



Epping Forest District Council

DISTRICT DEVELOPMENT MANAGEMENT COMMITTEE Wednesday 6th March 2024

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

Council Chamber - Civic Offices
on **Wednesday 6th March 2024 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), T Matthews (Vice-Chairman), C Amos, R Baldwin, H Brady, L Burrows, I Hadley, S Heap, S Heather, H Kane, H Kauffman, R Morgan, C C Pond, K Williamson and J M Whitehouse

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

1. WEBCASTING INTRODUCTION

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

"I would like to remind everyone present that this 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 Microsoft Teams do not wish to have their image captured they should ensure that their video setting throughout the meeting is turned off and set to audio only.

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

Members are reminded to activate their microphones before speaking."

2. ADVICE FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES (Pages 4 - 5)

General advice for those persons attending the meeting of the Committee is attached as an Appendix to this agenda.

3. APOLOGIES FOR ABSENCE

To be announced at the meeting.

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

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

4. SUBSTITUTE MEMBERS

To report the appointment of any substitute members for the meeting.

5. DECLARATIONS OF INTEREST

To declare interests in any item on the agenda.

6. MINUTES (Pages 6 - 9)

To confirm the minutes of the meeting of the Committee held on 13 February 2024.

7. SITE VISITS

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

8. EPF/2601/22 LAND TO THE SOUTH & EAST OF THE FORMER CHIMES GARDEN CENTRE, NAZEING, WALTHAM ABBEY, EN10 6RJ (Pages 10 - 27)

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

9. EPF/2913/22 - FORMER PYRLES LANE NURSERY, PYRLES LANE, LOUGHTON IG10 2NL (Pages 28 - 54)

To consider the attached report for the Residential Development of 43 dwellings with associated vehicular access point off Pyrles Lane, car parking, open space, landscaping, and associated infrastructure.

10. ANY OTHER BUSINESS

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

11. EXCLUSION OF PUBLIC AND PRESSExclusion

(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.

Agenda Item 2

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

Are the meetings open to the public?

Yes, all our meetings are open for you to attend. Only in special circumstances are the public excluded. If you wish to observe meetings live you can view the webcast on the Council's website 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.

Agenda Item 6

EPPING FOREST DISTRICT COUNCIL DISTRICT DEVELOPMENT MANAGEMENT COMMITTEE MEETING MINUTES

Tuesday 13 February 2024, 7.00 pm - 8.20 pm

Council Chamber - Civic Offices

Members Present:	Councillors P Keska (Chairman), T Matthews (Vice-Chairman), C Amos, R Baldwin, H Brady, I Hadley, S Heap, S Heather, H Kane, R Morgan, K Williamson, D Wixley, I Allgood and N Bedford
Apologies:	Councillor(s) J M Whitehouse
Officers In Attendance:	Graham Courtney (Service Manager (Planning Development)), Muhammad Rahman (Planning Officer), Gary Woodhall (Team Manager - Democratic & Electoral Services), Therese Larsen (Democratic Services Officer), Rebecca Moreton (Corporate Communications Officer) and Tom Carne (Corporate Communications Team Manager)
Officers In Attendance (Virtually):	Jennifer Gould (Strategic Director and Chief Operating Officer) and James Warwick (Service Director (Contracts, Partnerships and Procurement))

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

29 WEBCASTING INTRODUCTION

On behalf of the Chairman, the Democratic Services Officer 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.

30 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. The Committee noted the advice provided for the public and speakers in attendance at meetings of the Council's planning committees.

31 SUBSTITUTE MEMBERS

The Committee was advised that the following substitute members had been appointed for the meeting:

- (a) Councillor N Bedford for Councillor L Burrows;
- (b) Councillor I Allgood for Councillor H Kauffman; and
- (c) Councillor D Wixley for Councillor CC Pond.

32 DECLARATIONS OF INTEREST

The following declarations of interest were made pursuant to the Council's Members' Code of Conduct.

- a) Pursuant to the Council's Members' Code of Conduct, Councillor Baldwin declared a non-pecuniary interest in the following item of the agenda by virtue of being a resident of Burney Brive. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
- EPF/0726/23 - GARAGE SITE BURNEY DRIVE , LOUGHTON, IG10 2DU
- b) Pursuant to the Council's Members' Code of Conduct, Councillor Bedford declared a non-pecuniary interest in the following item of the agenda by virtue of being a Parish Councillor. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
- EPF/2478/23 - NORTH WEALD AIRFIELD, EPPING ROAD, NORTH WEALD BASSETT, EPPING CM16
- c) Pursuant to the Council's Members' Code of Conduct, Councillor Wixley declared a non-pecuniary interest in the following item of the agenda by virtue of being a member of Epping Forest Heritage Trust. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
- EPF/2478/23 - NORTH WEALD AIRFIELD, EPPING ROAD, NORTH WEALD BASSETT, EPPING CM16
- d) Pursuant to the Council's Members' Code of Conduct, all Councillors present at the meeting declared a non-pecuniary interest in the following item of the agenda by virtue of the applicant being a Councillor. The Councillors had determined that they would remain in the meeting for the consideration of the application and voting:
- EPF/2540/23 - SUMNERS FARM, EPPING ROAD, EPPING UPLAND, EPPING, CM16 6PX
- e) Pursuant to the Council's Members' Code of Conduct, Councillor T Matthews declared a pecuniary interest in the following item of the agenda. The Councillor had determined that he would leave the meeting for the consideration and voting of the application:
- EPF/2540/23 - SUMNERS FARM, EPPING ROAD, EPPING UPLAND, EPPING, CM16 6PX

33 MINUTES

RESOLVED:

That the minutes of the meeting of the Committee held on 13 December 2024 be taken as read and signed by the Chairman as a correct record.

34 SITE VISITS

Cllr D Wixley proposed a site visit for agenda item 12, EPF/2913/22 - FORMER PYRLES LANE NURSERY, PYRLES LANE, LOUGHTON IG10 2NL, which was seconded by Cllrs R Baldwin and I Allgood.

Resolved:

- (1) That planning application [EPF/2913/22](#) - FORMER PYRLES LANE NURSERY, PYRLES LANE, LOUGHTON IG10 2NL be deferred pending a site visit by the Committee.

35 EPF/0047/24 - CHIGWELL PRIMARY ACADEMY, MANDIR LANE, CHIGWELL, IG7 6ED

Decision:

The application was [granted](#) planning permission based on option 1.

36 EPF/2540/23 - SUMNERS FARM, EPPING ROAD, EPPING UPLAND, EPPING, CM16 6PX

Decision:

The application was [approved](#).

37 EPF/0726/23 - GARAGE SITE BURNEY DRIVE , LOUGHTON, IG10 2DU

Decision:

The application was [refused](#) for the reasons set out below:

- 1) By reason of the proposed height and bulk, the proposal would be an unneighbourly development resulting in a detrimental impact on neighbouring amenities with regards to material loss of light, overshadowing, overlooking from the front balcony, loss of outlook and overbearing impact. As such the proposal fails to safeguard the living conditions of neighbouring amenities contrary to Policy DM9 (i) of the adopted Local Plan and Paragraph 135 (f) of the NPPF 2023.
- 2) The proposed contemporary design does not relate positively to the locality. Consequently, it would result in a harmful effect on the established character and appearance of the area, contrary to Policy DM9 of the adopted Local Plan 2023, and Paragraphs 131 & 135 of the NPPF 2023.

38 EPF/2478/23 - NORTH WEALD AIRFIELD, EPPING ROAD, NORTH WEALD BASSETT, EPPING CM16

Decision:

The application was [approved](#).

39 EPF/2913/22 - FORMER PYRLES LANE NURSERY, PYRLES LANE, LOUGHTON IG10 2NL

Decision:

The [application](#) was referred for a site visit.

