

committee agenda



**Epping Forest
District Council**

**District Development Management Committee
Wednesday, 19th April, 2023**

You are invited to attend the next meeting of **District Development Management Committee**, which will be held at:

Council Chamber - Civic Offices
on **Wednesday, 19th April, 2023**
at **7.00 pm** .

Georgina Blakemore
Chief Executive

**Democratic Services
Officer**

G. Woodhall Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors P Keska (Chairman), R Baldwin, H Brady, I Hadley, S Heap, S Heather, H Kane, H Kauffman, T Matthews, R Morgan, S Patel, C C Pond, J M Whitehouse and K Williamson

SUBSTITUTE NOMINATION DEADLINE:

18:00

1. WEBCASTING INTRODUCTION

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

"I would like to remind everyone present that this hybrid meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or other such use by third parties). Therefore by participating in this meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If any public speakers on Zoom do not wish to have their image captured they should ensure that their video setting throughout the meeting is turned off and set to audio only.

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

2. ADVICE FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES (Pages 5 - 6)

(Team Manager – Democratic & Electoral Services) General advice for those persons attending the meeting of the Committee is attached as an Appendix to this agenda.

3. APOLOGIES FOR ABSENCE

Please use the Members' Portal webpage to report non-attendance at meetings https://eppingforestdc-self.achieveservice.com/service/Member_Contact to ensure that 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://eppingforestdc.gov.uk/your-council/members-portal/>.

4. SUBSTITUTE MEMBERS

(Team Manager – Democratic & Electoral Services) To report the appointment of any substitute members for the meeting.

5. DECLARATIONS OF INTEREST

(Team Manager – Democratic & Electoral Services) To declare interests in any item on the agenda.

6. MINUTES (Pages 7 - 16)

(Team Manager – Democratic & Electoral Services) To confirm the minutes of the meeting of the Committee held on 18 January 2023.

7. SITE VISITS

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

8. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE

(Service Manager – Development Management) A Planning Policy 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, 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 the Planning Policy Briefing Note is to inform the development management process and to provide assistance for Development Management Officers, Councillors, applicants and planning agents. The Planning Policy Briefing Note is available at:

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

9. PLANNING APPLICATION EPF/1400/20 - EPPING UPPER CLAPTON RUGBY CLUB, 61 UPLAND ROAD, EPPING UPLAND CM16 6NL (Pages 17 - 44)

(Service Manager – Development Management) To consider the attached report for improvements to existing club infrastructure comprising a new all-weather pitch and relocation of existing floodlights, improvements to the club's function hall, golf range and current car parking including the addition of further car parking spaces and associated development, and enabling development in the form of the construction of 9 no. new dwellings and associated development.

10. PLANNING APPLICATION EPF/1869/21 - WALTHAM ABBEY SWIMMING POOL, ROUNDHILLS, WALTHAM ABBEY EN9 1UP (Pages 45 - 70)

(Service Manager – Development Management) To consider the attached report for a residential Development of 28 dwellings with associated vehicular access point off Roundhills, car parking, open space, landscaping and associated infrastructure.

11. PLANNING APPLICATION EPF/1974/22 - LAND ADJACENT TO HARLOW ROAD, ROYDON, HARLOW (Pages 71 - 94)

(Service Manager – Development Management) To consider the attached report for the construction and operation of a solar photovoltaic ('PV') farm and associated infrastructure, including inverters, DNO Substation, Customer Switchgear, security cameras, fencing, access tracks and landscaping.

12. ANY OTHER BUSINESS

(Team Manager – Democratic & Electoral Services) 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.

13. EXCLUSION OF PUBLIC AND PRESS

Exclusion

(Team Manager – Democratic & Electoral Services) 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):

<u>Agenda Item</u>	<u>Subject</u>	<u>Paragraph Number</u>
Nil	None	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

(Team Manager – Democratic & Electoral Services) Article 17 (Access to Information) of the Constitution defines 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 one copy of each of the documents on the list of background papers for four years after the date of the meeting. Inspection of background papers can be arranged by contacting either the Responsible Officer or the Democratic Services Officer for the particular item.

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.

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Management Committee **Date:** Wednesday, 18 January 2023

Place: Council Chamber - Civic Offices **Time:** 7.00 - 8.50 pm

Members Present: Councillors B Rolfe (Vice-Chairman), R Baldwin, H Brady, I Hadley, S Heap, S Heather, H Kane, H Kauffman, T Matthews, R Morgan, S Patel, C C Pond, J M Whitehouse and K Williamson

Members Present (Virtually): -

Other Councillors: Councillors C Whitbread and H Whitbread

Other Councillors (Virtual): -

Apologies: P Keska

Officers Present: A Marx (Development Manager Service Manager (Planning)), G Woodhall (Team Manager - Democratic & Electoral Services) and P Seager (Chairman's Officer)

Officers Present (Virtually): J Leither (Democratic Services Officer) and J Rogers (Principal Planning Officer)

37. WEBCASTING INTRODUCTION

On behalf of the Chairman, the Team Manager for Democratic & Electoral Services reminded everyone present that the meeting would be broadcast live to the internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

38. ADVICE FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES

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

39. SUBSTITUTE MEMBERS

The Committee was advised that no substitute members had been appointed for the meeting.

40. DECLARATIONS OF INTEREST

The following interests were declared by members of the Committee pursuant to the Council's Code of Member Conduct:

(a) Councillor T Matthews declared a personal interest in item 9 (Planning Application EPF/1400/20 – Upper Clapton Rugby Club) of the agenda for the meeting, by virtue of being a former member of the Rugby Club. Councillor T Matthews had determined that his interest was not pecuniary and indicated that he would remain in the meeting for the consideration of the application and voting thereon.

(b) Councillor B Rolfe declared a personal interest in item 9 (Planning Application EPF/1400/20 – Upper Clapton Rugby Club) of the agenda for the meeting, by virtue of being a social member of the Rugby Club. Councillor B Rolfe had determined that his interest was pecuniary and indicated that he would leave the meeting for the consideration of the application and voting thereon.

(c) Councillor H Whitbread declared a personal interest in item 9 (Planning Application EPF/1400/20 – Upper Clapton Rugby Club) of the agenda for the meeting, by virtue of having family members belonging to the club. Councillor H Whitbread had determined that her interest was not pecuniary and indicated that she would remain in the meeting for the consideration of the application.

(d) Councillor C Whitbread declared a personal interest in item 9 (Planning Application EPF/1400/20 – Upper Clapton Rugby Club) of the agenda for the meeting, by virtue of having family members belonging to the club. Councillor C Whitbread had determined that his interest was not pecuniary and indicated that he would remain in the meeting for the consideration of the application.

41. MINUTES

RESOLVED:

That the minutes of the meeting of the Committee held on 16 November 2022 be taken as read and signed by the Chairman as a correct record.

42. SITE VISITS

There had been no site visits requested by members of the Committee for any of the applications being considered at the meeting.

43. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE

The Committee was reminded that a briefing note had been prepared to ensure that a consistent approach was taken to the provision of planning policy advice, following the publication of the Epping Forest District Local Plan Submission Version (LPSV) on 18 December 2017 and the Main Modifications to the LPSV which had been published for consultation on 15 July 2021. Members were advised that the primary purpose of the briefing note was to inform development management activities and to provide assistance for Councillors, Officers, Applicants, Planning Agents and other persons involved in the development management process.

Resolved:

(1) That the Planning Policy Briefing Note for the Epping Forest District Local Plan Submission Version be noted.

44. PLANNING APPLICATION EPF/1400/20 - UPPER CLAPTON RUGBY CLUB, 61 UPLAND ROAD, EPPING UPLAND CM16 6NL

The Principal Planning Officer, J Rogers, presented a report for improvements to existing club infrastructure comprising a new all-weather pitch and relocation of existing floodlights, improvements to the club's function hall, golf range and current car parking including the addition of further car parking spaces and associated development, and an enabling development in the form of the construction of 9 x new dwellings and associated development. This application had been considered by Area Planning Sub-Committee East on 30 November 2022 with a recommendation to refuse planning permission. The Sub-Committee upheld the officer recommendation, but the application was referred to this Committee for a final decision under the Minority Reference rules within the Constitution.

The Committee noted the summary of representations that had been received and heard from an Objector and the Applicant.

Following a lengthy debate, the Officer recommendation to refuse planning permission for the reasons outlined in the report was lost when put to the vote. Cllr K Williamson proposed a motion that the application be deferred until the next meeting of the Committee to allow Planning Officers to draft the necessary planning conditions and any planning obligations if a Section 106 Legal Agreement was required before the Committee formally considered the application for approval. The motion was seconded by Cllr H Kane. Some of the Committee felt that the Rugby Club should also consider making a contribution to the Council's provision of affordable housing, either directly or financially.

Decision:

(1) That planning application EPF/1400/20 at Upper Clapton Rugby Club in Upland Road, Epping Upland be deferred for further consideration until the next meeting of the Committee to allow Planning Officers to draft planning conditions and any possible planning obligations for a Section 106 Legal Agreement.

45. PLANNING APPLICATION EPF/1954/22 - BUILDING YARD, KEYSERS ROAD, NAZEING EN10 6RJ

The Service Manager for Development Management, A Marx, presented a report for the change of use for the site from a Builder's Yard to a residential site, including the removal of the existing outbuildings. This application had been considered by Area Planning Sub-Committee West on 7 December 2022 with a recommendation to refuse planning permission. However, the Sub-Committee had resolved to grant planning permission, subject to suitable planning conditions and a Section 106 legal agreement. As this represented a departure from Local Plan policy, this application had been referred to this Committee for a final decision.

The Committee noted the summary of representations that had been received and heard from the Applicant.

Decision:

(1) That planning application EPF/1954/22 for the Building Yard on Keyzers Road in Nazeing be granted planning permission subject to:

(a) the planning conditions as listed below; and

(b) the completion of a Section 106 Legal Agreement to fulfil the planning obligations as set out below; and

(2) That authority be delegated to Planning Officers to subsequently add or amend any planning conditions or Section 106 planning obligations in respect of securing the necessary measures to mitigate air pollution and recreational pressure impacts on the Epping Forest Special Area of Conservation.

Planning 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:

Drawing ELA/1 Rev A – Existing Layout

Drawing ELA/2 Rev A – Existing Layout & Elevations

Drawing ELA/3 Rev A – Proposed Layout & Elevations

Drawing ELA/6 Rev A – Block Plan & Location Plan

Contaminated Land Report

Preliminary Ecological Appraisal Incorporating Bat Survey Inspection, August 2021.

3...Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

4...No preliminary ground works shall take place until an assessment of flood risk, focusing on surface water drainage, has been submitted to and approved by the Local Planning Authority. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.

5...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 the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

6...Prior to any above ground works, full details of both hard and soft landscape works 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.

7...Details of the biodiversity green roof shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity green roof shall be:

- a) biodiversity based with extensive substrate base (depth 80-150mm);
- b) laid out in accordance with the approved drawings;
- c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).

The biodiversity green roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity green roof shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. If within a period of five years from the date of the planting or establishment of the green roof it is removed, uprooted or destroyed or dies or becomes seriously damaged or defective it shall be replanted / reseeded with the same agreed mix of species as that originally planted and shall be planted at the same place.

8...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.

8...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.

9...A Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the local planning authority following the recommendations made within the

Preliminary Ecological Appraisal Incorporating Bat Survey Inspection (T4ecology Ltd, August 2021).

The content of the Biodiversity Enhancement Strategy 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
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance.

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

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...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.

12...Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.

13...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.

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

15...Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, D, E, F and AA of Part 1, and Class A and B of Part 2 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

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.

17...Access to the flat roof over the development hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

Section 106 Legal Agreement Obligations

1...Contribution to air quality impact mitigation comprising contribution of £335 per dwelling.

2...Payment of 5% of total financial contribution monitoring fee.

46. PLANNING APPLICATION EPF/1984/22 - UNITS 12, 14 AND 15 ARLINGHAM MEWS, SUN STREET, WALTHAM ABBEY EN9 1ED

The Service Manager for Development Management, A Marx, presented a report for the change of use of three vacant retail units to 2 x one-bed flats. This application had been considered by Area Planning Sub-Committee West on 9 November 2022 with a recommendation to refuse planning permission. However, the Sub-Committee had resolved to grant planning permission, subject to suitable planning conditions and a Section 106 legal agreement. As this represented a departure from Local Plan policy, this application had been referred to this Committee for a final decision.

The Committee noted the summary of representations that had been received and heard from the Applicant's Agent.

Decision:

(1) That planning application EPF/1984/22 at Units 12, 14 and 15 in Arlingham Mews, Waltham Abbey be granted planning permission, subject to:

(a) the planning conditions listed below; and:

(b) the completion of a Section 106 legal agreement to fulfil the planning obligations as set out below; and

(2) That authority be delegated to Planning Officers to subsequently add or amend any planning conditions or Section 106 planning obligations in respect of securing the necessary measures to mitigate air pollution and recreational pressure impacts on the Epping Forest Special Area of Conservation.

Planning 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:

Drawing 1464_304 – Location Plan

Drawing 1464_305 – Block Plans

Drawing 1464_305 (sic) – Proposed Site Plan

Drawing 1464_307 – Existing Plans and Elevations

Drawing 1464_308 – Proposed Plans and Elevations

Design, Access and Heritage Statement, dpa HRA.

3...Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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.

4...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 deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

6...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.

Section 106 Legal Agreement Obligations

1...Contribution to air quality impact mitigation comprising contribution of £1852.63 per dwelling.

2...Contribution to recreational pressure impact mitigation comprising contribution of £352 per dwelling.

3...Payment of 5% of total financial contribution monitoring fee.

47. ANY OTHER BUSINESS

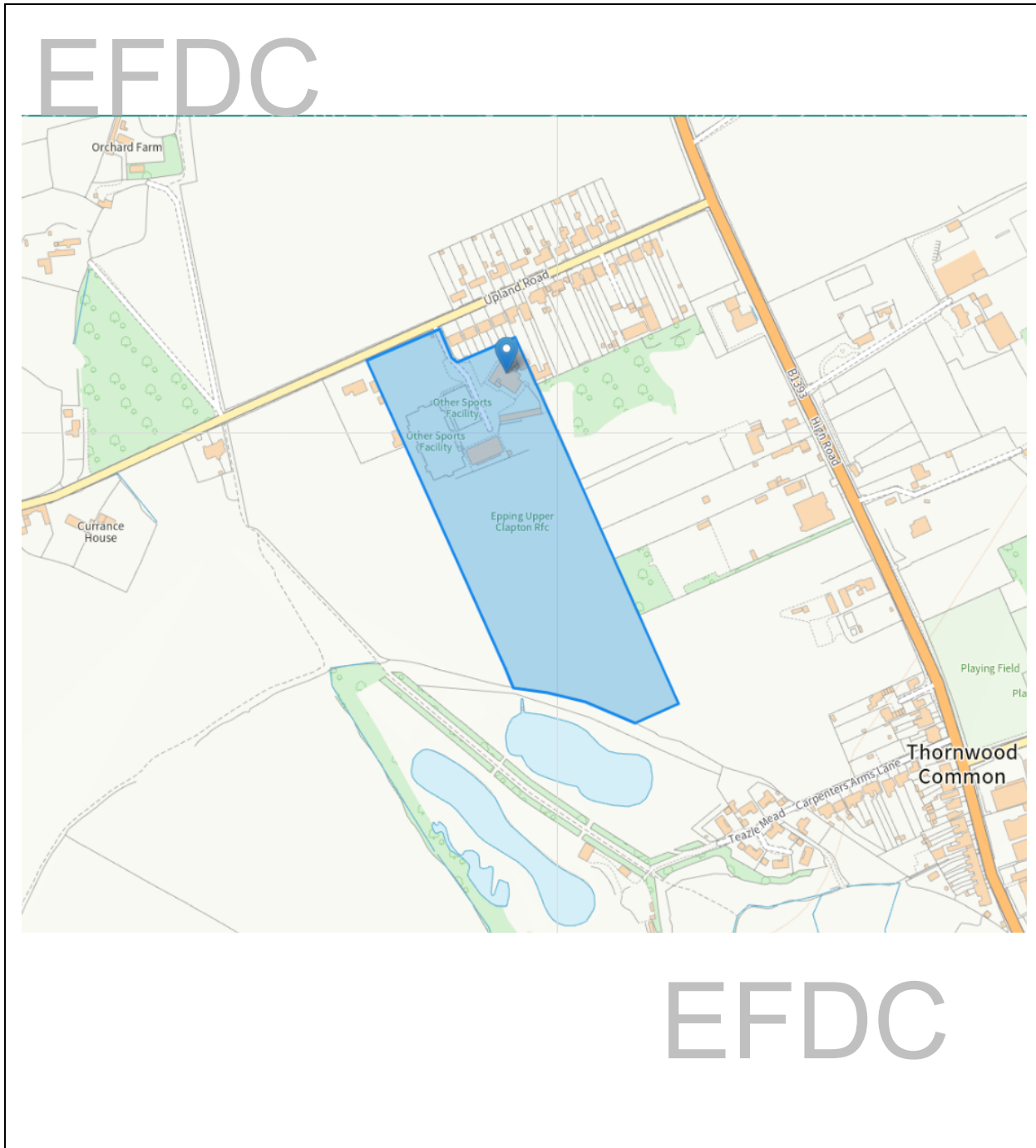
It was noted that there was no other urgent business for consideration by the Committee.

48. EXCLUSION OF PUBLIC AND PRESS

The Committee noted that there was no business which necessitated the exclusion of the public and press from the meeting.

CHAIRMAN

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Application Number:	EPF/1400/20
Site Name:	Upper Clapton Rugby Football Club

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OFFICER REPORT

Application Ref: EPF/1400/20
Application Type: Full planning permission
Applicant: Epping Upper Clapton Rugby Football Club (on behalf of the Trustees)
Case Officer: James Rogers
Site Address: Upper Clapton Rugby Football Club
61 Upland Road
Epping Upland
Epping
CM16 6NL

Proposal: Improvements to existing club infrastructure comprising a new all-weather pitch and relocation of existing floodlights, improvements to the club's function hall, golf range and current car parking including the addition of further car parking spaces and associated development, and enabling development in the form of the construction of 9 no. new dwellings and associated development

Ward: Epping Lindsey and Thornwood Common
Parish: North Weald Bassett
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NypV>
Recommendation: Approved with Conditions (Subject to s106 Legal Agreement)

Recommendations/Decisions Required:

To either refuse planning permission for the reasons set out in the previous DDMC report in Appendix 1 or to grant planning permission subject to the heads of terms for a s106 legal agreement and planning conditions set out in Appendix 3 of this report.

Background

This application was reported to the Area Planning Sub-Committee East on 30th November 2022 to refuse planning permission for the reasons above. Following discussion on the merits of the application, Members voted in favour of the Officer recommendation to refuse planning permission. The application was then referred up to District Development Management Committee by resolution by a minority of Members in accordance with the Council's constitution.

The proposal was put before Members of the District Development Management Committee ("DDMC") on 18th January 2023 with a recommendation from Area Planning Sub-Committee East to refuse planning permission. The vote to refuse planning permission was defeated and the case was then deferred to a subsequent meeting so that Members could review the proposed conditions and heads of terms for the legal agreement before a final decision is made.

Notwithstanding that the vote to refuse planning permission was defeated, officers continue to recommend that the application should be refused for the reasons identified in the previous officer report. This previous report is appended below for information (appendix 1).

Members will need to propose a motion to determine this planning application. If the Committee is minded to approve the application then suggested planning conditions and terms for a S106 legal agreement have been attached at Appendix 3 of this report.

