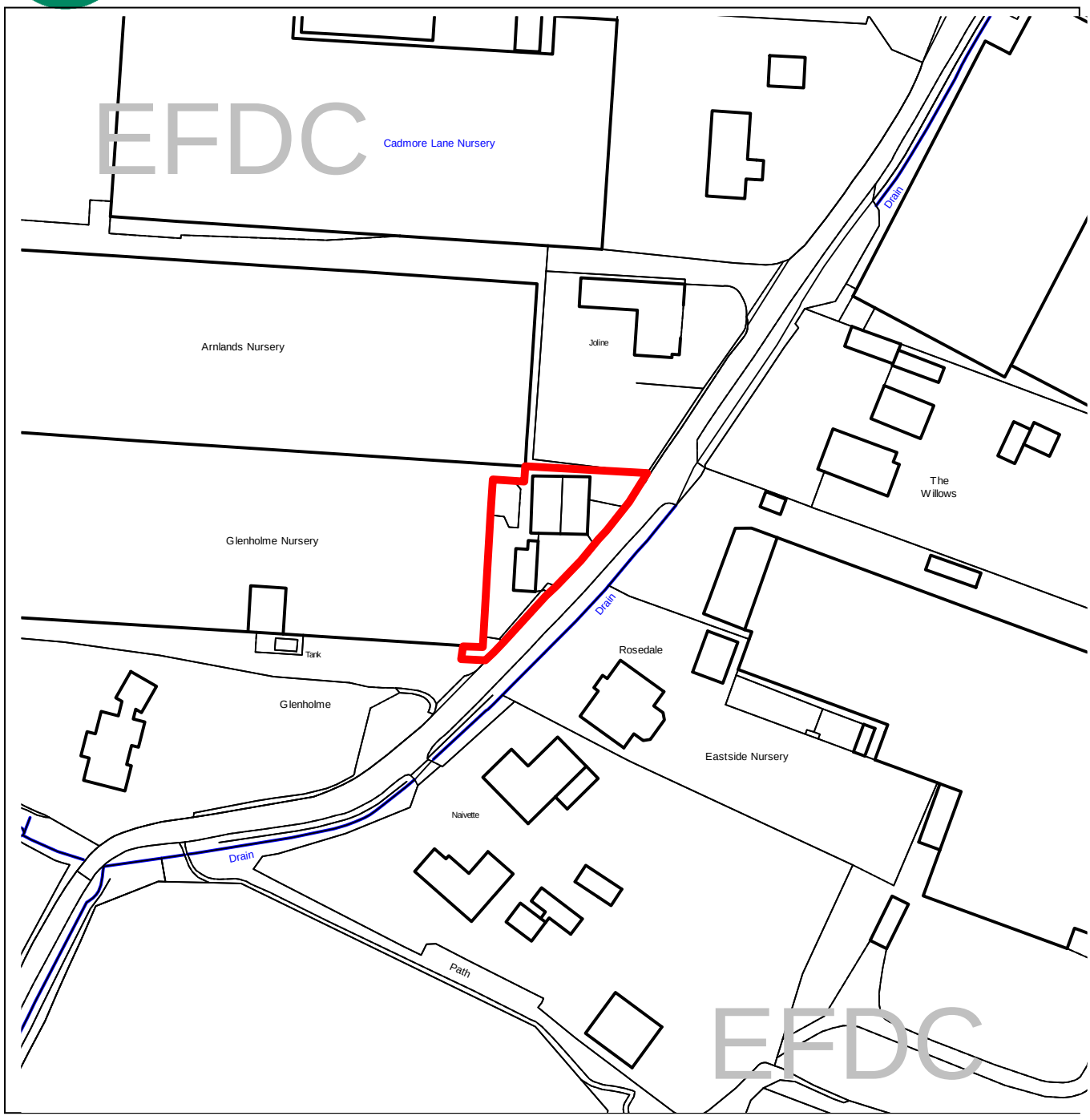
Epping Forest District Council



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Application Number:	EPF/1144/20
Site Name:	Glenholme Nursery Nursery Road Nazeing, EN9 2JF
Scale of Plot:	1:1250

Report Item No:

APPLICATION No:	EPF/1144/20
SITE ADDRESS:	Glenholme Nursery Nursery Road Nazeing Waltham Abbey EN9 2JF
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Messrs A & J Chiazza
DESCRIPTION OF PROPOSAL:	Proposed removal of 2 existing caravans, demolition of existing buildings (115m2), retention of building A (97m2), erection of building B (97m2) for agricultural workers accommodation with provision of associated amenity space.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:
http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=637520

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

4010/1A, 4010/2, 4010/3A, 4010/4A, 4010/5, 4010/6, TCTC-17864-PL-01, TCTC-17864- PL-02A Proposed Layout Plan and Remediation Recommendations, TCTC-17864-L-01, TCTC-17864 Tree schedule (BS5837), TCTC-17864-B, Phase 1 Habitat Survey and scoping assessment by Hybrid Ecology Ltd 12th October 2020, Planning Statement.

3 Prior to the first occupation of the horticultural worker accommodation hereby approved buildings and caravans shown on drawing 4010/2 to be removed shall be demolished and all debris removed from the site.

4 The occupation of the development hereby approved shall be limited to a 10 persons maximum for the development, they must also be solely or mainly working, in horticulture, agriculture or in forestry, at Glenholme Nursery, Nursery Road, Nazeing.

5 The refuse storage facility shown on the approved plans shall be completed prior to the first occupation of the development and shall thereafter be retained free of obstruction and used for the storage of refuse and recycling only and for no other

purpose, unless otherwise agreed in writing by the Local Planning Authority.

6 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey (Hybrid Ecology Ltd, October 2020), as already submitted with the planning application and agreed in principle with the local planning
authority prior to determination.

7 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 Class A of Part 2 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.

8 The vehicle parking as indicated on the approved plans shall be provided and retained as such in perpetuity for their intended purpose.

9 Prior to the commencement of above ground level works, a Biodiversity Enhancement Layout for protected and Priority species shall be submitted to and approved in writing by the local planning authority, following the details contained within the Ecological Survey (Hybrid Ecology Ltd, October 2020).

The content of the Biodiversity Enhancement Layout shall include the following:
a) Purpose and conservation objectives for the proposed enhancement measures;
b) detailed designs to achieve stated objectives;
c) locations of proposed enhancement measures by appropriate maps and plans;
d) persons responsible for implementing the enhancement measures;
e) details of initial aftercare and long-term maintenance (where relevant).
The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

10 Prior to preliminary ground works taking place, details of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

11 Should the worker accommodation hereby approved be no longer required then the buildings shall be removed from the site together with any associated materials.

12 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and

approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

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

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

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

- Location of active and passive charging infrastructure;
- Specification of charging equipment; and
- Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
b) How charging point usage will be charged amongst users;
c) The process and the triggers for identifying when additional passive charging points will become activated; and
d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.

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

17 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

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).

Description of Site:

The application site covers an area of 700 sq.m. It is located on Nursery Road within the rural area of Nazeing, just south of Arnlands Nursery and north of the residential property at Glenhome. The application site is located within the boundaries of the Metropolitan Green Belt and a Glasshouse Protection Area. There are no heritage designations on the site.

The site is occupied by two residential caravans, a single storey building containing two nursery accommodation units, a recently built single storey building containing three nursery accommodation units (Building A) and a group of derelict former nursery buildings.

The two caravans are each about 9m x 3m. The derelict buildings are mainly brick and include a tall brick structure surmounted by water tanks rising to over 7m.

The single storey three-unit accommodation building has an area of 97sqm and replaced a nursery storage building of 77 sqm which was previously attached to the building containing the two units of accommodation.

This application has been submitted as a result of an enforcement investigation regarding the construction of the 97sqm building. This application has labelled this building as 'Building A'.

Description of Proposal:

Permission is sought for the removal of 2 existing caravans, demolition of existing buildings (115m2), retention of building A (97m2), erection of building B (97m2) for agricultural workers accommodation with provision of associated amenity space.

The planning statement submitted with the application advises that the two caravans will be removed and the derelict nursery buildings, including the 7m tower with tanks, will be demolished and the resulting materials cleared from the land.

The existing two-unit accommodation building will be retained as at present with its existing garden. The first of the three-unit buildings (Building A) will be completed and its external walls finished with render. A garden for this building will be provided to the side of it.

The second of the three-unit buildings (building B) will be built to the south of building A on the site of the removed caravans and demolished buildings. It will be sited roughly perpendicular to the alignment of building A. A further garden area for use in connection with this building is proposed.

The proposal will result in the site being able to accommodate 10 workers in total compared with the 8 currently living on the site (2 in each caravan and 4 within the 2 units within the existing building on the site.

The area of the both building A and B will be is 7.51 x 12.92 each = 97m² each, which means that each unit will be 32.3sqm.

The two containers and an old boiler will be disposed of to make space for
the proposed provision of 6 residents' parking spaces alongside the southern edge of the glasshouses.

Re positioning of the Klargester unit

Provision of facilities for storage of bins and bikes.

Relevant History:

Reference	Description	Decision
EPR/0120/49	GOAT HOUSE	Granted
EPO/0914/72	Extraction of sand & gravel. ECC granted. In conj. with EPO/1102/72.	Granted
EPO/1102/72	Extraction of sand & gravel. ECC granted. In conj. with EPO/914/72.	Granted
EPF/0443/85	Block of three stables.	Refused
EPF/0657/85	Outline application for the erection of a dwelling house.	Refused
EPF/0912/86	Outline application for the erection of a dwelling house.	Refused
EPF/1841/00	Demolition of existing and erection of replacement dwelling.	Refused
EPF/0369/16	Proposed annexe.	Granted

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. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

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

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP4 – Energy Conservation
GB2A – Development in the Green belt
GB17A Agricultural, horticultural and forestry workers dwellings
RP4 – Contaminated land
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE9 – Loss of amenity
LL11 – Landscaping schemes
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
NC1 – SPAs, SACs and SSSIs

NATIONAL PLANNING POLICY FRAMEWORK (FEBRUARY 2019)

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.

EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION (2017) (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

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

Policy	**Weight afforded**

SP1 - Presumption in Favour of Sustainable Development	Significant
SP2 - Spatial Development Strategy 2011-2033	Some
SP6 - Green Belt and District Open Land	Some
H1 - Housing Mix and Accommodation Types	Some
E3 - Food Production and Glasshouses	Significant
T1 - Sustainable Transport Choices	Significant
DM1 - Habitat Protection and Improving Biodiversity	Significant
DM2 - Epping Forest SAC and the Lee Valley SPA	Significant
DM3 - Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4 - Green Belt	Significant
DM5 - Green and Blue Infrastructure	Significant
DM9 - High Quality Design	Significant
DM11 - Waste Recycling Facilities on New Development	Significant
DM15 - Managing and Reducing Flood Risk	Significant
DM16 - Sustainable Drainage Systems	Significant
DM17 - Protecting and Enhancing Watercourses and Flood Defences	Significant
DM18 - On Site Management of Waste Water and Water Supply	Significant
DM19 - Sustainable Water Use	Significant
DM20 - Low Carbon and Renewable Energy	Significant
DM21 - Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 - Air Quality	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 7
Responses received: as follows:-

GLENHOLME NURSERY ROAD, SPENCER HOUSE NURSERY ROAD, THE WILLOWS NURSERY ROAD OBJECT:
Retrospective application;
Noise pollution;
Anti-Social Behaviour;
increased number of vehicles on our private road,
The overall look and finish of the building is not in keeping with houses within the area;
Contrary to Building Control Regulations; (Not material planning consideration)
Loss of property value; (Not material planning consideration)
Will set negative precedent,
How many people will be living in each unit?
Blocking of Side-road access as a result of parking
Loss of Biodiversity and Geological Conservation,
Flood risk,
No arrangements have been made for Waste storage and collection
if there are 10 employees living on the site, how will they fit in to the 3 buildings? If there is no change to the long-standing 2-person unit, the other 8 people must squeeze themselves into the 2 new buildings (A&B) which only contain a combined 6 units.
As the staff have their own cars, there is no need for them all to live on site.
the applicant has not supplied a business reason for all workers to live on site.
We have done a quick search which has produced many potential shared houses or rental houses within 3 miles. Also, there is an opportunity at Dobb's Weir Caravan Park which allows residents for 11 months of the year. Has this ever been considered?
the development is not 'within' the nursery site. It is on the outskirts with direct access to the road.
There is ample space to the rear of the glass houses for new build accommodation.
What is the rent charged?
Does the applicant advertise its job's locally?
Not isolated location, near the village of Nazeing.
ALL of the cited planning applications are for accommodation within the fences of the nurseries. NOT on the outside with direct access to the road. NOT within 10 meters of 5 homes. Therefore, these are not comparable to this application.
Placing new build accommodation to the rear of the glasshouses would not give a disadvantage to the business.
The lack of planning permission prior to the commencement of work shows a total disregard for the residents that are facing increased stress and decreased quality of life and privacy.