40 ANY OTHER BUSINESS

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

41 EXCLUSION OF PUBLIC AND PRESS

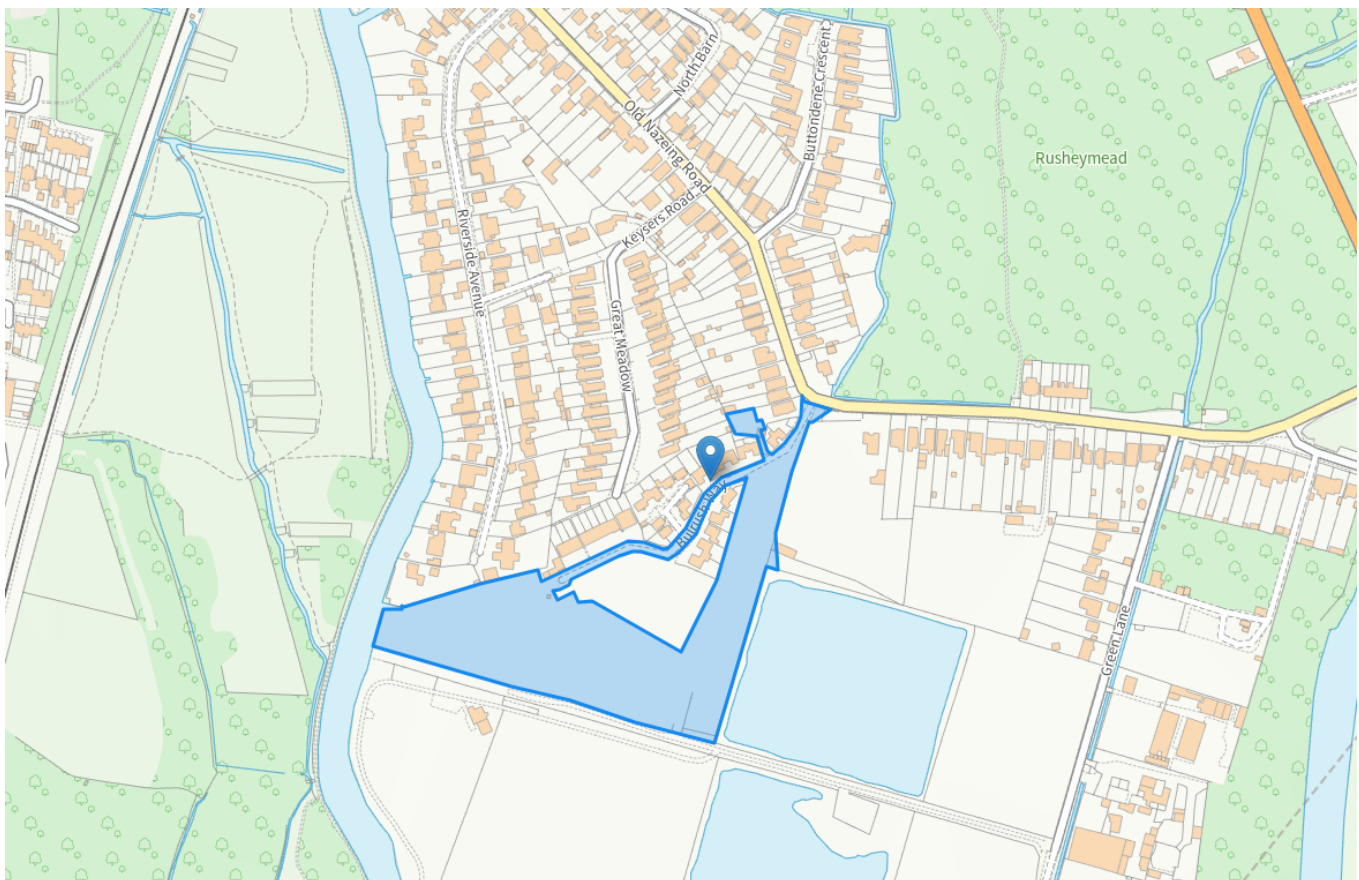
The Committee noted that there was no business which necessitated the exclusion of the public and press from the meeting.

CHAIRMAN

Agenda Item 8

OFFICER REPORT

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



*Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
Crown Copyright and Database Rights 2022 Ordnance Survey 0100018534*

REPORT TO DISTRICT DEVELOPMENT MANAGEMENT COMMITTEE

Date of Meeting: 06th March 2024

Democratic Services Officer: Gary Woodhall | 01992 564470

This application was referred up from the 21 February 2024 meeting of the West Planning Sub-Committee with no formal recommendation advanced by the Committee. Thus, the application is before Members as per Officer recommendation to refuse.

Given that there have been some significant changes in the circumstances surrounding the application, including two of the previously recommended reasons for refusal having been resolved in Planning Officers opinion, a revised report has been produced below to outline officers' current recommendation.

The previous report can be found published for the 21 February 2024 West Planning Committee Meeting.

Site and Surroundings

The site comprises of open Green Belt land within the former Chimes Garden Centre. The site is accessed from Old Nazeing Road. It lies wholly within the Metropolitan Green Belt and the Lea Valley Regional Park (LVRP). It is not within a conservation area, nor are there any heritage assets within the site. The site is wholly within EA Flood Zones 2 & 3. A gas pipe runs adjacent the site.

Proposal

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

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

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

Relevant Planning History

Multiple Planning Histories with the most relevant below;

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

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

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

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

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

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

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

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

EPF/1769/18 - Variation of planning conditions 4,5,6,7,9,10,12,13,14,15,16,17,18,19,20,21,24, 25 & 26 on planning permission EPF/0570/15 (Demolition of existing garden centre/commercial buildings and erection of 26 dwellings with associated parking and landscaping).To enable specific demolition works to take place before the conditions are discharged - Approved with Conditions

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

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

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

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

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

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

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

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

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

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

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

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

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023)

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

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

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

National Planning Policy Framework 2023 (Framework)

Paragraph	11
Section 5	Delivering a sufficient supply of homes
Section 8	Promoting healthy and safe communities
Section 11	Making effective use of land
Paragraphs	131 & 135
Paragraphs	142 – 155
Paragraph	186

Summary of Representations

Number of neighbours Consulted: 135. 45 Responses Received.
Site notice posted: Yes, including a Press advert

4 LETTERS FROM BULLRUSH WAY SUPPORTING THE SCHEME.

MULTIPLE OBJECTIONS RECEIVED inc Broxbourne Cruising Club – Summarised as:

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

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

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

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

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

Further comments following the re-consultation exercise;

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

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

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

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

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

Planning Considerations

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

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

Thus, the remaining main issues relate to:

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

Background

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

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

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

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

“(d) is, in the opinion of the local planning authority, appropriate for residential development, having regard to—
(i) any adverse impact on—
(aa) the natural environment;
(bb) the local built environment, including in particular on heritage assets;
(ii) any adverse impact on the local amenity which such development might cause for intended occupiers of the development or for occupiers of neighbouring properties;
and
(iii) any relevant representations received.”

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

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

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

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

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

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

Principle of the Development within the Green Belt

Paragraph 142 of the Framework states: the Government attaches great importance to the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence, or in other words, it is characterised by an absence of development.

Paragraphs 152 & 153 further state; Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The adopted Local Plan echoes the position of the NPPF and both identify that certain forms of development are not considered to be inappropriate in the Green Belt.

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

The site has an overall area of some 2.7027 hectares and of this approx. 0.44 ha (16%) is previously developed land which includes Bullrush Way and a small section contained at the northern end of the old poultry farm site. However, this small section of previously developed land (PDL) is immaterial in this application due to the significant harm to the openness of the Green Belt that this development proposal would cause.

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

Epping Forest Special Area of Conservation (SAC)

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

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

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

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

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

Stage 1: Screening Assessment

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

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

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

Stage 2: 'Appropriate Assessment'

Atmospheric Pollution

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

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

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

The application has indicated that they would be prepared to make a financial contribution towards the implementation of monitoring and mitigation measures identified in the IAPMS. However, in this particular case, as the proposal has not been allocated in the adopted Local Plan and, having regard to the scale of development proposed, the applicant cannot rely solely on the measures contained in the IAPMS for its mitigation. A scheme of this scale would need to be supported by bespoke air quality modelling to determine the level of impact on the EFSAC over and above those identified in the HRA 2022 and be supported by a bespoke mitigation strategy. The applicant has provided a bespoke air quality modelling and therefore the Council along with Natural England are satisfied that the proposal would not have an adverse effect on the integrity of the EFSAC, either alone or in combination subject to securing the relevant mitigation measures as per the APMS via a s106 legal agreement and planning conditions, should consent be granted.

Other Considerations

C2/C3 Use Class

PPG 10 states:

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

It is for a local planning authority to consider into which use class a particular development may fall. When determining whether a development for specialist housing for older people falls within C2 (Residential Institutions) or C3 (Dwellinghouse) of the Use Classes Order, consideration could, for

example, be given to the level of care and scale of communal facilities provided. Paragraph: 014
Reference ID: 63-014-20190626

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

Landscape/Visual Impact

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

Community Infrastructure

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

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

Self-Build

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

Air Quality in respect to Human Health

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

Health and Well-Being

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

Economic Development and Employment

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

Location

Public transport services run within walking distance of the site and a large urban catchment close by would help to reduce the travel distance of potential staff. Therefore, the site is considered as moderately sustainable.

The development proposes a financial contribution towards the improvement to the C392 Bus Service, which is a local service that currently meets the demands of residents of Nazeing. Although the contributions towards this local service would result in a lesser financial contribution to be available for off-site affordable housing provision, the local community benefit from these contributions can be given some weight.