Appendix 1 – previous DDMC officer report

OFFICER REPORT

Application Ref: EPF/1400/20
Application Type: Full planning permission
Applicant:
Case Officer: James Rogers
Site Address: Upper Clapton Rugby Football Club
61 Upland Road
Epping Upland
Epping
CM16 6NL

Proposal: Improvements to existing club infrastructure comprising a new all-weather pitch and relocation of existing floodlights, improvements to the club's function hall, golf range and current car parking including the addition of further car parking spaces and associated development, and enabling development in the form of the construction of 9 no. new dwellings and associated development

Ward: Epping Lindsey and Thornwood Common
Parish: North Weald Bassett
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NypV>
Recommendation: Refuse

Recommendations/Decisions Required:

- That planning permission is refused for the following reasons:
- 1 The proposal constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition harmful to the Green Belt. In addition, the proposal would cause significant additional harm to its openness and would conflict with its fundamental purpose of keeping land permanently open. The nature of the proposal would cause a significant increase in the residential paraphernalia in and around the site which would cause additional significant harm to the character of the Green Belt. The very special circumstances advanced by the applicant do not clearly outweigh these identified harms to the Green Belt. The proposal is therefore contrary to policy DM 4 of the Epping Forest District Local Plan Submission Version (2017), with policies GB2A and GB7A of the Adopted Local Plan and Alterations (2006) and with the requirements of chapter 13 of the National Planning Policy Framework (2021).
 - 2 Since there is no appropriate mechanism to secure the necessary financial contribution towards managing the effects of recreational pressure on the Epping Forest Special Area of Conservation, the proposal fails to demonstrate its compliance with policies DM 2 and DM 22 of the Epping Forest District Local Plan, policy NC1 of the Adopted Local Plan and Alterations (2006), with paragraphs 181 and 182 of the National Planning Policy Framework (2021) and with the requirements of the Habitat Regulations (2017)

This application was reported to the Area Planning Sub-Committee East on 30th November 2022 to refuse planning permission for the reasons above. Following discussion on the merits of the application, Members voted in favour of the Officer recommendation to refuse planning permission. The application was then referred up to District Development Management Committee by resolution by a minority of Members in accordance with the Council's constitution.

The proposal is put before Members of the District Development Management Committee with a recommendation from Area Planning Sub-Committee East to refuse planning permission. The original committee report is appended below:

Appendix 2 – Previous report to Area Plans Sub-Committee East

OFFICER REPORT

Application Ref: EPF/1400/20
Application Type: Full planning permission
Applicant:
Case Officer: James Rogers
Site Address: Upper Clapton Rugby Football Club
61 Upland Road
Epping Upland
Epping
CM16 6NL

Proposal: Improvements to existing club infrastructure comprising a new all-weather pitch and relocation of existing floodlights, improvements to the club's function hall, golf range and current car parking including the addition of further car parking spaces and associated development, and enabling development in the form of the construction of 9 no. new dwellings and associated development

Ward: Epping Lindsey and Thornwood Common
Parish: North Weald Bassett
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NypV>
Recommendation: Refuse

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

Site and Surroundings

Upper Clapton Rugby Club is located on the southern side of Upland Road which is located within the settlement of Thornwood. To the east of the site there are a number of detached and semi detached dwellings in a linear formation fronting onto the road. The sports facilities on the site are set away from the front of the road and there is an open field adjacent to the main road. The site is located within the boundaries of the Metropolitan Green Belt and it is not in a Conservation Area.

Proposal

The proposed development is for Improvements to existing club infrastructure comprising a new all-weather pitch and relocation of existing floodlights, improvements to the existing club house, erection of a new function hall, demolition of the existing golf range, the addition of further car parking spaces and associated development, and construction of 9 new dwellings.

Relevant Planning History

EPF/0817/12 - Replacement club house and associated development and outline planning for enabling residential development. – Approved

EPF/0917/18 - Construction of 10 dwellings with associated access road and landscaping - Refused

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

Number of neighbours Consulted: 24

86 Letters of support received including:

- The rugby club is a valued community facility and facilitates good physical, mental and social wellbeing for the community
- The development is critical to the continued use of the site for sport and recreation
- The upgrades to the club will prevent matches being postponed and allow expansion of existing operations
- The club upgrades will allow for more visiting teams to use the facilities
- The new facilities will allow a wider range of sports to be played
- The proposal will ensure the long term financial viability of the club
- The increased parking will be a benefit to the local area

8 letters of objection received including:

- The proposal is inappropriate development in the Green Belt
- Loss of local wildlife
- inadequate drainage facilities
- increased traffic
- Loss of existing trees and hedging

North Weald Parish Council – No objection

Planning Considerations

The report will now consider the application against the requirements of the Development Plan and the emerging Local 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 and emerging Local Plan when considered as a whole. This issue is considered further in the final planning balance section of this report.

Turning to the potential improvements to the rugby club, such improvements to an existing sports facility can be acceptable in principle however they will need to be considered against the requirements of the Development Plan and emerging Local Plan as a whole.

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 which clearly outweigh this harm.

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.

Firstly considering the proposed improvements to the Rugby Club, it is proposed to provide a new all weather pitch, including the relocation of existing flood lights, proposed improvements to the existing club house, a new function hall, the removal of the existing golf driving range and former club house and the provision of new parking.

The NPPF sets out that the construction of new buildings should be regarded as inappropriate development unless they are for one of a set of purposes. One of these exceptions is:

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

For clarity, the laying of an artificial grass pitch is an engineering operation since it changes the physical nature of the land. The proposed all-weather pitch would be used for a variety of different outdoor sports such as football, hockey and rugby and comfortably fulfils the first part of this exception.

Following on from the judgement from Fordent Holdings Ltd Vs SSCLG and Cheshire West and Chester Council, it is clear that paragraph 89 relates solely to buildings, therefore this exception relates to 'facilities' that are buildings. Paragraph 90 of the NPPF sets out other forms of development that are also not inappropriate, providing that they preserve openness and do not conflict with the purpose of including land within it. This includes, amongst other things, engineering operations.

In terms of appropriateness, the proposed new pitch can be considered as an engineering operation and its very nature of being open will ensure it will not cause material harm to the characteristics of the Green Belt.

The proposed function room is clearly inappropriate development since it goes beyond what could reasonably be considered necessary to facilitate outdoor sport and recreation. Since it does not fulfil this exception, nor any other as given by the NPPF it is concluded that it is inappropriate development, which is, by definition, harmful to the Green Belt.

However the planning application granted in 2013 gave consent for the function room in the exact position as the one proposed in this application as well as for floodlighting. Whilst these elements have not yet been erected; since the permission has been implemented they could still be built. In any event the proposed function room in this application is a little smaller than the already approved building and thus would have a lesser impact on openness. In addition the Council could impose a legal mechanism whereby the already approved flood lighting could not be carried out were this proposal to be granted.

Turning to the parking, it is proposed to increase the number of formalised spaces by 116 spaces to bring it to a total of 216 spaces. The new spaces would be contained within the existing site, where there is already existing hardstanding. Consequently the increased provision will not cause material harm to the Green Belt.

Finally and most substantially, the proposed erection of 9 new dwellings on the site is clearly inappropriate development. In addition it would cause significant additional harm to the openness of the Green Belt both spatially and visually, resulting in a conspicuous form of development on open Green Belt land. It would also directly conflict with the fundamental purposes of the Green Belt and would cause significant additional residential paraphernalia and domestic activity to the area thereby cause an additional significant adverse impact on the character of the Green Belt.

Impact on the surrounding area

Regarding the proposed new dwellings, the site currently consists of an open field which is currently used as an informal parking area from time to time by the rugby club. Set directly behind the site to the south is an existing 3G pitch also used by the club, with associated fencing and flood lighting. The site is however located within a predominately rural setting, which has open land directly opposite and, save from the single bungalow to the west, open land to the south west. To the immediate east is a cluster of houses which form a continuous frontage on both sides of Upland Road. The new dwellings will front onto Upland Road and would effectively follow this continuous pattern of linear development on this side of the road and although it would extend beyond the existing extent of development on the opposite side of the road, which emphasises its impact in Green Belt terms however it would be respectful to the prevailing pattern of residential development.

In terms of detailed design, each of the proposed new dwellings would effectively mirror the design of the existing dwellings to the east of the site and whilst the lack of variation in their architectural style is recycled and uninspiring, they are conventional and of a scale and size not dissimilar to the character or appearance of the street scene.

Turning to the proposed improvements to the rugby club, they will all be contained within the context of the existing club and in general terms would be well integrated within the existing site..

The proposal is therefore compliant with the design policies of the ALP, the EFDLP and the NPPF.

Living conditions of neighbours and standard of accommodation proposed

The existing dwellings which are located adjacent to the site are a significant distance from the edge of the closest of the proposed new dwellings. Therefore there will not be any significant harm caused to their living conditions either through overlooking or any other harm. The new dwellings would each offer a good standard of living accommodation for new residents.

Whilst the improvements to the rugby club could increase general activity in and around the site, this will not cause significant harm to the existing or new residents through general disturbance. Regarding the proposed new floodlighting, a condition could be attached to ensure that they are not used at unsociable times.

Highway and parking

The Essex County Council highway engineer has commented that the proposed access will have good visibility splays and will not cause harm to the safety or efficiency of the public

Land Drainage

The Land Drainage Team consider that the proposal is acceptable subject to planning conditions to ensure that there is a sustainable drainage strategy in place in accordance with the submitted Flood Risk Assessment.

Land Contamination

1940-1970 historic photographs show small buildings, disturbed ground & imported soils present along the Northern & North eastern boundary, 1990 photograph shows the onsite disposal of additional soils during construction of the offsite car park to the East, 2001-2004 photographs show a track created across the top of the site and down the Western side of the site between these dates, and more recent photography shows that made ground has been spread across the site following construction of the 4 dwellings on the former car park to the East.

It is reported that ground gas mitigation measures suitable for Characteristic Situation 2 are to be installed in lieu of additional ground gas monitoring (only a single round of gas monitoring reported to have been previously undertaken) in order to remove the accumulation and inhalation risks to occupiers pathway, which is acceptable provided that a verified proprietary gas membrane with a Gas Protection Score of 2 is used in addition to a very well ventilated beam & block floor void (the use of 1200g or 2000g polythene membranes is no longer acceptable).

Apart from ground gases, the submitted report has not mentioned any specific contaminants associated with former potentially contaminating uses (eg Made Ground: *asbestos, PAH, metals & inorganics* or the Electric Substation: *Petroleum Hydrocarbons & PCBs*) and the Qualitative Risk Assessment presented in Table C5 has not been carried out in accordance with the Classification of Severity criteria presented in Table C3 which classifies short term acute potential exposure risks as Severe (eg inhalation of asbestos fibres and explosive/asphyxiant accumulation/inhalation ground gas risks) and chronic exposure risks as Moderate (eg Lead and Benzo(a)pyrene) which if there is considered to be a Low Likelihood of an event occurring, would result in a Moderate risk for exposure to asbestos and a Low/Moderate risk with respect to other made ground potential contaminants (PAH, Metals & Inorganics) and organic contaminants (PCBs & petroleum hydrocarbons) which would require further investigation.

Provided that a detailed list of potential pollutant linkages is submitted with the required Phase 2 investigation protocol, it should not be necessary for a Phase 1 condition to be added to any approval granted.

The Epping Forest Special Area of Conservation

Biodiversity features within, or associated with, a Special Area of Conservation are given the highest level of protection under UK law, and national planning policy in England. The provisions of the EU Habitats Directive are given effect in UK law by the Conservation of Habitats and Species Regulations 2017, as amended ("the Habitats Regulations").

Under the Habitats Regulations, the EFSAC is classified as a 'European Site' and, as such, any plans and projects (including applications for planning permission) that are likely, either alone or in combination with other plans or projects, to have a significant effect on the EFSAC must be subject to an assessment, known as an Appropriate Assessment ("AA"). The purpose of an AA is to ascertain whether any plan or proposal, either alone or in combination, will have an adverse effect the integrity of the European Site.

The Council has a legal duty as the 'competent authority' under the Habitats Regulations (2017) to protect the EFSAC from the effects of development (both individually and in combination) having regard to the representations of Natural England ("NE").

Two specific issues relating to new development within the District have been identified as being likely to have a significant effect on the integrity of the EFSAC. Firstly, as a result of increased levels of visitors using the EFSAC for recreation arising from new development (referred to as "recreational pressure"). Secondly, damage to the health of the protected habitats and species of flora within the

Forest from atmospheric pollution generated by motor vehicles (referred to as "air quality"). Policies DM 2 and DM 22 of the EFDLP provide the policy context for dealing with the effect of development on the integrity of the EFSAC outlined above.

The LPSV was supported by a Habitats Regulations Assessment dated June 2021 ("the HRA 2021"). Two specific 'pathways of impact' relating to new development within the District were identified as being likely to have a significant effect on the integrity of the EFSAC. Firstly, an 'urbanisation' pathway of impact primarily as a result of increased levels of visitors using the EFSAC for recreation arising from new residential development (referred to as "recreational pressure"). Secondly, damage to the health of the protected habitats and species of flora within the EFSAC from an atmospheric pollution 'pathway of impact' (referred to as "air quality") caused primarily by motor vehicles using roads within 200m of it. The HRA 2021 undertook an Appropriate Assessment of the planned development proposed within the LPSV, including the effect of that development on the EFSAC. The HRA 2021 concluded that, subject to securing urbanisation/recreational pressure and air quality mitigation measures the adoption of the Local Plan will have no adverse effect on the EFSAC. Subject to the suitable delivery of such measures, NE have agreed that an adverse effect on the EFSAC can be ruled out.

Recreational pressure

With regards to recreational pressure, the site is located within the 6.2km zone of influence to the EFSAC and as such new occupants of the development have the potential to use it for recreational purposes, which as noted above has the potential to cause it irreversible harm. However the Council does have a recreation strategy to mitigate against such potential adverse effects. The strategy includes various mitigation measures, including a Strategic Access Management and Monitoring Strategy ("SAMM strategy"). The measures identified require financial contributions from new residential development in the order of £343.02 per dwelling. This is of course dependent on an appropriate method to deliver such financial contributions, which can only be through either a S106 legal agreement or a unilateral undertaking on behalf of the applicant and both are dependent on planning permission being granted.

Air Quality

The HRA 2021 advises that without appropriate mitigation measures, new development proposed in the District would cause harm to the integrity of the EFSAC as a result of atmospheric pollution. A key contributor to atmospheric pollution arises from vehicles using roads in close proximity (i.e. within 200m of the EFSAC).

The Council undertook further technical work in relation to the atmospheric pollution 'pathway of impact' to provide the evidence base to support the development of the Air Pollution Mitigation Strategy (APMS), which has now been endorsed by the Council as a material consideration of significant weight. The APMS identifies a number of mitigation measures, a number of which are required to be delivered as part of individual planning applications alongside strategic initiatives and monitoring requirements, the implementation of which will require a financial contribution to be secured from individual developments.

The evidence base that has been developed to inform the APMS has taken into account Annual Average Daily Traffic (AADT) that would arise from proposed allocations in the EFDLP. The use of AADT is the appropriate method for understanding the effects of atmospheric pollution on both human and ecological health. The APMS therefore provides the mechanism by which the Council can arrive at a conclusion of no adverse effect on the EFSAC as a result of planned development.

The applicant has submitted that the proposal involves the demolition of an existing driving range which is not proposed to be replaced. However the application includes an additional 116 car parking spaces which increases the capacity of the site at peak times for use by the ruby club. The golf driving range is evidently a high traffic generating use and includes a relatively high turnover of vehicles throughout the day. Therefore, whilst the overall level of parking provision is higher, the turnover of comings and goings will be lower with the spaces being utilised solely by members of the rugby club.

Overall the applicant has demonstrated that there will be a net reduction of 114 AADT movements compared to the existing use. As such the proposal can be screened out beyond reasonable scientific doubt as not having an adverse effect on the EFSAC providing that the golf driving range is demolished and entirely removed from site prior to the first operation of the proposed development and this can be secured through condition.

Very special circumstances advanced

Since the proposal constitutes inappropriate development in the Green Belt, which causes additional harm to its openness and conflicts with its fundamental purposes the applicant must advance very special circumstances to clearly outweigh these harms.

The applicant contends that the erection of the 9 new dwellings would serve as an enabling development, to finance further development on and general improvements to the rugby club. The notion of an enabling development is addressed in paragraph 208 of the NPPF which states:

Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

The Government therefore considers that such development can be acceptable, contrary to a development plan where there would be a heritage asset which would otherwise be at risk. There is no provision for the same principle to be applied for the improvement of sporting or community facilities. However there have been High Court judgements which have suggested that other forms of development can also be considered against this principle, such as in (Thakeham Village Action Ltd) v Horsham DC [2014] EWHC 67 (Admin) where the judge concluded that:

I do not believe that the principles of enabling development are limited to ventures that would protect a heritage asset or a facility that serves or is accessible to the public. And I also reject the submission that those principles do not extend to a financial contribution that would support development undertaken by another company on another site. The jurisprudence does not support either of those concepts.

The scope for enabling development is wide. There are many ways in which it may serve a proper planning purpose. It may fund works of repair or improvement to a listed building. It may fund the protection of a particular habitat. It may fund the provision of a swimming pool for public use, or some other public facility. But that is far from being an exhaustive list of the benefits it may help to provide

Clearly, the notion of an enabling development to fund a community facility can be acceptable depending on the specific circumstances of the case. The enabling development must however be demonstrably in the public interest for such a proposal to clearly outweigh significant policy objections. It must therefore be demonstrated that without the proposed works to the rugby club, that its long term future will be compromised.

The starting point for this assessment is that the Council has previously accepted the notion of allowing an inappropriate enabling development on the land to the east of the application site to fund what the Council considered to be much needed improvements to the rugby club, an important community facility (EPF/0817/12). Under normal circumstances however, if any facility is to develop, expand or otherwise improve their services they would be expected to meet their own costs without requiring inappropriate forms of development.

Whilst the Council accepted the previous application on the grounds that very special circumstances existed, sufficient to outweigh the harm to the Green Belt, this proposal is to be assessed on its own merits. The bar for allowing inappropriate development in the Green Belt is rightly, very high. The question before members is whether the proposed upgrades to the rugby club are absolutely essential

for its long term future and are they so fundamental that it justifies the significant harm that would be caused to the Green Belt.

Firstly it is important for Members to understand where the money from the previous application was spent and for an explanation as to why further inappropriate development is now proposed. so far the costs are as follows:

- Clubhouse - £868,971.14
- Enabling works – 131,492
- All weather pitch - £237,511.15
- Other costs (hot water cylinders, cabling, earthmoving, geogrid car park, all weather pitch equipment, legal fees) - £169,000
- Sinking fund - £70,000
- **Total - £1,476,974.29**

In this new proposal, the applicant contends that the enabling development which was previously approved did not allow all the necessary works to be undertaken to the club, this was in part due to alleged rising construction costs and lack of anticipated grant funding, the issue of grant funding is considered later in this report.

At the request of officers, the applicant has provided a financial breakdown of the estimated cost of the proposed works to the club as follows:

- Demolition of old clubhouse - £25,000
- Car parking provision - £261,090
- Netball court alterations - £10,000
- Car park lighting - £19,992
- Function hall - £547,794
- Upgrades to clubhouse (air conditioning, first floor toilets, boot clean extension) - £122,790
- Stormwater attenuation and drainage - £30,000
- Flood lighting - £691,198
- Cycle stands - £6,405
- Pitch improvements - £55,723
- Sinking fund (10-year maintenance for AWP) - £240,000
- **Total - £2,009,992**

Officers also requested a commentary from the applicant on why these works are essential for the long term future of the club. The applicant summarised that:

The Club is the largest community facility in Epping and during the peak rugby season it has circa 1000 people through the door over a weekend and the current facilities simply cannot cater for this. The overriding factor is that the club wants to future proof itself and become self-sustaining rather than relying on land disposals. We would also refer to the very successful example of Chigwell Grange. This is home to Colebrook Royals football club and was provided by enabling development. The facilities here are amazing and the club has 32 teams, clubhouse, nature reserve and is self-sustaining now.

Further justification was provided by the applicant that without the removal of the old clubhouse the increased parking cannot be provided; that the increased parking is essential to the ongoing success of the rugby club, that the function hall is required for improving financial viability of the club and that the new all-weather pitch will prevent events being cancelled in wet weather.

It is not disputed that the works noted above are desirable for the club, but their nature and the justification offered by the applicant for them are thoroughly unconvincing. Not a single element of the works noted above have been demonstrated to be essential for the continued use of the site as a

sporting facility, which continues to operate despite them not currently being on site at present. On the contrary to the assertions of the applicant, the vast majority of the improvements are considered to be non-essential for its long term viability and should be funded through means other than inappropriate development.

Members attention should be drawn to the previously approved application (EPF/0817/12) where it was concluded that very special circumstances existed. In this previous application the main thrust of the justification was the need for a new clubhouse, which was in a poor state of repair and did not offer suitable changing facilities, as well as the delivery of the new all weather pitch. The need for the new clubhouse was fully supported by Sport England and the RFU as they concluded that:

The clubhouse is no longer fit for purpose, beyond economic repair, is not energy efficient and there are problems with maintaining energy services. From a user perspective, the facilities are considered to significantly fall short of meeting the clubs current needs in terms of scale and quality...The quality of these facilities is considered to be poor due to the age and condition of the building and the design/layout of the clubhouse would not accord with Sport England or Rugby Football Union (RFU) guidance

In addition a structural report was undertaken which demonstrated that the previous clubhouse had structural issues which were considerably more than cosmetic and a new building was required. This formed a key material consideration in the previous application when the Council considered that very special circumstances existed which clearly outweighed the substantial harm caused by the enabling development.

