

**Report to District Development  
Management Committee**

**Date of Meeting: 27<sup>th</sup> October 2021**



**Epping Forest  
District Council**

**Site Address: Epping Sports Centre, 25 Hemnall Street,  
Epping, CM16 4LU**

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|---|--|------------------|
| <b>Application Number:</b>                        | EPF/0918/21  |                  |
| <b>Application Type:</b>                          | Full Planning Application  |                  |
| <b>Proposal:</b>                                  | <b>Redevelopment of existing Sports Centre and car park. Demolition of existing Sports Centre. Development to comprise a new apartment building and houses to provide a mix of residential units (Use Class C3), new vehicular and pedestrian access from Nicholl Road and new pedestrian access from Hemnall Street, all associated car and cycle parking, servicing, hard and soft landscaping and associated works.</b> |                  |
| <b>Site Address:</b>                              | Epping Sports Centre, 25 Hemnall Street, Epping, CM16 4LU  |                  |
| <b>Ward:</b>                                      | Epping Hemnall   |                  |
| <b>Parish:</b>                                    | Epping Town  |                  |
| <b>Conservation Area:</b>                         | No   |                  |
| <b>EFDLP Site Allocation</b>                      | Yes  | LPSV Ref: EPP.R5 |
| <b>Epping Forest Special Area of Conservation</b> | Subject to the imposition of planning conditions and completion of a section 106 planning obligation to secure the measures identified in the Interim Air Pollution  |                  |

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|  | Mitigation Strategy and electric vehicle charging infrastructure, the Council can conclude that there will be no adverse impact on the integrity of the Epping Forest Special Area of Conservation. |
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| <b>Applicant:</b>                                   | Qualis Commercial Ltd (part of Qualis Group Ltd)<br>Qualis Group Ltd is a company wholly owned by Epping Forest District Council   |
| <b>Agent:</b>                                       | Q+A Planning Ltd   |
| <b>Case officer:</b>                                | Nick Finney / Emily Holton-Walsh   |
| <b>Democratic Services Officer</b>                  | Gary Woodhall. Contact number: 01992 564 470   |
| <b>Validation date:</b>                             | 21 <sup>st</sup> April 2021  |
| <b>Reason for reporting application to Members:</b> | <i>This application is before this committee since it proposes a 'major' development where the Council is a landowner as defined in Article 10 of the Constitution.</i><br><br><i>The site is to have transferred from Council ownership to Qualis Commercial Ltd, however given that this is a wholly owned company of the Council the application is considered to meet the DDMC terms of reference.</i> |

## 1. **RECOMMENDATION**

That planning permission be **GRANTED** subject to:

1. the prior completion of a Legal Agreement within four months of the resolution to grant planning permission to secure the planning obligations within section 3 and subject to planning conditions listed in Appendix 1 of this report.

## 2. **SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 2.1 The application site has been proposed for allocation (ref: EPP.R5) in the Epping Forest District Local Plan Submission Version (**LPSV**) to provide new residential accommodation within Epping Forest District to meet an identified need.

- 2.2 Overall, the proposal is for the sustainable re-use of brownfield land, in general accordance with the site allocations within the LPSV. The proposal would provide additional housing which is a benefit that should be afforded significant weight in the planning balance, particularly in light of the acute housing shortage within the District. The scheme would also provide a significant amount of affordable housing, albeit noting that full policy compliance would not be viable. In terms of the quality of the proposed homes, these would meet prescribed space standards, accessibility standards, benefit from amenity space and include a large proportion of dual aspect flats.
- 2.3 The proposals would integrate satisfactorily with the surrounding townscape in terms of scale, massing and overall design. The proposals would have an acceptable impact on the living conditions of neighbouring properties in terms of light, privacy and outlook. Furthermore, no undue harm would arise from noise or light emitted from the development.
- 2.4 In terms of transport, the extent of car and cycle parking is acceptable and, in combination with the submitted Travel Plan, would help reduce reliance on the private car and the transition to sustainable modes of travel. The sustainability aspects of the proposal are in compliance with policy.
- 2.5 The application demonstrates that the environmental impact of the proposal would be acceptable, subject to appropriate mitigation. There would be no adverse effect on the integrity of the EFSAC, no air quality degradation, no increased flood risk and no significant risk to human health from contamination. Archaeological and ecological assets would be safeguarded as a result of the proposal, and biodiversity net gain secured.
- 2.6 On the basis of the analysis undertaken within this report, it is considered that the proposed development is compliant with the requirements of the Development Plan and the LPSV.