Flood Risk

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

The following Paragraphs of the Frameworks states;

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

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

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

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

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

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

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*

- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

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

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

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

Lee Vally Regional Park (LVRP)

Officers note the concerns raised by the LVRP Authority with regards to ecology and the impact on the LVRP. Additional surveys were submitted during the course of the application and reviewed by both the LVRPA & ECC Ecology Team. No material objections were raised, however, there is still some scope for improvement. As layout, landscape is a reserved matter, some of the finer details, such as the suggested 10m buffer from the eastern, southern, and western boundaries of the site to ensure sufficient space was provided within which to create a substantial landscape buffer in order to shield the development from the Regional Park, can be reviewed at that stage along with suitably worded planning conditions.

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

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

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

Officers consider that the mitigation measures suggested by the LVRP are justified for inclusion within the Legal Agreement and thus consider that the impact on the LVRP SPA can be overcome via a suitably worded conditions, along with a completed s106 Legal Agreement. However, Members are free to reach a conclusion on whether the £89,000 contribution would be more beneficial if used towards the affordable housing provision.

Trees, Landscape and Ecology

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

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

The broad principles established in the Preliminary Ecological Assessment and Supporting surveys, the Landscape Strategy and the Biodiversity Net Gain assessment are accepted by Officers and ECC Ecology Team, Natural England and the Environment Agency and the Councils Tree Team, and further details can be progressed at the reserved matters stage. This includes a financial contribution towards off-site BNG, which fluctuated from £100,000, to £350,000, and now sits at £150,000. It has not been evidenced as to why £150,000 would be necessary for the provision of off-site BNG, and some if not all of this could be more beneficial if added to the off-site affordable housing contribution. However, notwithstanding this issue, the suggested planning conditions and a completed S106 legal agreement would suitably address these matters.

Affordable Housing

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

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

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

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

Having reviewed the submitted information, BPS have concluded that the proposed scheme generates a surplus and therefore can viably contribute towards additional affordable housing. This amounts to 4 Affordable Houses + £1.7m payment (18.8%). Although the applicant is still of the view that the proposal generates no additional surplus, the have now proposed 4 Affordable Houses + £1.5m payment (16.9%). This is still short some 2% of what the Councils Viability Experts have considered viable and, as explained below, could be increased through utilisation of other contributions proposed.

A point of discussion at the 21 February West Planning meeting was around the breakdown of the S106 heads of terms and Officers put forward the same position to Members of the West Committee. This is that Officers are satisfied with the total amount of contributions being proposed (just under £3m, and therefore it is no longer recommended that the application be refused on lack of affordable housing grounds. However some of the contributions set out below, in Officers view are not required in to ensure that the scheme is policy compliant and as such these contributions could be better served going towards affordable housing contributions.

Planning Obligations

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

In the event that planning permission is granted a s106 legal agreement would be required to secure the following financial contributions below. The below are the Heads of Terms as advanced by the applicant.

1. 4 Affordable houses + Payment of £1.5 million + Review Clause
2. GP Surgery = £51,927 (£657.30 per dwelling)
3. Libraries = £6,224
4. Community Facilities = £104,438 (£1322 per dwelling)
5. Sport and Leisure Facilities = £90, 245.65 (£1142.35 per dwelling)
6. Open Space and Green Infrastructure = £573,700.37 (£7262.03 per dwelling)
7. East of England Ambulance Service = £17,557
8. Epping Forest Community Transport C392 bus service = £158,000
9. Nazeing Parish Community Centre - £165,000
10. LVRPA Rushmead habitat and visitor infrastructure enhancements
 1. Woodland habitat enhancement - £50K
 2. Access improvements approx. 500m type 1 path upgrade - £30k
 3. Visitor infrastructure improvements 4 benches - £3k
 4. Boundary fencing upgrade approx. 200m - £5k
 5. Bird & Bat boxes - £1k
 6. Total - £89,000
11. The Provision of BNG Land & Offset contribution & Monitoring Strategy & Habitat Creation Plan to deliver Biodiversity Net Gain - £150,000
12. 10 Self Build plots.
13. The Provision of public open space, bowling green and children's play area including a Management Plan and Details and arrangements of the Management company will be required.
14. The provisions of an Employment and Skills Plan' (ESP) seeking to drive forward an increase in construction employability levels and workforce numbers.
15. Street Lighting Installation on Bullrush Way
16. EFSAC Mitigation financial contributions in relation to air pollution = £26,465 (£335 per dwelling)
17. Additional payment of Monitoring fees (EFDC Monitoring Fee = £50,000 & ECC Monitoring Fee = £1,650)

Total Costs = £2,984,208

Whilst Officers are satisfied with the level of contributions proposed, and we are satisfied that the obligations are directly related to and are fairly and reasonably related in scale and kind to the development, and meet the tests set out in paragraph 57 of the Framework and the CIL Regulations 2010, there are doubts as to whether all matters are deemed necessary to make the development acceptable in planning terms.

Specifically, this is with regard to points 8. 9. 10. And 11. Points 8 and 9 are fully supported by the Parish Council and will provide specific local benefits to Nazeing. However, whilst desirable, officers put to Members whether the contributions allocated here would be more beneficial being included in the affordable housing contribution (point 1) to increase the provision made, which would further assist in meeting the affordable housing needs of the wider District. Similarly, item 10 has been requested by LVRPA and would assist in improving biodiversity, however is there a justifiable requirement for this payment and the BNG off site contribution (point 11) above the contributions already identified within the IDP (point 6). Again, the benefits of these contributions need to be weighed against a wider benefit in increasing the off-site affordable housing contribution (item 1).

Planning Balance & Conclusion

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

The main thrust of the VSCs advanced by the applicant, amongst others is the need, principally for the extra care housing which is assessed below.

Need for extra care housing in the Epping Forest District

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

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

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

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

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

- *The Council has flexibility in how some residential allocations it has can be used as there is a need for a minimum of 11,400 homes over the Local Plan period, but the allocations will deliver 12,199 as outlined in Table 2.3 on page 28 of the Local Plan.*
- *Policy H1 D specifically states that large scale new residential developments, which would include a number of allocated sites within the Local Plan, 'should incorporate specially designed*

housing/specialist accommodation for people with support needs (including for older people and housing with care).’

- The Council has a specific allocated site for 105 new specialist dwellings – CHIG R4 (Froghall lane)

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

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

Officers support the conclusion of the Council Policy Team. As mentioned above, the Councils evidence base identifies a small need of some 120 extra care units until 2033, the end of the Local Plan Period. Members will be familiar with the Froghall Lane site in Chigwell (Chig.R4) which has been allocated for approx. 105 specialist dwellings. It is also worth highlighting (as stated above) that Policy H1 D specifically states that large scale new residential developments, which would include a number of allocated sites within the Local Plan, ‘*should incorporate specially designed housing/specialist accommodation for people with support needs (including for older people and housing with care).*’ There are a number of large scale residential developments planned throughout the District whereby, should there be a recognised need, specialist accommodation such as this could be provided. One such site is Latton Priory where discussions have already taken place about specialist accommodation being included within the development. Due to this, it is considered that this identified need would be met during the local plan period.

In other words, this unallocated site is not needed for the Council to deliver the required specialist dwellings. Of greater wider public importance is protecting the Green Belt, which is a protected asset as reflected in local and national policy.

5 Year Housing Supply

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

The Epping Forest District Local Plan 2011–2033 was adopted on the 06 March 2023. As agreed by the Local Plan Inspector, when considered against the stepped trajectory, the latest 5-year housing land supply, including a 20% buffer, stands at 5.4 years. Therefore, the plan makes sufficient provision for housing over the plan period and takes a practical and sound approach towards housing delivery and the housing trajectory. There is adequate evidence to indicate that a 5-year supply of housing will be maintained. The plan delivers an appropriate provision for affordable housing, older people, specialist housing, Gypsy and Traveller accommodation and accessible homes to meet the identified needs of different groups.

Furthermore paragraph 75 of the 2021 NPPF states that:

‘A five-year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:
a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and
b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process’.

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

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

Whilst the recently published 2022 Housing Delivery Test indicated that the Council managed to deliver 30% of the total number of homes required within the previous three years, this data is considered to be superseded by the new Local Plan that was adopted on the 6th of March 2023, and so is less than five years old and, as set out above, clearly identified a 5-year housing supply (including the 20% buffer necessary for an under-performing Council).

Following the revised NPPF, Paragraph 76 is of importance which states;

- 1. Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met: a) their adopted plan is less than five years old; and b) that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.*

Therefore it is Officer opinion, backed up by external advice, that paragraph 77 is not engaged.

Notwithstanding this however, Green Belts are a protected asset and as such, as per Para 11 of the Framework, the presumption in favour of sustainable development in such instances is not engaged.

Other matters have been advanced that are not considered relevant to the material consideration of this application. This includes concerns raised about the lawfulness of works undertaken to the access road leading to 'phase 1 and 2'. These concerns are being investigated by Planning Enforcement however are not considered relevant to this planning proposal.

To summarise, the Council consider that the cumulative reasons advanced by the applicant do not amount to very special circumstances to clearly outweigh the harm by reason of inappropriate development in the Green Belt, the additional harm derived from loss of openness, and conflicting with fundamental purposes of including land within it.