The replacement clubhouse was designed to meet the clubs current and future needs and would address all of the deficiencies of the existing facilities. The clubhouse has now been completed other than the installation of air conditioning and first floor toilets. There is no evidence to suggest that either of these elements are essential for the continued use of the site as a sports club. It appears that rather being essential, they are non-essential albeit desirable elements for the applicant. Similarly the delivery of a function hall (which does not directly facilitate the use of the site for outdoor sport), increased parking and a sinking fund cannot be considered to be essential.

Again, it is acknowledged that these works would be desirable for the club and would provide it with increased revenue streams, which in itself contributes to its long term future. However there is little evidence that the club is struggling financially, or with its member base and there is very little justification that without these works that the future of the club would be at risk. This position is taken in the context where the Council has already accepted that this is a valued community facility through the original consent and its long term survival is a strong material consideration. However, in light of the above, it does not follow that a refusal of planning permission would necessarily compromise the long-term viability of this facility and thus the works cannot reasonably be considered to be essential, resulting in a tangible public benefit.

Inappropriate enabling development in the Green Belt should be the last resort to bridging a funding gap and other means of funding should be thoroughly and extensively explored before this option can be favourably considered. So, turning to the proposed quantum of inappropriate development, the applicant has provided financial information which shows that the level of housing proposed would deliver the majority of the desired works to the rugby club, however officers are unconvinced that other potential sources of funding have been appropriately sought, in particular through grant funding or low interest loans.

The rugby club has previously sought and received grant funding from the following sources:

- £115,000 from the RFU in 2013
- £50,000 from Sport England in 2013
- £10,000 from ECC in 2013

- £5,000 from Grange Farm in 2013
- £5,000 from EFDC in 2014

These grants were made to contribute towards the delivery of the new all-weather pitch and new clubhouse, which as previously identified were accepted in the previous application as being essential infrastructure for the long term future of the rugby club. Again, to reiterate both of these elements have now been delivered on site.

It is noted that some grant requests made by the club have been refused, however the last of these requests was made in 2015. No grant requests have been sought since this time and as a result it cannot be concluded with conviction that there are no other potential sources of funding for the desired works.

Finally the applicant points to the Council's lack of a 5 year housing supply. Paragraph 74 of the Framework identifies that strategic policies should include a trajectory of expected housing delivery over the plan period. Local Planning Authorities should ensure that there is a supply of deliverable sites sufficient to provide for a minimum of five years worth of housing against their objectively assessed housing requirement.

The Council has a history of not meeting this target and that under existing Development Plan, cannot currently demonstrate a five year supply of sites against the housing requirement. However, as previously noted, the EFDLP is now at a very advanced stage in its production, with a new round of Main Modifications currently being consulted on at the time of writing this report.

The Inspectorate has confirmed in correspondence their acceptance of the Council's intention to deliver new housing through a "stepped" trajectory, where delivery of new housing will come forward relatively slowly in the first years after adoption and then significant delivery thereafter. Whilst under the existing Development Plan the Council concedes that it cannot provide for a five year supply of deliverable sites, upon adoption of the EFDLP the Council will have a clear strategy for delivering the necessary new homes through a plan led approach and through an adopted "stepped" trajectory.

In any event, the delivery of 9 new dwellings through this application will not significantly add to the existing housing stock within the District and therefore this only attracts moderate weight.

Sport England

Since the proposal would result in the loss of land which has been used as a playing field, consultation with Sport England is necessary. In summary, Sport England have offered no objection as a statutory consultee subject to:

- Sports Facilities Delivery
- Artificial Grass Pitch Design Specifications;
- Artificial Grass Pitch Certification;
- Natural Turf Pitch Improvement Scheme;
- Construction Phasing;
- Community Use Agreement;

Sport England have also offered support for the scheme as a non statutory consultee. Sport England seek to protect existing sport facilities and enhance the quality, accessibility and management of existing facilities and provide new facilities to meet demand. Sport England consider that the proposal has the potential to deliver enhanced sporting facilities that would make a major contribution towards meeting identified community sports facility needs in Epping Forest District. It is clear therefore that the desired improvements to the club have some merit and would provide benefit when considering the application purely from a sporting perspective.

Overall planning balance and conclusion

As previously identified in this report, the proposal constitutes inappropriate development in the Green Belt, which causes additional harm to its openness, conflicts with its fundamental purpose and introduces an increased amount of residential paraphernalia and domestic activity to the site causing harm to its character. In accordance with paragraph 148 of the NPPF, the decision maker must attach substantial weight to these harms and the applicant must advance very special circumstances to clearly outweigh them. (Officer emphasis)

The stringent test articulated by Sullivan, J in *R (Chelmsford) v First Secretary of State and Draper* [2003] EWHC 2978, which concerned national Green Belt policy in Planning Policy Guidance Note 2 (which has been replaced by the Framework however, for present purposes, current national Green Belt planning policy has not changed), states within paragraph 58:

"58. The combined effect of paragraphs 3.1 and 3.2 [of PPG2] is that, in order to justify inappropriate development in the Green Belt, (a) there must be circumstances which can reasonably be described not merely as special but as very special, and (b) the harm to the Green Belt by reason of inappropriateness and any other harm must be clearly outweighed by other considerations. Those other considerations must be capable of being reasonably described as very special circumstances. If they are capable of being so described, whether they are very special in the context of the particular case will be a matter for the decision maker's judgment."

In *R (Basildon District Council) v First Secretary of State and Temple* [2004] EWHC 2759 (Admin), Sullivan, J clarified the test for demonstrating very special circumstances by confirming that it was not necessary for each factor, of itself, to be 'very special' and that factors which individually were otherwise quite ordinary could cumulatively become very special circumstances.

Clearly therefore, In order to amount to very special circumstances the applicant has to demonstrate that the material considerations they rely upon clearly outweigh the harm by way of inappropriateness and any other harm.

It is not disputed that the proposed improvements to the club would be desirable and, with particular emphasis on the delivery of the proposed all weather pitch adjacent to the clubhouse, would contribute to enhancing the existing sport offer in the area and would reduce the likelihood of matches being postponed due to bad weather.

However in this instance the sheer quantum of development proposed (9 new houses) and its impact on the openness of the Green Belt is clearly disproportionate to the benefits that will be accrued from the development proposed. It has been demonstrated in this report that the benefits of granting planning permission are for the most part, very limited, non essential albeit desirable elements for the rugby club and are not overtly within the public interest to justify inappropriate development and the other harms to the Green Belt. In addition, the applicant has not adequately examined other potential sources of funding, as the last request for grant funding came in 2015.

In previously accepting development of 8 semi detached houses on the adjacent site as enabling development to secure improvements to the club, Members of this committee considered that the quantum was acceptable, given the very poor state of the existing facilities and the very clear argument put forward at the time that the 8 houses would secure the long term future of the club. In addition, the previously approved application was sited on previously developed land, albeit a car park, and further somewhat mitigated by the fact that development did not extend much further west than the established residential development opposite the site, and essentially therefore completed the ribbon development fronting the road. Neither of these factors apply to the current proposal.

The applicant has set out a number of considerations which they believe clearly outweighs the identified harm and these have been carefully considered, however when considered individually or in

combination it is clear that they do not outweigh, never mind clearly outweigh the very significant harm caused by way of a substantial amount of inappropriate development, additional harm to openness, a significant conflict with the fundamental purposes of the Green Belt and further harm caused by increased residential paraphernalia and domestic activity. As such very special circumstances do not exist and the proposal therefore conflicts with policies GB2A and GB7A of the ALP, with policy DM4 of the EFDLP and with the Green Belt requirements of the NPPF. As such planning permission should be refused.

Recommended reasons for refusal

1. The proposal constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition harmful to the Green Belt. In addition, the proposal would cause significant additional harm to its openness and would conflict with its fundamental purpose of keeping land permanently open. The nature of the proposal would cause a significant increase in the residential paraphernalia in and around the site which would cause additional significant harm to the character of the Green Belt. The very special circumstances advanced by the applicant do not clearly outweigh these identified harms to the Green Belt. The proposal is therefore contrary to policy DM 4 of the Epping Forest District Local Plan Submission Version (2017), with policies GB2A and GB7A of the Adopted Local Plan and Alterations (2006) and with the requirements of chapter 13 of the National Planning Policy Framework (2021).
2. Since there is no appropriate mechanism to secure the necessary financial contribution towards managing the effects of recreational pressure on the Epping Forest Special Area of Conservation, the proposal fails to demonstrate its compliance with policies DM 2 and DM 22 of the Epping Forest District Local Plan, policy NC1 of the Adopted Local Plan and Alterations (2006), with paragraphs 181 and 182 of the National Planning Policy Framework (2021) and with the requirements of the Habitat Regulations (2017)

Refusal Reason(s): (2)

- 1 The proposal constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition harmful to the Green Belt. In addition, the proposal would cause significant additional harm to its openness and would conflict with its fundamental purpose of keeping land permanently open. The nature of the proposal would cause a significant increase in the residential paraphernalia in and around the site which would cause additional significant harm to the character of the Green Belt. The very special circumstances advanced by the applicant do not clearly outweigh these identified harms to the Green Belt. The proposal is therefore contrary to policy DM 4 of the Epping Forest District Local Plan Submission Version (2017), with policies GB2A and GB7A of the Adopted Local Plan and Alterations (2006) and with the requirements of chapter 13 of the National Planning Policy Framework (2021).
- 2 Since there is no appropriate mechanism to secure the necessary financial contribution towards managing the effects of recreational pressure on the Epping Forest Special Area of Conservation, the proposal fails to demonstrate its compliance with policies DM 2 and DM 22 of the Epping Forest District Local Plan, policy NC1 of the Adopted Local Plan and Alterations (2006), with paragraphs 181 and 182 of the National Planning Policy Framework (2021) and with the requirements of the Habitat Regulations (2017)

Appendix 3 – Suggested heads of terms and planning conditions

Heads of terms

1. A financial contribution of £343.02 per dwelling towards managing and monitoring recreational pressure on the Epping Forest Special area of Conservation.
2. A legal obligation that all proceeds from the housing hereby approved shall be entirely for the proposed improvements to the Upper Clapton Rugby Club and not for any other purpose.
3. A legal obligation that suitable triggers are imposed to ensure that all proposed improvements (except for the completion of the new Function Hall) to Upper Clapton Rugby club shall be entirely completed prior to the full occupation of the dwellings hereby approved.
4. A legal obligation to require the applicant to submit a marshalling/parking strategy to be approved in writing by the local planning authority to avoid the potential proliferation of parking on Upland Road.

Draft Planning Conditions

1. The development hereby permitted shall begin no later than three years from the date of this decision.

Reason: To comply with the requirements of to Section 91 of the Town and Country Planning Act 1990 (As Amended).

2. The development shall be carried out and retained strictly in accordance with the following drawing numbers:

Reference Number	Plan Type
Parking Layout	18/003/101A
Residential Development Site Layout Plan	1207 200.03
Proposed Site Plan Inc. Parking Layout	18/003/01B
Design & Access Statement	1207 604.02
Residential Development Existing Block Plan	1207 000.01
Residential Development Proposed Block Plan	1207 204.01
Proposed Clubhouse Elevations	2011/020/BC1003B
Proposed Clubhouse First Floor Plans	2011/020/BC1011
Proposed Clubhouse Ground Floor Plans	2011/020/BC2001J
Access and Visibility Plan	2002060-002
Current Layout Plan North End	2011/020/BC120F
Accommodation Schedule	1207 500.00
Existing Mezzanine Floor Plan and Roof Plan	2018/03/03
Residential Development Proposed Floorplans and Elevations	1207 201.02

Proposed Elevations (Existing Building and Function Hall)	2018/03/04
Proposed Pitch and Fencing Elevations	SS2282 02 Rev 01
Existing Ground Floor Plan (With Function Hall Building)	2018/03/02
External Floodlighting	UKS15527
Technical Specifications	UKS15527
Proposed Isometric Pitch View	(-)
Rugby Club Letter	(-)
Application Form	(-)
Drainage Strategy	1329/2019 Rev D
Air Quality Assessment	J4090
Arboricultural Impact Assessment	HWA10017.03 APIII
Facilities Usage	(-)
Phase 1 Preliminary Risk Assessment	6773 PRA Rev 02
Preliminary Ecological Appraisal	373 V2

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

1. The dwellings hereby approved shall not be occupied until the existing buildings proposed to be demolished as shown on plan number: 0223/01/01 have been entirely removed from the site; and the new car park has been constructed. For the avoidance of doubt, the previous club house and changing room building shall be included in the buildings to be demolished.

Reason: To ensure that the buildings proposed to be demolished are completed as a priority.

2. 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 18:30 on Monday to Friday and 08:00 to 13:00 on Saturday and not at no time on Sundays, Public or Bank Holidays unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the 1998 & 2006 Local Plan, and policies DM9 and DM 21 of the adopted Local Plan, and the NPPF.

3. Within 6 months of commencement of development full details a Parking Management Strategy to avoid the need for parking on the Upland Road during match days shall have been submitted to and approved in writing by the local planning authority in consultation with Essex County Highways.

Reason: To limit the impact of operating the match days on the living conditions of residents living in close proximity to the site, in accordance with policies RP5A and DBE9 of the 1998 & 2006 Local plan, policies DM21 & DM22 of the adopted Local Plan, and the NPPF.

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning

Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Measures to control the emission of dust and dirt during construction, including wheel washing. With regards to dust control measures and wheel washing, reference shall be made to the Institute of Air Quality Management (IAQM) best practice Guidance on air quality monitoring in the vicinity of demolition and construction sites and Guidance on the assessment of dust from demolition and construction.
- Measures to minimise the running of machinery powered by internal combustion engines.
- A scheme for recycling/disposing of waste resulting from demolition and construction works.
- Tree protection measures.

Reason: To limit the impact of the construction work on the living conditions of residents living in close proximity to the site, in accordance with policies RP5A and DBE9 of the 1998 & 2006 Local Plan, policies DM21 & DM22 of the adopted Local Plan, and the NPPF.

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

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

6. Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with policy DBE1 of the 1998 & 2006 Local Plan, policy DM9 of the adopted Local Plan, and the NPPF

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

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the 1998 & 2006, policy DM19 of the adopted Local Plan, and the NPPF.

8. Prior to first occupation of the residential dwellings, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport. 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 ST2, ST4 & ST6 of the Local Plan and policy T1 of the adopted Local Plan and the NPPF.

9. Notwithstanding the findings of the approved Phase 1 Preliminary Risk Assessment (ref: 6773 PRA Rev 02), should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped and 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 be undertaken. If any contamination is found, then the site shall be remediated. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

An unexploded bomb ordnance (UBO) risk assessment shall be completed in accordance with CIRIA C681 by a competent person required, which identifies any potential risks and incorporates recommendation for mitigation and/or clearance should any UBO be discovered or detected. All works undertaken during the course of the development shall be carried out in accordance with the UBO risk assessment, with an unexploded bomb engineer (UXO) to be present on the site at all times to monitor compliance.

The Applicant/Developer shall prepare and submit a specification for the installation of gas protection measures to the local planning authority for approval prior to the commencement of development. All construction works undertaken shall take place in accordance with approved specification of gas protection measures.

Reason: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy RP4 of the 1998, 2006 Local Plan, and policy DM21 of the adopted Local Plan Version 2017, and the NPPF.

10. All works undertaken shall be undertaken in accordance with the recommendations contained within the approved Arboricultural Impact Assessment (ref: HWA10017.03 AP111). If any existing tree(s) indicated to be retained in accordance with the Tree Protection Plan within the approved Arboricultural Impact Assessment is removed, uprooted, destroyed/critically damaged or dies, prior to commencement of development or within a period of 5 years following commencement another tree shall be planted at the same place, or as otherwise specified by the local planning authority, in accordance with BS 8545: 2014 Trees: from nursery to independence in the landscape - Recommendations (or

its successor) and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

Reason: To safeguard the existing trees in accordance with Policy LL7 of the 1998, 2006 Local Plan, and policy DM5 of the adopted Local Plan and the NPPF.

11. Within 6 months of commencement of development full details of hard and soft landscaping in accordance with the approved Arboricultural Impact Assessment Report (ref: HWA10017.03 APIII) and Proposed Site Plan ref: 18/003/01B and ref: 1207 204.01 shall have been submitted to and approved in writing by the local planning authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layout; 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 5 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.

Reason: In order to add character to the development and to integrate the development into the area in accordance with Policy LL1 of the 1998, 2006 Local Plan and policy DM11 of the adopted Local Plan 2011-2033, and the NPPF.

12. All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal ref: 373 V2 as approved by the local planning authority.

Reason To preserve and enhance Protected and Priority species in accordance with Policy RP5A of the 1998, 2006 Local Plan, and policy DM1 of the adopted Local Plan 2011-2033, and the NPPF.

13. The development shall be implemented in accordance with flood mitigation measures contained within the Drainage Strategy (ref:) 1329/2019 Rev D) or other drawings as approved by the local planning authority.

Reason: To reduce the risk of on-site flooding to the proposed development or off-site flooding as a consequence of this development in accordance and Alterations, and policy DM15 of the adopted Local Plan 2011-2033 and with policy U2A of the 2006 Local Plan.

14. Within 6 months of the commencement of development, details of foul 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 of the residential dwellings and shall be retained for the lifetime of the development.

Reason: To ensure satisfactory disposal of foul water in accordance with policy RP3 of the 1998 & 2006 Local Plan, policies DM16 and DM18 of the adopted Local Plan and the NPPF.

15. Prior to the first use of the artificial grass pitch hereby permitted until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the artificial grass pitch, natural turf pitches, artificial grass training pitch, netball court, clubhouse, function room and supporting facilities and include details of pricing policy, hours of use, access by non-club users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement."

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport in accordance with policy CF12 of the 1998 & 2006 Local Plan, policies D2 of adopted Local Plan 2011-2033, and the NPPF.

16. No improvements to the remaining natural turf rugby pitches shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- (i) A detailed assessment of ground conditions (including drainage and surface conditions) which identifies constraints which could affect playing field quality; and
- (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed specification which ensures that the playing field improvements will be delivered to an acceptable standard. The scheme shall include a written specification of the proposed drainage and other necessary operations and a programme of implementation.
- (iii) The approved scheme shall be carried out in full. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord in accordance with policy CF12 of the 1998 & 2006 Local Plan, policy D2 of the adopted Local Plan 2011-2033 and the NPPF.

17. Use of the artificial grass pitch shall not commence until:

- (a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality standard or equivalent International Artificial Turf Standard (IATS); and
- (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches; and
- (c) certification that the Artificial Grass Pitch hereby permitted has met World Rugby Regulation 22 requirements;

have been submitted to and approved in writing by the Local Planning Authority"

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with policy CF12 of the Local Plan and Alterations 2006, policy D2 of the adopted Local Plan 2011-2033, and the NPPF.

18. No development of the artificial grass pitch shall commence until details of the design and layout of the artificial grass pitch including the surface specification, construction cross-section and line markings have been submitted to and approved in writing by the Local

Planning Authority after consultation with Sport England. The artificial grass pitch shall not be constructed other than in accordance with the approved details.”

Reason: To ensure the development is fit for purpose and sustainable and to accord with policy CF12 of the 1998 & 2006 Local Plan, policy D2 of the adopted Local Plan 2011-2033 and the NPPF.

19. No development shall commence until details for the phasing of the development hereby permitted, have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The development hereby permitted shall not be carried out other than in accordance with the approved details”

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Development Plan Policy

20. Any activities undertaken within or in association with the Function Hall hereby approved shall only take place on the site between the hours of 08:00 to 23:00 on Sunday to Thursday and on public and bank holidays and between 08:00 to 23:00 Friday to Saturday.

Reason: To ensure that the activities undertaken at the approved Function Hall does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours in accordance with policies RP5A and DBE9 of the 1998 & 2006 Local Plan, and policies DM9 and DM21 of the adopted Local Plan, and the NPPF.

21. The external floodlights as shown on the approved drawings shall not operate between the hours of 22:00 and 07:00 on Monday to Sunday, Public or Bank Holidays unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the provision of external floodlighting does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours in accordance with policies RP5A and DBE9 of the 1998 & 2006 Local Plan, and policies DM9 and DM21 of the adopted Local Plan 2011-2033, and the NPPF.