PARISH COUNCIL: OBJECTION on the following grounds:

1. It appears that the application in relation to Building A is retrospective.
2. The adverse effects on neighbouring residential properties which has already occurred in relation to Building A (policy DBE2).
3. The lack of space within the site for the parking of vehicles.
4. The current arrangements for the disposal of sewage may not be satisfactory if the number of persons living on the site is increased.

If permission is granted the following conditions should be imposed

i. Neither of Buildings A nor B is used other than for workers employed at the Nursery.
ii. A limit be placed on the number of residents occupying the buildings.
iii. Provision be made for leisure and recreation.
iv. Provision be made to avoid noise pollution.
v. Adequate car parking to be provided.

vi. Satisfactory arrangements to be made for sewage disposal.

Main Issues and Considerations:

Green Belt

The National Planning Policy Framework 2021 (NPPF) defines development that is appropriate for the Green Belt as that which would not have a greater impact on the openness of the Green Belt and the five purposes of land included within it.

The proposal falls outside of the exceptions to inappropriate development listed in paragraphs 149 and 150 of the NPPF, it is therefore inappropriate development.

Very special circumstances

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.

Paragraph 84 of the NPPF requires that planning decisions should enable:

a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
b) the development and diversification of agricultural and other land based rural businesses.

A horticultural nursery is an appropriate business within the Green Belt. The provision of worker accommodation would enable the sustainable growth of this business and will tidy up this area of the site.

Paragraph 3.66 of the Submission Version Local Plan defines the provision of new long-term residential accommodation for workers as inappropriate development within the Green Belt. However it acknowledges that house prices and rents within the traditional growing areas in the Green Belt so close to London make it unattainable for many individual workers, therefore the Council will allow the creation of nursery worker residential accommodation in the Green Belt if they are located within the area designated as a Glasshouse Protection Area and if it meets the requirements of policies GB17A of the Local Plan and policy E3 of the Submission Version Plan

Policy GB17A and policy E3 will permit the construction of horticultural worker dwellings on the basis that it is essential for the business. The nursery is long established, and the accommodation is essential to the business and the applicant's business is viable.

The site outlined in red falls within the ownership of Glenholme Nursery and within the Glasshouse Protection Area.

Impact on visual amenity/openness.

Each unit is under 150 sqm. The total floorspace of buildings to be demolished is 167 square metres, the new buildings proposed have an area of 194 sqm this is an increase of 27 sqm. However the existing water tower has a maximum height of 7.4m and the proposed buildings have a maximum height of 3.6m. the proposal will also tidy up this untidy site and will introduce soft landscaping in the garden area.
Furthermore since the location of the application site means that the buildings will be surrounded by glasshouses and residential properties, it is considered the proposal will not have a significant visual impact upon the character of the surrounding landscape. It is for these reasons that on

balance the overall harm to the openness of the Green Belt will be limited. The proposal is therefore considered to comply with Green Belt Policy GB2A of the Local Plan and DM4 of the SVLP.

In order to demonstrate the viability of the applicant's business, the agent details within the Planning statement that the business has been regularly invested in business over the years to improve the nursery resulting in pre-tax profits of £408,188 and labour costs of £628,420 for the financial year 2018-2019. There is therefore sufficient evidence to demonstrate that the applicant's business is viable.

In order to demonstrate agricultural need, the agent advises the following: -
As a result in advances in technology have increased the growing season to allow growing from late January to early December and has led to a significant increase in production and productivity creating a requirement of more labour, all of which is supplied from Europe.

Production at Glenholme, Arnlands and Hamblins has more than doubled since 2000. These nurseries have a total growing area of about 1.5 hectares. The employment density for a full-time crop worker is about 1 per 1,875 sq. metres. This gives a requirement for 8 permanent crop workers. These workers currently live in two cramped caravans.

At the time of the submission of the application, orders were increasing from Waitrose for mini cucumbers. The applicants are seeking to increase production of these vegetables, in order to do so, he argues he will need two hire more permanent employees and provide somewhere suitable for them to live. The proposal will therefore provide decent living accommodation for all these 10 workers.

The proposed new units would be finished to a high standard in accordance with Building Regulations and would be more attractive to workers than the existing caravan, which would be removed from the site. There is therefore an essential need for additional accommodation to enable existing workers to continue to live on site

The accommodation offered by the applicant would be subsidized by the applicant as an inducement for employee procurement and retention. (50 pounds is deducted from workers weekly wages. This is clearly below the market rent for the area).

Given the site's planning history, it is considered that sufficient evidence has been submitted to establish that the building is essential to the applicant's horticultural business and there is insufficient alternative accommodation in the local area. The proposal therefore meets the requirements GB17A of the Local Plan.

Furthermore it is positioned within a cluster of other buildings. Its additional visual and physical impact will therefore be a less than substantial impact on the character and openness of the Green Belt. It is for these reasons there are sufficient very special circumstances which would clearly outweigh the harm to the Green Belt as a result of inappropriateness of the development.

Objectors have raised concerns in regard to why the jobs have not been advertised to local people as way to negate the need for worker accommodation. Anecdotally, an article in the Online version of the Daily Mail published on 11 June 2021 found that whilst the Government has spent more than £30,000 promoting the 'Pick for Britain' scheme, yet farmers could not recruit the 60,000 British volunteers needed to save UK crops during the Corona virus pandemic which stopped from entering the country last year. The lack of success resulted in the scheme being scrapped.

The agent also advises that the applicant (and other businesses within the Lee Valley Growers Association) has made attempts to attract local workers (including several initiatives over the last few years by the Lee Valley Growers Association (LVGA) to promote horticultural careers to the

local workforce via Job Centres, Jobs Fairs and apprenticeship schemes). All have been unsuccessful as “there is no interest in this type of work from indigenous locals and when they are employed, they do not stay long, often being unable to cope with the tough working conditions in a hot glasshouse environment. “It is for this reason that viability of the business remains “wholly dependent on migrant workers and the present workforce is almost entirely from Eastern Europe.”

The agent indicates that the cost of acquiring the level of accommodation required to house the 10 workers within existing local housing market would be £900,00 prior to any additional adaption or improvement works. This will result in requiring a deposit of £225,000 for the mortgages on these properties along with utility and tax bills. This cost could not be passed onto the worker and would therefore have a harmful impact on the viability of the business.

Given the high demand for horticultural workers in this area and the isolated position of the site in terms of access to public transport, along with the high cost of rental properties within the local area, it is clear that there is a lack of supply of affordable accommodation for nursery workers.

This style of the HMO is functional and is therefore more likely to stay as agricultural worker accommodation than a single-family dwelling subject also to a condition being attached to any permission requiring that only farm or nursery works can occupy the building.

Conditions are also recommended to ensure the two inappropriate caravans and derelict buildings area removed; future occupiers will be limited to those who work as horticultural workers for the application business and when the accommodation is no longer needed, the buildings removed from the site. It is on this basis that that the proposal complies with the requirements of policy GB17 of the Local Plan and E3 of the LPSV.

Occupiers of the new residential accommodation

Objectors have raised concerns that the accommodation is being built for rent by the general public. The application is for the accommodation of workers on Glenholme Nursery only and the two new buildings are proposed to be occupied by 6 people in total. There are also another 4 employees living within the two units of accommodation already on the site. There will therefore be a total of 10 employees living on the site. The Team Manager for the Private Sector Housing and Grants Team within the Environment Health Dept has visited the site on a number of occasions and confirmed that she “never had any concerns that the people residing in the caravans are not genuine workers on Glenholme Nursery”. Furthermore a suitable occupancy condition should be imposed in accordance with the comments made by the Parish Council.

Trees

A Cypress hedge and a plum tree straddle the boundary of the application site and neighbouring residential property Joline, both are shown to be retained. The Tree Officer therefore has no objections to the proposal.

3 areas of shrub ornamental planting are proposed along with 160 sq. area of grass lawn. The proposal will therefore have a positive impact on the landscape of the site in accordance with LL10 and LL11 of the Local Plan along with DM5 and DM9 of the Submission Version Local Plan.

Impact on the living conditions of neighbouring residential properties

The nearest residential property is 25m away. This property (Joline) is screened from the application site by 7m high hedge. It is therefore considered that the residential use will compatible with the character of the surrounding area and neighbouring amenity will be safeguarded.

Highways

Plans have been amended to show a specific parking area for the occupiers of the accommodation along the southern side of the glasshouses. Although the agent argues the most common form of transport will be by bicycle.

The Highway Authority has reviewed the application and has no objections to make on this proposal. The proposal therefore accords with the requirements of policies ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

Nursery Road is a private road, therefore it's condition and upkeep is a private matter.

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 concludes 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 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 parts of the methodology underpinning the appropriate assessment HRA 2019, 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 Pathways of Impact to be assessed in relation 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.

As this application is for non-residential development it has been screened in relation to the atmospheric pollution Pathway of Impact only and concludes as follows:

The development has the potential to result in a net increase in traffic using roads through the EFSAC and therefore could have a likely significant effect on the EFSAC in relation to the atmospheric pollution impact pathway.

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 the atmospheric pollution Pathway of Impact.

Stage 2: 'Appropriate Assessment'

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 atmospheric pollution 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 IAMPS. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from the two strategic employment allocations at Dowding Way and North Weald Airfield. The application will, however, be subject to planning conditions to secure site-specific measures as identified in the IAMPS.

Conclusion:

The Council is satisfied that, subject to the imposition of relevant planning conditions, the application proposal would not have an adverse effect on the integrity of the EFSAC.

Ecology

The Ecology Team at ECC Place Services have reviewed the Ecological Survey (Hybrid Ecology Ltd, October 2020) and were satisfied that there is sufficient ecological information available for determination. The mitigation measures identified should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species.

They support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework. This includes two woodcrete / woodstone sparrow terraces installed on the new dwellings in order to enhance opportunities for house sparrow, a Priority Species. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity
Enhancement Layout and should be secured as a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.
Submission for approval and implementation of the details below should be a condition of any planning consent. The proposal therefore complies with the requirements of policies NC3 and NC4 of the Local Plan and DM 1 of the LPSV.

Land Drainage

The Land Drainage team advise that the site is at risk of surface water flooding therefore further details are required on how this matter will be dealt with. Due to the nature of the use further details of foul sewage drainage is also required. This includes details of how the Klargester unit will operate. These matters can be dealt with as pre-commencement conditions. It is on this basis that the proposal complies with the requirements of policies RP3 and U3 of the Local Plan along with DM16 and DM21 of the SVLP.

Land Contamination

Due to its use as a horticultural nursery, there is the potential for contaminants to be present on site. To ensure that future occupiers are not put at risk from this contamination, he recommends that contamination mitigation conditions are attached to any permission in accordance with

Paragraphs 120-124 of the NPPF and policy RP4 of the Local Plan and DM21 of the Submission Version Plan.

Other matters

The 25 workers mentioned in the accounts include the workers employed by the whole business, including those employed on the applicant's other nurseries.

Objectors have raised Dobbs Weir Caravan Parkas as suitable alternative accommodation; however this site is a leisure park and not designed for permanent residential occupation.

Conclusion:

The proposal is inappropriate development within the Green Belt. However, the site is located within a Glasshouse Protection Area where subject to the requirements of policies GB17A and E3, development related to food production will be supported.

Due to the location of site being surrounded by taller glasshouses and residential properties the impact to the wider visual amenity of the area will be limited. The agent has submitted clear and robust evidence that demonstrates that lack of suitable worker accommodation is affected the viability of the applicant's business.

Due to the accommodation being highly subsidized there is no other suitable accommodation available within the local area.

The proposal will also lead to the removal of established but inappropriate caravan accommodation.

It is recommended that conditions be attached to any permission to restrict the occupancy to horticultural workers only; the number of residents being limited to 10; when no longer in use for this purpose that it be demolished and removed and to ensure that satisfactory arrangements for sewage disposal. Sufficient parking and cycle storage provision has also been provided to accommodate the development. It is therefore considered in line with paragraph 84 of the NPPF there are sufficient very special circumstances to outweigh the harm to the purposes of containing land within the Green Belt and all other harms. The proposal on balance therefore complies with relevant planning policy and it is recommended that planning permission be granted.

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

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NOTES

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3) All dimensions and/or levels to be checked on site prior to works proceeding.