Consequently, the 'very special circumstances' necessary to justify the development do not exist.

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

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

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

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

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 and the other harms identified. The proposal is therefore contrary to Policies SP5 & DM4 of the Epping Forest District Local Plan 2011 - 2033 (2023), and Paragraphs 137, 147 - 150 of the NPPF 2023.
- 2 In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the local infrastructure and service, including provision of affordable housing, health capacity, sports & leisure, open space, BNG, the Epping Forest Special Area for Conservation in terms of air pollution, and local community facilities as set out in the adopted Infrastructure Delivery Plan. Failure to secure such mitigation is contrary to policies H2, DM2, DM22, D1, D2, D3 and D4 of the Epping Forest Local Plan 2011-2033 (2023), the NPPF 2023, and the requirements of the Habitats Regulations 2017.

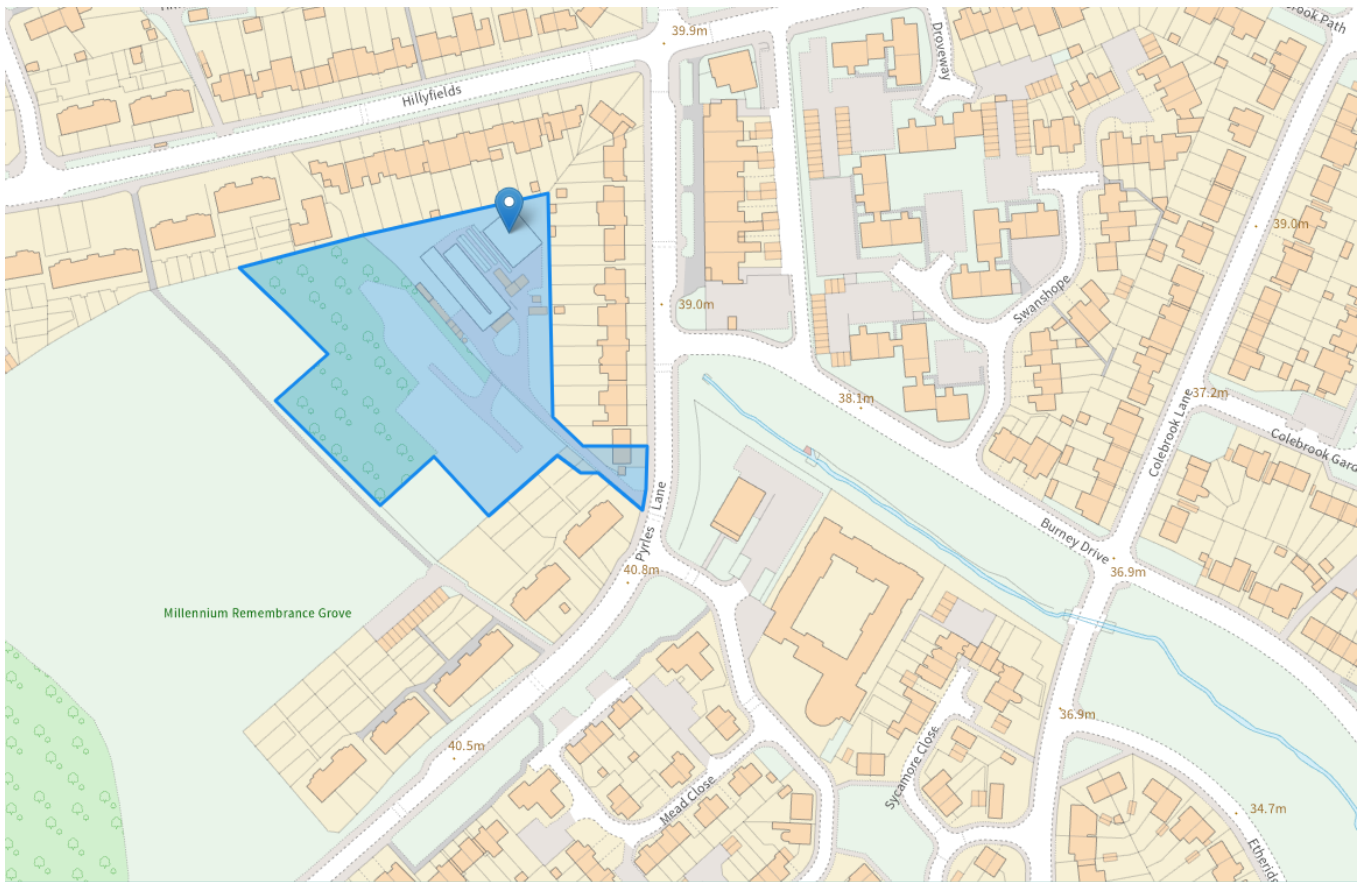
Informatives: (2)

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

Agenda Item 9

OFFICER REPORT

Application Ref: EPF/2913/22
Application Type: Full planning permission
Applicant: Qualis Commercial Ltd
Case Officer: Muhammad Rahman
Site Address: Former Pyrles Lane Nursery, Pyrles Lane, Loughton IG10 2NL
Proposal: Residential Development of 43 dwellings with associated vehicular access point off Pyrles Lane, car parking, open space, landscaping, and associated infrastructure.
Ward: Loughton Fairmead
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UzZ5>
Recommendation: Approved with Conditions (Subject to s106 Legal Agreement)



*Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
Crown Copyright and Database Rights 2022 Ordnance Survey 0100018534*

This application was deferred from the 13th February 2024 meeting for a Members site visit, which was arranged to take place on the 6th March 2024.

REPORT TO DISTRICT DEVELOPMENT MANAGEMENT COMMITTEE

Date of Meeting: 06th March 2024

Democratic Services Officer: Gary Woodhall | 01992 564470

This application is before this Committee since it is a "major" application as defined in Article 10 of the Constitution, and the District Council is an owner of the application site (Pursuant to Article 10 of The Constitution).

Site and Surroundings

The site comprises the former Pyrles Lane nursery, a 0.99 ha triangular plot consisting of 5 disused greenhouses and other outbuildings of various states of disrepair forming the plant nursery. The site is surrounded by residential properties (Hillyfields & Pyrles Lane) on the northern, eastern & southern boundaries and the Hillyfields Open Space including a public right of way and the GROW community garden on the southern/western boundary.

The site is accessed from Pyrles Lane and is not within the green belt, or a conservation area, or an EA flood zone, nor are there any heritage assets within the site.

The site is not allocated for development within the adopted Local Plan, however during the site selection process for the preparation of the Local Plan Submission Version (2017), the site was discounted as it benefited from a planning consent at the time, which has now expired (Ref: EPF/2254/15).

Proposal

The proposal is for the development of 43 dwellings with associated vehicular access point off Pyrles Lane, car parking, open space, landscaping, and associated infrastructure.

The proposal also includes the demolition of No. 79 Pyrles Lane and the relocation of the sub-station to widen the vehicular access into the site. As such there will be a net gain of 42 residential units.

This application was revised since its initial submission, with the main change being the reduction in residential units from 48 to 43, reduction in car parking from 61 to 56, and some amendments to the layout and the main block.

All parties were reconsulted on the above changes. Although, some further minor layout changes were made since this re-consultation, but it was not considered of scale where a further re-consultation would be required, in Officers view. These minor changes were;

- Parking spaces 19 & 39 have been changed to disabled spaces;
- Visitor spaces have been re-allocated and split between the 2 blocks;
- The cycle store next to space no. 36 has been removed and replaced with 2 car spaces; and
- Car parking space no. 40 has been removed and replaced with the addition of another set of two tier stacked cycle spaces, giving a total of approx. 72 cycle spaces.

The proposed housing mix as set out in the Site Accommodation Schedule (Rev P03) & other supporting documents consist of;

- 1-bedrooms units = 4
- 2-bedroom units = 20
- 3-bedroom units = 13
- 4-bedroom units = 6

Of the 43 units, 6 would be affordable housing.

A total of 56 car parking spaces are proposed including cycle provision. This includes;

- 47 private car parking spaces;
- 7 visitor spaces (inc.1 disabled space);
- 1 further disabled space (Located in the main block);
- 1 parking space for the sub-station (located at the entrance); and
- 72 communal cycle stands comprising: 24 spaces in covered shelter in car park, 30 double stacked in ground floor of main block and 18 in private dwellings (1 per house).

A planning performance agreement was entered into to work through some of the issues.