22. The existing floodlights proposed to be removed on plan no: 18/003/01B shall be entirely removed from the site prior to the first occupation of any of the dwellings hereby approved.

Reason: to ensure that residents do not suffer excessive light disturbance from floodlights in close proximity to their homes in accordance with RP5A and DBE9 of the 1998 & 2006 Local Plan, and policies DM9 and DM21 of the adopted Local Plan 2011-2033, and the NPPF

23. Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles), and the impact on neighbouring residential properties (both current and proposed). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from light pollution.

24. The flood lighting of the pitches shall only operate when they are in use for training and matches. The flood lighting of the pitches shall cease 30 minutes after use.

Reason: To protect the appearance of the area, the environment and local residents from light pollution.

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

Reason: The ensure further consideration is given with regards to the effect on the openness of the Green Belt in accordance with Policy of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy GB2A of the adopted Local Plan 1998 and alterations 2006.

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Epping Forest District Council

EFDC



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Application Number:	EPF/1869/21
Site Name:	Waltham Abbey Swimming Pool Roundhills Waltham Abbey EN9 1UP

OFFICER REPORT

Application Ref: EPF/1869/21
Application Type: Full planning permission
Applicant: Qualis Commercial Ltd
Case Officer: Nanayaa Ampoma
Site Address: Waltham Abbey Swimming Pool
Roundhills
Waltham Abbey
EN9 1UP

Proposal: Residential Development of 28 dwellings with associated vehicular access point off Roundhills, car parking, open space, landscaping and associated infrastructure.

Ward: Waltham Abbey Honey Lane
Parish: Waltham Abbey
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nygbc>
Recommendation: Approved with Conditions (Subject to s106 Legal Agreement)

Reason For Presenting to Committee

This application is before this committee since it proposes a ‘major’ development where the Council is a landowner as defined in Article 10 of the Constitution.

The site has been transferred from Council ownership to Qualis Commercial Ltd, however given that this is a wholly owned company of the Council, the application is considered to meet the DDMC terms of reference.

Recommendation

That planning permission be GRANTED subject to:

The prior completion of a legal agreement (to secure the planning obligations set out below) within six months of the resolution to grant planning permission and subject to planning conditions listed in Appendix A of this report.

The recommendation is given subject to the below section 106 heads of terms:

Affordable Housing

- 18% Affordable Housing (AH)
- RSL managed in favour of affordable rented tenure with 80% Affordable Rent/ 20% Intermediate tenures in the form of Shared Ownership
- Late-stage viability review to be in place to capture any uplift in value
- Social rental value capped at 80% of open market rent

Healthcare

- Contribution of £25,208.40 to support community healthcare

Transport

- Final Travel Plan

EFSAC HRA Mitigation

- EFSAC recreational pressure (£9,856.00 / £352.00 per unit)
- EFSAC Air Pollution Mitigation (£9,380.00 / £335.00 per unit)

Education

- Early Years & Childcare (EY&C) (£43,515.00 / £17,268.00 per place)
- Primary Education (£145,051.00 / £17,268.00 per place)

Community Facilities

- Library Services (£2,178.40 / £77.80 per unit)
- Community facilities contribution (£15,811.20)

Environment

- Biodiversity £14,000

Other Obligations

- Stewardship/ Open Space Management Plan
- Electric Vehicle Charging Points
- Employment and Skills Plan
- EFDC Monitoring Fees
- ECC Monitoring Fees

Description of Site

The application site is approximately 0.60 hectares and is located southwest of the Roundhills housing estate in Waltham Abbey. The previous swimming pool on the site was demolished in 2019 and the site is currently cleared brownfield land. The site benefits from an existing access point from Roundhills. The site is bounded by residential developments to the north and east, the M25 to the south, and open space to the west. The surrounding residential properties in Caldbeck and Roundhills are largely late c.1960s style properties in a terraced semi-detached or detached architectural style. The rear garden boundary treatments of the residential properties on Caldbeck Road, abut the edge of the site. The site was previously designated as Metropolitan Green Belt Land, however following adoption of the current Local Plan, it has been removed from the Green Belt and is subject to a residential site allocation. The open space / playing fields south and west of the site retain their Green Belt status.

Description of Proposal

The application seeks planning permission for the development of 28 residential dwellings with associated vehicular access point off Roundhills; car parking; open space; landscaping; and associated infrastructure works. The proposed housing units would be low rise, built over 2-3 storeys with a breakdown as below:

Block	Unit type	GIA / sqm	No. of units provided
A	2x bedroom unit	84.8	3
B	2x bedroom unit	84.8	4
C	2x bedroom unit	84.8	4
D	2, 2x bedroom unit	84.8	8
	6, 3x bedroom unit	124.5	
E	2x bedroom unit	84.8	9
			28

The development would make provision for 18% affordable units (5 units: 12,13, 26, 26 & 28). Each unit would benefit from private cycle facilities located and dedicated refuse and recycling areas are to be provided as an integral element of the design of each housing type.

Thirty-five parking spaces and seven visitor spaces are being provided. These would include the provision of electric vehicle charging facilities. The development also makes provision for a air source heat pumps, tree planting and site landscaping.

In accordance with the EIA Regulations the proposed development does not necessitate an Environmental Impact Assessment (EIA).

Relevant Planning History

The planning history of the site is extensive and dates back to the 1960s, however, the most relevant permissions (from 2000 to present) are outlined below:

App Reference	Description of Development	Decision
EPF/0464/06	Single storey link extension link to rear of leisure facility.	Granted - 19/06/2006
EPF/3284/18	Application for Prior Notification of proposed demolition of a former swimming pool and Leisure Centre with associated plant and car park.	Prior Approval Not Required - 08/02/2019

Policy Context

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 Local Plan 2011-2033 (2023).

National Planning Policy Framework (NPPF) (2021)

The NPPF (2021) represents a material planning consideration for the planning assessment. It provides the framework for producing Local Plans for housing and other development, which in turn provide the policies against which applications for planning permission are decided.

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 most relevant chapters are as follows:

- 5 (Delivering a sufficient supply of homes);
- 8 (Promoting healthy and safe communities);
- 9 (promoting sustainable transport);
- 11 (Making effective use of land);
- 12 (Achieving well-designed places);
- 13 (Protecting Green Belt land);
- 14 (Meeting the challenge of climate change, flooding and coastal change); and
- 15 (Conserving and enhancing the natural environment), are particularly relevant to the proposed development.

Epping Forest Local Plan 2011-2033 (2023).

The Epping Forest Local Plan was adopted on 6 March 2023 and now forms part of the Council's Statutory Policy Framework. The plan aims to help focus development principles and provide robust planning policy for future decision making. The most relevant policies within the Plan are as follows:

- Policy SP1 Spatial Development Strategy 2011-2033
- Policy SP2 Place Shaping
- Policy SP5 Green Belt and Local Greenspace
- Policy SP6 The Natural Environment, Landscape Character and Green and Blue Infrastructure
- Policy H1 Housing Mix and Accommodation Types
- Policy H2 Affordable Homes
- Policy T1 Sustainable Transport Choices
- Policy DM1 Habitat Protection and Improving Biodiversity
- Policy DM2 Epping Forest SAC and the Lee Valley SPA
- Policy DM3 Landscape character, ancient landscapes and geodiversity
- Policy DM4 Green Belt
- Policy DM5 Green and Blue Infrastructure
- Policy DM6 Designated and undesignated open space

- Policy DM7 Historic Environment
- Policy DM9 High quality design
- Policy DM10 Housing design and quality
- Policy DM11 Waste Recycling Facilities in New Development
- Policy DM15 Managing and Reducing Flood Risk
- Policy DM16 Sustainable Drainage Systems
- Policy DM17 Protecting and Enhancing Watercourses and Flood Defences
- Policy DM18 On-Site Management and Reuse of Wastewater and Water Supply
- Policy DM19 Sustainable Water Use
- Policy DM20 Low Carbon and Renewable Energy
- Policy DM21 Local Environmental Impacts, Pollution and Land Contamination
- Policy DM22 Air Quality
- Policy P3 Waltham Abbey
- Policy D1 Delivery of infrastructure
- Policy D2 Essential Facilities and Services
- Policy D3 Utilities
- Policy D6 Neighbourhood Planning

Waltham Abbey Town Council Neighbourhood Plan

Following approval of the Neighbourhood Plan Area in March 2016, Waltham Abbey Town Council are currently preparing their draft Neighbourhood Plan, but is at an early stage and is therefore not a material planning consideration.

Summary of Representations

Number of neighbours consulted: 61

Following amendments made during the application’s assessment period and new information submitted in relation to affordable housing, a further consultation for the period of 14-days was undertaken. The changes included some design alterations, changes to amenity spaces and planting, and an altered affordable housing offer.

The re-consultation period ended on the 23 November 2021 although responses were accepted after this date.

Neighbour Representations

Three neighbour representations have been received in response to the consultation (see below):

- 102 Roundhills, Waltham Abbey, EN9 1UP
- 104 Roundhills, Waltham Abbey, EN9 1UP
- 28 Caldbeck Waltham Abbey Essex

These comments can be summarised as below:

- Structural issues pertaining to ground movement with heavy machinery to properties.
- Loss of security to existing properties.
- Consideration should be made to placing a series of speedbumps at the entrance of the new development and its approach road from both directions.

Neighbour concerns are addressed within the corresponding sections of the report.

Statutory and Non-Statutory Consultees

Statutory and technical consultee comments are summarised below:

- *Essex Places Services Archaeology*: No objection, condition not required.
- *Essex County Council Highways*: No objection, subject to conditions. Draft Travel Plan welcome, final to be secured via s106.
- *Essex County Council Education Infrastructure Schools / Libraries*: No objection subject to a section 106 contributions to help mitigate the impact of the development on the education provisions in the Ward.

- *Essex Place Service Ecology*: Further information required to demonstrate how the applicant's calculations were arrived at; why there is no compensating for the loss of 0.98 Biodiversity units; planting of Portuguese Laurel hedges in the centre of the site not supported.
- *Essex County Council Lead Local Flood Authority, SUDS / Drainage*: No objection subject to conditions pertaining to site infiltration tests, SuDS storage details and other matters.
- *EFDC Building Control*: Advise that proposal should demonstrate that it can satisfy requirement B5 of the Building Regs and advise early consultation with Essex Fire and Rescue Service.
- *EFDC Environmental Health Air Quality*: – No objection, subject to conditions.
- *EFDC Safer Communities Noise*: – Note external noise levels will be higher than recommended guidelines of 55db, however, no objection made as difference is minimal. Recommend further noise mitigation. Development acceptable subject to conditions.
- *EFDC Environmental Health Contaminated Land* – No objection, subject to condition.
- *EFDC Heritage and Venues*: Contribution sought towards the reinstatement of Lodge Lane Playing pitches that lie to the east of the site. In addition, vehicle maintenance access is sought.
- *Land Drainage*: No objection, subject to condition.
- *Green Infrastructure*: No objection, subject to condition.
- *EFDC Tree Officer*: No objection, subject to conditions on retention of trees and shrubs and hard and soft landscaping.
- *Urban Design Officer*: Some outstanding concerns remain. Conditions recommended.
- *EFDC Affordable Housing Officer*: Note that 40% (11) affordable housing is required by policy.
- *City of London Corporation*: Development represents a significant potential for increased recreational impact upon the SAC and further assessment of this impact would need to be provided in line with the Conservation of Habitats and Species Regulations.
- *East of England Ambulance Service*: Development will give rise to additional healthcare provision and as such a financial contribution to mitigate this is requested.
- *Essex Police*: No objection, however further engagement is required to ensure development is safe and meets Secure by Design principles.
- *Essex County Fire and Rescue Service*: No objection.
- *Thames Water*: No objection.
- *Waltham Abbey Town Council*: *Objection to the development due to insufficient parking and the parking design not in keeping with surroundings.*
- *Natural England*: No objection

Quality Review Panel

The application was presented to the Quality Review Panel on two separate occasions and the comments received from the panel are summarised as follows:

February 2019:

- Public realm and landscape need to be at the heart of the proposal;
- Reduction in car parking spaces to lessen dominance of car parking;
- Provide multi-functional street that enhances and priorities public realm and local community;
- Focus on pedestrian and cyclist experience;
- Exploration of central community green space;
- Strengthen east-west connections and ecological links;
- New public footpath to southern border to promote green belt links and access to private gardens;
- Revisit site entrance design;
- Adjust dwelling layouts to respond to noise issues;
- Link architectural language to site context; and
- More ambitions in relation to sustainability.

July 2019:

- Encouraged to rethink site layout;
- Proximity to M25 will present design challenges;

- Mature trees and landscape setting could be celebrated further within the design approach;
- Exploration of noise mitigation required including at source interventions;
- Revisit site area proposed for vehicular circulation; and
- Consider how development integrates into surrounding area in terms of links to nearby employment areas, public space and views north towards open countryside.

Engagement with the Local Community

A Community Engagement Strategy developed by Qualis Commercial Ltd has been submitted by the applicants. The strategy included the following elements:

- Letters to residents in close proximity advising of details of consultation platform launch and webinar date;
- Emails to stakeholders advising of details of consultation platform launch and webinar date;
- Local press releases;
- Social media campaign;
- Leaflet and feedback form drops to surrounding areas;
- Public webinar;
- Stakeholder webinar; and
- Engagement with local Councillors.

A public engagement exercises was undertaken between 10th May and 04 June 2021.

Planning Considerations

In considering the merits of the application and its alignment with the requirements of the Development Plan, the following matters are relevant:

- | | |
|--|---|
| <ul style="list-style-type: none"> • Principle of Development • Impact On the Epping Forest SAC • Housing Mix / Affordable Housing • Design <ul style="list-style-type: none"> - Space standards - <i>External amenity and play provision</i> - <i>Air Quality</i> - <i>Light Pollution</i> - <i>Noise – future occupiers</i> - <i>Ground contamination</i> - <i>Accessibility and fire safety</i> - <i>Flood Risk and Suds</i> | <ul style="list-style-type: none"> • Impact on Amenity • Historic Environment – Archaeology • Landscaping and Trees • Ecology <ul style="list-style-type: none"> • Sustainability, Energy / Climate Change • Highways and Transport • Infrastructure • Employment and Skills |
|--|---|

Principle of Development

Following the adoption of the Epping Forest Local Plan, the site has been allocated for residential use (WAL.R6 'Land at Roundhills'). As such, the principle of development is acceptable given that the proposals would be in compliance with the Local Plan's allocated use for the site.

Paragraph 122 of the NPPF states that planning decisions should support developments that make efficient use of land. Paragraph 125 further states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. The NPPF advises that density standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this cannot be done.

The proposal is for 28 dwellings across a site area of approximately 0.60 hectares which results in a density of 45dph. This Local Plan allocates the site for the provision of approximately 27 homes providing a density of 45dph. The addition of one unit is considered appropriate and the proposal would not lead to an overdevelopment of the site.

Impact On the Epping Forest Special Area of Conservation

Epping Forest is designated as a Special Area of Conservation (SAC), which limits what can be done within the forest, as well as having impacts upon all proposed development in its vicinity. The Conservation of Habitats and Species Regulations (2017), as amended by the 2019 EU Exit Regulations (the Habitats Regulations) transpose the EU Habitats Directive into UK law and require a decision-maker to consider the effects of proposed projects on European protected sites through undertaking a habitats regulations assessment (HRA). Under the Habitats Regulations, the Epping Forest SAC (EFSAC) is classed as a European site. As such, if the result of an initial screening assessment shows that a project is likely to have significant effects on a European site, a full assessment of those effects must then be undertaken. Furthermore regulation 63 of the Habitats Regulations requires the 'competent authority' to conduct an 'Appropriate Assessment' ("AA") if concluding that the project is 'likely to have a significant effect' on a European site, either alone or in combination with other plans or projects. In instances where an Appropriate Assessment is conducted Regulation 63(5) will apply, meaning that *"the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site"*. Accordingly, the Council has a legal duty as the 'competent authority' under the Habitats Regulations to protect the EFSAC from the effects of development (both individually and cumulatively) and in doing so, must have regard to the representations of Natural England (NE). Following adoption of the Local Plan, Policy DM2 further reinforces the above.

The Council's HRA 2021 undertook an Appropriate Assessment of the planned development proposed within the Local Plan, to consider its effect on the EFSAC. The HRA 2021 concluded that, subject to securing urbanisation/recreational pressure and air quality mitigation measures as noted in the strategies in policy DM 2 of the Local Plan, the adoption of the Local Plan will have no adverse effect on the EFSAC.

The Council's Air Pollution Mitigation Strategy (APMS) identifies a number of mitigation measures, some of which are required to be delivered as part of individual planning applications alongside strategic initiatives and monitoring requirements, and whose implementation will require a financial contribution to be secured by individual developments. The APMS therefore provides the mechanism by which the Council can arrive at a conclusion of no adverse effect on the EFSAC as a result of planned development. The APMS sets out that all development which would give rise to a net increase in average annual daily traffic (AADT) will be required to be mitigated in accordance with the measures set out within the APMS.

The applicant's methodology for calculating the Annual Average Daily Traffic (AADT) for the proposal and its distribution on the network has been found acceptable. The submitted assessment concludes that the impact of the proposed 28 residential units on the EFSAC reflects that of the WAL.R6 allocation. Given the nominal variance between the allocated and proposed development, the reduced parking provision and EV charging proposed, this conclusion is accepted and would not require additional mitigation other than the defined EFDC HRA obligations for residential development. The assessment satisfies the HRA requirements and that the defined EFDC obligations for residential development are applied.

A financial contribution of £352 per dwelling (£9,856) will be applicable due to the recreational pressure impact of the development and £335 per dwelling (£9,380) for the Air Pollution Mitigation Strategy. The financial contributions will be secured through a legal agreement and subject to this being secured, it can be concluded beyond a reasonable scientific doubt that there will be no harm to the integrity of the EFSAC.

Housing Mix / Affordable Housing

In terms of housing mix, the application is proposing a mix of 2 and 3 bed units as follows:

<i>Typology / percentage</i>	<i>2 bedroom</i>	<i>3 bedroom</i>	<i>Total</i>
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House	22	6	28
%	79%	21%	100%

The Strategic Housing Market Assessment 2015 (SHMA) represents the latest evidence in terms of the type and size of housing needed across the District. It is noted that the proposal contrasts sharply with the SHMA which identifies the need as being 74% 3+ bedroom houses and 24% 1x and 2x bedroom houses. However, whilst the ratio of 2x bedroom units is noted, it is felt the proposal offers a suitable mix for this site, while maximising the number of units that can be provided.

The Local Plan projects that 2,851 new affordable homes will be required by 2033. The Strategic Housing Market Assessment (SHMA) 2015 identified that there is a significant under provision and growing need for these forms of units. Policy H2 (Affordable Housing) requires that proposals should meet a 40% on site provision of affordable housing.

The initial submission of the application included a provision of a 40% affordable housing provision. This was later revised by the applicant on the grounds of viability, to 20% (6 units) and subsequently to 18% (5 units). All of the affordable units will be 2x bedroom dwellings with a tenure split of approximately one third shared ownership and two thirds affordable rent. The table below sets out the affordable housing unit breakdown:

Unit number	Tenure	Block
12	2x bedroom unit	D
13	2x bedroom unit	D
26	2x bedroom unit	E
27	2x bedroom unit	E
28	2x bedroom unit	E

As required by Policy H2 the applicant has provided a viability assessment which has been independently interrogated by the Council's appointed viability reviewers through a number of iterations.

For reference the national planning practice guidance states:

"Where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.

Where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then.

The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment."

Benchmark Land Value has been established post the adoption of the Local Plan at which point the site was removed from the Green Belt.

An agreed position on where the scheme viability sits has not been reached given conflicting views on the most appropriate build costs to use for this purpose. Notwithstanding this, it is clear from the different scenarios considered that the viability of the scheme is constrained by the effect of rising construction costs and limits on the value that can be generated by this development given the characteristics of its location. In this specific case 18% is considered the most that can reasonably be secured at this time.

Whilst 18% affordable housing is accepted by the Council in this case it is considered appropriate to ensure that any subsequent uplift in value is captured. As such the Section 106 Agreement will include

a late-stage viability review and 'clawback' clauses (or similar) to ensure the fullest possible compliance with Local Plan policy is achieved where the viability of the scheme improves before completion. This is particularly important in light of current high build costs – the review will capture any improvements in sales values relative to costs.

Given the above assessment the application is considered acceptable in terms of housing mix and affordable housing provision.