### **3. PLANNING OBLIGATIONS AND CONDITIONS**

- 3.1 The recommendation is given subject to conditions as set out in Appendix 1 of this report. In addition, a section 106 agreement will secure the following planning obligations and financial contributions. The obligations are grouped into sections for ease of reference:
- 3.2 Affordable Housing
- 25% Affordable Housing
    - Either as Build to Rent (BtR) Affordable Private Rent or RSL managed 80% Affordable Social Rent / 20% Shared Ownership
  - Unit mix to mirror private mix

- Viability reviews
  - BtR rental value capped at 80% of open market rent
  - BtR eligibility/nomination criteria
  - BtR clawback mechanism if BtR units sold
- 3.3 Build to Rent (BtR)
- BtR management and operation requirements
- 3.4 Transport
- Travel Plan (Monitoring Fee £1,533)
  - Active Transport Improvements (£70,360)
  - Controlled Parking Zones Management
- 3.5 Open Space and Green Infrastructure
- Provision and Enhancement of public parks and amenity space (£258,851)
- 3.6 Healthcare
- Primary Healthcare contribution (£19,740)
- 3.7 Education
- Early Years (£29,528)
  - Primary Education (£98,428)
  - Secondary Education (£90,345)
- 3.8 Community Facilities
- Library Services (£3,112)
- 3.9 EFSAC HRA Mitigation
- EFSAC recreational pressure (£14,080)
  - EFSAC Air Pollution Mitigation (£13,400)
- 3.10 Employment and Skills
- An employment and skills plan to be agreed for the development.

### Completion of the section 106 agreement

- 3.11 In the event that the required section 106 agreement is not satisfactorily completed within four months of the date of the resolution to grant planning permission then in the absence of a suitable mechanism to secure planning and financial obligations to mitigate the impact of development, the Planning Services Director is authorised to refuse planning permission.

### Conditions

- 3.12 The full list of conditions is identified in Appendix 1. In summary, the conditions will be applied to cover the following matters:

- Time Limit for commencement
- Approved drawing numbers
- Finished floor levels
- Use of materials
- Design and landscape
- Highways mitigation measures
- Ecology issues
- SuDS and land drainage
- Land contamination
- Sustainability / energy
- Noise and air quality mitigation
- External lighting strategy
- Archaeology
- Restrictive conditions

## **4. PROPOSED DEVELOPMENT**

- 4.1 **Full application for the redevelopment of existing Sports Centre and car park. Demolition of existing Sports Centre. Development to comprise a new apartment building and houses to provide a mix of residential units (Use Class C3), new vehicular and pedestrian access from Nicholl Road and new**

**pedestrian access from Hemnall Street, all associated car and cycle parking, servicing, hard and soft landscaping and associated works.**

## **5. ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1 Environmental Impact Assessments (EIA) have been undertaken for all five sites and reported in two Environmental Statements:
1. Environmental Statement dated 31 March 2021 which reports the findings of the EIA for the three residential sites (St John's Road (EPP.R4), Sports Centre (EPP.R5) and Civic Offices (part) (EPP.R8) (the **Residential ES**); and
  2. Environmental Statement dated 28 July 2021 which reports on the findings of the EIA for the two commercial sites (Cottis Lane (EPP.R6) and Bakers Lane (EPP.R7)) (the **Commercial ES**).
- 5.2 The 'Epping Town Centre Development: Environment Summary Report' dated July 2020 sets out how the Residential ES and the Commercial ES interact and that relevant environmental effects have been assessed for each site individually and cumulatively.
- 5.3 It is assessed by the Council that the submitted ES's collectively provide adequate environmental information to enable the applications to be determined.
- 5.4 Both the Residential ES and the Commercial ES assess the likely significant effects on ecology and biodiversity, traffic and transport, socio-economics, air quality, townscape, cultural heritage and climate change. The effects have been analysed and mitigation measures have been identified.
- 5.5 Both of the environmental statements identify the following significant effects:
- 5.5.1. Significant effect on climate change, which is to be addressed via embedded and operational mitigation to reduce carbon emissions, as detailed further in the Sustainability section of this report.
  - 5.5.2. Significant beneficial effect from new employment opportunities.
- 5.6 Other residual effects are to be addressed via Construction Management Plans, Landscape and Ecological Management Plans secured by planning condition.

## **6. SITE AND SURROUNDINGS**

- 6.1 The application site lays within the defined Epping town centre to the south of the proposed primary shopping area as defined in the LPSV.
- 6.2 The site comprises of the Epping Sports Centre building, which occupies a large proportion of the site. Pedestrian access can be gained from Hemnall Street to the north and Nicholl Road to the South, with a stepped route connecting the two roads.

Vehicular access is also possible from both roads, with the part of the site not occupied by the building forming three car parking areas. The boundary with Hemnall Street and the north-eastern boundary are heavily treed. The Nicholl Road boundary is enclosed with hedging, to the rear of the sports centre. The site level is higher towards Hemnall Street and lower towards Nicholl Road, with a drop in level of approximately 1.5m.

- 6.3 The site is immediately surrounded by a mixture of 19<sup>th</sup> and mid-20<sup>th</sup> century residential development to the north with the retail/services and cafés/restaurants concentrated along High Street situated beyond that to the north. To the south, east and west, the site is surrounded by residential development.