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Client:	LAKELAND LEISURE ESTATES LTD
Project Ref:	LAKERM
Project Title:	'ROYDON MILL MARINA' Moormen Way, Roydon, Harlow, Essex, CM19 5LX
Drwg Title:	SITE LOCATION PLAN
Drwg Status:	PLANNING
Drawn by: DJJ	Drwg No: LAKERM-1-3-001
Date: 02.10.2019	Scale: 1:1250@A0 Rev:

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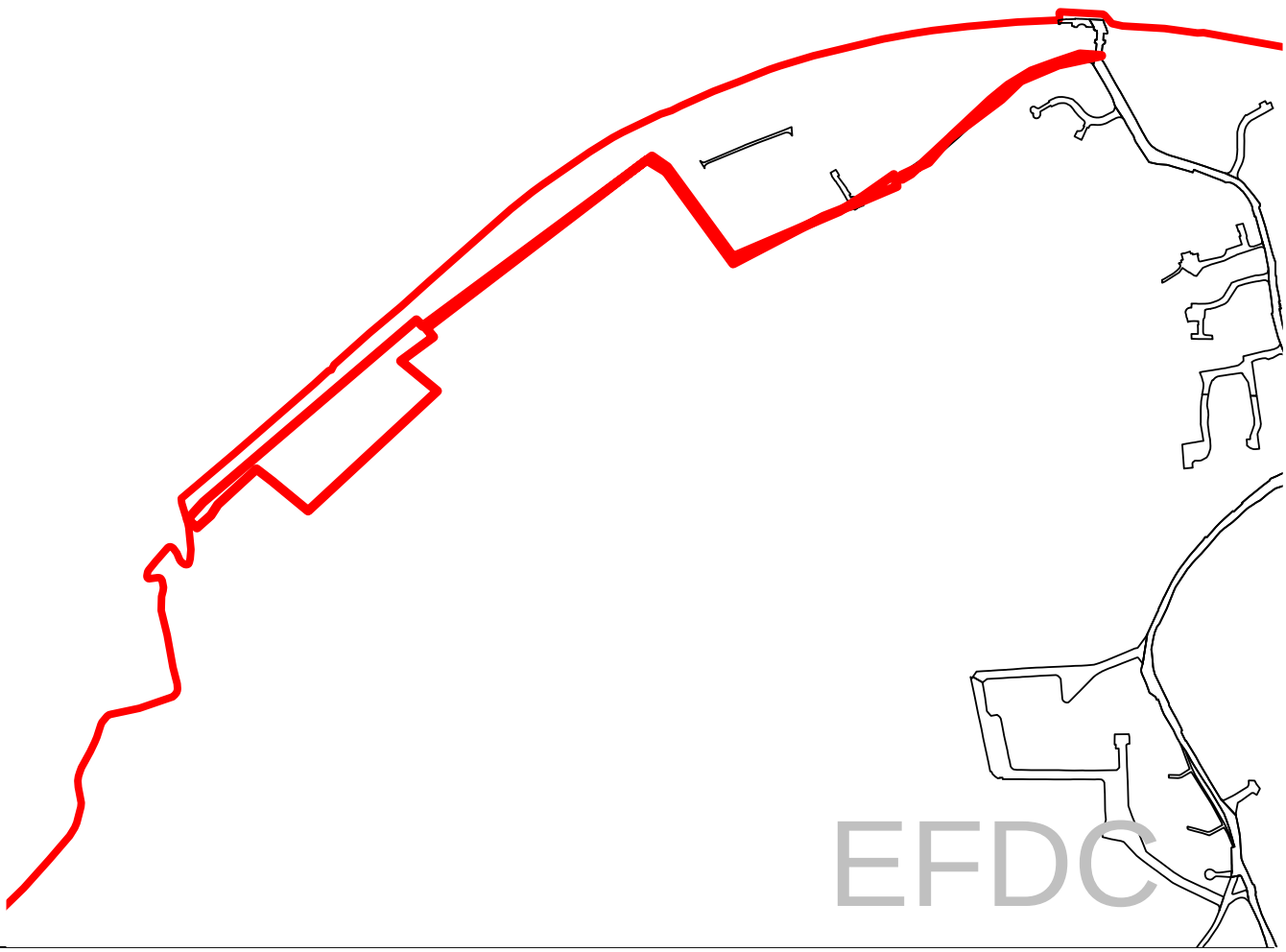
Epping Forest District Council



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Application Number:	EPF/2036/20
Site Name:	Roydon Marina Village High Street, Roydon CM19 5EJ
Scale of Plot:	1:9000

Report Item No:

APPLICATION No:	EPF/2036/20
SITE ADDRESS:	Roydon Marina Village High Street Roydon Harlow CM19 5EJ
PARISH:	Roydon
WARD:	Roydon
APPLICANT:	Morgan
DESCRIPTION OF PROPOSAL:	Extension to existing marina to provide an additional 168 berths, 99 parking spaces, additional associated facilities and widening and improvement to existing vehicular and pedestrian access.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:
http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=641916

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:
LakeRM-1-5-001I-SiteLocationPlan
LakeRM-1-1-007-ExistMarinaOS
LakeRM-1-1-006K-AccessRoadWideningPlan
LakeRM-1-1-005Q-PropMarinaPlan
LakeRM -Toilet Building (Feb 2020)

3 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.

4 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Mitigation and Enhancement Scheme 150511-ED-12b (Tim Moya Associates, July 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

5 A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall be for both the construction period and once the site is occupied and identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging and use of the water by wintering and breeding birds; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

6 Prior to any above groundworks, details and location of the parking spaces equipped with active Electric Vehicle Charging Points shall have been submitted to and approved in writing with the Local Planning Authority (LPA). For the avoidance of doubt 10% of the proposed spaces shall have ELVC points. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:

- Location of active and passive charging infrastructure;
- Specification of charging equipment; and
- Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
b) How charging point usage will be charged amongst users;
d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.

7 Prior to the commencement of the works to the canal towpath hereby permitted, a towpath improvement strategy shall be submitted to and approved in writing by the LPA. The strategy shall include:
Details of surfacing materials
Plans showing existing and proposed ground levels
The location and type of safety and user information signage to be installed
Details of road markings
Details of road safety infrastructure, including speed bumps and bollards
Details of lighting to be installed, including the type, appearance and location, and its impact, including the submission of a Lux plan.
The towpath widening shall be carried out in accordance with the approved details.

8 Prior to the first occupation of the development hereby permitted, a pollution prevention strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented as required to safeguard water quality of the River Stort Navigation.

9 Prior to the commencement of the development hereby permitted, a Risk Assessment and Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Risk Assessment and Method Statement shall identify risks to users of the River Stort Navigation (including its towpath) and its environmental quality during the excavation, demolition and construction phases (as appropriate) and set out appropriate controls to avoid adverse impacts.

10 The parking area shown on the approved plan shall be provided prior to the first mooring of a boat/vessel and shall be retained free of obstruction for the parking of visitors vehicles.

11 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

12 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.
7. Tree protection measures.

13 Should the use of the lake for mooring of boats cease, all moorings, pontoons, stages etc within the lake shall be removed from the site within 6 months.

14 The marina extension hereby approved shall be used only for recreational purposes and a maximum of 168 boats shall be moored at the red-lined site at any one time. None of the boats shall be residentially occupied. Full details of the management of the site including restrictions on length of stay of users of the site (not to exceed 28 days) shall be submitted to and agreed in writing by the Local Planning Authority prior to the first use of the site for mooring boats. The agreed restrictions on occupation of the boats at the site shall thereafter be maintained unless otherwise agreed in writing by the Local Planning Authority.

15 Prior to the first occupation of the development the proposed towpath improvements, as shown on drawing no. 2432-02 within the Transport Assessment, shall be fully implemented and maintained as such in perpetuity.

16 Prior to first occupation of the development the developer shall refresh the existing 'Keep Clear' markings and shall maintain them as such in perpetuity.

17 The remaining lake area not utilised for moorings shall be retained as open water habitat free of moorings to protect the areas of ecological enhancement.

18 Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted and agreed by the LPA to ensure best practice construction measures and avoid harm to sensitive habitats and species, including pollution incidents and noise disturbance, along with ongoing environmental pollution controls to protect the sensitive water habitats. The works shall be carried out in accordance with the agreed CEMP.

19 Prior to commencement of development a Landscape and Ecological Management Plan (LEMP) shall be submitted and approved in writing by the LPA to ensure the on-going management and maintenance of the Ecological Mitigation and Enhancement Scheme July 2021, in particular the new areas of reedbed, the wildflower meadow and planting belt alongside the access road/towpath. Management shall ensue in accordance with the agreed details.

20 No development shall take place until an invasive non-native species protocol detailing the management strategy for the Himalayan Balsam on site and biosecurity measures to avoid introducing non-native species into the area is submitted and approved in writing by the local planning authority. Development shall proceed in accordance with the approved method statement.

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)).

Description of Site:

The site is part of the existing Roydon Mill Leisure Park and the lake that has been used for many years for recreational purposes. The lake lies to the west of the caravan area and is bounded to the north by the railway line and to the south by the River Stort Navigation. There are residential mobile homes to the east and much of the leisure park has been redeveloped with new log cabin style mobile homes. A large part of the lake is already in use as a marina, which was granted planning consent in 2009. The red lined application site encompasses a western part of the lake, the adjacent bank areas and the access road which is located on the lake bank, through the caravan park area and follows the tow path up to its junction with Roydon High Street. A Public footpath runs along the tow path and then continues to the south of the lake. There are substantial trees and hedgerows around much of the lake. The site is within the Metropolitan Green Belt.

Description of Proposal:

The application seeks consent for the extension of the existing marina to provide an additional 168 berths, 99 parking spaces, additional facilities and widening of the existing vehicular and pedestrian access.

The additional berths are along and extending out from the northern bank of the lake, with a proposed slip way, parking on the northern bank and toilet block. An exclusion zone has been added to the proposed plans during the course of the application which will prevent boats accessing the island and area to the west of the island and further bird surveys were undertaken during the course of the application.

This is a revised proposal following a 2016 application for an extension to provide 240 berths which was refused

Relevant History:

Extensive history, the most relevant of which:
EPF/0934/16 – Extension to existing marina so as to provide an additional 240 berths, 120 parking spaces and additional associated facilities - refuse collection points, elsan points, and 28.88sqm extension to facilities building - Refused
EPF2113/08 - Creation of a marina with moorings for up to 315 boats and associated facilities, including new lock with the River Stort Navigation, facilities building, workshop, fuel storage tank and 77 parking spaces – Approved 2009

Policies Applied:

Local Plan (1998) and Alterations (2006)

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

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

CP1 Sustainable development
CP2 Protecting the quality of the environment
GB2A Green Belt
GB5 Residential moorings and non-permanent dwellings
GB7A Conspicuous development
GB10 Development in the LVRP
NC4 Protection of Established Habitat
NC5 Promotion of nature conservation schemes
RP3 Water quality
RP5A Adverse environmental impacts
RST7 Recreational function of the Lee and Stort navigations
RST23 Outdoor leisure uses in the LVRP
RST24 Design and layout of development in the LVRP
RST25 Glen Faba and Roydon Mill Leisure Park
DBE1 design of new buildings
DBE4 Design in the Green Belt
LL1 Rural landscape
LL2 Inappropriate rural development
LL7 Planting protection and care of trees
LL10 Adequacy of provision for landscape protection
LL11 Landscaping schemes
ST1 Location of development
ST2 Accessibility of Development

ST3 Transport Assessments
ST4 Road safety
ST6 Vehicle parking

NPPF

Epping Forest District Local Plan (Submission Version) 2017

Policy		**Weight**
E4	The Visitor Economy	Significant
DM2	Epping Forest SAC and the Lee Valley SPA	Significant
DM3	Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4	Green Belt	Significant
DM9	High Quality Design	Significant
DM15	Managing and reducing flood risk	Significant
DM17	Protecting and enhancing watercourses and flood Defences	Significant
DM22	Air Quality	Significant
T1	Sustainable Transport Choices	Significant
D4	Community, Leisure and Cultural Facilities	Significant
P9	Roydon	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 128
BRICK LOCK COTTAGE, ROYDON
31, 200, 206, 218 HIGH STREET
5, 8, 11, 12, 15, 18 THE GRANARY
4, 6, 15A, 17, 41 HOLY ACRE, ROYDON MARINA
20 LITTLE BROOK ROAD, ROYDON
7 PARKFIELDS
VILLA COLINA, HARLOW
MIDFIELD, HIGH STREET
2 BAKERY COTTAGES, HARLOW ROAD
46, 75 TEMPLE MEAD
THE ROYDON SOCIETY
ROYDON RESIDENT x 2
Objections summarised as:
Objection impact on water levels, boats on site are used for residential not leisure, traffic issues, air quality issues, road not suitable for increase in traffic, already oversized, proximity of the crossing to the level crossing causes issues

ROYDON PARISH COUNCIL: OBJECTION

A similar application, for a larger number of boats, was refused in 2016 and the parish council registered its concerns at that point. The parish council agreed at its recent meeting to OBJECT to this new application for the following reasons: -

Access - The access to the site from the High Street is a sub-standard towpath owned by the Canal & River Trust which, even with widening in places, is single track and does not provide the required separation between vehicle, cycle and pedestrian traffic. The towpath runs alongside the River Stort Navigation which is very deep in places - there is no barrier separation. The additional traffic which will be generated by this application will make navigating the towpath more difficult than it already is.