Design

The Council's Local Plan Policies SP2, H1, DM9 and DM10 are committed to ensuring that all new developments meet the highest standard of design in the broadest sense. In this respect, good design should result in development which functions well within the surrounding area and encompasses buildings which are durable and adaptable within their context. It further emphasises that good design is not solely a visual concern, but also has social and environmental elements such as the potential to create high quality public realm, improving quality of life for local communities and contributing to the sustainability agenda. All of which are essential components of an integrated, modern-day life. This approach aligns with the NPPF.

Policy SP2 seeks to ensure that developments accord with exceptional place making principles and it is recognised that placemaking is a holistic approach to planning. Meanwhile Policy DM9 sets out an overall design approach.

The general layout of the development, with a central linear street bounded by 2-3 storey terraced housing, is supported. The central linear street provides the opportunity for amenity and active travel and an appealing east-west connection through the site with the short north-south terraces are considered to relate positively to the layout of the estate situated to the north.

It is considered that there would be further scope to activate the flank walls of terraces A, B and C so that these end of terrace elevations can contribute further to the public realm than is currently the case. This would help to ensure the central street is safe, more vibrant and more overlooked. With this in mind a condition is recommended to encourage further activation and to maximise the opportunities for vibrancy of the street and public realm, whilst also improving opportunities for natural surveillance.

The general massing of 2-3 storeys, with 3 storey massing located away from the existing estate, is supported as appropriate to the context. Concern has been raised during the application process that the contrast between typologies is less successful than it could be, and this particularly relates to the taller 3x bedroom units which have a different character to the rest of the units within the development in terms of massing, façade proportions, elevational treatment and threshold treatment.

During the course of the application, amendments have been made to the elevational treatment to provide a more consistent approach across the four different housing typologies. However, although some level of concern remains in relation to the abrupt change in massing and threshold treatment between typologies, particularly at the western end of the south-west terraced row, it is recognised that the site has additional challenges such as its close proximity to the M25 which has resulted in a fairly continuous built form on the southern side of the site to try and act as a noise buffer. As such when viewing the scale, form and massing in this specific context, it is considered acceptable. However as mentioned elsewhere in this report, the use of appropriate and good quality materials will be essential to strengthen the design principles of the development.

With regard to appearance and materials, Policy DM9 notes that development proposals are required to incorporate sustainable design and construction principles that relate positively to their locality having regard to distinctive local architectural styles, detailing and materials. Meanwhile paragraph 130 of the NPPF notes that developments must be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, establish a strong sense of place, and be sympathetic to local character and history while not preventing or discouraging appropriate innovation or change.

It is considered appropriate for the scheme to be a unique standalone design. In addition, whilst the application site is located within the Roundhills Estate it will also be positioned distinctly separately to the estate as a result of it being on the former Waltham Abbey Swimming Pool site. It would also be accessed via a private road and have its own distinct hard landscaping. These factors mean a different style to the surrounding vernacular is both appropriate and necessary and this element of the scheme is supported. -

In terms of materiality, whilst some materials have been stated in the application documents (e.g. timber cladding which is crucial to ensure low embodied energy), it is considered appropriate for material details to be dealt with via planning conditions. This is to ensure that appropriate materials are used throughout the development and that the overall finish is of a good quality. This is particularly important given the strong form of the houses – which will need a simple material palette to prevent a dominant and overbearing appearance - and the impact that the materials will have on the public realm. Conditions are also recommended in relation to specific detailing of balconies, junctions, roof edges and dwelling entrances. Subject to materials being secured by condition, the materials element of the scheme is supported.

Space standards

With regard to accommodation standards for future occupiers, Policy DM9(H) requires development proposals to take account of the privacy and amenity of the users of a development as well as that of neighbours.

The proposed unit sizes are as follows:

Block	Unit type	GIA / sqm	No. of units provided
A	2x bedroom unit	84.8	3
B	2x bedroom unit	84.8	4
C	2x bedroom unit	84.8	4
D	2 2x bedroom unit	84.8	8
	6 3x bedroom unit	124.5	
E	2x bedroom unit	84.8	9
			28

These unit sizes exceed the National Space Standards and are therefore welcome.

The revisions to the 2 bedroom units to provide open plan living / kitchen / diners are considered an improvement on the previous iteration as this would result in a more modern and cohesive layout.

External amenity and play provision

With regard to external amenity space, the development proposes private gardens to each unit. The private gardens vary in size, particularly in dwellings on the southern part of the site and it is noted that two of the affordable housing tenure units – No’s 27 & 28 – have a further reduced grassed area along with level changes which will impact the useability of the space. Notwithstanding this, each dwelling will have a private garden and a storage shed which will also provide covered cycle storage.

The proposed shared / public amenity provision of the development is considered less successful.

Whilst it is noted that the development proposes small pockets of public amenity space in addition to each dwelling having private gardens, only 68 sq.m of shared amenity space will be provided within the site. While there is limited play provision the applicants have identified “natural play” opportunities and created west, south and east connections from the site to the immediately adjoining public open space and playing fields.

Air Quality

Policy DM9 and DM22 address issues of noise, vibration, fumes, odour, light pollution, air quality and microclimatic conditions likely to arise from any use or activities as a result of the development or from neighbouring uses or activities.

An Air Quality Assessment has been submitted and assessed by Council Officers and air quality is considered acceptable subject to conditions pertaining to the construction phase of the development including construction noise and vibrations. Subject to these conditions the application is considered acceptable in terms of vibration, fumes and air quality. The application is considered acceptable in terms of air quality.

Light Pollution

In terms of lighting, an outline Lighting Assessment has been submitted with the application which states that the site is considered to be ‘Zone 3 – Medium district brightness’. The report also states that

the “the locality of the proposed development will not be particularly sensitive to light pollution as it is not an area that is intrinsically dark”.

The Assessment also notes that the corresponding Ecological Statement identifies that light spill from the development could impact on foraging bats. As such, it is stated in the Lighting Assessment that the external lighting scheme will be developed in collaboration with the project ecologist to ensure appropriate mitigation is put in place.

Subject to the imposition of conditions pertaining to a final detailed lighting assessment and the construction phase of the development including construction noise and vibrations, the application is considered acceptable in terms light pollution.

Noise – future occupiers

The proposed development site is in close proximity to the M25: approximately 70m^[1] when measured in a straight line from the approximate location of the rear gardens of the nearest proposed properties on the southern side of the site (Block E), to the nearest lane on the M25. As such there is a reasonable expectation that future occupiers of the development could experience higher levels of noise than would otherwise be expected.

Officers stated during the pre-application that whilst the site is a suitable location for family housing, this would be subject to design and environmental mitigation measures. This is echoed against the supporting text for the site Allocation (WAL.R6) constraints where it states:

a. The site is identified as being at risk of noise and air quality impacts due to its proximity to the M25 motorway. Development proposals should mitigate noise and air quality impacts through careful design and layout. This could include orientating-built development away from areas most affected, providing planting and earthworks to provide screening, and/or ensuring noise-insulating building materials are used.

The Council acknowledge that the applicant is seeking to provide a ‘PassivHaus’ type development in order to meet the Council’s Sustainability targets and that a ‘sealed building envelope’ is part of this sustainability ambition. The submitted Noise Assessment^[2] states that “Air source heat pumps are also to be provided and these in combination with MVHR will provide ventilation, heating and cooling, meaning future residents will not need to open windows unless they choose to do so.” The applicant has stated that given the form of housing proposed, future occupiers will not need to open their first floor windows because of the MVHR system. This will result in the occupiers of 17 of the 28 units or 61% (plots 12 to 28 in Blocks D and E), being able to choose to open or keep closed their rear first floor windows (serving bedrooms and / or living rooms).

The submitted Noise Impact Assessment confirms the range of 56 – 58 dB LAeq during the daytime. The assessment also notes that garden boundaries will be treated with noise mitigating 1.8m high close board fencing with a minimum surface density of 12 kg/m². These levels are greater than the preferred minimum 55db upper guideline value (BS 8233:2014 in external amenity areas).

The Council’s Environmental Health Noise Officer has been consulted and has commented that while the resulting noise levels would be higher than the recommended guidelines of 55db, they are not significantly higher and therefore, no objection is made. However mitigation should be provided. In order to address these comments, the applicants have agreed to provide more tree / hedge planting to the southern boundary of the site.

Ground contamination

Paragraph C of Policy DM21 requires that potential contamination risks are properly considered and adequately mitigated before development proceeds. The application is accompanied by a Preliminary Risk Assessment as well as a Ground Investigation Report, which considers the potential contamination risks present on the site. This has been reviewed by the Council’s Environmental Health team.

The results of intrusive site investigations showed the presence of PAHs in the former parking area. The applicant has proposed a number of mitigation measure to address this including:

- Undertaking further soil sampling;
- Remove contaminated soils and replace with a clean system;
- Submit a Remediation Strategy, followed by Verification Report; and
- Test reused on-site soils to ensure suitability for the proposed end-use.

The Council's Contaminated Land Officer has considered the reports and has recommended a condition requiring a Land Contamination Survey including a detailed land remediation scheme where necessary to be submitted for further assessment. Subject to this condition the proposal is considered acceptable.

Accessibility and fire safety

Essex County Fire & Rescue Service and the Council's Building Control team have both been consulted and have raised no objections to the proposals. Accessibility and fire considerations will be further reviewed by Building Control during construction to ensure all technical requirements are met including the requirement to meet Part M4(2), which has been secured via condition.

Flood Risk and SuDS

Policy DM15 states that development proposals should demonstrate that they avoid and reduce the risk of all forms of flooding to future occupants and do not increase the risk of flooding elsewhere.

Meanwhile Policy DM16 requires developments to manage and reduce surface water run-off and seek to manage surface water as close to its source as possible in line with the drainage hierarchy. Policy DM18 sets out the expectation that applications for planning permission will ensure that there is adequate surface water, foul drainage and treatment capacity to serve their development.

The application has been accompanied by a Flood Risk Assessment (FRA) and an updated Drainage & SuDS Strategy which states that the site is in Flood Zone 1, has a low / no risk from fluvial flooding.

The SuDS team at Essex County Council acting as the Lead Local Flood Authority have raised no objection to the application subject to the imposition of conditions pertaining to 1) the submission of a detailed surface water drainage scheme; 2) the submission of a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution; 3) the submission of a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system; and 4) the implementation of yearly logs of maintenance to be carried out in accordance with any approved Maintenance Plan. These conditions are proposed.

In addition, the EFDC Environmental Protection and Drainage team and the Council's Green Infrastructure (GI) officer were consulted and note that the greenfield run-off rate is acceptable and the proposed rain gardens throughout the landscaped areas are welcomed. They have no objection in principle, subject to a condition on the details of surface water drainage.

Thames Water have also been consulted as a key utilities provider and has raised no objections.

Impact on Amenity

Paragraph H of Policy DM9 requires development proposals to take account of the privacy, overlooking and outlook of future occupiers and existing neighbours.

In terms of overlooking and privacy for future occupiers, the distance between windows of habitable rooms together with the orientation and position of the plots lends itself to high levels of privacy and will ensure that there is an acceptable level of privacy for all homes.

Due to the orientation and placement of the blocks within the development, only the northern flank wall side of Blocks A, B and C will be in close proximity to some existing gardens at neighbouring Caldbeck and as such, there isn't expected to be any adverse impact arising to the occupiers of Caldbeck in terms of overlooking and / or loss of privacy. In addition, occupiers of Roundhills are considered to be of a sufficient enough distance away from the proposed buildings to not be impacted in this respect.

Part (i) of paragraph H Policy DM9 seeks to ensure that adequate levels of sunlight / daylight and open aspects are provided to the users of the development and nearby neighbouring residents.

The constraints of the site results in 17 of the 28 homes being north facing and whilst a Daylight and Sunlight Assessment for future occupiers of the units has not been undertaken, it is noted that all of the units will be dual aspect and are therefore expected to have a good levels of light throughout the daytime.

A Daylight & Sunlight Assessment has been submitted in relation to the impact of the development to surrounding occupiers. This concludes that the Vertical Sky Component (VSC) will be adversely impacted to one property – No.28 Caldbeck. The property will have one window to a habitable room (lounge) impacted (Window 19 as shown on the Window Schedule). However, it is noted that the affected window is a secondary patio window / door to a room which has two other patio windows /

doors: one to the front of the room and one to the rear. Given the affected window is secondary, the impact to the dwelling is considered acceptable in this instance.

Furthermore, given that the proposed dwellings nearest to Caldbeck are two-storey houses and there will be a gap between the northern flank walls of these dwellings and the properties in Caldbeck, it is not considered there would be any adverse impact arising in terms of outlook to either existing neighbouring occupiers or future occupiers of the development. Likewise, the occupiers of Roundhills are considered to be a sufficient enough distance away from the proposed buildings to also not be impacted.

Given the above analysis, the proposed development is considered acceptable in terms of these amenity.

Historic Environment – Archaeology

Policy DM7 seeks to ensure that heritage assets (including archaeological remains) are conserved or enhanced in a manner appropriate to their significance.

ECC have confirmed that the Historic Environment Record indicates that there is evidence for potential archaeological remains within the vicinity of the proposed development, however, it is unlikely that any meaningful archaeological remains have survive. As such no condition is required in relation to archaeology and the proposal is considered acceptable.

Landscaping and Trees

Policy DM3 seeks to ensure that new development will not directly, indirectly or cumulatively cause significant harm to landscape character, the nature and physical appearance of ancient landscapes or geological sites of importance. To that end, proposals should be sensitive to their setting in the landscape and have due regard for local distinctiveness and character. Meanwhile, Policy DM5 seeks developments to retain and enhance existing green infrastructure including trees, use native species and enhance the public realm through the provision of trees.

Whilst the development is not considered to be landscaped led and the applicants have stated the quantum of shared amenity areas across the site is limited to approximately 68sqm in total, it is acknowledged that the site lies adjacent to open amenity land and there is an existing playing fields area nearby.

It is considered there is potential to uplift the landscaping element through the imposition of planning conditions. Subject to the suggested planning conditions the application is considered acceptable in terms of landscaping.

With regards to trees, the submitted Arboricultural Report states that the application proposes to remove nine trees, two groups, and other overhanging elements of two further groups. The report states that the removals are required to facilitate the construction of new private garden areas (including new boundary treatments) and the rear access footpath. The tree removal is also necessary to facilitate landscaping works including new tree planting.

The applicants have agreed to provide additional planting and trees along the southern boundary of the site in response to LPA concerns on noise. Additional planting and trees to the southern part of the site will need to be mindful of maintaining a safe and open rear environment to the pathway in line with Secure by Design principles. As such, subject to conditions the application is considered acceptable in terms of trees and landscaping.

Ecology

Policy DM1 notes that new development proposals should seek to deliver a net biodiversity gain in addition to protecting existing habitats and species. Development proposals which may cause harm to established habitats are required to provide a replacement, alternative habitats of at least equivalent wildlife value.

The application is accompanied by an Ecological Appraisal which sets out the baseline ecology of the application site and assesses the potential impacts of the development and mitigation and enhancement measures which may be required. The submitted appraisal has been reviewed by officers and deemed acceptable subject to implementation.

However, the Ecology Officer notes that the submitted appraisal shows that the on-Site baseline value for habitats has been calculated as 1.62 Habitat Units using the Defra 2.0 metric. This indicates a net loss in biodiversity of 0.98 Biodiversity (Habitat Units). The development is required to meet this shortfall

in measurable net gain for Biodiversity through offsetting contributions as required under paragraph 174 [d] of the National Planning Policy Framework (2021).

The applicant has agreed to this biodiversity offset payment which will be secured via a s106 agreement. Subject to the above, the proposal is considered acceptable and in accordance with Policy DM1.

Sustainability, Energy / Climate Change

In order to achieve sustainable development, the NPPF sets out three overarching objectives: *economic objective; social objective; and environmental objective*.

The NPPF is clear that each of these objectives are interdependent and need to be pursued in mutually supportive ways. On 19th September 2019 the Council declared a climate emergency for the District and set out a pledge that the Council will do everything in its power to make the District carbon neutral by 2030. Policy DM20 seeks to encourage new developments to be of a low carbon energy use. Renewable energy measures in new and existing development are also to be encouraged as far as possible.

An Energy and Sustainability Strategy has been submitted along with a completed EFDC Sustainability Checklist which presents the sustainable aspects of the proposed development. The Energy and Sustainability Strategy and EFDC Sustainability Checklist highlights a number of aspects of the scheme which contribute to the sustainable credentials of the development. These include:

- Reduction of CO2 emissions (an annual 69.4% reduction in CO2 emissions);
- Provision of 15 kWh/m²/year renewable electricity from the grid;
- Submission of interim Sustainable Travel Plan, to be finalised via a Section 106 agreement;
- Water saving devices incorporated into the design of the units;
- Proposed use of ethical and responsible supply chains; and
- Zero diversion of biodegradable and recyclable waste to landfill.

Whilst the scheme is generally compliant with the sustainability policies and the aspiration towards 'Passivhaus' principles is supported, there is potential to further uplift the sustainability credentials of the scheme via landscaping conditions. Subject to these conditions the proposal is considered to be compliant with the relevant policies.

Highways and Transport

Policy T1 notes that development should encourage sustainable modes of travel through their promotion, improving accessibility to services and supporting the transition to a low carbon future. The policy further notes that development proposals will be permitted where they: (i) integrate into existing transport networks; (ii) provide safe, suitable and convenient access for all potential users; (iii) provide on-site layouts that are compatible for all potential users with appropriate parking and servicing provision; and (iv) do not result in unacceptable increases in traffic generation or compromise highway safety. This is echoed in paragraph 111 of the NPPF whilst paragraph 112(a), where it notes that development should give priority to pedestrian and cycle movements.

The applicant has submitted a revised Transport Assessment (TA) which has been reviewed by officers at both Epping and Essex County Council Highways. No objection has been raised.

The application proposes 35 car parking spaces, including 7 for visitor parking. The parking spaces to the six 3 bedroom dwellings will each have active EV charging points and there will be one additional active EV charging point in a visitor car parking space. Additionally, 43% (15) passive EV charging points are proposed. However, a Parking Management Plan will be secured under condition to support continued usability.

36 cycle parking spaces comprising 1 space per dwelling (28 in total) and 8 visitor cycle spaces are proposed. This is considered policy compliant. Specifications for the cycle storage will be secured by condition.

An Interim Travel Plan has been submitted outlining further sustainable transport initiatives. A final Travel Plan will be secured under s106 and shall include details for implementation and monitoring.

In summary, given the relatively low parking provision and reasonably accessible location of the development, it is not considered that the proposal will result in any increase in vehicular trips when compared to its previous use. Whilst it is noted that concern has been raised by neighbouring occupiers in respect of overspill parking and lack of traffic calming measures at the site entrance, conditions will be applied requiring a Parking Management Plan to be submitted in order to mitigate any adverse impact to existing residents. It should be noted that the roads in the development will be private and as such not maintained by the local Highway's Authority.

Subject to the implementation of the conditions / Heads of Terms in the legal agreement outlined above, the application is considered acceptable in terms of highways and transport.

Infrastructure

The Local Plan Policy D1 has identified that significant investment is required in order to deliver sustainable and balanced growth across the District and to continue to meet the needs of residents and businesses. Infrastructure may include a wide remit including transport, utilities, flood and surface water management, open space and social and community infrastructure. In order to set out necessary infrastructure requirements in a detailed and clear way, the Council has produced an Infrastructure Delivery Plan (IDP) to help manage the future growth of the District.

The IDP is split into development areas and identifies the various interventions necessary within each area. Areas of particular relevance to this application are set out below:

Active Transport Improvements

A number of Active Transport Improvements i.e cycle and footpath improvements are identified within the IDP for Waltham Abbey and the Epping Forest District Cycle Action Plan. However, the application is providing a new cycleway and footpath to the eastern boundary as part of the development as well as retaining a footpath link to the south / south-west. As such a further contribution is not considered appropriate in this instance.

Highways Works

Potential Highway Works are identified within the IDP for Waltham Abbey with a site apportionment formula detailing how the cost will be spread over a number of schemes. However, it is considered that given the size, nature and location of the scheme, it is not appropriate to prioritise junction contributions in this instance.

Education and Libraries

ECC Infrastructure Planning have confirmed the following requirements to mitigate the impact of the increase resident population:

- Early Years and Childcare (EY&C) – £43,515 (£17,268 per place)
- Primary Education - £145,051 (£17,268 per place)
- Libraries – £2,178.40 (£77.80 per unit)

Health

The proposal although small in scale will have some impact on the capacity of healthcare provision in the area. As such and in line with the IDP (reference WAB32) a contribution of towards the required funding for the provision of capacity to absorb the patient growth generated by the development has been identified.