## 7. **RELEVANT PLANNING HISTORY**

- 7.1 The planning history of the site is limited, as follows:

| Application Reference | Description of Development   | Decision              |
|-----------------------|--|-----------------------|
| EPF/1079/81           | Change of use of existing offices and store to club bar, kitchen and bar cellar. | Granted<br>05.10/1981 |

## 8. **CONSULTATION AND REPRESENTATIONS**

- 8.1 Statutory and technical consultee comments are noted below and provided in summary within Appendix 3 Statutory consultees (the submitted comments are available in full on the Council's website through the following link)

- Essex County Council - SUDS – No objection, subject to condition.
- Essex County Council – Green Infrastructure – No objection, subject to condition.
- Essex County Council – Infrastructure Schools/Libraries – No objection, subject to a section 106 agreement to mitigate its impact on early years & childcare, primary and secondary education and library provision.
- Essex County Council - Highways – The impact of the proposal is acceptable, subject to the recommended conditions.
- Essex County Council: Historic Environment – No need for an archaeological condition
- Essex County Council - Place Service Ecology – No objection to subject to securing biodiversity mitigation and enhancement measures with recommended conditions if approved.

- EFDC - Environmental Health – Noise – No objection in principle.
- EFDC - Environmental Health - Contaminated Land – No objection, subject to condition.
- EFDC - Environmental Health – Air Quality Officer – No response received.
- EFDC - Trees and Landscape – Objection, due to the removal of the London Plane and Black Pine along Nicholl Road and insufficient green infrastructure proposed.
- EFDC - Building Control – Suggested early consultation is carried out by the applicant with Essex Fire and Rescue Service with regard to building regulations.
- EFDC - Land Drainage Section – No objection, subject to conditions.
- Environment Agency – No objection.
- Essex Police – No objection.
- Thames Water – No objection.
- Cadent Gas – No objection.
- Epping Town Council – Parish – Objection, based on scale, design, impact on neighbouring properties, insufficient car parking and tree removal.
- Epping Society – Raises objection due to insufficient parking provision, poor quality design not in accordance with the Essex Design Guide, inaccurate representation of relationship with neighbouring properties, removal of trees, drainage, emergency access, design of Block A and environmental impact.
- Sport England - raises no objection, subject to a section 106 agreement or planning condition addressing the phasing and delivery of the replacement leisure centre;
- NHS West Essex Clinical Commissioning Group – No objection, subject to obligations to mitigate against the impacts arising from the development with regard to additional primary healthcare provision.

8.2 Other external consultees (full comments are available on the Council's website using the link above).

### 8.3 Notification

8.4 In accordance with relevant legal requirements and the Council's Statement of Community Involvement, notification letters were sent to the occupants of 96



residential properties on 21.04.21. Site notices were displayed on 23.04.21. A press notice was published in the Epping Forest Guardian on the 22.04.21. Over the course of the consultations, 11 representations have been received in response to the consultation on the application.

8.5 Following design amendments made during the determination of development a 14-day consultation exercise was undertaken. The changes comprised the replacement of proposed Nicholl Road apartment block (x3 units) with 2no. houses, reduced footprint of Block A, internal layout alterations, fenestration arrangement alterations and revised hard and soft landscaping.

8.6 The re-consultation period expired on the 27/08/2021

8.7 The representations received identified the following material planning considerations relevant to the determination of the application a summary of which is contained at Appendix 2.

- Impact on ecology
- Car Parking capacity and traffic impact
- Character of design

8.8 Other Consultation

Quality Review Panel

8.9 Development proposals on the site have been the subject of four Quality Review Panel (QRP) meetings. These were held on the following dates:

- 20<sup>th</sup> March 2020 (town centre strategy);
- 10<sup>th</sup> July 2020 (town centre strategy);
- 17<sup>th</sup> September 2020 (town centre strategy);
- 16<sup>th</sup> October 2020;
- 5<sup>th</sup> March 2021;

The main feedback received pertains to the proposed car parking arrangement and entrance from Nicholl Road, bin storage arrangements, additional soft landscaping, the useability of the courtyard area and the generosity of the east-west pedestrian link. The Panel also feel there is an opportunity to develop a site specific sustainability strategy, which should directly inform the façade design. A summary of the QRP feedback is enclosed at Appendix 4

8.10 Engagement with the Local Community

8.11 A comprehensive community engagement strategy was developed by QCL in relation to five sites, one of which is the application site. The approach involved two consultation stages as follows:

- Stage 1 consultation – this included consultation on the land use strategy for five sites plus initial design ideas for all five sites.
- Stage 2 consultation – this included more detailed design for all five sites, including layout, quantum, massing, landscaping and appearance.

## **9. DEVELOPMENT PLAN**

9.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in dealing with any planning application the authority shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material planning considerations.

9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise

9.3 The Development Plan currently comprises the saved policies of the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006) (ALP). The list below indicates which policies of the ALP are relevant to the determination of this application and the degree to which officers consider that they are consistent with the NPPF as noted in the report to the Local Plan Cabinet Committee (25<sup>th</sup> March 2013):