Relevant Planning History

EPF/0458/13 - Outline application for the demolition of tree/plant nursery and erection of up to 36 dwellings (flats and houses, 15 affordable), landscaping, parking, and associated infrastructure. (Revised application) - Refused

EPF/2254/15 - Outline application for the demolition of tree/plant nursery and erection of up to 36 dwellings (flats and houses), landscaping, 75 car spaces and associated infrastructure (Revised scheme following refusal of EPF/0458/13) - Approved with Conditions

EF\2021\ENQ\00335 - Demolition of existing buildings on the site, erection of up to 37 dwellings, associated infrastructure and open space – Advice Given

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023)

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

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

SP1	Spatial Development Strategy 2011-2033
SP2	Place Shaping
H1	Housing Mix and Accommodation Types
H2	Affordable housing
T1	Sustainable Transport Choices
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and the Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM5	Green and Blue Infrastructure
DM6	Designated and Undesignated Open Spaces
DM9	High Quality Design
DM10	Housing Design and Quality
DM11	Waste Recycling Facilities on New Development
DM16	Sustainable Drainage Systems
DM19	Sustainable Water Use

DM21	Local Environmental Impacts, Pollution and Land Contamination
DM22	Air Quality
P2	Loughton
D1	Delivery of Infrastructure
D2	Essential Facilities and Services
D4	Community, Leisure, and Cultural Facilities

National Planning Policy Framework 2023 (Framework)

Paragraph	11
Section 5	Delivering a sufficient supply of homes
Section 8	Promoting healthy and safe communities
Section 11	Making effective use of land
Paragraphs	131 & 135
Paragraph	186

Summary of Representations

Number of neighbours Consulted: 171. 23 Responses Received.
 Site notice posted: Yes, including a Press advert

23 OBJECTIONS RECEIVED inc. LRA PLANS GROUP – Summarised as:

- Overlooking;
- Noise Disturbance;
- Disturbance from Construction Phase;
- Out of Character;
- Overdevelopment;
- Inappropriate Development
- Highway Safety / Parking Congestion;
- Affordable Housing;
- Housing Mix;
- Impact on Trees/Open Space;
- Impact on Wildlife;
- Impact on EFSAC;
- Impact on Community Garden;
- Infrastructure Concerns;
- Loss of Light;
- Loss of Outlook;
- Security/ Anti-social Concerns;
- Drainage Concerns; and
- Subsidence Concerns.

1 SUPPORT RESPONSE RECEIVED - Based on increase in housing provision and specifically provision of additional affordable housing.

LOUGHTON TOWN COUNCIL – The Committee NOTED the contents of a letter of objection.

Cllr Wixley expressed concern that residents had not been notified of this re-consultation, bearing in mind how many residents had attended the previous Planning Committee meeting when this application was considered. The current planning portal on Epping Forest District Council’s website meant it was no longer possible to identify which residents, if any, had been consulted on planning applications.

Members NOTED the Design and Access Statement claim that this re-consultation “concerns changes to the SW apartment block, block A. The changes have reduced the block from 23 apartments to 21 apartments. No other buildings or other parts of the layout are affected.”

The Committee maintained its OBJECTION to this application stating the application did not consider the proximity of the proposed site to the Forest and the damage likely to be caused by its proposed design. The re-consultation failed to address the adverse effects it would have on the GROW Community Garden, the loss of the trees from Hillyfields, and the excessive height of the blocks had not been addressed.

The Committee reiterated its previous objections to this application which were:

“The reduced proposal of 43 dwellings, from 48, on this site would place extra stress on the EF SAC. Natural England and Loughton Town Council have both advised in their main modifications responses to the Inspector (autumn 2021) that the LPSV cannot yet be considered justified, effective or consistent with national policy in relation to detriment to the SAC. Therefore, we object to this application because of the urbanisation effect, burden on recreational pressure, and damage to air quality in the SAC that the application, alone or with other projects, will engender.

The current proposed solution to bring in a Clean Air Zone (CAZ) in 2025 is not guaranteed to happen and in any event does not stop additional cars associated with new dwellings from polluting the SAC before the CAZ is brought into operation.

Overall, the Committee considered this was an overdevelopment of the site. The design was overbearing. As the application now included 43 dwellings, as opposed to 37 in the public consultation held last March. Members questioned if this would result in the proposed properties being smaller than those in the consultation or would they be packed more tightly into the site? With no drawings available from the consultation this could not be compared and was unacceptable. Members also noted that only 8% affordable housing was included in this proposal which was unacceptable. This being a council promoted site the affordable housing ratio should be policy compliant (40%). No viability report was provided to justify the lower rate.

The proposed 4-storeys for one of the blocks of flats was too high, too bulky, overbearing and out of character with the area. The design of the flats was considered ugly and obtrusive, contrary to the Government’s build beautiful standards, particularly considering this was backland development and it would result in a negative impact on the area, in particular the idyllic nearby Hillyfields.

Concerns were also raised about the potential overlooking from the 3-storey block near the houses towards the junction of Pyrles Lane/Hillyfields and the negative impact this would have on the amenity of those residents.

The Committee objected to the number of trees being lost and the loss of open green space, stating the application amounted to urbanisation of this green area. Members commented that the Inspector had removed the development of Jessel Green from the Local Plan to protect that green space for local residents. A planning objective now encouraged by the Government to be made available to the whole populace to enhance mental health and well-being.

Members drew attention to Point 2.10 of the Planning Statement which they believed to be incorrect. It states that “there are 11 Local Nature Reserves”, whereas they believed that there is just one, that being the Homestead Local Nature Reserve in Englands Lane. The same statement is repeated under “Ecology and Biodiversity” at 7.66 in the document.

The inaccuracy of this statement raised questions as to the validity of other statements made within this report.

The Ecology & Biodiversity report showed that the application would have adverse implications for wildlife on the site e.g. bats, slow worms, toads, bees, and stag beetles.

The Grow Community Garden which borders the site, would also be very negatively impacted by this proposal. There would now be a sheer drop of several metres at its boundary, down to a car park below. This would be as a result of the vast amount of carving into the hillside, that would create a quarry effect, with a very large expanse of high cement walls. It would also create an extremely negative visual impact affecting the amenity and outlook for many surrounding properties and the street scene.

There were no provisions for supporting infrastructure by way of doctors' surgeries and education provision. Loughton is particularly prone to overstretched, under maintained water services, and experiences constant water pipe leaks and sewage problems.

Residents in Pyrles Lane/Hillyfields had existing concerns regarding water run-off from the site and flooding to their gardens which already occurred and could be worsened by this development.

There was concern for a redundant drain on the site, which originated in the nursery and runs down the gardens of 59, 61 & 63 Pyrles Lane, whose residents have in the past, along with the previous nursery site, had to contribute towards costs on several occasions when this drain was blocked. There was no clarification that the drain would be capped off, so that there would be no imposition for the residents of 59,61 & 63, or what the implications would be for those residents if the proposal were allowed to go ahead.

The additional housing would add to further pressure on local services. Rectory Lane was already over congested, with cars backing up from Debden Broadway right back to Church Hill at busy times. This would only be further exacerbated when the current developments on Borders Lane were completed. Pyrles Lane was an exceptionally busy through route to Theydon Bois, which had likely got busier since the opening of the Epping Forest Retail Park and the subsequent congestion this had brought to the area. It was noted that the Transport Report had been carried out during the school holidays, thus giving an inaccurate account of the true transport levels in this location. It should be noted that this is a main route to five local schools, New City College at Borders Lane and the Essex University Campus at E15. Also, it is a main route for local traffic, a cut through for Epping and beyond and those wishing to access the M11 and routes into London.

The Committee considered the access to this site to be most inappropriate. Even though the application included a proposal to demolish no 79 Pyrles Lane to increase the existing narrow entrance from a single width road to a double width road, it was the position of the access point on a very busy and dangerous bend which could not be overcome. This would remain a danger to both pedestrians and road users. The proposal to demolish no 79, which forms part of a semi was also questioned and it was believed would result in a detrimental impact on the amenity of the residents of no 77.

The statement of community involvement, which consulted on a considerably different and less dense development (of 37 dwellings) showed overwhelming opposition to the development. As the application was now significantly different, clearly a second public consultation should have taken place before submitting the planning application.

Members also strongly supported the comments of the LRA Plans Group.”

Planning Considerations

The main issues for consideration under this application relate to;

- a) The impact on the character and appearance of the locality;
- b) Affordable Housing;
- c) The impact to the living conditions of neighbouring properties;

- d) Standard of Accommodation for future occupiers;
- e) Highway safety and parking provision;
- f) Trees and landscaping;
- g) Flood risk;
- h) Loss of Green Space;
- i) The impact on the Epping Forest Special Area of Conservation (SAC); and
- j) Planning Obligations.