Employment and skills

Part (v) of paragraph F of Policy SP2 seeks to ensure that suitable training and skills development opportunities are provided to local residents to equip them with the skills they need to access future employment opportunities.

The Council is committed to ensuring local residents get the best possible opportunities for training and employment in relation to this development proposal and as such an Employment and Skills Plan (ESP) is proposed to be secured via the Section 106 legal agreement. The ESP will ensure that employment opportunities, training opportunities and appropriate level of apprentices are provided as part of the construction works.

Equality Duties and Human Rights

Section 149 of the Equality Act (2010) requires that a public authority must exercise its functions having due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic (age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation) and persons who do not share it, and foster good relations between persons who share a relevant protected characteristic and persons who do not. In making this recommendation, due regard has been given to this Public Sector Equality Duty and the relevant protected characteristics. It is considered that there will be no specific implications and that, if approving or refusing this proposal, the Council will be acting in compliance with its duties.

The Human Rights Act (1998) makes it unlawful for a public authority to act in a way which is incompatible with any of the Convention rights protected by the Act unless it could not have acted otherwise. Careful consideration has been given to the rights set out in the European Convention on Human Rights, in particular Article 6 (right to a fair trial); Article 8 (right to respect for private and family life; Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (right to peaceful enjoyment of possessions).

The Council is of the opinion that the recommendation does not interfere with any such rights except insofar as is necessary to protect the rights and freedoms of others. The Council is permitted to control the use of property in accordance with the public interest and the recommendation is considered a proportionate response to the submitted application based upon the considerations set out in this report. Officers have had due regard to all the above Acts and directions and are satisfied the approval of the development would not affect any protected characteristic in a disproportionate manner.

Conclusion

The NPPF para 11(d) states that determinations must be made in accordance with the development framework unless material considerations indicate otherwise. The scheme has been assessed against this framework and officers have worked with the developer to ensure the scheme provides for the most beneficial outcome.

The principle of development has been assessed against the adopted Local Plan and deemed to be in general compliance. The proposed re-use of brownfield land for 28 residential units within an accessible and sustainable residential location is supported.

The design language for the scheme has been influenced by the character of the location, comments from the Design Panel and preapplication stage. Further design development work has been secured via condition, including materials and improvements to the flank walls of Blocks A, B and C. The subject site does not lie within a conservation area or within close proximity to any heritage assets. As such, the proposal is considered acceptable.

In respect of the units, all units are able to meet the required spatial standards and quality of space. The proposed housing mix is considered acceptable for the location. The development has focused on private garden development which would provide private areas of amenity. However, officers consider that further landscaping details are required which have been secured via condition.

The provision of 18% affordable housing is proposed. Whilst the quantum of affordable housing is not policy compliant, the FVA information submitted by the applicant has been reviewed by the Council's viability consultants who have confirmed that this is the maximum percentage that is viable on the site. Given this, the overall level of proposed affordable housing is considered acceptable. This is subject to a late-stage review clause in the section 106 agreement enabling the Council to capture any subsequent uplift in value generated by the scheme post-decision.

Financial contributions in line with the infrastructure provisions and Local Plan have been secured to ensure the scheme makes a positive contribution to wider improvements within the local.

The site is located within Flood Zone 1 and is at low risk from all sources of flooding. The application has been accompanied by a Flood Risk Assessment (FRA) which has been reviewed by EFDC and ECC Land Drainage and SuDS teams. No objection has been raised subject to recommended conditions being imposed.

With regard to the impact on surrounding residential properties, the most affected property – in relation to daylight and sunlight, would be No.28 Caldbeck. This property will have one window to a habitable room (lounge) impacted. However, the affected window is a secondary patio window / door to a room which has two other patio windows/ doors. Given the affected window is secondary, the impact to the

dwelling is considered to be acceptable in this instance. Officers conclude that there would be no other adverse amenity impacts arising in terms of the residential use, privacy / overlooking and / or sense of overbearing/ enclosure and outlook. Taking the above into consideration the application is acceptable in respect of amenity impact to neighbouring occupiers.

With regard to highways matters, given the relatively low parking provision and reasonably accessible location of the development it is not considered the proposal would result in a significant increase in vehicular trips when compared to the site's previous use. Additionally, no unacceptable impact on highway safety is likely. In combination with a final submitted Travel Plan, secured by way of condition. In general, the application demonstrates that the environmental impact of the proposal would be acceptable, subject to appropriate mitigation. There would be no adverse effect on the integrity of the EFSAC, no air quality degradation, no increased flood risk and no significant risk to human health from contamination. Archaeological and ecological assets would be safeguarded as a result of the proposal, and biodiversity net gain secured.

In light of the above, the application is recommended for **APPROVAL** subject to associated conditions and section 106 Heads of terms.

[1] As measured on Google Maps.

[2] Updated 'Noise Impact Assessment and 'MVHR Design Note' submitted to the LPA 28.10.2021

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: Nanayaa Ampoma
Direct Line Telephone Number: 01992 564481***

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

Conditions: (28)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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

1000; 240645-PUR-00-SL-DR-A-2000 P08
240645-PUR-00-SL-DR-A-2001 P16;
240645-PUR-00-ZZ-DR-A-2002 P05;
240645-PUR-01-GF-DR-A-2004 P05;
240645-PUR-01-01-DR-A-2005 P02;
240645-PUR-01-02-DR-A-2006 P02;
240645-PUR-01-RF-DR-A-2007 P02;
240645-PUR-01-ZZ-DR-A-2008 P03;
240645-PUR-01-ZZ-DR-A-2009 P03;
240645-PUR-02-GF-DR-A-2011 P05;
240645-PUR-02-GF-DR-A-2012 P02;
2450645-PUR-02-RF-DR-A-2013 P02;

240645-PUR-02-ZZ-DR-A-2014 P03;
 240645-PUR-02-RF-DR-A-2015 P03;
 240645-PUR-03-GF-DR-A-2017 P04;
 240645-PUR-03-01-DR-A-2018 P03;
 240645-PUR-03-RF-DR-A-2019 P02;
 240645-PUR-03-ZZ-DR-A-2020 P03;
 240645-PUR-03-ZZ-DR-A-2021 P03;
 240645-PUR-04-GF-DR-A-2023 P04;
 240645-PUR-04-01-DR-A-2024 P02;
 240645-PUR-04-02-DR-A-2025 P04;
 240645-PUR-04-RF-DR-A-2026 P03;
 240645-PUR-04-ZZ-DR-A-2027 P05;
 240645-PUR-04-ZZ-DR-A-2028 P03;
 240645-PUR-05-GF-DR-A-2030 P04;
 240645-PUR-05-01-DR-A-2031 P03;
 240645-PUR-05-RF-DR-A-2032 P03;
 240645-PUR-05-ZZ-DR-A-2033 P03;
 240645-PUR-05-ZZ-DR-A-2034 P03;
 240645-PUR-00-ZZ-DR-A-2036 P10;
 240645-PUR-00-ZZ-DR-A-2038 P08;
 240645-PUR-00-ZZ-DR-A-2040 P08;
 240645-PUR-00-ZZ-DR-A-2042 P08;
 240645-PUR-00-XX-DR-A-2043 P03;
 240645-PUR-00-XX-SC-A-2045 P04 (14/10/2022);
 76753-CUR-00-XX-DR-TP-05001-P04_SPACar (Parking);
 76753-CUR-00-XX-RP-TP-00002-V01_Roundhills Interim Travel Plan;
 240645-PUR-00-SL-DR-A-2099-P01-;
 76753 CUR 00 XX DR TP 05009 P01;
 240645-PUR-00-SL-DR-A-2098 P01;
 200662-P-10 (Aug 2020);
 2042-WWA-ZZ-XX-DR-L-0701 (PL 02);
 76753 CUR 00 XX DR TP 05008 P08;
 076952-CUR-00-XX-RP-GE-001 Revision: [01];
 TMA 200662-PD-10-Tree schedule;
 Daylight and Sunlight Assessment for Planning (Rev 03), (June 2021); Phase 2 Ground Investigation Report (V02) (Feb 2021); Energy Assessment and Sustainability Strategy (P03) (June 2021); Lighting Assessment (P03) (June 2021); Drainage And SuDs Strategy (04) (May 2021); Habitat Regulation Assessment Note (01) (June 2021); Sustainability Guidance (Sept 2021); Archaeological Desk-Based Assessment (01) (Aug 2020); Outline Construction Phase Plan (2) (May 2021); Phase 3 Remediation Strategy; Issue Date: 16 November 2021; Phase 2 Ground Investigation; Report (V03) (Nov 2021); Ecology Appraisal (Rev 01) (May 2021); Flood Risk Assessment (04) (May 2021); Arboricultural Report (July 2021); Air Quality Assessment (May 2021); Mechanical Ventilation (01) (Oct 2021); Interim Travel Plan (01) (June 2021); Noise Impact Assessment (02) (October 2021); Land off Roundhills Landscape and Visual Appraisal (PL03) (June 2021); CMP (01) (Nov 2022); Construction Phase & Logistics Plan (Ver 1) (Nov 2022); Green Belt Addendum to the Planning Statement (Jan 2022); Statement of Community Involvement (01) (June2021);

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended). For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

Prior to the commencement of any above ground works, details of the finished floor levels of the buildings of the development hereby permitted in relation to existing ground levels shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, the amenities of neighbouring occupiers and existing trees, hedgerows and other landscaping, in accordance with Policies T1, DM9, DM18 and DM19 of the Local Plan (2023).

- 4 Prior to the commencement of above ground works, revised fenestration details for the side elevations of Blocks A, B and C shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall be in broad accordance with the details shown under the approved details at condition 2, however, will replace the side elevation details noted in those drawings. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area and to improve wayfinding through the development, in accordance with Policy DM9 of the Local Plan (2023) and the NPPF (2021).

- 5 Prior to the commencement of development above slab level, detailed drawings and samples of all materials (or documentary and photographic details where samples are unavailable) to be used in the construction of the external surfaces of the development, including any external cladding and internal cladding that is decorative and visible externally, decorative fascia or panels, balustrades and glazing, hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. Detailed drawings and samples shall include: - Sample brick wall - Junction details (1:20) - Typical window details (1:20) - Balconies / terraces (1:20) - All samples in relation to principle elevations

Reason: To ensure a high-quality design and satisfactory appearance to the development in the interests of visual amenity of the area, in accordance with policy DBE1 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 6 The proposed residential units hereby permitted shall be carried out in general accordance with Part M4(2) Category 2 (Accessibility and Adaptable Dwellings) as set out in the Building Regulations 2010 Access to and Use of Buildings Approved Document M Volume 1: Dwellings. Prior to occupation of the residential units, details shall be submitted to and approved in writing by the Local Planning Authority to demonstrate compliance with Part M2(s) Category 2. The proposed development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed mix of residential accommodation provides for all new homes to be accessible and adaptable as defined by the Building Regulations. To comply with Policy H1 of the Local Plan (2023) and the NPPF 2021.

- 7 Prior to construction works commencing a Construction Management Statement shall be submitted to and approved in writing by the Local Planning Authority for a management scheme

whose purpose shall be to control and minimise emissions of pollutants from and attributable to the construction of the development. This should include a risk assessment and a method statement in accordance with relevant guidance such as IAQM's assessment of dust from demolition and construction guidance and the control of dust and emissions from construction and demolition best practice guidance published by the Greater London Authority. The scheme shall set out the secure measures, which can, and will, be put in place. The details and measures contained in the approved construction management statements shall be fully implemented and remain in perpetuity of the permission.

Reason: Dust and other air pollution from demolition and construction can impact greatly on the health and quality of life of people working on and living close to these sites if they are badly managed. To help support improvements to tree in accordance with Policies T1 and DM22 of the Local Plan and NPPF (2021).

- 8 Prior to commencement of works on site the following information shall be submitted to the Local Planning Authority for approval: i) A three-months baseline air quality monitoring report including details of how baseline air quality shall continue to be monitored for the duration of the earthworks and construction phase. ii) A dust monitoring method statement including monitoring locations, pollutants being monitored, trigger levels and proposed action should trigger levels be reached.

Reason: To ensure that detrimental air quality levels do not occur in accordance with Policies T1 and DM22 of the Local Plan and the NPPF (2021).

- 9 Prior to the commencement of the development hereby permitted (including ground works, vegetation clearance), a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following: (a) Risk assessment of potentially damaging construction activities. (b) Identification of "biodiversity protection zones". (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). This should include a method statement for Great Crested Newts. (d) Measures to protect badgers from being trapped in open excavations and/or pipe culverts. (e) The location and timings of sensitive works to avoid harm to biodiversity features. (f) The times during which construction when specialist ecologists need to be present on site to oversee works. (g) Responsible persons and lines of communication. (h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. (i) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid or mitigate the effects of the construction of the development on ecological receptors, in accordance with Policies DM3, DM5 and DM9 of the Local Plan (2023).

- 10 Further to details provided in submitted document Ecological Appraisal Issue 01 dated May 2021 by BSG Ecology the development shall not be commenced until a full Ecology Survey and Implications Assessment of the site by a qualified ecologist has been submitted to and approved in writing by the Local Planning Authority. The submitted document shall assess the biodiversity

impact of the development and propose any necessary mitigation measures. Development shall be undertaken only in accordance with the approved details.

Reason: To minimise damage to biodiversity, in accordance with Policy DM1 of the Local Plan (2023) and the NPPF (2021).

- 11 No development hereby approved shall take place until a detailed surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment by Curtins Ref: 076952-CUR-00-XX-RP-C-92001 rev V05 and the Drainage & S Strategy by Curtins Ref: 076952-CUR-00-XX-RP-D-92002 rev P06. The surface water drainage scheme should include:
- Limiting discharge rates to 1.6l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated;
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. All proprietary treatment devices should have the simple index mitigation indices provided by the manufacturer. If these are not available then an alternative device should be used. Please note that silt traps, gullies, and catchpits are not accepted as suitable means of treatment.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason: To prevent an increased risk of flooding and to prevent the pollution of the water environment, in accordance with Policies DM16, DM18 and DM19 of the Local Plan (2023) and the NPPF (2021).

- 12 Following the required works identified in the submitted Remediation Strategy (Phase 3 Remediation Strategy November 2021) if unacceptable risks are identified from land affected by contamination, no work on any part of the development shall take place, until a detailed land remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance Policy DM21 of the Local Plan (2023) and the NPPF (2021).

- 13 Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials, and type of boundary treatment to be erected, shall have been submitted to an approved by the Local Planning Authority, in writing. The approved boundary treatment shall be implemented prior to the occupation of the development and so retained.

Reason: To ensure the safe movement of vehicles between the highway and off-street parking areas and to ensure a satisfactory appearance of the development, in accordance with Policies T1 & DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies ST4 & DBE1 of the adopted Local Plan 1998 & 2006.

- 14 Prior to the commencement of works, a scheme of hard and soft landscaping for the site, including details of materials, species and a planting schedule shall be submitted to and approved in writing by the Local Planning Authority. The hard landscaping details shall include but not be limited to: a. details of any existing features to be retained; b. proposed finished levels or contours; c. hard surfacing materials; d. means of enclosure; e. car parking layouts; f. other vehicle and pedestrian access and circulation areas; g. secure cycle storage facilities; h. refuse facilities; i. other minor structures, including furniture; j. existing trees and hedgerows to be retained; k. soft landscaping details including plans for planting and full written specifications and schedules of plants, including species, plant sizes and proposed numbers/ densities; l. tree/ hedgerow removal (inclusive of additional tree planting at southern boundary) ; and m. Landscape management 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. If any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To secure the provision and retention of the landscaping in the interests of the visual amenity of the area in accordance with Policies DM3 and DM5 of the Local Plan (2023) and the NPPF (2021).

- 15 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural Report 200660-PD-11 (TMA: March 2021) 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 6 months or during the next planting season (whichever is the sooner) 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 6 months or during the next planting season (whichever is the sooner), be planted at the same place. .

Reason: To safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 and DM5 of the Local Plan (2023) and NPPF (2021).

- 16 Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/Arboricultural Method Statement and Tree Protection shall be installed as shown on Tim Moya Associates drawing number 200662-P-11 dated July 2021 unless the Local Planning Authority gives its prior written approval to any alterations.

Reason: To safeguard and enhance the visual amenity of the area and to ensure a satisfactory appearance to the development. In accordance with Policy DM9 of the Local Plan (2023) and NPPF (2021).

- 17 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place on site between the hours of 0730 to 1830 Monday to Friday & 0800 to 1300 hours on Saturday, and at no time during Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority..

Reason: In the interests of the amenities of noise sensitive properties in accordance with Policy DM9 of the Local Plan (2023).

- 18 Prior to commencement of the development hereby permitted, a swept path analysis shall be submitted and approved in writing by the Local Planning Authority and shall include the following: a) Large car accessing car parking spaces to demonstrate that they can be safely entered and departed from. This should be demonstrated for the car parking spaces that are in corners and for one midway in any row; b) Swept path assessment for a fire tender manoeuvring within the site to demonstrate that a fire tender can safely manoeuvre within to access all units c) Confirmation that tractor access can be gained through the site into King George Playing Fields d) Swept path assessment for a refuse vehicle to demonstrate that refuse collection and servicing can take place to serve the development;

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Policy T1 of the Local Plan (2023).

- 19 Prior to the first occupation of the development the access arrangements, as shown in principle on drawing no. 2042-WWA-ZZ-XX-DR-L-0101 Rev PL04, including the removal of the brick piers and making good of the carriageway and footway as necessary, shall be fully implemented, with all details being agreed with the Highway Authority.

Reason: To ensure that safe and efficient access is provided in accordance with Policies T1, DM9 and DM22 of the Local Plan (2023).

- 20 Prior to the first occupation of the development the 3.5m ped/cycle facility, as shown in principle on drawing no. 2042-WWA-ZZ-XX-DR-L-0101 Rev PL04, shall be fully implemented from its connection with the highway at Roundhills to the south-east corner of the site, approx. 50m. This

shall include full depth and width reconstruction and surfacing as required with the completed facility being adopted as highway. All details to be agreed with the Highway Authority.

Reason: In the interests of promoting sustainable development and transport in accordance with Policies T1, DM9 and DM22 of the Local Plan (2023).

- 21 The residential cycle parking facilities, as shown on the approved plans, are to be provided prior to the first occupation of the development and are to be retained as such at all times.

Reason: To ensure appropriate bicycle parking is provided in accordance with Policy T1 of the Local Plan (2023). & 2006.

- 22 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 appropriate bicycle parking is provided in accordance with Policy T1 of the Local Plan (2023).

- 23 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policy T1 of the Local Plan (2023)..

- 24 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has a garage or allocated parking space and 1 Electric Vehicle Charging Point for every 10 properties that share unallocated parking shall be installed and retained thereafter for use by the occupants of the site.

Reason: To help support improvements to air quality in accordance with Policy T1 and DM22 of the Local Plan (2023) NPPF (2021).

- 25 Prior to first occupation of the development hereby approved, 10% of the visitor car parking spaces shall be developed as disabled spaces.

Reason: To help support improvements to air quality in accordance with Policy T1 and DM22 of the Local Plan (2023) NPPF (2021). son: To help support improvements to air quality in accordance with Policy T1 and DM22 of the Local Plan (2023).

- 26 Prior to occupation a Parking Management Plan and strategy shall be submitted and approved to the local authority. The approved details shall be implemented as agreed and remain in perpetuity.

Reason: Reason: In the interest of highways and pedestrian safety and the character and appearance of the development, in accordance with Policies T1 and DM9 of the Local Plan (2023).

- 27 Details of any external lighting of the site shall be submitted and approved in writing by the Local Planning Authority prior to the occupation of the development. This information shall include layout and elevation plans with beam orientation, light spill and a schedule of equipment to be installed (luminaire type, mounting height, aiming angles and luminaire profiles) and details of when all non-essential external lighting for the development shall be non-illuminated. The lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the use of the lighting does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan and Alterations, and Policies DM9 & DM21 of the Local Plan (2023) and the NPPF (2021).