CP1 – Achieving Sustainable Development Objectives – Compliant

CP3 – New Development – Compliant

CP4 – Energy Conservation – Compliant

CP5 – Sustainable Building – Compliant

CP 6 – Achieving Sustainable Urban Development Patterns – Compliant

CP 7 – Urban Form and Quality – Compliant

CP 8 – Sustainable Urban Economic Development – Compliant

CP 9 – Sustainable Transport – Compliant

TC1 – Town Centre Hierarchy – Compliant

TC2 – Sequential Approach – Compliant

TC3 – Town Centre Function – Compliant

HC6 – Character Appearance and Setting of Conservation Areas – Compliant

DBE1 – Design of New Buildings – Compliant

DBE2 – Effect on Neighbouring Properties – Compliant

DBE3 – Design in Urban Areas – Compliant

DBE6 – Car Parking in New Development – Compliant

DBE9 – Loss of Amenity – Compliant

LL11 – Landscaping Schemes – Compliant

ST1 – Location of Development – Compliant

ST2 – Accessibility of Development – Compliant

ST4 – Road Safety – Compliant

RST1 – Recreational, Sporting and Tourist Facilities – Compliant

CF12 – Retention of Community Facilities – Compliant

RP4 – Contaminated Land – Compliant

RP5A – Adverse Environmental Impacts – Compliant

U3B – Sustainable Drainage Systems – Compliant

I1A – Planning Obligations – Compliant

I3 – Replacement Facilities – Compliant

NC1 – SPAs SACs SSSIs – Compliant

9.4 The relevance of the identified saved Local Plan policies to the determination of this application and the weight to be accorded to each policy are addressed in further detail within this report.

## **10. NATIONAL PLANNING POLICY FRAMEWORK**

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

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

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

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

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

...

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

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."**

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

10.5 Paragraph 219 of the NPPF requires that policies in the existing Development Plan should not be considered out of date simply because they were adopted or made prior to the publication of the NPPF. Rather, due weight should be given to such policies according to their degree of consistency with the NPPF; in other words, the closer the policies in the Development Plan to the policies in the NPPF, the greater the weight that may be given to them.

10.6 For the purposes of sub-paragraph (i) of paragraph 11, footnote 7 lists the policies in Framework (rather than those in development plans) that protect areas or assets of particular importance including: habitats sites (and those sites listed in paragraph 176)

and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, or Local Green Space; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63 of the NPPF); and areas at risk of flooding.

- 10.7 The NPPF comprises a number of chapters of which nos. 6, 7, 8, 9, 11, 12, 14 and 16 are particularly relevant to the proposed development.

## **11. EMERGING LOCAL PLAN**

- 11.1 On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

- 11.2 The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan Inspector to recommend modifications of the LPSV to enable its adoption.

- 11.3 During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019 the Local Plan Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan were required to enable its adoption and that, in some cases, additional work would need to be done by the Council to establish the precise form of the MMs. Subsequently the proposed MMs have been submitted to the Inspector and subject to public consultation.

- 11.4 Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the NPPF, the LPAs "*may give weight to relevant policies in emerging plans according to:*

- a) *The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- b) *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

- c) *The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).<sup>22</sup>"*

11.5 Footnote 24 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against March 2012 version of the NPPF.

11.6 As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

SP 1 – Presumption in favour of sustainable development – Significant

SP 2 – Spatial Development Strategy – Moderate

SP 3 – Space shaping – Significant

SP7 – The Natural Environment, Landscape Character and Green Infrastructure - Significant

T 1 – Sustainable transport choices - Significant

DM 1 – Habitat protection and improving biodiversity - Significant

DM 2 – Epping Forest SAC and the Lee Valley SPA - Significant

DM 3 – Landscape character, Ancient Landscapes and Geodiversity - Significant

DM 5 – Green and Blue Infrastructure - Significant

DM 7 – Heritage Assets - Significant

DM 9 – High quality design – Significant

DM 11 - Waste recycling facilities on new development –

DM 15 – Managing and reducing flood risk – Significant

DM 16 – Sustainable Drainage Systems - Significant

DM 18 – On site management of wastewater and water supply - Significant

DM 20 – Low carbon and renewable energy - Significant

DM 21 – Local environmental impacts, pollution and land contamination - Significant

DM 22 – Air Quality – Significant

P 1 – Epping– Significant

D 1 – Delivery of Infrastructure – Significant

D 2 – Essential Facilities and Services - Significant

D 3 – Utilities - Significant

D 4 – Community Leisure and Cultural Facilities - Significant

## **12. EPPING TOWN NEIGHBOURHOOD PLAN**

- 12.1 A draft version of the Epping Town Neighbourhood Plan (ETNP) was published for consultation in May 2018. The ETNP has not yet been finalised, put to a local referendum or therefore adopted as part of the development plan. Whilst the draft ETNP can only be afforded limited weight, the relevant policies are summarised below.

Policy 3 – identifies the site as a site for development

Policy 7 – states the capacity and balance of existing public car parking should be maintained

Policy 11 - considered in the context of the need to maintain and enhance the health and vitality of shopping and commercial/employment areas.

Policy 13 - relates to business and employment. It states that the main area for employment-related activities will be in premises along and adjoining the High Street

Policy 14 - addresses the enhancement of social, sporting, play, cultural and community facilities in Epping. This policy is discussed later in the report.

Policy 15 - states that development will only be permitted with design qualities that match the character of the area and respect the amenity of existing residents with regard to noise generation, overlooking and car parking.