Character and Appearance

This application follows on from a recent pre-application submission which was for approx. 37 dwellings. This earlier iteration of the scheme did go before the Councils Quality Review Panel on the 6th August 2021. These comments are appended to the applicants Planning Statement. Some of the comments which are still relevant are highlighted below;

- The panel supports the development of housing on the site and welcomes the different design options explored by the team.
- Flats or duplexes could create more active frontages, and better articulation of corners. There is also an opportunity for 'specials', rather than repeated typologies, which will better respond to the complex geometry of the site – for example at the entrances into the development. This could improve natural surveillance, especially along the main access route and the proposed pedestrian link.
- Houses or flats with balconies instead of gardens could further expand the target market for the scheme and appeal to people who prefer not having a garden.
- The panel would like to see the number of car parking spaces reduced and thought given to the adaptability and resilience of the layout, should parking demand reduce in the future.
- The design team should also consider adding a secured communal space for cycle parking, as an alternative to cycling on the steep topography.
- The panel welcomes the idea of a shared space in the centre of the development that is pedestrian orientated and an opportunity to create interaction among residents

Too add, the principle of 36 units on this site (along with 75 car spaces) was approved under EPF/2254/15. Officers consider that the proposal, having evolved since the initial pre-app scheme (taking on board, Officer & QRP comments) is of a better layout, than the previous consented scheme as highlighted above and thus satisfied that the resulting development sits comfortably and successfully assimilates with its existing residential context, which is a highly sustainable location.

Furthermore, there is no one consistent or predominant style of building or materials within the locality. As such, the design of the houses would have a positive impact on the character and appearance of the locality. Turning to the flats, 2 blocks are proposed. The northeast block is 3-storeys in height and would not be materially higher than the proposed houses on site. There are also clear examples of 3 storey flats of a similar scale on both Pyrles Lane and Hillyfields which surround the site. Turning to the southwest block (Main Block), this is proposed to be of four storeys and of a modern appearance. It would not be materially higher than the proposed houses within the site, and far below the treeline abutting the common boundary with Hillyfields Open Space. (This are indicated on the site sections plans and the landscape visual impact assessment). Thus, it would not be readily visible from the street and any visual relationship would be limited with the properties surrounding the site.

On balance, the proposal would therefore not appear visually incongruous or harm the appearance of the area.

Thus, in Officer opinion, the proposed development would have an acceptable effect on the character and appearance of the area. It would be in accordance with Policy DM9 which requires development to respond positively to their locality and draw on local character.

Affordable Housing

Policy H2 (Part A) states; development sites which provide for 11 or more homes or residential floorspace of more than 1000m² (combined gross internal area), the Council will require 40% of those homes to be for affordable housing and provided on site. Part D further states; Proposals that do not accord with the requirements of Part A (above) must be accompanied by a viability assessment (with supporting evidence), which is transparent and complies with relevant national or local planning policy and guidance applicable at the time.

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

Having reviewed the submitted information, BPS have concluded that the proposed scheme, if it were to deliver 40% (17 units) affordable housing would be unviable and the deliverance of 15% (6 units) scheme effectively presents a break-even position and thus viable.

To add, the preamble to Policy P2, Para 3.17 states: In developing its approach to the delivery of affordable homes the Council needs to take into account the fact that not all development sites will contribute to the provision of affordable homes. This could be due to a number of factors including:

....that site specific complexities and costs would not generate sufficient 'value' to be viable if the proportion of affordable homes sought were to be provided.

Thus, noting the concerns raised in this regard, Officers are satisfied that this policy has been satisfied with the delivery of 6 on-site affordable housing.

Living Conditions of Neighbouring Properties

Officers note the concerns raised by local residents regarding overlooking, however, this a heavily built-up urban area, where a level of overlooking is expected. The question is whether the proposal would lead to harmful overlooking that justifies a reason for refusal.

Other than the main block which is sited well away from the existing dwellings surrounding the site, the remainder of the houses and the northeastern block which back onto the rear gardens vary in distance from the common boundary which ranges from 10m at the lowest point, and 18m at the furthest point.

It is Officer opinion that proposed dwellings including the 2 blocks are sited a reasonable distance from the common boundary with the properties on Hillyfields and Pyrles Lane, thus, whilst there would be a level of overlooking it would not be significantly harmful. For this same reason, there would be no material overbearing and visual impact and loss of daylight.

Standard of Accommodation

The proposed development would have sufficient internal amenity space for occupiers of the proposed dwellings in accordance with the National Described Space Standards and Policy DM9 & DM10 of the LP.

With regards to the external amenity space, the full schedule is set out in the site accommodation schedule and whilst some private gardens (namely units 24, 25, 26, 45, 46, 47 & 48) may be considered small, however, it is important to note that the site is adjacent to the Hillyfields Open Space in addition to the on-site central green space. Taking this into account, the proposal, on balance would provide an acceptable level of external amenity space for future users of the whole development.

Too add, some of the amendments undertaken during the life of the application were to address concerns about the outlook and quality of accommodation to residents of the ground floor in the main block. Due to these amendments, it is now considered that all the dwellings would receive adequate daylight/sunlight, with reasonable outlook.

Overall, the proposal would provide a good level of accommodation for future users.

Highway Safety and Parking Provision

The proposal seeks to provide 56 car parking spaces for the 43 dwellings proposed, which equates to 1.3 spaces per dwelling. The site is within a sustainable location with good public transport available, with Debden Station nearby and the Number 20, 804, 66 & 66A bus routes through Rectory Lane and Hillyfields. The level of parking provision proposed, in Officers view, is acceptable since it strikes a balance between providing enough parking to serve the site, whilst seeking to encourage the use of sustainable transport options and in mitigating harm to the EFSAC.

The Highways Officer has provided the following comments below;

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

The applicant has submitted a robust Transport Statement (TS) that demonstrates, to the satisfaction of the Highway Authority, in terms of capacity, that the impact of the proposed development will be minimal on the highway in the vicinity of the site and on the wider highway network.

The site is very well located to other modes of sustainable travel and as such is considered to be very accessible. Also, given the aforementioned, the parking provision is also considered to be acceptable.

The proposed access will have more than suitable visibility for the speed of the road and will be prioritising pedestrian movement.

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

Trees, Landscape and Ecology

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

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

The broad principles established in the Ecological Assessment and Supporting surveys are accepted by Officers, ECC Ecology Team and the Councils Tree Team, and further details can be progressed at the discharge of conditions stage, along with suitably worded planning conditions and a completed s106 legal agreement.

Flood Risk

The Councils Drainage Officer and the Lead Local Flood Authority (Essex County Council) have raised no objections subject to recommended conditions.

Loss of Green Space

During the pre-application the following assessment was made;

Within the adopted Local Plan, the site is split between two designations as white land and as 'urban open space'. Under Policy LL5 of the adopted plan the partial redevelopment of such space was allowed subject to the retention of a wider space which in this case comprises Hilly Fields public open space. This site designation as 'urban open space' has not been carried forward into the LPSV and the site would not be considered as forming part of the open space. The site has long been declared surplus to Council requirements and has benefited from a previous planning permission for redevelopment.

Policy DM6 of the adopted LP replaced the revoked policy LL5 from the old local plan. Part B of Policy DM6 states;

Development on open spaces will only be permitted if it does not result in a net loss of usable publicly accessible open space or reasonable publicly accessible access to alternative publicly accessible open space within a settlement.

Existing open space should not be built upon unless:

- (i) an assessment has been undertaken showing the land to be surplus to requirements; or
- (ii) development would not have a detrimental impact on public accessibility to open space.

As previously highlighted in the pre-app response the site has been declared surplus to the Councils requirement as demonstrated with the grant of the previous approval for some 36 dwellings. The Hillyfields open space would still be retained and the proposal, in Officers view, for the above reasons would not have a detrimental impact to the Public accessing this open space.

Epping Forest Special Area of Conservation (EFSAC)

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

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

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

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

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

the EFSAC has the potential to contribute to increases in atmospheric pollution within the EFSAC when taken in combination with other plans and projects.

Stage 1: Screening Assessment

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

- The site lies within the 0 - 6.2 km Zone of Influence as identified in the adopted Local Plan and the Epping Forest Strategic Access Management and Monitoring (SAMM) Strategy. In addition, the site lies within the parish of Loughton. Consequently, the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
- Based on the information provided by the applicant the development would result in a net increase in Annual Average Daily Traffic (AADT) using roads within 200m of the EFSAC. Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to atmospheric pollution Pathway of Impact.

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

Stage 2: 'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the SAMM strategy and the Epping Forest District Green Infrastructure Strategy has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals, and Infrastructure Enhancement Projects specifically related to development within the parishes of Loughton, Buckhurst Hill and Theydon Bois. Consequently, this application can be assessed within the context of the above strategies. The applicant has agreed to make a financial contribution in accordance with the Council's approach to avoidance and mitigation as set out in the above-mentioned strategies. Consequently, the Council is satisfied that the proposal would not have an adverse effect on the integrity of the EFSAC in relation to the Recreational Pressures Pathway of Impact subject to the satisfactory completion of a Section 106 planning obligation.

Atmospheric Pollution

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

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

It is important to note that the evidence base that has been developed to inform the IAPMS has taken into account Annual Average Daily Traffic (AADT) that would arise from development planned through the adopted Local Plan. The use of AADT is the appropriate method for understanding the effects of atmospheric pollution on ecological health. The measures identified within the IAPMS provide the

mechanism by which the competent authority can arrive at a conclusion of no adverse effect on the EFSAC as a result of planned development.