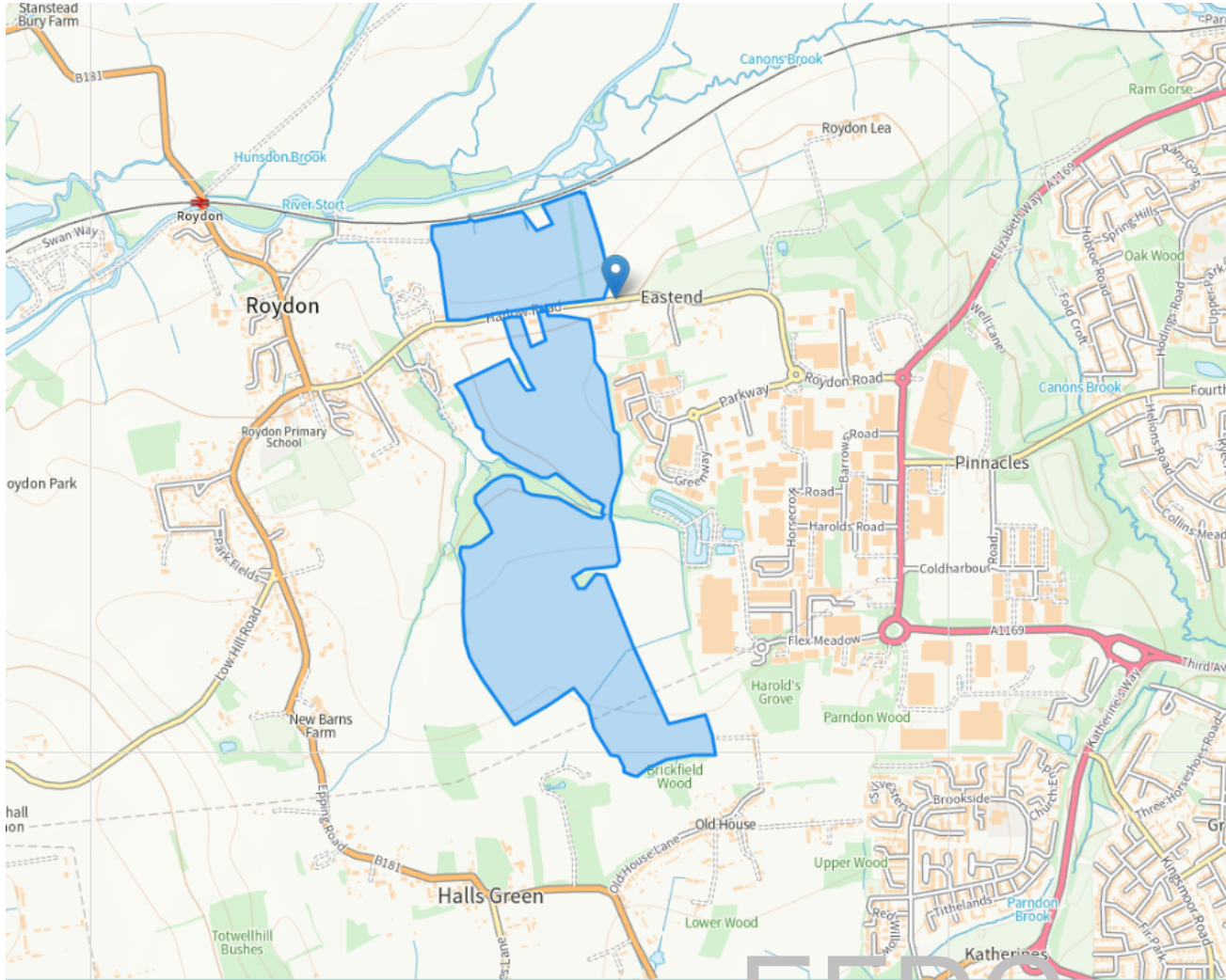
- 28 All site lighting shall be located, shielded or angled in a manner that does not cause disturbance, alarm or distress to occupants of any nearby dwellings.

Reason: To ensure that the use of the lighting does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan and Alterations, and Policies DM9 & DM21 of the Local Plan (2023) and the NPPF (2021).



Epping Forest District Council

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Application Number:	EPF/1974/22
Site Name:	Land Adjacent to Harlow Road, Near Roydon, Harlow

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OFFICER REPORT

Application Ref: EPF/1974/22
Application Type: Full planning permission
Applicant: Low Carbon Solar Park 18 Limited
Case Officer: Ian Ansell
Site Address: Land Adjacent to Harlow Road, Near Roydon, Harlow
Proposal: The construction and operation of a solar photovoltaic ('PV') farm and associated infrastructure, including inverters, DNO Substation, Customer Switchgear, security cameras, fencing, access tracks and landscaping
Ward: Roydon
Parish: Roydon
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000OgaR>
Recommendation: Approve with Conditions

This application is before this Committee since it relates to a 'large scale' application as defined in Article 10 of The Constitution.

Description of Site:

The application site comprises parcels of land to the north and south of Harlow Road, which forms the primary connection between Roydon to the west and Harlow to the east, the total site comprises around 68 hectares of what is currently open agricultural land.

The northern part of the site extends from the road to the railway line in the north, the boundary with Harlow District Council to the east, and the boundary with the pumping station to the west. The southern section extends to the West of Harlow strategic site, part of the Harlow and Gilston masterplan area, and is dissected by the World's End Local Wildlife Site (LoWS).

Description of Proposal:

The application seeks permission for a solar farm on around 63ha of the overall site area. The land is divided into zones by existing features including public rights of way and retained landscape areas to produce 8 development zones.

The works consist of:

- Rows of solar panels – Solar panels will be mounted on frames in rows running east-west. Each row is around 3-4m apart and has an angle of around 29 degrees, resulting in the panels being 0.9m above ground at the lower edge and 3m high at the top.
- Inverters in each zone – inverters convert energy from the panels through transformers housed within for feeding into the network. Eighteen such units are shown spread across the site, each of which comprises a metal structure similar to a shipping container 12.2m long, 2.5m wide and 2.9m high set on a concrete base.
- Substation and Switchroom buildings – a single substation and a switchroom are proposed adjacent to each other on the east side of the site close to Parkend on the adjoining industrial estate, around 230m south of Harlow Road. The substation is around 8m long x 6m wide and 4.1m high and the switchroom is 10m long x 4m wide x 3m high. These are located at the closest point to Harlow West Substation which is 2m away and will be the connection point to the wider network. Underground cabling will connect the buildings on the site, and from the site to the main network.

- Access tracks linking development zones – the development will utilise the existing access points for primary access, Within the site a series of single track accessways will be laid for construction and maintenance, some of which will follow footpath routes.
- Perimeter fencing and landscaping – the areas containing panels will be enclosed by fencing of around 2m high, while details are a matters for later consideration, a stock-proof timber post and mesh fence is anticipated, with gates in similar materials at access points. These will be screened by new tree, hedge and shrub screening.
- CCTV cameras – cameras will be pole mounted at 3- 4m high around the perimeter at around 50m intervals. These will be activated by movement sensors. The applicants advise no lighting will be installed.

The application includes a number of landscape measures, including hedgerows to screen the works and create green corridors, provision of sheep pasture and around 10ha wildflower grassland beneath panels, management of around 2ha as arable habitat for farmland birds, retention of the northern grassland as marsh habitat and other tree and hedgerow enhancements within the existing landscape.

Including site set-up, construction would be expected to take around 20 weeks.

The application is supported b a number of detailed reports including:

- Planning, Design and Access Statement
- Alternative Site Assessment
- Arboricultural Assessment
- Agricultural Land Study
- Landscape Visual Appraisal
- Green Belt Review
- Contaminated Land Assessment (Phase One)
- Heritage Statement
- Flood Risk Assessment and Drainage Strategy
- Transport Report
- Ecological Assessment
- Biodiversity Net gain Assessment
- Glint and Glare Assessment
- Consultation Report

Relevant History:

None

Development Plan Context:

Epping Forest Local Plan 2011-2033 (2023);

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

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

- SP1 Spatial Development Strategy
- SP2 Place Shaping

SP3 Development and delivery of garden communities in the Harlow and Gilston Garden Town
 SP5 Green Belt and Local Greenspace
 SP6 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
 DM5 Green and Blue Infrastructure
 DM7 Historic Environment
 DM9 High Quality Design
 DM13 Advertisements
 DM15 Managing and reducing Flood Risk
 DM16 Sustainable Drainage Systems
 DM17 Protecting and enhancing Watercourses and Flood Defences
 DM20 Low Carbon and Renewable Energy
 DM21 Local Environmental Impacts, Pollution and Land Contamination
 DM22 Air Quality

Epping Forest Local Plan (1998) and Alterations (2006):

On the 06 March 2023 at an Extraordinary Council meeting, it was agreed that ‘on adoption of the Epping Forest District Local Plan 2011–2033 and following the end of the six-week period for legal challenge that the following Development Plan Documents and associated Proposals Maps are revoked and should not be used for decision-making:

- a) Those policies of the Epping Forest District Local Plan adopted January 1998 that had not previously been replaced; and
- b) Epping Forest District Local Plan Alterations adopted July 2006’.

The relevant policies from these documents are listed below:

CP1	Achieving sustainable development objectives
CP2	Protecting the quality of the rural and built environment
CP10	Renewable energy schemes
GB2A	Development in the Green Belt
GB7A	Conspicuous development
HC6	Character, appearance and setting of Conservation Areas
HC12	Development affecting the setting of listed buildings
NC1	SPA's, SAC's and SSSI's
NC3	Replacement of lost habitat
NC4	Protection of existing habitat
RP4	Contaminated land
RP5A	Adverse environmental impacts
U1	Infrastructure adequacy
U2A	Development in Flood Risk Areas
U3B	Sustainable Drainage Systems
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE4	Design in the Green Belt
DBE9	Loss of Amenity
DBE13	Advertisements
LL1	Rural landscape
LL2	Inappropriate rural development

LL7	Planting protection and care of trees
LL10	Adequacy of landscape protection
LL11	Landscaping schemes
ST1	Location of development
ST2	Accessibility of development
ST6	Vehicle parking
I1A	Planning obligations.

NPPF (July 2021):

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either; (a) approving development proposals that accord with an up-to-date development plan without delay; or (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

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

- 2 - Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 5 - Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
- 8 - Promoting healthy and safe communities – paragraphs 92, 97
- 9 - Providing sustainable transport – paragraphs 104, 107, 108, 110, 111,112
- 11 - Making effective use of land – paragraphs 119, 122, 123, 124
- 12 - Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 13 - Protecting Green Belt land – paragraphs 137, 138, 141, 143, 147, 148, 149
- 14 - Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159–169
- 15 - Conserving and enhancing the natural environment – paragraphs 174, 175, 179-182, 183, 185, 186
- 16 - Conserving and enhancing the historic environment – paragraphs 194, 195, 197, 199–205, 208

Consultation Carried Out and Summary of Representations Received

Date of site visit: 19 September 2022
 Number of neighbours consulted: 159
 Site notice posted: 15 September 2022

Responses received: Responses have been received from 40 individual households, and local interest groups including PORA (Protection of the Roydon Area), The Roydon Society, Roydon Playing Fields Management Committee, Robert Halfon MP, Country Land and Business Association (CLBA) and National Farmers Union (NFU). Households responding include the following (Roydon addresses unless otherwise identified):

41 and 42 CHURCH MEAD
 9 DUCKETTS MEAD
 1 Conifer Court, 1 Shaftesbury Villas, Conifers, Henbury House, Orchard End, Regent House, Unison and Wychwood EPPING ROAD
 Garden House FARM CLOSE
 Jasmine and White Cedars GRANGE LANE

Benmore, Byfield Cottage, Lovewood Lodge, Oakley Lodge and Sunningdale HARLOW ROAD
57, 82 and 188 HIGH STREET
14 KINGSMEAD HILL
5, 11 and 23 LITTLE BROOK ROAD
Chalcot, Chapter Three, Kendal, Little Monkshams and Penryn OLD HOUSE LANE
89 TEMPLE MEAD
Ivy Cottage TYLERS ROAD

Sandon Lodge, HIGH ROAD, Chigwell
33 MONKSGROVE Loughton

One property is identified only by postcode and 7 responses do not state an address beyond being in Roydon

The majority of respondents object to the application; 3 respondents, the CLBA and the NFU support the application.

Objections cover the following issues, listed in descending order of the references in the responses:

- Impact on Green Belt character – openness, general environment and in separating Roydon from Harlow
- Loss of agricultural land and employment
- General impact on established wildlife and habitat, particularly within the Stort Valley
- General visual impact from development
- Impact on character of Roydon village
- Landscape quality of PROW's
- Energy supply arguments – objectors comment on the merits of solar in comparison to other renewable sources, and broader arguments around the future of solar power.
- Noise disturbance
- Impact on historic woodland areas
- Industrial character of development
- Glint and glare impacts
- Conflict with local energy policies
- General traffic issues around servicing of the use
- Concerns about radiation
- Amount of weight being given to connection to local power station
- Lack of detail on end of life exist strategy
- Adequacy of FRA
- Light pollution
- Construction traffic
- Impact on local property prices
- Specific concerns around loss of residential amenity
- Specific concerns around potential impact on drainage in Little Brook Road

Respondents supporting development raise a number of counter arguments around similar themes:

- Energy supply benefits
- Limited visual impact does not outweigh renewable energy benefits
- Contribution to meeting wider sustainable development objectives
- Development would contribute to improved habitats and biodiversity enhancement
- NFU comment specifically that diversification away from input heavy farming on under performing land provide incomes streams to support other farming activity
- The works can be viewed as temporary and are reversible.

Harlow District Council – Neighbouring authorities are statutory consultees and Harlow DC have raised objections on two grounds:

- Impact on Green Belt – similar to other responses in regards the infilling of the gap between the settlements, and a large area of land adjacent to the Harlow District with limited separation.
- Impact on future delivery of the allocated development site north of Water Lane abutting the site – concerns that the proximity will impact development options.
- Insufficient evidence of local energy benefits for the Harlow District if the energy generated feeds directly into the national grid.

Parish Council: Roydon Parish Council objects to the application citing the following:

- Green Belt impact – specifically around the gap between Roydon and Harlow, general impact on openness, time period should not be considered temporary.
- Potential noise disturbance
- Loss of agricultural land
- Change in character of PRowS
- Not persuaded on biodiversity gains
- Traffic – concerned if traffic is routed through the village
- Flooding concerns
- Precedent

Main Issues and Considerations:

The main issues in considering the application are:

- Green Belt assessment
- Landscape and visual amenity
- Ecology and biodiversity
- Loss of agricultural land
- Flooding and drainage
- Transport and Highways
- Residential amenity
- Heritage considerations

Green Belt assessment

All of the land within the application site lies in the Green Belt. The northern part of the site is readily identifiable as forming part of the break between Harlow and Roydon while south of Harlow Road the land is more identifiable as part of the much larger gap between Harlow and Hoddesdon. In both areas however, the land can be seen as serving a key Green Belt objective of safeguarding against neighbouring built up areas merging into one another.

It has been broadly established through case law that solar farms would not meet the exceptions tests set out in paragraph 149 of the NPPF and will thereby comprise inappropriate development. As a result, it will be necessary to consider whether the very special circumstances presented in the application will satisfy the high bar set in paragraph 148 – that such very special circumstances would clearly outweigh potential harm. Officers have therefore considered firstly the extent of the harm of the development and subsequently the wider benefits that are material to the application.

Green Belt harm

The application site comprises a range of diverse characteristics. Much of the land comprises land historically used for food production. The topography of the land undulates in a series of gentle gradients, such that the land is not viewed as a whole from any vantage point. The fields within the site are divided by established hedgerows and woodland areas, including well established tree and hedgerow screening along road frontages. The northern part falls gently from Harlow Road towards the

railway and River Stort beyond. Potential harm arises in terms of the impact on openness, which has a spatial and visual impact.

In spatial terms, the site covers a significant area with panels the main construction element up to 3m high in order to ensure maximum solar exposure. Associated built infrastructure is limited principally to accessways, inverter cabinets (local hubs containing electric conducting and storage equipment) of around 2m high, a main substation discreetly sited adjacent to the east site boundary, and site boundary fencing. Connections from the substation to the network will be underground.

These features will have a large mass and footprint substantially different from the existing character, and of themselves will have spatial impact as a result.

In visual terms, the site will not be viewed as a single entity due to its overall extent and the changing ground levels. A number of public rights of way (PRoW) cross the site providing links to the immediate surrounding area and forming part of a much wider footpath network, from which the works will be prominent. Views across land from PRoW's are highly sensitive to change and the introduction of any structures can affect the perception of the local character. It would be expected therefore that users of the PRoW network would experience a significant change in outlook from the works, notwithstanding the retention of much of the existing woodland and hedgerows across the site.

Notwithstanding, built development does not have to be visually prominent to impact the character of the Green Belt. Thus, while visual loss of openness would have a local effect which may diminish over time as a result of landscape enhancements and other mitigation measures, the change in visual character is evident and would reduce the openness on the Green Belt.

Very special circumstances

The effects of global warming mean that there is an urgent need to reconsider how energy needs are met. This Council declared a Climate Emergency in September 2019, passing a motion seeking to work towards becoming carbon neutral by 2030. Other local authorities in the area have set similar challenging objectives.

National policy is clear about the importance of delivering renewables. The NPPF favours sustainable energy systems where any impacts can be made acceptable. Paragraph 151 of the NPPF recognises that renewable energy projects of themselves are not inappropriate in the Green Belt, although the physical elements may be.

Renewable energy accounts for an ever increasing proportion of all UK electricity generation primarily through wind, solar and biomass. Demand is expected to increase further with targets for introduction of electric vehicles and a decreasing reliance on gas for heating. Technology in the delivery of renewable energy continues to evolve – current methods of generating renewable energy have emerged in recent years, and further advances in renewables can be anticipated over the next similar period. Due to the complex nature of the delivery of appropriate infrastructure in energy supply, there is a need to provide a range of measures to meet short, medium and long term needs. In this context, the proposals anticipate a limited life for the use of 30 - 40 years, by which time the panels will be beyond their useful life, at which time renewable energy may have moved on the other technology. In the present, solar farms represent a swiftly deliverable form of generation capacity and therefore in the short to medium term could make a significant contribution to supply.

The proposal when fully operational would generate around 49.9 megawatts of energy. Enough to power around 16,500 homes annually. In a local context, this would be the equivalent of supplying around 30% of homes within the District from this single site. The application concludes that around 11,200 tonnes of carbon will be saved per annum, equivalent of removing over 5,000 cars from the road. Such benefits only accrue from the ability to deliver a site of sufficient capacity.

It is not the case that such a facility can be located anywhere as a solar farm requires grid capacity and a viable network connection point (PoC). In this case, Harlow West Sub-Station lies around 2km east of the site. The applicants site selection process covered a 3km radius from the PoC, including sites within adjoining local authority areas. A total of 35 sites were initially assessed and a number of factors showed these to be undeliverable, including sites being of insufficient size or fragmented ownerships, availability, existing built development, topography, quality of agricultural land, protected environmental areas, flood zones and distance from the PoC. A potential site was identified at Hamlet Hill, but this had a number of more significant constraints than the application site. Thus, if renewable energy is to be delivered, this site provides the only viable option linked to the local sub-station.

The development must also be considered to be temporary, in that it has a limited duration and can be fully removed at the end of its use with the land being reinstated to the former condition with limited works required to achieve this. Officers acknowledge that it may be viewed as odd to consider a 40 year timespan as 'temporary', but recent case law including a recent appeal decision in Chelmsford District considers such an approach to be reasonable. In this context, harm to the Green Belt can be viewed as temporary and reversible.

Other material considerations in assessing the very special circumstances identified in the application include:

- Landscape enhancements (see below)
- Biodiversity net gains (see below)
- Low grade agricultural land (see below)
- Economic benefits – including supply chain opportunities for local business, additional worker spend in the local economy, employment opportunities both during construction phase and during operation (the applicant cites research by the BRE that shows an average of 7FTE jobs created per MW for ground mounted projects)
- Education benefits – solar farms can be a resource for local schools. The applicants on other sites provide opportunities for school visits to understand impacts of climate change and technological matters. A condition has been suggested to deal with this.

Landscape and visual amenity

The land consists primarily of arable fields at present, interspersed by mature hedgerows and woodlands. There is a degree of urbanisation to the site boundaries including dwellings, industrial buildings to the east and the railway line to the north, but these are of a peripheral visual impact.

More significant are the landscaped elements within the boundaries, including marshy grassland on the northern end, Worlds End Black Poplar Wood in the centre of the site, and other hedgerows and green corridors around the fringes of the existing fields. Other than minor interventions in existing hedgerows to allow for access, all key landscape features have been identified and are retained. All building work is set so as to be located at least 5 metres from existing woodland and retained hedgerows for their protection, and to allow for landscape enhancement. The marshy grassland at the lower northern end is retained wholly free from development.