Policy 19 - addresses sustainability

## **13. PLANNING CONSIDERATIONS**

The remainder of the report will consider the proposal against the requirements of the development plan as follows:

- Principle of development.
- Impact on the Epping Forest Special Area of Conservation

- Housing Mix / Affordable Housing
- Design
  - Layout, access and connectivity
  - Scale, form and massing
  - Landscaping
  - Appearance and materials
  - Amenity for future residents
- Density
- Impacts on neighbouring amenity
  - Privacy and amenity issues
  - Sunlight, daylight and open aspect
  - Overlooking/loss of privacy issues
  - Outlook issues
  - Noise, vibration, fumes, light pollution and air quality
- Highway and Transport considerations
- Sustainability
- Energy and climate change
- Flood Risk and SuDs
- Ground Contamination
- Historic Environment
  - Archaeology
- Ecology
- Infrastructure
- Employment and skills
- Equality duties and human rights



- Conclusion

## 14. **Principle of Development**

### Introduction

- 14.1 This planning application is one of five submitted by the applicant. The five sites comprise Bakers Lane and Cottis Lane car parks, Land at St Johns Road, Epping Sports Centre (Hemnall Street) and Land at the Civic Offices (Condor Building). Through the process of determination of the five Epping town centre planning applications, it has been agreed with the applicant that the five sites should be considered collectively for the purposes of this assessment. Looking at the sites collectively enables the full extent of proposals to be understood when considering the appropriate mix of uses and level of affordable housing. Environmental Impact Assessments (EIA) have been undertaken for all five sites and reported in two Environmental Statements (ES): Environmental Statement dated 31 March 2021 which reports the findings of EIA for the three residential sites; and Environmental Statement dated 28 July 2021 which reports the findings of EIA for the two commercial sites. These were submitted voluntarily by the applicant.
- 14.2 In the development of their proposals a Town Centre Strategy was developed by the applicant and formed part of the pre-application public consultation. This was submitted with the applications as an appendix to the submitted Planning Statements (Q+A Planning Statement Appendix 1) and sets out how the five sites have been considered together. A development optioneering process is set out with a preferred distribution of uses proposed by the applicant. This distribution of uses is reflected in the submitted planning applications. The applicant has proposed an alternative arrangement of uses to that set out in the relevant site allocations identified in Policy P 1 of the LPSV. This was as a result of the formation of Qualis Commercial Ltd and their appointment to take forward the development strategy for these Council owned sites. In looking at the development opportunity holistically the applicant was able to develop a more deliverable site strategy which they considers provides a better overall outcome.
- 14.3 For the avoidance of doubt, the Town Centre Strategy is simply a document prepared by the applicant in support of the applications; it is not adopted Council policy or guidance.
- 14.4 The proposed development as submitted with each of the five planning applications is set out below:

| Site | Description of Development | Summary of Proposed Development |
|------|----------------------------|---------------------------------|
|      |                            |                                 |

|   |   |  |
|---|---|--|
| <p>Bakers Lane Car Park</p> <p>EPF/2924/20</p>  | <p>Full application for the redevelopment of existing surface level car park to provide a leisure centre to include swimming pool, gymnasium, sports hall, squash courts and studio (mixed Class E (d) and F.2 (d)) together with disabled parking provision, new vehicular and pedestrian access, all hard and soft landscaping, and associated works.</p>   | <p>5,575 sq m GIA (6,087 sq m GEA)</p> <p>6-lane swimming pool, fitness suite, studios, sports hall and squash courts.</p> <p>6 blue badge parking spaces</p>  |
| <p>Cottis Lane Car Park</p> <p>EPF/2925/20</p>  | <p>Full application for the redevelopment of existing surface level car park comprising the demolition of public toilets and the construction of a multi-deck car park, cinema (sui generis), commercial floorspace (mixed Class E), replacement public toilets and cycle store, all associated plant, together with new vehicular and pedestrian access, all hard and soft landscaping, and associated works.</p>  | <p>330 space multi-storey car park</p> <p>1,166 sq m GIA (1,201 GEA) Class E commercial floorspace</p> <p>846 sq m (GIA) (871 sq m GEA) Cinema (Sui Generis)</p> <p>Total: 11,126 sq m GIA (11,460 sq m GEA)</p> |
| <p>Land at St Johns Road</p> <p>EPF/0917/21</p> | <p>Redevelopment of the former school buildings and depot. Demolition of five buildings and the retention of three locally listed buildings. Development to comprise erection of new apartment buildings and the conversion, extension and change of use of the existing locally listed Centrepont building and Cookery School to provide a mix of residential units (Use Class C3) and ancillary communal amenity areas. Extension and refurbishment of two existing locally listed semi-detached caretaker cottages. Revised vehicular and pedestrian access from St Johns Road and new pedestrian access from High Street, all associated car and cycle parking, servicing, hard and</p> | <p>113 – 1 bed flats</p> <p>62 – 2 bed flats</p> <p>7 – 3 bed flats</p> <p>2 – Existing 2-bed house's refurbished</p> <p>Total: 184 (182 new) dwellings</p>  |