Essex Highways argues that policy ST4 (road safety) has been satisfied but this policy is to be replaced in the Local Plan (submission) so could be regarded as having limited significance. For completeness, ST4 sets out that 'the Council will grant planning permission for new development only when the proposal either (i) is well related to the road hierarchy, (ii) is unlikely to lead to an excessive degree of traffic congestion; (iii) will not be detrimental to highway safety; and (iv) is not likely to result in excessive adverse effects, from traffic generation, on the character or environment of any part of the

LEE VALLEY REGIONAL PARK AUTHORITY

The revised proposals were considered by Members at the Lee Valley Regeneration and Planning Committee held on the 23 September, at which the following recommendation was approved:

(1) that Epping Forest District Council be informed that the Authority withdraws its 'holding' objection to the proposed revised application to extend the marina at Roydon Marina Village now that the ecological surveys have been provided;

(2) that following consideration of the additional information the Council also be informed that the Authority does not now object in principle, providing the conditions as suggested are added to any decision

(a) implementation of the Ecological Mitigation and Enhancement Scheme July 2021 (ref 150511-ED-12b) and roadside planting scheme as detailed in the application;

(b) the retention of the remaining lake area as open water habitat free of moorings to protect the areas of ecological enhancement;

(c) the production of a Construction Environmental Management Plan (CEMP) to ensure best practice construction measures and avoid harm to sensitive habitats and species, including pollution incidents and noise disturbance, along with ongoing environmental pollution controls to protect the sensitive water habitats;

(d) submission of a Landscape and Ecological Management Plan (LEMP) prior to the commencement of the development to ensure the on-going management and maintenance of the Ecological Mitigation and Enhancement Scheme July 2021, in particular the new areas of reedbed, the wildflower meadow and planting belt alongside the access road/towpath;

(e) a lighting strategy for biodiversity, both for the construction period and once the site is occupied to take account of protected species such as bats, and use of the water by wintering and breeding birds;

(f) an invasive non-native species protocol detailing the management strategy for the Himalayan Balsam on site and biosecurity measures to avoid introducing non-native species into the area;

(g) Section 106 Contributions to off-site works at the adjacent Glen Faba waterbody in accordance with details set out in paragraph 18 as mitigation for the loss of open water at Roydon Lake and to help enhance a viable refuge for wildlife; and

(3) that Epping Forest District Council be informed that the Authority wish to be consulted on the above.

Please note paragraph 18 mentioned in 2g) above is reproduced below. 18 As previously discussed, given the small size of the water behind the island, and the overall loss of open water habitat, it remains relevant to propose that contributions are sought towards the provision of mitigation on the adjacent Glen Faba site where the Authority has already implemented some measures to improve its biodiversity. This could be secured through a Planning Obligation/Section 106 agreement. The works could include:
 Scrub management around the shores of the lake to enable egress by grazing birds such as Wigeon to the grassland (indicative cost £5K)
 Removal of scrub around the margins of the lake to enable growth of marginal plant species providing habitat for Water Vole (indicative cost £15K)
 Creation of a new reedbed to compliment that proposed on the development site and the wider area (indicative cost £60K)
 Enhancement works to the existing Heronry on site (indicative cost £5k)

Main Issues and Considerations:

The main issues in the determination of the application are considered to be the following:

Impact on the Green Belt
The landscape and visual amenity of the area
Impact on wildlife, conservation and ecology
Impact on highways and highway safety
Effect on residential amenity
Hydrology
Loss of Open Water
Residential Use
Adequacy of Facilities
Flood Risk
Impact on the EFSAC/LVSPA

Green Belt

The proposed 'built development' is the addition of berths that will sit in the water, car parking areas to the north bank, slipway, and the toilet/facilities block which will measure 7m deep, 19m wide with a maximum height of 5.7m.

Policy DM4 specifically provides a list of exceptions. These exceptions include at C (ii):

Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as any development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;

SVLP (2017) follows the ethos of the NPPF 2021 at paragraph 149 b).

The proposed facilities are for outdoor recreation and given the relatively minor nature of the proposed 'development' required to facilitate a large increase in the size of the marina the proposal is considered to be an exception to Green Belt policy.

As an aside Policy P9 of the SVLP (2017) includes a 'Vision for Roydon' which includes the goal:

'The village will build upon its key strengths, such as the mainline railway station, as well as other assets such as the historic church, ***Marina Village*** *and surrounding Lee Valley Regional Park' [*emphasis added]

Therefore, the proposal is in line with the vision for Roydon as the marina has been identified as a key strength for the village.

Although the proposed development itself has little impact on the openness of the Green Belt, as on plan the works are minor; when the moorings are operational then up to 168 additional boats will be using the application site along with associated parked cars. Although a 'typical' scene – boats on waterways; they will have an impact on openness to some degree.

The original 2009 application was granted permission partly on the basis of Very Special Circumstances (VSC) as there was a need within London and the South East for the additional moorings to meet the needs of the increasing numbers of recreational boaters. It was argued that the site was well located and could be developed without excavation. Additionally, it was considered that any marina to serve London would be required to be within the Green Belt.

The applicants have provided information with this application will regards to 'need'. And have suggested that demand has increased since the 2016 application, and this is backed up the Canal and River Trust's London Mooring Strategy which confirms there is currently excess demand for moorings in the London area (which includes the Upper Lee Navigation and River Stort).

The Applicants currently have 130 people on the waiting list for moorings at the existing marina and enquiries running at 10-15 per a day for winter moorings (there is no provision for winter moorings at the site).

Given that the situation in terms of demand has increased since the 2016 application it is considered that very special circumstances still exist to justify the development within the Green Belt.

To summarise, the proposal in itself is included within the exceptions for development in the Green Belt, although the associated boats and car movements will have an impact on the openness of the Green Belt in this location there is a demonstrable need for the development and therefore this is a justifiable very special circumstance. Additionally, the SVLP specifically promotes the marina as a key strength within Roydon and its expansion supports this vision.

As a final point, the proposal will also require the employment of 8 new members of staff at the marina which will result in additional new employment for this area.

Highways and Access

The proposal utilises the existing access into Roydon Marina, which is along the tow path and then through the Marina complex itself. Concern has been raised by neighbours and the Parish Council with regards to the use of this access.

The towpath provides the access road to the marina between the junction with the B181 and the Roydon Mill Road Bridge across the canal. The towpath is used by a wide range of different users including pedestrians and is part of the National Cycleway Route 1, so is a well-used section of towpath by multiple users.

The towpath is currently restricted to single vehicle flow over a significant length when also shared with cyclists and pedestrians. This is a fairly poor existing situation. The application proposes improvements to widen the central part of this narrowest section and additionally provide a 0.9m wide footpath and the Canal and River Trust supports this intention (provided the towpath also remains a shared space). It will improve the current situation.

With regards to the access to the High Road and highway safety, Essex County Council were consulted on the application. They have commented that the Highway Authority is very familiar with the site and has thoroughly assessed the submitted transport information and has concluded that the proposal is not contrary to National/Local policy and current safety criteria.

The applicant has submitted a robust Transport Assessment that demonstrates, to the satisfaction of the Highway Authority, 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. It is noted that this proposal is 72 berths less than the previous submission which the Highways Authority also found to be acceptable. Further to this, accident data has been investigated again, and there are no recorded highway accidents within the vicinity of the site for the last 5 years. This shows that despite the constraints at the access, it continues to function safely.

The applicant has provided the full provision of parking on-site, which is a maximum number, as per the current standards.

The applicant is also proposing to implement some towpath improvements (as outlined above) which the Highway Officer states will include some benefit for pedestrians and cycles. The Highway Officer also noted that at the access onto the highway, and for a reasonable length from it, there is sufficient width for vehicles to be able to pass each other without any delay or detriment to highway safety.

The Highways Officer concludes that the proposal will not be detrimental to highway safety, capacity or efficiency.

The Council's Emergency Planner was also consulted on the plans, and welcomes the proposed widening of the towpath, but otherwise has no concerns with the application.

The NPPF (2021) at paragraph 111. is clear, stating:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

On the basis of the above and despite the concerns raised it is not considered that there are highway or transport grounds to refuse the application.

Landscape and visual amenity

The site is well screened by existing trees and additional landscaping and planting are proposed. Whilst the car park areas and indeed the boats themselves will have a visual impact within the site, it is not considered that there will be any excessive impact from viewpoints outside the site. Given

the low-lying nature of the site it is not considered that the scheme will have a significantly adverse impact on the landscape or visual amenity of the locality.

The Tree and Landscape Officer has no objection to the proposal subject to a condition for further details of landscaping, ensuring that species numbers/planting densities/sizes and the planting and aftercare can be agreed.

Impact on Wildlife, Conservation and Ecology

The proposed development is in close proximity to the Lee Valley RAMSAR and Special Protection Area (SPA) and the Rye Meads Site of Special Scientific Interest (SSSI) and therefore has the potential to affect its interest features.

European Sites

The SPA is also classed as a European site which are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). Another component of the Lee Valley SPA and RAMSAR site, the Turnford and Cheshunt Pits SSSI, is further away; but is hydrologically linked to the application site via the Lee and Stort Navigation. The proposal site is also in relatively close proximity to the Hunsdon Mead SSSI.

Essex County Council Ecology Consultants undertook a Habitats Regulations Assessment Screening Record which concludes the following:

As there is no potential for Likely Significant Effects from direct land take, Protected Species outside of Designated Site, water pollution, public access / disturbance, inappropriate scrub control, fisheries: fish stocking, invasive species, inappropriate cutting or mowing, air pollution, and hydrological changes, there is no potential for the development proposals to contribute to any likely significant effects along these pathways, in combination with other plans and projects.

There is no potential for any other impact pathways to result in likely significant effects, in combination with other plans and projects are also screened out.

As the development will not affect any of the sensitive features/threats to the aforementioned Habitats Sites, the LPA considers that, without mitigation, the development is not likely to result in a 'likely significant effect' (LSE) to Lee Valley SPA and Ramsar site. Therefore, this assessment does not need to proceed to HRA Stage 2: Appropriate Assessment.

Having considered the proposal, the Ecology Consultants conclude that, the project will not have a Likely Significant Effect on the designated features of the Habitats site listed in this assessment, either alone or in combination with other plan and projects.

Having prepared this HRA screening of the implications of the plan or project for the site, in view of those sites' conservation objectives, the authority can agree to the project under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

More General Ecology

Significant documents have been submitted as part of this application and surveys updated during the course of the application; these documents include an Extended Phase 1 Habitat Assessment, Otter and Water Vole Survey, Winter Bird Survey Report, Breeding Bird Survey Report, Bat Activity Survey Report and Ecological Mitigation and Enhancement Scheme.

The Essex County Council Ecological Consultant has confirmed that the submitted information is sufficient to provide certainty to the LPA of the likely impacts on protected and priority species and

habitats and, with appropriate mitigation measures secured, the development can be acceptable. The Consultant has recommended the addition of conditions to ensure the mitigation and enhancements take place as outlined and that a wildlife sensitive lighting design scheme is submitted, and this is considered reasonable to apply these conditions.

With regard to the European Site, the Council as a Competent Authority has to assess the likeliness of significant impacts of the development as part of the Habitats Assessment Screening (as above). It is not considered the development will have any significant impacts on any European Site and as such no further assessment is required.

National Sites

This application is in close proximity to the Rye Meads Site of Special Scientific Interest (SSSI). It is also in relatively close proximity to the Hunsdon Mead SSSI. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified.

Other Wildlife issues

in addition to the above there are other non-statutory wildlife sites that are connected to the site via the watercourse. Given the sensitive nature of the site the application included an extended Phase 1 Habitat Survey, bat survey, breeding bird report, otter and water vole survey, overwintering bird report. These conclude that the impacts of the development on habitats and wildlife will be limited and suggest appropriate mitigation and enhancement strategies which can be conditioned.

The Environment Agency has not raised an objection to the proposals subject to conditions to securing a revised mitigation and enhancement plan.

The LVRP Authority response has no objection with regards to the principle of the development. However, did request as well as conditions, section 106 contributions to off-site works at the adjacent Glen Faba waterbody as mitigation for the loss of open water at Roydon Lake and to help enhance a viable refuge for wildlife. The suggested contribution is £85,000. The Glen Faba lake is to the south of the Marina.