The applicant has indicated that they would be prepared to make a financial contribution towards the implementation of monitoring and mitigation measures identified in the IAPMS. However, in this particular case, as the proposal has not been allocated in the adopted Local Plan and, having regard to the scale of development proposed and resultant net increase in AADT, the applicant cannot rely solely on the measures contained in the IAPMS to mitigate any adverse effect on the integrity of the EFSAC. A scheme of this scale therefore needs to go beyond making a financial contribution towards the monitoring and mitigation measures and identify further measures.

The applicant has identified the following bespoke mitigation measures (to be secured via planning conditions where appropriate), namely;

- Reduction in the overall parking spaces;
- Significantly enhanced Cycle Parking Provision;
- Travel Pack – including £500 per dwelling towards travel vouchers, oyster cards etc; and
- That all parking spaces will have access to an active Electric Vehicle Charging Point.

The Council is satisfied that the combination of providing financial contributions towards the implementation of the monitoring and mitigation measures contained within the IAPMS and the bespoke measures identified above that the proposal would not have an adverse impact on the integrity of the EFSAC subject to the imposition of relevant planning conditions and completion of a Section 106 planning obligation.

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

Planning Obligations

It is recognised that larger scale developments have potentially greater impacts on the wider environs beyond the site-specific matters considered above.

Policy D1, Part A of the LP sets out that:

- a. New development must be served and supported by appropriate on and off-site infrastructure and services as identified through the Infrastructure Delivery Plan Schedules.

The Infrastructure Delivery Plan (“IDP”) forms part of the evidence base that underpins the Local Plan. The entirety of the report is published online, but part B sets out the necessary contributions for each settlement in the District and an indicative cost for their delivery.

Members will be aware that IDPs are, by their very nature, a ‘snapshot in time’ and as different infrastructure providers respond to their own unique challenges, the information that they provide will naturally date and alter over time. It therefore needs to be recognised from the outset, that the IDP should be viewed as a ‘live document’ that is subject to change.

Therefore, if any stakeholders/providers (e.g., Essex County Council) etc. recently consulted, provide confirmation of the contributions/obligation they require, we should work with their advice, as they are best placed to know their up-to-date needs.

Some of the costs may be high in relation to the size of the development and there may be provision made on site that needs to be. Contributions will therefore be subject to negotiations with the developer.

The IDP sets out the infrastructure priorities based on evidence but the level of contribution secured must be considered on a site-by-site basis and the infrastructure priorities that are required for each site.

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

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

Officers consider that delivery of the 15% affordable housing is top priority. As part of the submitted viability assessment, there is an allowance of £381,000 for s106 contributions. Officers consider the following below as the top priorities;

- 1) 6 (15%) Affordable Housing + Review Mechanism;
- 2) Early Years Education; £39,630 index linked to January 2020;
- 3) Primary school transport places; £169,201.94 index linked to January 2020;
- 4) Debden Library - £3,734.40
- 5) EFSAC Mitigation;
 - a. £335 (Air Quality) (x43) = £14,405
 - b. £1852.63 (Recreational Pressure) (x43) = £79,663.09
 - c. £716 (Green Infrastructure Strategy) (x43) = £30,788
 - d. £500 (Travel Pack) (x43) = £21,500
- 6) The Provision of public open space including a Management Plan and Details and arrangements of the Management company will be required.

Total Costs = £358,922

Above are critical services required. Officers consider that the remaining £22,078 can contribute towards the delivery of off-site infrastructure to support greater walking/cycling opportunities within the local area as identified in the IDP that are reasonable and can be justified. It is open to Members to determine where the remaining funds should contribute towards. The suggested footway/cycle Improvements options as outlined in the IDP are:

1. TfL style signed on-road Quietway along Willingale Rd, Grosvenor Drive Chester Road, as far as Pyrles Lane junction (£238 per dwelling = £10,234)
2. New signage and road markings from the south along Pyrles Lane, Lawton Road and Rectory Lane (£597 per dwelling = £25,671)
3. Provide a new dedicated space for cyclists on approach to the junction at crossroad at Pyrles Lane, Hillyfields and Chester Road (£597 per dwelling = £25,671)

Planning Balance & Conclusion

In summary, the proposal would make effective use of land that is surplus to the Councils requirements and sited within a highly sustainable location. It would deliver a net gain of 42 homes including 6 affordable housing (plus a better designed scheme than the previous consented scheme for 36 units). There would be benefit to the local economy from the construction and occupation of the homes and further contributions towards local services such as early years education provision, primary school transport places, improvements to Debden library, and Footway/Cycle improvements. The proposal

would relate positively to the locality, safeguard the living conditions of neighbouring amenities and the safety operation of the highway network.

For the reasons set out above, having regard to all the matters raised, it is recommended that conditional planning permission be granted subject to a s106 Legal agreement to secure contributions towards the EFSAC and identified obligations including additional payment of monitoring fees.

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

Conditions: (31)

- 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 in accordance with the following approved plans:

- 1000 Location Plan P01
- 1001 Existing Site Plan P02
- 1002 Existing Site Section P02
- 1005 Demolition Site Plan P02
- 1006 Demolition Section P02
- 2000 Proposed Site Plan P07
- 2001 Proposed Block Plan P08
- 2002 Proposed Site Sections P03
- 2015 Units 1-23 Ground Floor Plan P10
- 2016 Units 1-23 First and Second Floor Plan P05
- 2017 Units 1-23 Third Floor and Roof Plan P05
- 2019 Units 1-23 North and East Elevation P05
- 2020 Units 1-23 South and West Elevation P05
- 2021 Units 24-31 Ground Floor Plan P02
- 2022 Units 24-31 First Floor Plan P02
- 2023 Units 24-31 Roof Plan P02
- 2024 Units 24-31 North and East elevation P02
- 2025 Units 24-31 South and West Elevation P02
- 2026 Units 32-38 Ground Floor Plan A1 P02
- 2027 Units 32-38 First Floor Plan P02
- 2028 Units 32-38 Second Floor Plan P02
- 2029 Units 32-38 Roof Plan P02
- 2030 Units 32-38 North and East elevation P02
- 2031 Units 32-38 South and West Elevation P02
- 2032 Units 39-40 Ground Floor Plan P02
- 2033 Units 39-40 First Floor Plan P02

2034 Units 39-40 Roof Plan P02
2035 Units 39-40 North and East Elevation P02
2036 Units 39-40 South and West Elevation P02
2037 Units 41-42 Ground Floor Plan P02
2038 Units 41-42 First Floor Plan P02
2039 Units 41-42 Second Floor Plan P02
2040 Units 41-42 Roof Plan P02
2041 Units 41-42 North and East Elevation P02
2042 Units 41-42 South and West Elevation P02
2043 Units 43-44 Ground Floor Plan P02
2044 Units 43-44 First Floor Plan P02
2045 Units 43-44 Second Floor Plan P02
2046 Units 43-44 Roof Plan P02
2047 Units 43-44 North and East Elevation P02
2048 Units 43-44 South and West Elevation P02
2049 Units 45-48 Ground Floor Plan P02
2050 Units 45-48 First Floor Plan P02
2051 Units 45-48 Second Floor Plan P02
2052 Units 45-48 Roof Plan P02
2053 Units 45-48 North and East Elevation P02
2054 Units 45-48 South and West Elevation P02
2060 Sub-Station P01
2061 Site Entrance Wall P01
2062 Nos. 77-79 Pyrles Lane P01
2063 Nos. 77-79 Pyrles Lane P01
2064 Northern Bin Store and Mechanical Plant P01
2066 Southern Services Building P01
2068 Refuse and Recycling Strategy P01

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

- 3 Tree protection shall be installed as shown on Wynne-Williams Associates 'Tree Protection Plan' drawing number: 2043-WWA-22-XX-DR-L-0701 Rev PL06' (dated 21st June 2022) prior to the commencement of development activities (including any demolition).
The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

Reason: To comply with 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.

4 *Dust Monitoring*

1a) For a minimum of 3 months prior to works commencing, baseline dust monitoring with a minimum of 2 real time dust monitors must be conducted. The location of the monitors must be agreed with the Local Planning Authority's Environmental Health Team prior to monitoring

commencing and must not be moved unless agreed with the Local Planning Authority's Environmental Health Team. Reference should be made to IAQM's Guidance on Monitoring in the Vicinity of Demolition and Construction Sites and/or the GLA's The Control of Dust and Emissions during Construction and Demolition SPG when proposing monitoring locations.