|  |   |   |
|--|---|---|
|  | soft landscaping and associated works.  |   |
| Epping Sports Centre<br>(Hemnall Street)<br><br>EPF/0918/21                            | Redevelopment of existing Sports Centre and car park. Demolition of existing Sports Centre. Development to comprise a new apartment building and houses to provide a mix of residential units (Use Class C3), new vehicular and pedestrian access from Nicholl Road and new pedestrian access from Hemnall Street, all associated car and cycle parking, servicing, hard and soft landscaping and associated works.                                   | 13 – 1 bed flats<br>12 – 2 bed flats<br>4 – 3 bed flats<br>11 – 3 bed houses<br>Total: 40 dwellings                                       |
| Land and part of Civic Offices<br>(Condor Building)<br><br>EPF/0919/21<br>+EPF/1042/21 | The redevelopment of the existing office building and car park. Demolition of the existing office building and alterations to connection to existing Listed Civic Centre. Development to comprise new apartment buildings and houses to provide a mix of residential units (Use Class C3), revised vehicular and pedestrian access from High Street, all associated car and cycle parking, servicing, hard and soft landscaping and associated works. | 7 – 1 bed flats<br>17 – 2 bed flats<br>5 – 3 bed flats<br>1 – 2 bed house<br>13 – 3 bed houses<br>2 – 4 bed houses<br>Total: 45 dwellings |

14.5 NPPF

14.6 As demonstrated at recent appeals the Councils current five-year land supply of deliverable housing sites has been shown to currently be 2.43 years (although on adoption of the LPSV the Council will be able to demonstrate a five year supply) and the tilted balance identified in Para 11(d) of the NPPF is engaged. which provides that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

14.7 Adopted Local Plan (1998, altered 2006)

- 14.8 As previously identified, section 38(6) of the 2004 Act require that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 14.9 The policies from the adopted Local Plan form part of the existing Development Plan. However, it is acknowledged that the adopted Local Plan is not for the current Plan Period and a number of the policies therein are inconsistent with the NPPF.
- 14.10 By comparison, the LPSV contains up-to-date policies which have been informed by robust and up-to-date evidence. On this basis and having due regard for the provisions of paragraph 48 of the NPPF, it is concluded that the policies contained within the LPSV should be afforded greater weight in the overall balance. Further examination of the weight to be afforded to the draft allocation in the LPSV is assessed in the following section.

14.11 The emerging Local Plan Policies

As previously set out, the LPSV is now at a very advanced stage in its production. The examination hearing sessions, as part of the Independent Examination (IE), have been concluded and the Local Plan Inspector published her advice following the hearing sessions in August 2019.

- 14.12 The Inspector's advice dated 2<sup>nd</sup> August 2019 sets out the areas where Main Modifications (MMs) to the LPSV will be required in order for it to be considered "sound". Of the five site allocations, the Inspector in her advice identified actions only in relation to St Johns Road and the Civic Office. Paragraph 46 of the Inspector's advice confirmed "*a modification is required to the "Design" entry in Appendix 6 for EPP.R4 (Land at St Johns Road) to make it explicit that the site is expected to accommodate a replacement for the sports/leisure facility to be lost through the allocation of EPP.R5*". Her advice goes on to advise that modification proposed in paragraph 5 of document ED85 would be sufficient to ensure the protection of the listed building forming part of allocation EPP.R8 (Land and part of Civic Offices) (Action 20). The Inspector confirmed in her response dated 25<sup>th</sup> November 2019 that she does not have any concerns about areas or allocations in the LPSV which are not mentioned in her advice from August 2021.
- 14.13 The comments made regarding Land at St John's Road and Land and part of Civic Offices were points of clarification save for the request to amend the St John's Road "Design" entry to specify Leisure Centre given that a Leisure Centre was to be lost as a result of site allocation EPP.R5 Epping Sports Centre. The MMs published by EFDC on the 15<sup>th</sup> July 2021 addressed this comment and reference is now incorporated into the draft Local Plan.
- 14.14 Within this context and having due regard to Paragraph 48 of the NPPF, it is considered that there are no unresolved objections in respect of the proposed site allocations at Bakers Lane car park (EPP.R7), Cottis Lane car park (EPP.R6), Epping Sports Centre (Hemnal Street) (EPP.R5). With regards to the Land at St John's

(EPP.R4) and Land at and part of Civic Offices (EPP.R5) there are no unresolved objections to the principle of development on these sites.

14.15 As that the Local Plan Inspector has not raised 'in-principle' objections to the proposed site allocations for the five planning applications; the emerging Local Plan is consistent with the requirements of the NPPF; and the public consultation on the Main Modifications to the Local plan recently ended on 23<sup>rd</sup> September 2021, it is concluded that the emerging Local Plan is at an advanced stage and must be given significant weight in the determination of planning applications.