However, all ecological bodies have responded with ‘no objection’ to the proposal and therefore there is not considered to be a suitable justification for this request particularly given that conditions to ensure appropriate mitigation have been included by other stakeholders. Although there will most certainly be a loss of open water this is not considered a significant issue (discussed further below).

Residential Amenity

Whilst the development will result in some increased traffic movements it is not considered that an increase in the number of boats on the lake will result in harm to the residential amenity of residents in the vicinity. None of the proposed works are adjacent to any residential property.

Whilst there may well be disruption and noise during construction these are not grounds for refusal of the application.

Hydrology

The Canal and Rivers Trust (CRT) as part of their remit are concerned with regards to the impact on water resources of the River Stort Navigation.

The CRT has no objection to the application on water resources grounds if the actions set out by the applicant are implemented in co-operation with the CRT.

The hydrology of the navigation is a planning matter that must be taken into consideration in determining the planning application. In the absence of any objection from the CRT and no evidence that the development will have any adverse impact on the waterway it is considered that the development accords with Policy RST7 of the adopted Local Plan.

Loss of the Open Water

There is some concern that this proposal will result in only a very small area of open water, which perhaps diminishes the attractiveness of the marina and the surrounding area. However, this lake is only one in a number of similar expanses of water that are within the vicinity and that are accessible within the LVRP and it is not considered that the reduction in open water at this location will reduce the attractiveness of the Park for visitors. It is noted that this is a significant reduction of berth numbers compared to the previously refused application. The LVRP Authority have not objected to the proposal.

On balance it is not considered that the reduction in open water is sufficient grounds to refuse the application. The concentration of boats within this one location, which is well screened and self-contained means that the remainder of the water bodies in the locality can remain largely undeveloped and free of moorings which could be viewed as a benefit to the park as whole.

Residential Use

The proposal is for the boats at the marina to be occupied only for recreational purposes. Use of the marina for residential mooring (houseboats) would have significantly more impact on the locality, as residents would be dependent on road access and local facilities and there would be significant highway implications due to constant movements. Additionally, use for permanent residential accommodation would be clearly contrary to Green Belt Policy and sustainability policies. There are existing conditions on the marina which restrict occupation to ensure that the marina is only used for recreational purposes. Several objectors have argued that existing conditions are being flouted and that the boats are lived on. No Enforcement complaints have been made in recent times.

A condition can be added to ensure that the marina is only used for residential boaters. Should any breaches of the occupancy conditions be found, then appropriate action can be sought.

Drainage and Flood Risk.

The Council's Land Drainage team were consulted on the application and raise no objection based on the Flood Risk Assessment that was submitted and the Environment Agency and Essex County Council SUDS have also raised no objection to the proposal subject to conditions.

EFSAC and Air Quality

The application has been assessed by the Council's Transport Planners in terms of the impact on the air quality of the EFSAC. The proposal is not considered to result in recreational impacts on the EFSAC and therefore air quality is the only issue to assess in this regard.

The submitted information, suggests an increase in vehicle movements of 181 per a year. It is expected that the proposal will generate a negligible number of HGV's. Origin information has also been submitted and analysed, concluding that 9% of the existing users may travel through or

within 200m of the EFSAC. Therefore, there is a predicted maximum increase of 16 AADT vehicle movement passing through the EFSAC or within 200m.

It is accepted, given the numbers above, that the impact on the EFSAC is expected to be negligible, however, this still represents an impact. A condition has been suggested that any approval includes an obligation for 10% of all new parking bays within the Marina to include EV charging points to facilitate electric vehicles and minimise the impact on the EFSAC. This suggestion is considered acceptable.

Conclusion:

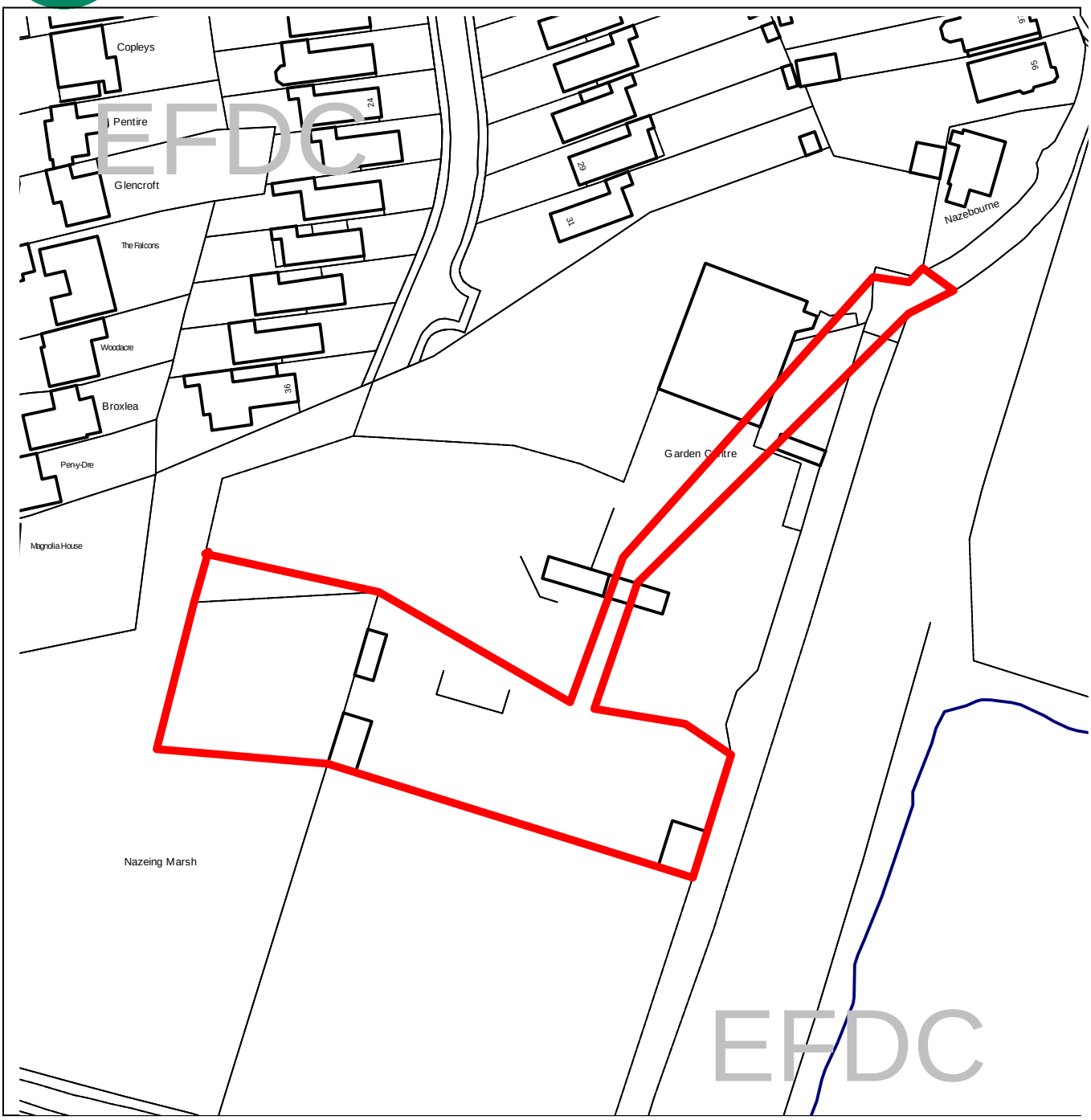
Given the above discussion, the proposal is considered on balance to be acceptable and approval subject to conditions is recommended.

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: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564414

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

Epping Forest District Council



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Application Number:	EPF/2713/21
Site Name:	Land at the former Chimes Garden Centre, Old Nazeing Road Nazeing, EN10 6RJ
Scale of Plot:	1:1250

Report Item No:

APPLICATION No:	EPF/2713/21
SITE ADDRESS:	Land at the former Chimes Garden Centre Old Nazeing Road Nazeing Waltham Abbey EN10 6RJ
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	C/O Agent
DESCRIPTION OF PROPOSAL:	Erection of 14 dwellings (4 flats and 10 dwellings) (resubmission of EPF/3040/19)
RECOMMENDED DECISION:	Refuse Permission

Click on the link below to view related plans and documents for this case:
http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=658755

REASON FOR REFUSAL

1 The application site comprises previously developed and undeveloped land within the Metropolitan Green Belt. The proposed development would have a greater impact on the openness of the Green Belt than the existing development and is therefore inappropriate development, by definition, harmful to the Green Belt. In addition, the erection of 14 no. dwellings on the site will have a significant physical and visual impact on the openness of the Green Belt. No very special circumstances have been demonstrated that are sufficient to outweigh the significant harm to the Green Belt and to the purposes of including land within the Green Belt. The development is therefore contrary to policy GB2A of the adopted Local Plan and Alterations and Policy DM4 of the Local Plan Submission Version 2017 and the NPPF (2021).

2 The proposed development would result in the loss of an area previously identified and approved as managed open space for the benefit of future residents of the dwellings approved, and currently under construction, under application reference EPF/1351/18, contrary to Policy DM6 of the Local Plan Submission Version 2017 and the NPPF (2021).

3 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 Epping Forest Special Area for Conservation in terms of air pollution. Failure to secure such mitigation is contrary to policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

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

Address:

Land at the former Chimes Garden Centre, Old Nazeing Road, Nazeing, Waltham Abbey, EN10 6RJ.

Description of Site:

The former Chimes Garden Centre site has an extensive planning history. It was subject to gravel extraction in the mid-1970s, backfilled with waste and then redeveloped in part to provide a Garden Centre.

The current application site is to the south of what is now described by the applicant as the "Phase 1" site where planning permission was granted for 33 houses in February 2019 (EPF/1351/18). The 33 unit scheme is currently being built out.

The current application site, now described by the applicant as "Phase 2", relates to the southern section of the former garden centre and is a site of approximately 1.18 acres made up with landfill materials and which is approved as 'Managed Open Space' as part of the EPF/1351/18 development.

To the north of the "Phase 1" site is residential. To the south and east of the "Phase 2" site is open Green Belt land.

The site is accessed from Old Nazeing Road. In addition there is currently a gated but disused access from the end of Great Meadow.

The site lies wholly within the Metropolitan Green Belt and is within the Lea Valley Regional Park. (LVRP) It is not within a conservation area. The site is within Flood Zone 2.

Description of Proposal:

Erection of 14 dwellings (4 flats and 10 dwellings) (resubmission of EPF/3040/19).

This application follows refusal of application EPF/3040/19 in August 2021.

This application seeks planning permission for residential development (4 flats and 10 houses) on the former landfill area which is now approved as an area of Managed Open Space.

The scheme proposes 14 dwellings comprising 4 x 1 bedroom flats and 10 x 4 bedroom houses with associated parking and private amenity spaces.

Vehicular access is via the estate road approved as part of the EPF/1351/18 development.

The proposed houses and flats are laid out around two private drives off the access road.

The proposed houses and flatted block will be 2.5 storeys in height with accommodation in the roofspace in the case of the houses.

The design of the development is contemporary and similar to the design of the dwellings approved in the EPF/1351/18 (33 unit) scheme.

The current application differs from refused application EPF/3040/19 in the following way:

1. Proposes affordable housing in the form of 4 x 1 bedroom 'Discounted Market Sales Housing' units at 80% of market value (i.e 20% discount), replacing the previously proposed 4 x 1 bed market sale units.

Relevant Planning History:

EPF/3040/19 - Proposed erection of x14 no. dwellings (4 flats and 10 dwellings). (Phase 2). Refused 13.08.2021.

Reasons for refusal:

1. The application site comprises previously developed and undeveloped land within the Metropolitan Green Belt. The proposed development would have a greater impact on the openness of the Green Belt than the existing development and is therefore inappropriate development, by definition, harmful to the Green Belt. In addition, the erection of 14 no. dwellings on the site will have a significant physical and visual impact on the openness of the Green Belt. No very special circumstances have been demonstrated that are sufficient to outweigh the significant harm to the Green Belt and to the purposes of including land within the Green Belt. The development is therefore contrary to policy GB2A of the adopted Local Plan and Alterations and Policy DM4 of the Local Plan Submission Version 2017 and the NPPF (2021).

2. The proposed development would result in the loss of an area previously identified and approved as managed open space for the benefit of future residents of the dwellings approved, and currently under construction, under application reference EPF/1351/18, contrary to Policy DM6 of the Local Plan Submission Version 2017 and the NPPF (2021).

3. 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 Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

EPF/1351/18
Demolition of site buildings and redevelopment to provide 33 new homes
Approved subject to conditions and legal agreement 14.02.2019.
Provides 5 x 3 bed affordable rented dwellings on site. This scheme is currently being built out.