1b) Real time dust monitoring with a minimum of 2 monitors is required for the duration of the demolition, earthworks, and construction phases of this development. Any exceedances of the particulate threshold must be reported to the Local Planning Authority's Environmental Health Team within 1 working day of an exceedance being detected along with details of what measures have been implemented to stop any further exceedances from occurring. Should exceedances occur regularly or justified complaints from neighbouring properties regarding dust be received, regular monitoring reports may be required. The monitors must not be moved unless agreed with the Local Planning Authority's Environmental Health Team. Reference should be made to IAQM's Guidance on Monitoring in the Vicinity of Demolition and Construction Sites and/or the GLA's The Control of Dust and Emissions during Construction and Demolition SPG when establishing particulate threshold limits.

Demolition/Construction

2) Prior to demolition/construction works commencing a Construction Management Statement shall be submitted to and approved in writing by the Local Planning Authority. 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 submitted management statement shall include details of:

1. The parking for 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. Wheel washing.
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
7. A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution.
8. Dust suppression methods and kit to be used.
9. Bonfire policy.
10. Confirmation that all Non-Road Mobile Machinery (NRMM) comply with emission Stage IIIB as a minimum.
11. Confirmation if a mobile crusher will be used on site and if so, a copy of the permit and intended dates of operation.
12. Site plan identifying location of:
 - a. The parking for vehicles of site operatives and visitors
 - b. Loading and unloading of plant and materials
 - c. Storage of plant and materials used in constructing the development
 - d. site entrance and exit
 - e. wheel washing

- f. hard standing
- g. hoarding (distinguishing between solid hoarding and other barriers such as heras and monarflex sheeting)
- h. stockpiles
- i. dust suppression
- j. dust monitoring
- k. location of water supplies and
- l. location of nearest neighbouring receptors

The details and measures contained in the approved construction management statement must be fully implemented to the Council's satisfaction throughout the demolition and construction period.

Reason: Noise, General Disturbance, Ground Pollution, Dust and Other Air Pollution from demolition and construction works 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 limit the impact of the construction work on the living conditions of residents living in close proximity to the site and to help support improvements to air quality in accordance with Policies, T1, DM9, DM21 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 No development except the demolition of 79 Pyrles Lane and the Sub-Station 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:

- Limiting discharge rates to 3.5l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event. 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 (attenuation tank, permeable paving etc) can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Provision of 10% urban creep allowance.
- 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. Treatment should be provided for both the runoff from the road and the roofs. Any pipework from the roofs to the permeable paving or rain gardens for treatment should be shown on the drainage plan.
- Detailed engineering drawings of each component of the drainage scheme.
- Details expanding on the interaction of the cellular storage features with the wider drainage network, ensuring they attenuate prior to discharge into the permeable paving. Alternatively, if these features act as 'offline', further details are required to demonstrate their functionality.
- Provision of a water butt for each dwelling.

- Confirmation of the CL and IL of the outfall.
- A final drainage plan which details exceedance and conveyance routes, all pipework, FFL and ground levels, and location and sizing of any drainage features. Piped connections to/from all raingardens should be shown.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

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 No development except the demolition of 79 Pyrles Lane and the Sub-Station shall take place until, A construction environmental management plan (CEMP: Biodiversity) has been 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) Reptile mitigation strategy as detailed in slow-worm mitigation programme (BSG Ecology, 2022).
- c) Identification of “biodiversity protection zones”.
- d) 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).
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during 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.
- j) 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.

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).

7 No development except the demolition of 79 Pyrles Lane and the Sub-Station shall take place until, A Landscape and Ecological Management Plan (LEMP) has been submitted to, and be approved in writing by, the local planning authority. 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)

- 8 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.

Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

- 9 Prior to any above groundworks, A Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist 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 or product descriptions to achieve stated objectives;
- c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details 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 NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species).

10 Prior to the any above groundworks, a Parking Management Strategy shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The development shall be carried out in accordance with the approved details, made operational prior to first occupation and retained as such thereafter. The details shall include:

- The location of active vehicle plug-in charging infrastructure;
- The specification of the vehicle plug-in charging equipment;
- The parking bays to be allocated/unallocated, including disabled parking bays;
- That all vehicle parking bays will be provided with direct access to active charging provision, including disabled parking bays (Consideration should be given to BSI PAS 1899:2022, Electric vehicles – Accessible charging – Specification in the design of any disabled bay including EV specific disabled bay);
- The location of visitor parking spaces; and
- The parking bays to be restricted to use by Plug-In Hybrid (PHEV) and Battery-only Electric Vehicles (BEV).

Reason: To ensure the development mitigates the effects of atmospheric pollution in regard to the Epping Forest Special Area of Conservation, in accordance with Policies DM2 & T1 of the Epping Forest District Local Plan 2011-2033 (2023), the NPPF and the Habitats Regulations 2017 (as amended).

11 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. 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.

12 Prior to any above ground works, a Site Remediation Strategy and Materials Management Plan/Strategy shall have been submitted to and approved by the Local Planning Authority, in writing. The development shall be carried out in accordance with those approved details.

Reason: To ensure the impact of the intended development upon adjacent properties and the street scene is acceptable and to minimise any off-site disposal of material, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 13 Prior to the first occupation of the development the vehicular and pedestrian access arrangements, as shown in principle on the approved drawings, shall be fully implemented, and shall include, but not be limited to the following:

- The visibility splays as shown
- The vehicular access shall be provided by way of a dropped kerb crossing, with a minimum accessway width of 5.5m
- Full construction reinstatement of the footway and kerbing, as necessary, across the site frontage, for any redundant dropped kerbs or access points
- The provision of a pair of pedestrian dropped kerb crossing points, with tactile paving, to the north of the site access across Pyrles Lane
- The implementation of 'No Stopping at Any Time' - Red Route parking restrictions, on the western side of Pyrles Lane, from the end of the parking layby to the south of the proposed access, for approx. 60m to the north, to a point just to the northern edge of property no.77.

Reason: To ensure that safe and appropriate access is provided for all highway users. 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.

- 14 Prior to the first occupation of the development the cycle parking, including that in the rear gardens, as indicated on the approved plans, shall be provided and retained as such for the life of the development.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and accessibility and the impacts on the EFSAC. 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 DM2 & T1 of the Epping Forest District Local Plan 2011-2033 (2023), the NPPF, and the Habitats Regulations 2017.

- 15 Notwithstanding the submitted plan number 2065 Southern Bin Store P01, Prior to the first occupation of the development hereby approved, details of the waste/recycling storage shall have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details and available for use prior to first occupation of the residential units and thereafter maintained in accordance with the agreed details.

Reason: To ensure adequate provision is made in a suitable location, in accordance with Policies DM11 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 16 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Qualis Commercial, December 2022) as already submitted with the planning application and agreed in principle with the local planning

authority prior to determination. The scheme shall be implemented in full prior to the occupation of the development hereby approved, and so retained.

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 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).

- 17 Prior to first occupation of the development hereby permitted, A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

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)

- 18 Prior to first occupation of the development hereby permitted, 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. This should include the rain gardens. 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.

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

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

- 20 Prior to the first occupation of the development hereby permitted, information shall be submitted to and approved in writing by the Local Planning Authority detailing how the development would adhere to the principles of Secure by Design. The development shall be carried out and retained in accordance with the agreed details.

Reason: To ensure that the development meets Secured by Design principles as required by the Essex Police, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

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

- 22 Prior to first occupation of the development the details of a Residential Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The Developer shall be responsible for the provision, implementation and distribution of the approved Residential Travel Information Pack (inc. travel vouchers/tickets) for sustainable transport upon first occupation of each dwelling. These packs are to be provided by the Developer to the occupiers of each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in mitigating the effects of development on the Epping Forest Special Area of Conservation. The above measures are to ensure that this proposal is in accordance with Policies DM2 & T1 of the Epping Forest District Local Plan 2011-2033 (2023), the NPPF and the Habitats Regulations 2017 (as amended).

- 23 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 and 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.

- 24 Prior to the first occupation of the development the parking and turning areas as indicated on the approved plans shall be provided and retained as such for the life of the development.

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.

- 25 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on the approved plans.

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.

- 26 The development shall be carried out in accordance with the flood risk assessment (Ref 076946-CUR-00-XX-RP-C-92001, Revision P07) prior to the substantial completion of the development and shall be adequately maintained in accordance with the agreed details.

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

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety. 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.

- 28 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. Confirmation of compliance with the requirements of this condition shall be submitted in writing to the Local Planning Authority prior to occupation of the development hereby approved.

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.

- 29 The proposed dwelling(s) hereby permitted shall be built in accordance with Part M4 (2) of the Building Regulations.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households, in accordance with Policy H1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 30 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.

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

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

Informatives: (4)

- 32 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.

- 33 i. There shall be no discharge of surface water onto the Highway.

ii. Owing to the layout and construction of the proposal the Highway Authority would not consider the development for adoption.

iii. Please note that there will be no ECC comments on the submitted Interim Travel Plan as the scale of development falls below ECCs threshold for requiring a Residential Travel Plan.

iv. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.

v. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks, safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

vi. Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

- 34 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed online via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>.

- 35 • Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.