14.16 The policy site allocations are set out in the table below alongside the development proposed by the current planning applications.

| LPSV Site Allocation           | Proposed Site Allocation   | Summary of Proposed Development   |
|--------------------------------|--|---|
| EPP.R7<br>Bakers Lane Car Park | <i>Residential with an approximate net capacity of 47 dwellings or 78 dwellings in total between site allocations EPP.R7 and EPP.R6.<br/><br/>Site allocations EPP.R6 and EPP.R7 should together incorporate the re-provision of the existing number of car parking spaces [336] for town centre visitors to ensure that there is no net loss of parking spaces</i>  | 5,575 sq m GIA (6,087 sq m GEA) mixed Class E (d) and F.2 (d)).<br><br>6-lane swimming pool, fitness suite, studios, sports hall and squash courts.<br><br>6 blue badge parking spaces.                         |
| EPP.R6<br>Cottis Lane Car Park | <i>Residential with an approximate net capacity of 31 dwellings or 78 dwellings in total between site allocations EPP.R7 and EPP.R6.<br/><br/>Site allocations EPP.R6 and EPP.R7 should together incorporate the re-provision of the existing number of car parking spaces [336] for town centre visitors to ensure that there is no net loss of parking spaces.</i> | 330 space multi-storey car park<br><br>1,166 sq m GIA (1,201 GEA)<br>Class E commercial floorspace<br><br>846 sq m (GIA) (871 sq m GEA)<br>Cinema (Sui Generis)<br><br>Total: 11,126 sq m GIA (11,460 sq m GEA) |

|  |   |   |
|--|---|---|
| <p>EPP.R4<br/>Land at St Johns Road</p>                | <p><i>Mixed use including residential (approximate net capacity of 34 dwellings) and appropriate town centre uses.</i></p> <p><i>Development proposals should contain a mix of uses including a leisure centre and residential development. Other uses on site could include, retail, community facilities, hospitality, employment and further leisure uses.</i></p> | <p>113 – 1 bed flats<br/>62 – 2 bed flats<br/>7 – 3 bed flats<br/>2 – Existing 2-bed house's refurbished<br/>Total: 184 (182 new) dwellings</p> <p>The current proposal does not include the full extent of the site allocation with the portion of the site occupied by Epping Town Council hall being retained by the Town Council and not forming part of the redevelopment proposals.</p> |
| <p>EPP.R5<br/>Epping Sports Centre (Hemnal Street)</p> | <p><i>Residential with an approximate net capacity of 43 dwellings. (Proposed Main Modifications amends this to 42 dwellings)</i></p>   | <p>13 – 1 bed flats<br/>12 – 2 bed flats<br/>4 – 3 bed flats<br/>11 – 3 bed houses<br/>Total: 40 dwellings</p>  |
| <p>EPP.R8<br/>(Land and part of Civic Offices)</p>     | <p><i>Residential with an approximate net capacity of 44 dwellings.</i></p>   | <p>7 – 1 bed flats<br/>17 – 2 bed flats<br/>5 – 3 bed flats<br/>1 – 2 bed house<br/>13 – 3 bed houses<br/>2 – 4 bed houses<br/>Total: 45 dwellings</p> <p>The current proposal does not include the full extent of the site</p>   |

|  |  |  |
|--|--|--|
|  |  | allocation with the portion of the site fronting High Street to be retained in use as part of the Civic Offices. |
|--|--|--|

14.17 The proposed developments at Bakers Lane car park, Cottis Lane car park and Land at St Johns Road are therefore not in accordance with the emerging Local Plan policies as set out in Appendix 6 (Site Specific Requirements). Consideration is therefore given to the principle of the proposed developments as standalone sites and when taken together as a linked project.

### **Bakers Lane**

#### **Planning Policy Context**

- 14.18 Policy SP2 of the LPSV seeks to promote town centre development and regeneration, and Policy E2 is supportive of proposals for leisure uses within town centres where they will maintain and enhance the vitality and viability of those centres. The site is located within Epping Town Centre boundary within the adopted plan and LPSV.
- 14.19 Policy D4 addresses community, leisure and cultural facilities in the District. The proposals would support the requirements of policy D4 by improving the quality and capacity of existing facilities that are valued by the community and ensuring that the new facilities are better in terms of quality, quantity and accessibility than the existing Epping Sports Centre.
- 14.20 Within the ALP Policy CP6 and TC1 support proposals that enhance the vitality and viability of Town Centres and Policy RST1 supports additional recreational and sporting facilities.
- 14.21 The location and proposals at Bakers Lane are in general accordance with planning policy which seeks that such uses are provided and in accessible town centre locations. The specific location at Bakers Lane is easily accessible to the town centre and supportive of town centre footfall.
- 14.22 The proposal to develop the Bakers Lane site as a Leisure Centre however is a divergence from the LPSV site allocation EPP.R7 which identifies the site for residential development. This shortfall in residential units is also not made up via proposed development at Cottis Lane as is permitted within the site allocation (as the Cottis Lane planning application proposes a multi-storey car park, cinema and commercial floorspace). The proposal therefore results in the loss of a residential site allocation which in combination with Cottis Lane amounts to 78 dwellings.
- 14.23 Significant weight should be given to the strategic policy requirement for new homes in LPSV Policy SP 2 in accordance with the Plan's spatial strategy and the 'Vision for Epping' within LPSV Policy P1. The proposal results in the loss of a combined site

allocation of 78 homes. Despite this forming a small number of homes within the total housing need identified within the LPSV for the plan period, the loss cannot easily be made up elsewhere given the Council's current housing delivery shortfall.