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 subject to conditions and legal agreement 14.06.2018.
Affordable Housing contribution of £952,180. Legal agreement also includes requirement to submit a Private Open Space Management Plan relating to the proposed open space above the landfill. This scheme cannot now be implemented as it is on the same site as the EPF/1351/18 scheme which is currently being built out.

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

Refused 30th November 2017.

Reasons for refusal:

1. The proposed development includes "more vulnerable" development within Flood Zone 3. The development does not meet the sequential test and does not provide wider sustainability benefits that outweigh the flood risk and does not therefore pass the Exceptions Test. The proposal is therefore contrary to the NPPF Para 102 and policy U2A of the Adopted Local Plan and Alterations.

2. The development of this green field site within the metropolitan Green Belt amounts to inappropriate development by definition harmful to the Green Belt and to the purposes of including land within the Green Belt, in addition the erection of 7 houses on the site will have a significant physical and visual impact on the openness of the Green Belt. No very special circumstances exist sufficient to outweigh the harm to the Green Belt that would result and the development is therefore contrary to policy GB2A of the adopted Local plan and Alterations and to the NPPF.

3. The proposed development will adversely impact on the landscape of the Lee Valley Regional Park contrary to the strategic policies on landscape and detailed proposals which identify the site as within a landscape enhancement area, and adversely impact on the amenity of users of the Regional Park, as such the development is contrary to Policy RST24 of the adopted Local Plan and Alterations.

EPF/0570/15
Demolition of existing Garden Centre/Commercial Buildings and erection of 26 dwellings with associated parking and landscaping.
Approved subject to conditions and legal agreement 02.10.2015.
Affordable Housing contribution of £500,000.
This scheme cannot now be implemented as it shares part of the same site as the EPF/1351/18 scheme which is currently being built out.

EPF/0206/14
Demolition of existing garden centre/commercial buildings and erection of 43 dwellings with associated parking and landscaping
Refused (11.02.2015) and dismissed at appeal (10.02.2016)

Refused at District Development Control Committee for the following reasons:

1. The proposed development includes "more vulnerable" development located within Flood Zone 3. The development does not provide wider sustainability benefits that outweigh the flood risk and does not therefore pass the Exceptions Test. As such the proposal is contrary to the NPPF. Para 102.

2. The development, due to the amount of built form that will intrude in to the southern half of the site which is currently free of buildings, will have a significantly greater impact on the openness of the Green Belt than the existing development and as such is inappropriate and by definition harmful. The development is therefore contrary to policy GB2A of the adopted Local Plan and Alterations and to the NPPF.

3. The proposal fails to provide on site affordable housing despite such provision being financially viable and the site being suitable for such development, as such the development is contrary to

policies H5A, H6A, and H7A of the adopted Local Plan and Alterations and Para 50 of the NPPF.

4. By reason of the site's location beyond the statutory walking distance to a secondary school the proposal will generate an additional cost to the Local Education Authority, Essex County Council, for transporting children to secondary school. However, the proposal does not include any mechanism to meet those additional costs. Since the proposal fails to properly address this matter it is not a sustainable form of development and is consequently contrary to policies CP9 (iii) and I1A of the Adopted Local Plan and Alterations, which are consistent with the National Planning Policy Framework.

Members of the District Development Control Committee however considered that there was a way forward and these were minuted as:

1. That the redevelopment of the northern part of the site could be acceptable, as this would avoid the Flood Risk Zone 3, most of the former landfill site and would likely to be acceptable in Green Belt terms;

2. That any proposed scheme should include an appropriate element of affordable housing. Although it was acknowledged that this location was not acceptable for high density housing, a suitable development which respected the character of the area could be achieved.

Relevant Policies:

Adopted Local Plan Policies:

CP1, Sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 New Development
CP6 Achieving sustainable development patterns
CP7 Urban Form and Quality
GB2a Development in the Green Belt
GB10 Development in the Lee Valley Regional Park (LVRP)
RP3 Water quality
RP4 Contaminated Land
H1A Housing provision
H2A Previously Developed Land
H3A housing density
H4A Dwelling Mix
H5A Provision of affordable housing
H6A Site thresholds for affordable housing
H7A levels of affordable housing
H8A Availability of affordable housing in perpetuity
H9A Lifetime Homes
RST24 Design and location of development in the LVRP
U1 Infrastructure adequacy
U2A Development in Flood Risk Areas
U2B Flood Risk assessment Zone
U3A catchment effects
U3B Sustainable Drainage Systems
DBE1- Design of New Buildings
DBE2 Effect on neighbouring properties
DBE3 Design in the Green Belt

DBE5 Design and layout in new development
DBE6 Car Parking in new development
DBE7 Public open space
DBE8 Private Amenity space
DBE9 – Loss of amenity
LL1 Rural Landscape
LL2 Inappropriate Rural Development
LL3 Edge of settlement
LL7 Planting protection and care of trees
LL10 Adequacy of provision for landscape retention
LL12 Landscaping schemes
ST1 Location of development
ST2 Accessibility of development
ST4 Road Safety
ST6 Vehicle Parking
I1A Planning Obligations
I4 Enforcement procedures.

National Planning Policy Framework Policy (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:
c)
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.

The above listed Local Plan policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Epping Forest District Local Plan Submission Version) 2017 (LPSV)

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019.

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan.

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ended 23rd September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

SP1 Presumption in favour of sustainable development
SP2 Spatial Development Strategy 2011-33
SP6 Green Belt and District Open Land
SP7 The Natural Environment, Landscape Character, and Green and Blue Infrastructure
T1 Sustainable transport choices
T2 Safeguarding of routes and facilities
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
DM9 High Quality Design
DM10 Housing Design and Quality
DM15 Managing and reducing flood risk
DM16 Sustainable drainage systems
DM19 Sustainable water use
DM21 Local environmental impacts, pollution and land contamination
DM22 Air quality.

SUMMARY OF REPRESENTATIONS AND CONSULTEE RESPONSES

The application was advertised in the Local Press, site notices were erected and 41 neighbours were consulted.

Five (5) responses were received comprising four (4) objections and one (1) neutral comment as follows:

Woodacre, Riverside Avenue (Objection):

“I still feel that this is more development impacting on the Green Belt and wildlife. Is this area safe to develop away from the contaminated landfill? Regarding surface water flood risk to neighbours you need to make sure that permeable driveways are used and the site slopes towards the open fields as per previous development control meetings with previous applications for The Chimes site.”

97 Old Nazeing Road (Objection):

“Phase 1 of this development has taken 3 years and is still not complete. All that time we have had to put up with noise and dust from the works. I haven't washed my car in over two years because there's no point. The builders are inconsiderate and take as long as they like. They are a small firm and sometimes there are only 3 or 4 men on site at a time! It's taken far too long. I do not want to spend another 3 years living next to a building site!”

90 Old Nazeing Road (Objection):

“Having been to the Council to see about a new build on my property and being told there is no possibility on Keysers and knowing that other residents have been refused planning permission in Old Nazeing Road and Keysers Road, I don't see how you can allow another 14 dwellings when they are even closer to the river than my property. All the reasons you have given to deny us planning permission apply to these new builds and I don't even know how permission was given for the original development on Chimes.

In addition I am a member at Broxbourne Cruising Club in Green lane. The land adjacent to our fields has been cleared already and the landfill has been put on Snakey Lane, which is a public right of way to the river. I believe this has been reported but no action seems to have been taken. They have already installed electricity boxes so it seems as though this is a done deal. I would like to know what grounds permission can be given for these builds and not on other land in the same area.”

81 Old Nazeing Road (Objection):

Flood risk, car pollution, sewage problems, not enough school places.

Broxbourne Cruising Club, 17th December 2021:

“Our attention has been drawn to this application. As neighbours we would have expected to have been informed by the council of the application and should be obliged if you would note our interest and keep us advised both in respect of this and any future applications for this site.

We have no objection to the proposed houses and flats, people need somewhere to live.

However we would remind you that when we made an application for a small amendment to our permitted hours last year (EPF3070/20) the applicant and associates objected on the grounds that any houses they might build in the future would have their amenity affected by our activities (presumably referring to noise and light pollution).

We therefore request that if permission is granted it should be subject to appropriate mitigation measures not only to protect householders from the minimal noise/light we might make but to protect us from the increased noise/light from the use of the housing impairing our member's quiet enjoyment of their riverside country location and nature reserve.

Mitigation should include not only extra glazing measures and the like but also retention and enhancement of existing vegetation and perhaps a bund on their site boundary. It is a shame that so many trees were removed prior to development proposals being made!

(NPPF. Paragraph 182 states that: 'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.)"

Nazeing Parish Council: No objection (14th December 2021).

"The Council supports the application as they had no objection to the previous one and with the condition that road warnings are installed for the current access road prior to commencement of works".

EFDC Affordable Housing:

Comments 23rd December 2021:

> *As currently presented, apart from any other planning reasons that may apply, I cannot support the application from an affordable housing point of view.*
>
> *The viability report provided does not appear to be independently assessed by the Council's independent consultants to verify that the scheme cannot provide any affordable housing and remain viable.*
>
> *However, in the event that it is confirmed, that the scheme cannot meet the Council's affordable housing requirement in full, a review mechanism will need to be included in the S106 agreement.*

Further Comments 18th February 2022:

- *It would be useful to understand from BPS why the benchmark land value is 0.*
- *It was suggested in the report, that the site has no existing use value, however, in Phase 1, the built out site, this site was allocated and deemed a managed site; to be managed and maintained. In view of that, this site should have an amenity value in the first instance then any contamination and abnormal costs applied thereafter. It would be useful to understand from BPS why this approach wasn't adopted.*
- *The PPG and NPPF have all indicated that developers should factor all planning requirements and obligations including affordable housing into the price paid for land. It is, therefore, useful to understand why the developer would purchase this site, with its high remediation and abnormal costs, then deliver the market units in full but*

compromise the delivery of affordable housing. Where is the public benefit for this development?

- *However, I note that the applicant had proposed 4 starter homes as the affordable housing offer, this does not comply with the requirement of the District Council to provide affordable housing and shared-ownership units in particular in a 75%:25% split (affordable rent : shared ownership). However, in this situation, we will consider a mix of shared-ownership units.*
- *In view of my comments above, it will be useful that BPS models the shared-ownership units on reduced numbers.*
- *Further, to BPS clarifying the points raised above, and the scheme still unable to deliver the affordable housing requirement, a review mechanism will need to be included in the S106 agreement to assess the life time of the development.*
- *Finally, I will suggest that we are included in any negotiations."*

EFDC Environmental Protection and Drainage (17th December 2021):

No objection to planning application in principle, subject to the approval/implementation of the requirements set out by this team.

Environment Agency:

No comments provided – the site is in Flood Zone 2 and therefore Environment Agency standing advice applies.

EFDC Contaminated Land (16th December 2021):

"G&J Environmental Consultant Ltd, on behalf of the Client, was appointed to investigate potential pollutant linkages, which could affect the proposed redevelopment for residential properties with gardens and soft landscape areas.

It is acknowledged from the planning statement submitted under EPF/3040/19, that the site has been previously investigated for contaminations. The results of intrusive site investigations showed the presence of lead and asbestos on site. The Phase 1, Phase 2 and Remediation Method Statement was approved.

As a result, the remediation plan has been prepared to address contamination on site. The works can be summarised as below:

- *Removal of contamination in all gardens and soft landscape areas,*
- *Disposal of excavated soils,*
- *Replacement of the ground with clean cover – The capping layer is to consist of a no-dig geo-membrane, 300mm crushed aggregate, 700mm imported clean inert soil*
- *Gas mitigation measures (CS2) will be incorporated into the design of the building*
- *The design of water supply pipes should also be taken into consideration when installed in remaining made ground*
- *The verification report will be required to confirm all the above.*

Due to the sensitive nature of the proposed residential use, condition NSCN57B – Verification Report only should be attached to any approval granted."

EFDC Trees and Landscape (30th November 2021):

We have NO OBJECTION to this application subject to the addition of conditions

Essex CC Highways (29th November 2021):

"All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

This proposal is likely to generate around 6-7 additional vehicle movements in the peak hours, on top of the permitted use, and could not be considered as having a significant impact on the highway.

Consequently the Highway Authority has concluded that the proposed development will not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following measures:

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

Reason: To ensure that appropriate parking and turning is provided.

2. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policies ST4 & ST6 of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.

Informative:

The development would not be considered for adoption by the Highway Authority."