Landscape enhancements proposed also recognise the key visual impact of the development will be experienced from PRow's crossing the site. The proposals include planting native hedgerows to screen the structures from these routes, as well as enhancements to existing hedgerows. No changes are proposed to site levels or general topography.

As outlined above, views across the entire site are somewhat limited and the development will be viewed in a localised context, particularly as a result of the single storey built form and its topographical character. The proposal reflects the existing layout of the land, with panels laid out within the existing fields.

In the short term, the development will have a significant visual impact. Landscape enhancements are however substantial and as the screen hedgerows grow the immediate visual impact will recede, albeit creating more limited vistas than currently available across those parts of the site that can be viewed from the footpath network. However, longer views are limited and overall visual impact in the medium to long term would be moderate, helped by the consistent horizontal low level emphasis the development creates. The use generates little regular activity beyond routine maintenance and the impact on the character of the area will not disrupt the general tranquility of the setting for residents and walkers.

Visual impact from local roads would be significantly less. The site has limited road frontage and none of the frontage is served by footways. Established tree screens and hedgerows provide a degree of screening which reduces significantly the visual prominence to passing motorists.

Ecology and biodiversity

The character of the site enables the nature of the existing ecological character to be understood relatively simply. The open fields used for arable growing have a lower habitat value, while the landscape features also support a more diverse range of flora and fauna. The site also lies close to the Lee Valley SPA and Ramsar site, and to Hunsdon Mead SSSI.

Ecology guidance on the application submission has been provided by Essex County Council Place Services (Ecology) Team.

The application includes a no development buffer along the northern edge to protect the SSSI, supplemented by precautionary pollution prevention measures, protective fencing, and sensitive clearance methods.

Surveys for the presence of Great Crested Newts found a pond approximately 50 metres from the site showing potential presence. The applicants have provided appropriate site registration evidence such that appropriate mitigation measures can be introduced. Similarly, the application identifies presence of protected and priority species including skylarks, bats, badgers, brown hare and hedgehog.

Mitigation and enhancement measures are identified in the submission, including landscape measures discussed above, new wildflower planting, improved hedgerow planting, mammal gates, bird and bat boxes, and use of existing gps in hedgerows for access points. The measures are supported by the Ecologist at ECC, subject to measures being secured by condition. The applicants submits that the measures amount to a biodiversity net gain of around 78%, and an increase in hedgerow units of around 103% - while the figures are not verified, they serve to demonstrate a substantial biodiversity enhancement.

Loss of agricultural land

To assist in assessing land quality, the Ministry of Agriculture, Fisheries and Food (MAFF) has developed a method for classifying agricultural land in order to support the most efficient use for food production. This grades land from 1 to 5 (Grade 3 being divided into two subgrades), where Grade 1 provides best quality.

The applicants have submitted a soil report. This identifies a small area of the northern part of the application site (around 1.7ha, 2% of the site area) as being of Grade 2 standard (described by MAFF as land that *has minor limitations which affect crop yield, cultivations or harvesting. It can support a wide range of agricultural and horticultural crops but there can be some reduced flexibility on land within the grade, which causes difficulty in the production of more demanding crops e.g. winter harvested vegetables and arable root crops*). This land is high yielding but may be lower or more variable than Grade 1.

All remaining farmland falls with Grade 3 – around 23% within Grade 3a, the most significant portion of which also lies north of Harlow Road (*land that is capable of consistently producing moderate to high yields of a narrow range of arable crops (e.g. cereals) or moderate yields of a wide range of crops (e.g. cereals, grass, oilseed rape, potatoes, sugar beet and less demanding horticultural crops)*) with 73% within Grade 3b (*land is capable of producing moderate yields of a narrow range of crops (mainly cereals and grass) or lower yields of a wider range of crops, or high yields of grass*).

Officers consider that as the amount of Grade 2 land available is very limited, also taking account of the majority of the Grade 3a land being to the north of Harlow Road, the amount of better quality land equates to around 10ha; given modern farming techniques it is difficult to see this land being farmed on its own. The overall site area represents a very small amount of farmland in the District (the applicant submits around 0.3%), much of which is likely to be of significantly higher quality and capable of being efficiently worked.

Thus, officers consider the loss of the land for agriculture will be of limited significance, and likely to be outweighed by the wider benefits in terms of energy supply.

Drainage and flooding

Primary concerns around potential for impacting local natural drainage relate to the northern part of the site which lies within the flood zone of the River Stort. The issues faced in the area are well documented, as are the opportunities that arise from the marshland environment that naturally occurs. No development is proposed in the flood plain however.

Much of the development raises few issues around the wider implications for surface water drainage. The panels are constructed on piled struts, while the built structures occupy 0.001% of the site area. The access roads represent the only substantive built element that may impact the flow of surface water, but such surfaces can be designed to be either permeable or to have simple run off areas adjacent. The submitted revised Flood Risk Assessment proposes such a permeable surface, and sets out principles localised management of run-off adjacent to buildings.

The development has been the subject of consultation with Essex County Council as Lead Local Flood Authority (LLFA), and in house Environmental Protection & Drainage Team. Both consultees, considering different aspects of the drainage, are satisfied that subject to conditions, the development will not affect surface water drainage in the local area.

Transport and highways

It is noted that the Highway Authority have not objected to the application, and there seems little reason why they should.

The construction phase is expected to last around 20 weeks, during which time around 4-6 HGV movements are anticipated. The Transport Statement accompanying the application identifies the primary route for these vehicles are being from the east via the M11 and A414, avoiding the need for vehicles to pass through Roydon village. A construction management plan can be secured by condition.

Once construction is complete, vehicle activity is limited to servicing and maintenance visits. The applicants estimate from comparable schemes that this would be 2-3 vehicles a week, with occasional visits by large vehicles to deliver replacement equipment. Tracks and roadways will be of lightweight construction.

The site lies outside the wider EFSAC area and is assessed in term of operational use in terms of air quality. It is noted in the assessment that vehicle activity is comparable with the existing use in terms of vehicle movements on a day to day basis; while movements linked to the farm are generally more localised, movement of produce can be anticipated to be over a wider area, including through the

EFSAC area. Taking account of the low level of trip generation that results from the operational use, an appropriate assessment has been complete, as under:

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:

- 1) Recreation activities arising from new residents (recreational pressures); and
 - 2) 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:

- 1) The development would not result in a net increase in traffic using roads through the EFSAC. The Council is therefore satisfied that the application proposal would not result in a likely significant effect on the integrity of the EFSAC. Having undertaken this first stage screening assessment and reached this conclusion there is no requirement to undertake an 'Appropriate Assessment' of the application proposal or seek financial contributions toward mitigation and monitoring measures.

Residential amenity

The solar panels are passive during operation, having no running parts or external illumination. All operational plant is located within the buildings and away from any residential properties. These buildings can in any event be insulated. A Noise Assessment accompanying the application supports this, demonstrating that the operation does not generate noise above ambient levels. Vehicular movements during operation will similarly have little amenity impact, other than in emergencies all routine activity will be during normal working hours.

Construction disturbance should not normally be considered as part of the planning application process, however residents raise legitimate concerns around large vehicles using Roydon Village for access. However, the site has good links to the M11 through the main road network and conditions can be imposed to ensure the final Construction Management Strategy includes adequate provision to ensure this remains the route for all large vehicles. Beyond this, the construction phase is relatively short.

Greatest potential impact directly on surrounding occupiers will be from the change in the visual environment. From close quarters, there will be a significant change in outlook. This will be somewhat tempered however over the medium to long term by the increasing significance of the additional planting. Very few properties would in any event have direct views that are not partially obscured by existing boundary vegetation or the landscape enhancements proposed. As a result, the direct harm from the introduction of the works would not appear to be so significant to outweigh other benefits.

Objectors raise issues of glint and glare from the panels. The panels are designed to absorb light rather than to reflect and do not therefore reflect light in the same way as conventional or mirrored glass. A glint and glare study emphasises the angle at which the panels are constructed does not provide for direct reflection at the relatively low levels of surrounding dwellings, and that other than a small area north of Harlow Road, panels are not oriented towards any nearby properties. Taking account of existing and proposed landscaping in the most affected area, there is little to support the suggestion that dwellings will experience solar reflection.

While the development will result in a change in the outlook from residential properties, in residential amenity terms the level of direct harm is minimal.

Heritage and conservation

The site is located approximately 300m east of Roydon Conservation Area and directly north of Nazeing and South Roydon Conservation Area. Additionally, the site abuts Eastend Farmhouse, a Grade II Listed farmhouse, and adjacent to Mount Pleasant, a locally listed manor house subsequently significantly enlarged and altered. The site is also within the setting of a designated Scheduled Monument which includes the standing and buried remains of a Cold War Heavy Anti-aircraft battery (c.1949-50).

The Roydon Conservation Area Character Appraisal (2006) noted that the rural setting to the east of the conservation area contributes significantly to its setting. While this remains the case, the area between the Conservation Area and the development is interspersed by frontage built development that creates a degree of separation which the proposal does not impinge on the core area, which is more clearly defined by the open area west of the pumping station which lies outside of the site boundaries.

The listed Eastend Farm has been substantially added to over an extended period with the introduction of more modern farm buildings. Historically, the setting of the building has taken advantage of extended views to the north across the open fields to the Stort Valley. This has been recognised, and the area directly opposite the listed building remains free of any solar panels. Intervention here is limited to the site entrance and a short section of the access road. Further, the land to the west of the listed building is similarly treated with the area remaining free of panels and only the access road, much of which is already in place to support the agricultural use, impedes on this space.

Impacts on the heritage assets have been fully considered. While any development of this scale will have an impact, the key assets will be protected in as far as is reasonably practical.

Conclusion and Green Belt balance:

The application relies on the case made that the very special circumstances that would support development clearly outweigh the level of harm to the Green Belt in particular and other amenity concerns. In this regard, officers have attached substantial and significant weight to a number of benefits arising from the development:

- The contribution the development makes to the supply of renewable energy and to reducing greenhouse gases, particularly the annual reduction of carbon of around 11,200 tonnes per annum.

- The importance of solar energy in current measures to increase the supply of renewable energy – technology may move on over the coming years, but at present solar represents one of the more efficient energy supply sources.
- The proximity of the point of contact to the national grid – minimising disruption from the additional off site works.
- The works are temporary – while those who frequent the area will not perceive the works as temporary, there is a general acceptance that the works have a limited use and ultimately will be removed.
- The limited extent of the physical works – the buildings occupy a minute portion of the site area and the solar panels are mounted on struts requiring minimal groundworks. These works have limited physical impact and are reversible.
- The loss to agriculture is limited – much of the land is of moderate agricultural value and the need for deliverable renewable energy significantly outweighs this loss
- Landscape and biodiversity considerations – the proposals have taken account of existing landscape and biodiversity features and propose no disruption to these features. Significant enhancements in landscape and biodiversity are proposed.
- Other than the relatively short duration of the construction phase, the operation of the site will involve little activity at or in the vicinity of the site.

Officers do recognise that the development has a harmful visual impact in general terms, by virtue of the change in the visual character of the site and the loss of openness in the Green Belt. However, the general open character free of substantial built form will remain. The development also has a limited direct impact on residential amenity and local heritage assets.

The very special circumstances arguments are seen to be compelling and it is concluded that development accords with the renewable energy objectives in national and local planning policy.

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: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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

Conditions: (32)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: DZ-01 Rev 3, PLE-01 Rev 10, SD-01 Rev 02, SD-02 Rev 02, SD-04 Rev 02, SD-05 Rev 01, SD-06 Rev 01, SD-07 Rev 02, SD-08 Rev 02, SD-15 Rev 01, SD-16 Rev 01, SD-17 Rev 01, and edp7471-d011f

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

- 3 All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (EDP, August 2022), Winter Bird Survey Report (Dominic Mitchell, April 202) and the Breeding Bird Survey Report (Dominic Mitchell, August 2022) 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.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and to accord with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF 2021.

- 4 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
 - Limiting discharge rates to 1.28l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy. The scheme shall subsequently be implemented prior to occupation.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy RP3 of the adopted Local Plan and Alterations 1998 & 2006.

- 5 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 the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy RP3 of the adopted Local Plan and Alterations 1998 & 2006.

- 6 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF paragraphs 163 and 170, and Policy RP3 of the adopted Local Plan and Alterations 1998 & 2006.

- 7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. The parking of vehicles of site operatives and visitors
2. Loading and unloading of plant and materials
3. Storage of plant and materials used in constructing the development
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
5. Measures to control the emission of dust and dirt during construction, including wheel washing. With regards to dust control measures and wheel washing, reference shall be made to the Institute of Air Quality Management (IAQM) best practice Guidance on air quality monitoring in the vicinity of demolition and construction sites and Guidance on the assessment of dust from demolition and construction.
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To limit the impact of the construction work on the living conditions of residents living in close proximity to the site, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006.

- 8 No works shall commence until a construction environmental management plan (CEMP: Biodiversity) is submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

9 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development [or specified phase of development]. The content of the LEMP shall include the following:

a) Description and evaluation of features to be managed.

b) Ecological trends and constraints on site that might influence management.

c) Aims and objectives of management.

d) Appropriate management options for achieving aims and objectives.

e) Prescriptions for management actions.

f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

g) Details of the body or organisation responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Policies DM1 and DM3 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

10 1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the Local Authority archaeological advisors.

3. A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

4. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.
5. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: The site is an Archaeological site where any remains are irreplaceable and are an interest of acknowledged importance which may be highly vulnerable to damage or destruction. Unless the Authority is satisfied that a proper scheme for investigation has been agreed the remains should be left undisturbed, in accordance with Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy HC1 of the adopted Local Plan and Alterations 1998 & 2006.

- 11 The development hereby permitted shall not be commenced until such time as a soil management plan has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason Soil compaction can cause increased run-off from the site. Therefore a soil management plan should show how this will be mitigated against, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF paragraphs 163 and 170, and Policy RP3 of the adopted Local Plan and Alterations 1998 & 2006.

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

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy LL10 of the adopted Local Plan and Alterations 1998 & 2006.

- 13 Prior to commencement of any above ground works, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy 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 prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy LL10 of the adopted Local Plan and Alterations 1998 & 2006.

- 15 No external lighting, including lighting required for construction and decommissioning, shall be installed at the site until such time as a lighting strategy for biodiversity has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed in accordance with the details agreed in the strategy and shall be maintained thereafter in accordance with the agreed details, subject to any such variation that may be agreed with the Local Planning Authority. No additional external lighting shall be installed without prior written consent from the local planning authority.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 16 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies CP2 & DBE1 of the adopted Local Plan 1998 & 2006.

- 17 Prior to commencement of groundworks, existing waste material on the site detailed in Section 8 of the Phase 1 Contaminated Land Report shall be removed from the site and safely disposed of. Following the completion of the remediation works and prior to the first operation of the development, a verification report of the removal by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies RP4 of the adopted Local Plan and Alterations 1998 & 2006.

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

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006.

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

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy ST4 of the adopted Local Plan and Alterations 1998 & 2006.

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

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy LL10 of the adopted Local Plan and Alterations 1998 & 2006.

The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped and 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 be undertaken. If any contamination is found then the site shall be remediated. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

Reason: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development is carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies RP4 of the adopted Local Plan and Alterations 1998 & 2006.

- 22 Notwithstanding any details approved under construction management conditions above, all construction traffic shall access and exit the site from the east, and measures shall be put in place on site to prevent vehicles exiting the site and travelling to the west through Roydon Village.

Reason: To limit the impact of the construction work on the living conditions of residents living in close proximity to the site, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006.

- 23 Prior to commencement of the use, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 24 Prior to their construction, details of the construction of the site accesses, visibility sight splays, dropped kerb vehicular crossings of the footway and details of measures to prevent surface water discharge onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the access points shall be constructed ready for use prior to first

export to the National Grid in accordance with the approved details. The accesses shall be permanently retained in accordance with the agreed form at all times.

Reason: To ensure that appropriate access, vehicle parking and turning is provided. 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, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies ST4 & ST6 of the adopted Local Plan and Alterations 1998 & 2006.

- 25 All plant and machinery shall be operated and maintained to ensure that noise does not exceed background noise levels when measured 1m from the closest noise sensitive premises.

Reason: To maintain reasonable levels of protection for neighbouring occupiers of the development from external noise, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006.

- 26 Fences and gates hereby permitted shall not be infilled or enclosed by, or supplemented by any fence, screen or other means of enclosure without prior consent from the local planning authority through submission of a planning application.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies CP2 & DBE1 of the adopted Local Plan 1998 & 2006.

- 27 No unbound material shall be used in the surface treatment of the vehicular access hereby permitted within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety and to accord with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies ST4 & ST6 of the adopted Local Plan and Alterations 1998 & 2006.

- 28 All repairs, maintenance and servicing shall take place between 8am and 6pm Mondays to Saturdays, and at no times on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of surrounding residential occupiers, in accordance with policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies DBE2 and DBE9 of the adopted Local Plan and Alterations 1998 & 2006.

- 29 The site operator must maintain yearly logs of SuDs maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason:- To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure

mitigation against flood risk, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy RP3 of the adopted Local Plan and Alterations 1998 & 2006.

- 30 The planning permission hereby granted shall be limited to a period of 40 years commencing from the date electricity generated by the solar panels is first exported to the National Grid. At the end of this 40-year period, the development shall be removed, and the land restored to its previous agricultural use in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority. The applicant/developer shall notify the Local Planning Authority in writing within 10 working days of electricity being generated from the development being first exported to the National Grid (in order to calculate the 40 year period)

Reason: To allow for the site to return to agricultural use at the end of the planned design life for the development, and to allow the Local Planning Authority to ensure the very special circumstances which justified the development can be reconsidered for any alternative use, in accordance with Policy DM4 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy GB2A of the adopted Local Plan and Alterations 1998 & 2006.

- 31 No later than six months prior to the expiry of the planning permission, or within six months of the cessation of electricity generation at the site, whichever is the sooner, a detailed scheme of works for the removal of the development (excluding the approved landscaping and biodiversity works) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The scheme of works shall include the following: (a) a programme of works; (b) a method statement for the decommissioning and dismantling of all equipment and surfacing on site; (c) details of any items to be retained on site; (d) a method statement for restoring the land to agriculture; (e) timescale for the decommissioning, removal and reinstatement of the land; (f) a method statement for the disposal/recycling of redundant equipment/structures. The scheme of works shall be undertaken in accordance with the approved details and timescales. The operator shall notify the Local Planning Authority in writing within five working days following the cessation of electricity generation.

Reason: In order to ensure any redundant works are removed and the land reinstated in a timely manner, in accordance with Policy DM4 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy GB2A of the adopted Local Plan and Alterations 1998 & 2006.

- 32 If the solar farm ceases to export electricity to the grid for a continuous period of more than twelve months the use shall cease. Within a period of no more than three months from the end of the twelve-month period, a scheme shall be submitted to the Local Planning Authority for its written approval for the removal of the solar farm and associated equipment and the restoration of (that part of) the site to agricultural use. The approved scheme of restoration shall then be fully implemented within nine months of the written approval being given.

Reason: In order to ensure any redundant works are removed and the land reinstated in a timely manner, in accordance with Policy DM4 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy GB2A of the adopted Local Plan and Alterations 1998 & 2006.

Informatives: (4)

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

34 Any works to or within eight metres of open and/or piped watercourses will require Land Drainage Consent. For further information on the Land Drainage consent process or to find the application forms the applicant should visit the link below. It is highly likely that numerous works across the site will be subject to such consents.

<https://www.eppingforestdc.gov.uk/environment/land-drainage-consent/>

35 Essex County Council strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protectingenvironment>

Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. planning application with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures Flood risk assessments: climate change allowances - GOV.UK (www.gov.uk)

Full details as to the construction makeup of the permeable access/roads/tracks including the method of conveyance and disposal for the surface water. The applicant has indicated a degree of infiltration within the site, but as the underlying geology of the area is predominantly clay, I would expect to see the results of percolation testing if infiltration proposed across the site. II. Further information in relation to the management of surface water for any buildings across the solar array. The report indicates attenuation will be located adjacent to individual parcels of hardstanding and some further clarity is required on how this is managed. III. Details of final modelling and calculations for all areas of the drainage system. The system must be designed for all storm events up to and including the 1 in 100 year plus climate change allowance. IV. The design must be detailed in a written statement for the site and a detailed drainage plans for each individual catchment / developed area (buildings/tracks/hardstanding) across the site.

36 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.