Essex CC Infrastructure (3rd December 2021):

"Thank you for providing details of the above detailed planning application for up to 14 new homes that you consider to form Phase 2 of the development of this site. I note the unit number and mix reflects a previous application and from the information I have received, I have assessed the application on the basis of 4 x 1bed flats (exempt) and 10 x 4bed houses. I can advise that a development of this size can be expected to generate the need for up to 0.9 Early Years and Childcare (EY&C) places; 3 primary school places, and 2 secondary school places.

Please note that any developer contribution figures referred to in this letter are

calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

Early Years and Childcare
Essex County Council has a statutory duty under the Childcare Act 2006 to ensure that there is sufficient and accessible high-quality early years and childcare provision to meet local demand.

The proposed development is located in the Lower Nazeing ward and would generate a demand for up to 0.9 additional Early Years & Childcare places. The latest sufficiency data and up to date information from the pre school provider confirms that there is no capacity for additional children. Therefore, a developer contribution of ***£15,680.00*** *index linked to April 2018, is sought to mitigate its impact on local early years & childcare provision. This equates to £17,422 per place.*

Primary Education
This proposed development is located within the priority admissions area of Nazeing Primary School and based on demand generated by this proposal set out above, a developer contribution of ***£45,843****, index linked to April 2018, is sought to mitigate its impact on local primary school provision. This equates to £15,281 per place.*

Secondary Education
A contribution toward Secondary Education will not be sought.

School Transport
Having reviewed the proximity of the site to the nearest primary school, Essex County Council will not be seeking a school transport contribution, however, the developer should ensure that safe direct walking and cycling routes to local schools are available.

Libraries
ECC may seek contributions to support the expansion of the library service to meet customer needs generated by residential developments of 20+ homes.
The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act and it's increasingly become a shared gateway for other services such as for accessing digital information and communications.

The suggested population increase brought about by the proposed development is expected to create additional usage of the nearest library, therefore a developer contribution of ***£1,089.20*** *is considered necessary to improve, enhance and extend the facilities and services provided. This equates to £77.80 per unit.*

Employment and Skills
Both Central and Local Government have a crucial role to play in identifying opportunities to maximise employment, apprenticeships, and to invest in skills to realise personal and economic aspirations.

ECC has a role to play in supporting Local Planning Authorities and helping to ensure that the development industry has the necessary skills to build the homes and communities the county needs. ECC supports Epping Forest District Council (EFDC) in securing obligations which will deliver against this crucial role in supporting employment and skills in the district.

In the current economic climate and national skills shortage, ECC supports EFDC in requiring developers to prepare an 'Employment and Skills Plan' (ESP) seeking to drive forward an increase in construction employability levels and workforce numbers. These plans will help to address negative perceptions of the sector and develop a strong future pipeline. This is referred to as the 'development phase'. ECC also supports EFDC in

requiring landowners to produce an ESP for commercial developments, to enable wider employment opportunities for those requiring additional support to enter the job market. This is referred to as the 'end-use phase'. Additionally, ECC encourages EFDC to consider the inclusion of other requirements, including financial contributions, to support appropriate employment and skills outcomes as a result of this development.

In view of the above, I request on behalf of Essex County Council that ***if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on early years & childcare, primary education and libraries.***

The contributions requested have been considered in connection with the CIL Regulations 2010 (as Amended) and are CIL compliant. Our standard formula s106 agreement clauses that ensure the contribution would be necessary and fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

If your council were minded to turn down the application, I would be grateful if the lack of surplus early years & childcare provision, primary education and libraries in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that we are automatically consulted on any appeal or further application relating to the site."

Essex Police (Crime Prevention):

"Essex Police comments in accordance with NPPF and Epping Adopted Local plan; section POLICY ST2 – ACCESSIBILITY OF DEVELOPMENT (v), design and layout which will reduce the potential for crime and fear of crime page 71 of the Epping Adopted Local Plan.

From inspection of the documents provided there are no major concerns, however, Essex Police would require further information on the following to form a more detailed opinion.

- *Boundary treatments*
- *Security for the shell of the buildings*
- *Security for the perimeter*
- *Egress and access around the site*
- *Surveillance*
- *Cycle and bin store security and locations*
- *Security and surveillance for the flats*

There is no record of pre application meeting with the applicant however now would be the opportunity to contact Essex Police to exploit the opportunities to incorporate Crime Prevention through Environmental Design into the development to benefit future users."

Issues and Considerations:

The main issues for consideration are Principle of development on the former landfill site, Loss of approved Managed Open Space, Green Belt, Affordable Housing, Flood Risk, Contamination, Layout and Design, Highways and Parking, Impact on neighbouring amenity, Impact on the Lee Valley Regional Park, Impact on Ecology and the Epping Forest Special Area of Conservation.

Principle of Development on the "Phase II" (former landfill) site

As set out in the Planning History section above, in October 2015 planning permission (EPF/0570/15) was granted for 26 dwellings across the wider site (north and south parts; now being described as 'Phase 1' and 'Phase 2').

Most recently, planning permission (EPF/1351/18, February 2019) was granted for 33 dwellings on the northern (Phase 1) part of the site.

Whilst the LPA has previously granted planning permission for residential development on the southern part of the site it was understood that, following the approval of the EPF/1351/18 33 unit scheme in February 2019, no development would come forward on the southern part of the site and that the former landfill area would be maintained in perpetuity as 'Managed Open Space'.

The Planning Statement (pps, May 2018) submitted with EPF/1351/18 states:

Para 1.3 – *The former landfill area to the south is to be provided as an area of managed open space.*

Para 1.8 - *At this stage and subject to further discussion with the Council through the application process it is anticipated that the 'Heads of Terms' should include:*

- The setting up of a resident's management company / scheme to secure the long-term future of the managed open space.

Para 2.14 *As may be expected, the accompanying report by G & J Geoenvironmental demonstrates that outside of the former landfill area (southern element of the site) the level of remediation required to enable residential re-use is much less significant than within that area.*

Para 2.15 *This proposal therefore seeks to locate the housing outside of the former landfill boundary and reclaim the southern section as managed open space.*

Para 5.16 *In general terms the key layout principle has been to retain the proposed new housing to the north side of the site and so away from the former landfill area. The former landfill area is shown laid out as managed open space. At pre-application stage officers provided general support for this approach subject to securing future management and maintenance of the open space area.*

The Committee Report for EPF/1351/18 states in the 'Description of Proposal' section:

"Land to the south of the proposed houses, but within the red lined application site is an area that has been used for landfill and is proposed to be used as managed open space for the resident, to be maintained through a management company."

Based on the above, Officers understood that the EPF/1351/18 permission was the conclusion of the planning history for this site (both northern and southern / Phase 1 and Phase 2 parts) and that no development would come forward on the former landfill area, that the approved Managed Open Space would be maintained in perpetuity, and that the Green Belt land to the south of the EPF/1351/18 development would remain undeveloped and allowed to perform its function of preventing urban sprawl.

Loss of the Managed Open Space approved as part of the EPF/1351/18 development

The area of Managed Open Space on the former landfill area forms a part of the approved EPF/1351/18 development that has now been built out.

Whilst there is no requirement within the legal agreement or a specific planning condition for the Managed Open Space to be retained in perpetuity the open space forms part of the approved development and should therefore be available for use by future residents of the 33 dwellings. Condition 2 of planning permission EPF/1351/18 requires the development to be built in accordance with the approved drawings which show the Managed Open Space.

Policy DM6 (Designated and Undesignated Open Spaces) of the LPSV states that existing open space should not be built on unless it can be demonstrated that the land is surplus to requirements; or would not have a detrimental impact on access to open space; or the loss would be replaced by equivalent or better provision in a suitable location.

It is considered that the loss of the Managed Open Space would harmfully impact the quality of the approved EPF/1351/18 33 unit scheme and consequently the proposed development to build 14 no. additional dwellings on the land approved as Managed Open Space is considered unacceptable and contrary to Policy DM6 of the LPSV on this basis.

Green Belt.

The application site lies wholly within the Metropolitan Green Belt and the first assessment must be whether the proposed development is in accordance with Green Belt policy as set out within the National Planning Policy Framework (NPPF, July 2021) and the adopted Local Plan.

The NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green belt Policy is to prevent urban sprawl by keeping land permanently open. Construction of new buildings is inappropriate in the Green Belt but the NPPF (Para 149) sets out some exceptions to this, these include:

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

- not have a greater impact on the openness of the Green Belt than the existing development;

EPF/0570/15, 26 unit scheme approved October 2015 (north and south parts of site)

The Green Belt section of the Committee Report for EPF/0570/15 states:

"The site is largely previously developed or brownfield land, although the south western corner (approximately 100sq metres is currently undeveloped and much of the land has no permanent structures. The main consideration therefore is whether the development proposed would have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development and whether the relatively small incursion now proposed into undeveloped land is acceptable."

The area of undeveloped land referred to includes the land where the flatted block is proposed to be located in the current scheme.

The Committee Report goes on to say:

"The Council accepts that the majority of the area now proposed for development is previously developed land. It is largely hard surfaced and contains a number of buildings of significant size, which can be used for commercial purposes. (Garden Centre and dog grooming parlour). Redevelopment of the site for housing is therefore not inappropriate provided it would not have a greater impact on openness than the existing built development. The assessment of the impact on openness is normally based on the volume and spread of built development. In this instance the

development will have a greater volume than the existing, but this is tempered by the significant removal of a very large area of hardstanding and the introduction of a large amount of garden space but given the increase in height and volume there still need to be very special circumstances sufficient to outweigh the harm to the green belt in order to justify the increase in built development within the site."

The factors put forward by the applicant as Very Special Circumstances are:

1. The removal of an adverse commercial facility in a predominantly residential area
2. the openness if the green belt will be enhanced by the reduction in hard surfacing and the introduction of landscaping,
3.There will be an overall reduction in traffic using the site and surrounding roads and fewer HGV's improving highway safety and residential amenity.
5 (sic). The consultations with local residents and with over 170 letters of support, clearly indicate that the amenity advantages to the local residents adjoining the application site and the wider community on the Keysers Estate, want the residential scheme to be approved to replace the adverse commercial usage for the site that has been a consistent social problem in the local area for many years.
6. The failure of the LPA to provide a 5 year housing supply –. Whilst this is not a VSC in its own right, the knock-on effect is. If planning consent on the application site for dwellings is granted, this will reduce by a corresponding figure the net figure required to be achieved in the Council's Objectively Assessed Housing Need (OAHN) target. This will alleviate pressure on other, more Vulnerable Greenfield sites in the Green Belt, amounting to Very Special Circumstances.

In addition the applicant is offering a substantial sum of money towards the provision of affordable housing off site.

Taken together, it is considered that the advantages of developing the site which has been a problem site in the locality for many years are sufficient to amount to very special circumstances that outweigh the relatively limited harm to the Green Belt that would result from the increased built form and now that most of the open and undeveloped area of land to the south of the site has been removed from the scheme it is considered that the development is acceptable in Green Belt terms, and that the application overcomes the Green Belt reason for refusal of the previous application.

<u>EPF/1351/18, 33 unit scheme approved February 2019 (north part of site)</u>

The Green Belt section of the Committee Report for EPF/1351/18 largely repeats that of the EPF/0570/15 Committee Report; again acknowledging that the majority of the application site is previously developed land and stating that redevelopment of the site for housing is not inappropriate development provided it would not have a greater impact on the openness of the Green Belt than the existing development.

As per EPF/0570/15, the report goes on to conclude that the proposed development will have a greater impact on openness than the existing development and therefore very special circumstances (VSC) need to be demonstrated which are sufficient to outweigh the harm to the Green Belt.

The VSC which were accepted were:

1. "The existence of current consents for 26 houses and 17 houses, would have had a greater volume than the current proposal"
2. Visual improvement of what has been a problem site for many years
3. A reduction in HGV movements / traffic through Nazeing compared to the lawful use of the site.

4. Contribution of housing to the housing land supply. The report states that the previous consent for the 26 unit scheme was taken into consideration when deciding housing allocations and as such the site is seen as important in achieving the required housing provision.

The EPF/1351/18 scheme also provides affordable housing in the form of 5 x 3 bed affordable rented dwellings on site.

Current scheme, 14 units (south part of site)

The current application site comprises some previously developed land and some undeveloped land.

Consistent with the approach taken with EPF/0570/15 and EPF/1351/18, it is clear that the proposed development of 14 no. dwellings (due to their height, volume and footprint) would have a greater impact on openness than the existing development (former garden centre) and therefore very special circumstances (VSC) need to be demonstrated sufficient to outweigh the harm to the Green Belt.

When considering what very special circumstance exist in favour of the current application it is noted that many of the VSC previously identified in favour of the EPF/1351/18 33 unit scheme do not equally apply to the current application because the identified benefits have already been claimed.

For example, as the EPF/1351/18 scheme is currently being built out the benefits in terms of removal of a commercial/problem site and reduction in HGV movements / traffic have already come forward.

Similarly, the 26 residential units which were taken into account when deciding Local Plan housing allocations subsequently became 33 units and so there has already been an improved contribution to housing land supply above and beyond what was originally budgeted for.

The EPF/1351/18 Committee Report identifies “the existence of current consents for 26 houses and 17 houses, which would have had a greater volume than the current proposal” as a very special circumstance. This is on the basis that if either of those consents were implemented (only one could be implemented as they are on the same application site) they would have a greater impact on the Green Belt than the EPF/1351/18 33 unit scheme.

Again, because the EPF/1351/18 33 unit scheme is now built out neither the 26 unit scheme nor the 17 unit scheme can now be built out and as such this particular benefit (reduced Green Belt impact) has already been claimed by the Local Planning Authority.

The submitted Planning Statement at Paragraphs 5.17-5.19 suggests that there are three new matters which comprise further VSC.

> *“5.18 Firstly, the proposal will enable full remediation of the former landfill area (e.g., the application site) not simply a capping and management as agreed under the 33 dwelling scheme. This will ensure all contamination is removed ensuring no future leaching onto neighbouring land, a significant environmental benefit.”*

In response, whilst full remediation is recognised to be an environmental benefit, the former landfill area is already due to be sufficiently remediated to a level where it can be used as Managed Open Space as part of the approved EPF/1351/18 scheme which is a significant benefit to the future occupiers of the 33 dwellings.

The proposed development would be built on an area of Managed Open Space which by its very nature is open land. It is not accepted that the impact of the proposed development can be described as negligible in this context.

> *"5.19 Secondly, the application can now be viewed in the context of the 33 dwelling scheme i.e., it is well related to it and effectively surrounded by it to the north and west sides. The proposal would not therefore have any material impact upon the openness of the green belt."*

In response, the fact that the 33 unit scheme is now built out is not a VSC. The proposed development would still harmfully impact the openness of Green Belt land to the south and east.

> *"5.20 Thirdly and importantly this proposal will deliver four new affordable homes for low cost sale at 20% below the market value and greatly improve the overall mix of dwellings provided. This is a significant material consideration in favour of this proposal which was not previously included."*

In response, the offer of affordable housing in the form of 4 x 1 bedroom 'Discounted Market Sales Housing' units at 80% of market value (i.e. 20% discount) is the single material difference between the current application and refused application EPF/3040/19.

Whilst the affordable housing offer is noted it is not considered that this is sufficient to outweigh the harm to the Green Belt that would arise as a result of the proposed development.

The application site comprises previously developed and undeveloped land within the Metropolitan Green Belt. The proposed development would have a greater impact on the openness of the Green Belt than the existing development and is therefore inappropriate development, by definition, harmful to the Green Belt. In addition, the erection of 14 no. dwellings on the site will have a significant physical and visual impact on the openness of the Green Belt. No very special circumstances have been demonstrated that are sufficient to outweigh the significant harm to the Green Belt and to the purposes of including land within the Green Belt.

Housing Land Supply

Based on the Housing Implementation Strategy update 2019 and its Appendices 5 and 6 (EB410B), the Council's Land supply is currently calculated at 2.43 years.

The Council expects that upon adoption of the Local Plan it will be able to demonstrate a full 5 year housing land supply.

Lack of a 5 year housing land supply does not in itself constitute very special circumstances.

In this case, it is considered that the benefit of a 14 no. dwelling contribution to housing land supply is not sufficient to outweigh the harm to the Green Belt that would arise as a result of the proposed development.

Fall back position / Volume / Floorspace / comparisons

The EPF/1351/18 33 unit scheme has been implemented and built out.

The applicant argues that the EPF/0570/15, 26 unit permission is extant on the basis that it was implemented by way of demolition existing buildings on the site.

Notwithstanding whether the EPF/0570/15 26 unit permission is lawfully extant, it is clear that this scheme cannot now be built out unless the EPF/1351/18 33 unit scheme is demolished. This is

because the schemes share a large part of the same application site. As this scenario is considered to be very unlikely, the weight given to the EPF/0570/15 26 unit scheme as a fallback position is limited.

It therefore follows that any comparison of the volume or floorspace of the EPF/0570/15 26 unit scheme versus the EPF/1351/18 33 unit scheme plus the current 14 unit scheme also carries little weight in terms of considering Green Belt openness impact.

Affordable Housing

Policy H6A of the Councils adopted Local Plan requires that a development of this scale would require 40% of the proposed dwellings to be provided as affordable housing and states that "the levels will apply unless it can be shown that they are inappropriate or that they make a scheme economically unfeasible".

The Local Plan Submission Version (LPSV) similarly requires 40% affordable housing and this is in accordance with the NPPF (July 2021).

For a relatively small development such as this, all on site affordable housing should be provided on the basis of affordable rented units in line with the Council's Shared Ownership Policy.

A Viability Report prepared by Savills was submitted with this application. The report concludes that the development cannot viably provide affordable housing either on site or as an off site payment.

Notwithstanding the conclusions of the Savills Viability Report, the application is proposing provision of 4 x 1 bedroom 'Discounted Market Sales Housing' units at 80% of market value (i.e 20% discount) as an affordable housing offer. The current application differs from refused application EPF/3040/19 in this respect.

An independent Viability consultant (BPS Surveyors) was instructed to review the Savills Viability Report on behalf of the Council.

The BPS review (3rd February 2022) did not agree with all of the Savills assumptions but based on their own assumptions and assessment, BPS also concluded that the proposed development cannot viably provide any on or off site affordable housing.

The BPS Report looked at four scenarios as follows:

		Residual Land Value
1	**4 x 80% market value units as proposed**	**£ -477,000**
2	No affordable units	£ -315,719
3	4 x First Homes (70% market value)	£ -568,497
4	4 x Shared Ownership units	£ -488,949

All four scenarios produced a negative residual land value, confirming that the proposed development cannot viably provide affordable housing.

The BPS Report concludes as follows:

"2.*22 We therefore consider it is reasonable to assume that no further affordable housing can be provided. We note that the current proposals including DMS units may become problematic in delivery as there will be no one-bed units from within the scheme with which to define the open market value of the units prior to discount. We*

consider it important that the market value of the units is robustly supported upon delivery in order to ensure the proper application of a discount.

2.23 We recommend that the scheme should be subject to a late stage review of viability in order that the viability can be assessed over the lifetime of the development."

The NPPF (2021) glossary defines 'Discount market sales housing' as follows:

"that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households."

In the event that planning permission is granted, a legal agreement would be required in order to set the values of the discount market sales units and to ensure the units remain discounted in perpetuity. A late stage viability review mechanism would also be required.

Flood Risk:

The site lies within the Environment Agency's (EA) Flood Zone 2. The NPPF seeks to ensure that new development is directed towards those sites that are at least risk of flooding. Within Flood Zone 2 the Government Guidance and the EA standing advice requires that proposals of this kind need to pass a "Sequential Test" that is, the Local Planning Authority needs to be satisfied that the development could not be provided somewhere else that has a lesser risk of flooding.

At the time of the approval of 26 houses on the site, the Council did not have a Strategic Flood Risk Assessment in place, and each application received for development in a flood risk area needed to be accompanied by a sequential test, to show that there was nowhere at lesser risk of flooding and which is available and deliverable, for a development of the type proposed. At the time of the last application the sequential test submitted indicated that there were no sites of sufficient size available and deliverable for 26 houses. Essentially this is because most sites in this District are within the Green Belt and not previously developed land and residential development is therefore inappropriate. The sequential test was therefore accepted.

Since that time the LPSV has been produced and this identifies potential sites for development in order to meet the Councils future housing need. All sites within flood zones 2 and 3 were rejected as unsuitable and it is clear that there are a large number of potential sites in the District, at lesser risk of flooding, on which 14 houses could be developed.

This current application site appears in the Draft Local Plan simply as it had been identified as having an extant consent for development. Had consent not already been granted here, it would not have been identified as a suitable site for development due to the flood risk and the presence of landfill. However at the current time there are extant approvals for 33 dwellings on the northern part of the site (currently being built out) and planning permission has previously been granted for a 26 dwelling scheme across the larger site (comprising what the applicant now refers to as Phase 1 (north) and Phase 2 (south).

Whilst the current application site is within Flood Zone 2, the planning history as set out above is a material consideration and on this basis it is not considered reasonable to recommend refusal on Sequential Test grounds.

The application is supported by an up-to-date Flood Risk Assessment and Sustainable Drainage Strategy prepared by MTC Engineering. The Council's Environmental Protection and Drainage Team have reviewed the submitted document and agree with its findings in principle and have no objection to the proposed development subject to conditions.

Contamination.

Policy RP4 of the adopted Local Plan states:

The Council will not grant planning permission for the development or reuse of land which it considers likely to be contaminated unless:
(1) prior tests are carried out to establish the existence, type and degree of contamination and
(2) if contamination s found, appropriate methods of treatment and monitoring are agreed with the council, pollution authorities and water companies; and
(3) the agreed methods of treatment include measures to protect or recreate habitats of nature conservation interest.

The 26 unit scheme included housing over the existing land fill area.

The 33 units scheme (now built out) does not include any housing over the landfill area and instead the landfill area is to be utilised as Private Open Space.

The current application once again proposes to build housing over the existing landfill area.

The Council's Contaminated Land team have reviewed the submitted Contaminated Land documents and they are considered to be acceptable (full comments above).

The Contaminated Land Team have no objection to the proposal subject to suitable conditions being attached to any planning permission issued.

Layout and Design

Notwithstanding the in principle Green Belt objection and the objection to the loss of the Managed Open Space as set out above, there is no objection to the layout or design of the proposal itself.

Quality of Accommodation

The submitted Planning Statement states that all of the proposed houses and flats exceed the minimum national space standards.

Impact on Neighbouring Amenity

The 14 no. proposed dwellings are all located a sufficient distance from the houses within the 33 unit scheme (EPF/1351/18) to ensure that there would be no harmful loss of privacy or outlook to the occupiers of those properties.

The proposal is considered to be acceptable in this respect.

Highways and Parking:

The proposed access is taken from the spine road associated with the approved 33 unit scheme (EPF/1351/18).

6 no. houses would be served off the eastern access and 4 no. houses plus the 4 x 1 bed apartments would be served from the western access.

Adequate space is provided on site for the parking of both residents and visitors in accordance with the adopted car parking standards.

The County Highway Authority has considered the proposals and has no objection subject to conditions (full comments set out above).

Impact on the Lee Valley Park

The LVRPA has not objected to the application. Given the planning history of the site it is not considered reasonable to recommend refusal on grounds of impact on the LVRP.

Epping Forest SAC

The site has been considered in the context of the Epping Forest Special Area of Conservation and Policy DM2 and lies outside the 3km zone where it would be expected that the development should provide mitigation to with regard to potential impact on the SAC from increased visitor numbers.

The potential impact of the development on air quality (with regard to the SAC) has also been considered.

The submitted TRICS data concludes that there will be a reduction when compared to the former use of the site (which has now ceased due to the implementation of EPF/1351/18). The Highway Authority consider that the proposal is likely to generate around 6-7 additional vehicle movements in the peak hours, on top of the use of the site for 33 units, and could not be considered as having a significant impact on the highway.

The Interim APMS (2020) sets out mitigation requirements for all new housing, which requires a financial contribution along with electric vehicle charging capacity and provision of high-speed broadband.

Since the application is not accompanied by a suitable legal agreement, and in the absence thereof, suitable mitigation cannot be secured.

Ecology

A Preliminary Ecological Assessment, ASW Ecology, December 2019 was submitted with the application.

This concludes as follows:

“The only protected species potential present within the development footprint at The Chimes (Phase 2), as identified during this ecological assessment, was for: breeding birds.

No active or previously used bird nests were found within the small number of boundary trees in the development footprint.

The boundary trees offer some limited nesting bird structure, but these trees have few niches for birds in general, with only the occasional nest expected.

There is no bat roosting potential within the trees in the development footprint, given the lack of niches that bats would require for roosting purposes.

The development footprint has no ecological value, other than the few small trees at one of the site boundaries.

Therefore, based on the results of this formal ecological investigation, there are no further surveys required, in regards to the development proposal, although best practice guidance must be followed at all times by the client and contractors working at this site."

Archaeology

The Archaeology of the site has been fully investigated under the previously approved schemes and no further investigation is required.

S106 Legal Agreement

In the event that planning permission is granted a legal agreement would be required for the following items:

- Affordable housing clauses relating to the 4 x 1 bed discount market sales units and a late stage review mechanism.
- Essex CC Infrastructure financial contributions
- SAC Mitigation financial contributions in relation to air pollution.

Conclusion

Recommended for refusal.

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: Kie Farrell Telephone Number: 01992 564000

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