- 14.24 Given the departure from the site allocation other material considerations should be considered in the balance regarding the planning merits of a leisure centre use in this location.

#### The Identified Need for a Sports Centre in Epping

- 14.25 The EFDC Built Facilities Strategy (March 2018) considers the need and supply of sports facilities in the district and provides part of the evidence base to the LPSV. The key findings of this document include:

- Recommendations that long-term solutions are identified for the replacement of Epping Sports Centre at a site that is accessible to Epping residents, with high quality wet and dry provision.
- In respect of swimming pools, as a whole District, the quantity of water space is adequate to meet the demand of residents. However, not all of the water space is located in the right place and therefore not all of the demand from Epping Forest District residents can be satisfied. Demand is exported to neighbouring authorities and this level of demand export equates to 10 lanes of a 25m pool.
- In respect of sports hall, the supply for sports hall for community use is at a deficit when compared with demand, for both 2017 and 2033, therefore there is a need to protect this quantity of supply.
- In respect of squash courts, it is recommended that the existing level of provision of squash facilities are protected (2 courts in the case of Epping Sports Centre).

- 14.26 The proposed development is for a modern leisure centre that will form a replacement for the existing Epping Sports Centre. The existing Epping Sports Centre has a 4 court sports hall, a 70 station health & fitness suite, 2 squash courts and 4 activity studios. The existing centre has reached the end of its lifespan and the new proposed centre will offer new and enhanced facilities. The proposal includes a 25m 6 lane swimming pool, learner pool, 4 court sports hall, 2 squash court, a 100 station fitness suite, 3 activity studios and supporting facilities including a cafe.

- 14.27 The proposed site allocation for the existing Epping Sports Centre EPP.R5 requires that '*Closure of the existing Epping Sports Centre and the re-development of this site should not take place until a suitable replacement sports/leisure facility is delivered and is operational.*' (Appendix 6 Site Specific Requirements). EFDC agreed in a Statement of Common Ground with Sports England as part of the LPSV Examination that the policy for the existing Sports Centre's redevelopment requires '*an equivalent*



*or better (in terms of quantity and quality) replacement sports/leisure facility in a suitable location'.*

- 14.28 Sports England has provided representations in support of the current proposal being satisfied that the proposed facilities are equivalent or better in terms of quantity and quality to those that they will replace. Sports England has requested that a planning condition is included to require the detailed specifications of the sports hall and swimming pool to be agreed in order to ensure that the proposed facilities are fit for purpose and meet Sports England and the sports governing body design guidance and meet identified local need.

#### Assessment of the Principle of Development

- 14.29 The modification to the LPSV to identify Land at St John's Road for the replacement leisure centre was based upon the EFDC development strategy prior to the development of the alternative proposed by the applicant. The Inspector's concern was simply that clarity be provided in the emerging Local Plan as to where an alternative leisure centre could be provided that would enable the release of the existing site for residential development and ensure the facility's deliverability.
- 14.30 The proposed development will make efficient use of an accessible and sustainable brownfield land whilst retaining and improving key public facilities. The proposed development will enhance the range of facilities within the town centre, support activity in the town centre by generating linked trips with other uses and will therefore strengthen the vitality and viability of Epping town centre. The proposed leisure centre is therefore likely to significantly improve the quality of existing community leisure facilities within Epping and enhance the range of available facilities including through the provision of a public swimming pool. This will be to the benefit of a significant cross-section of the local community. Although proposed to be operated as a community leisure centre accessible to all, for the avoidance of doubt a legal obligation will secure public access and community use of the centre.
- 14.31 The benefits of the new Sports Centre are as set out above and this proposal is a deliverable scheme that enables a phased redevelopment allowing the existing leisure centre to remain open during the construction.
- 14.32 The applicant considers that the provision of the leisure centre at Bakers Lane is preferable given that the site is better suited to a large footprint building given the less restrictive site layout as compared to St John's, which includes scattered trees and heritage constraints. Bakers Lane also offers the ability to be better integrated with the primary shopping area with clear and legible linkages rather than set at a distance. Finally, the site allocation at St John's was made on the basis of the Epping Town Council offices being incorporated into a development proposal. The current application site at St John's does not include this land further constraining the ability to accommodate large format buildings.

- 14.33 The proposed leisure centre at Bakers Lane also enables the release of the Epping Sports Centre site for residential development as the proposed by draft allocation EPP.R5 of Policy P1 of the LPSV.
- 14.34 These material considerations on their own do not balance against the overriding need to provide housing delivery. The loss of housing is to be given significant weight that if not mitigated would result in the proposal being an unacceptable departure from the LPSV. A mitigation however has been secured via the proposed development of the Land at St John's Road site for 184 new dwellings. This site is proposed to act as a 'donor site' site and will meet and exceed the shortfall by providing at least 112 dwellings (78 dwelling shortfall plus the 34 dwelling allocation on St John's itself). The Legal Agreement Heads of Terms set out in this report include the placement of a restriction on the implementation of the Bakers Lane development until such time as substantial implementation on the Land at St John's Road site for a residential development of at least 112 dwellings.
- 14.35 The Bakers Lane Car Park currently provides 133 existing public car parking spaces. The lost public car parking is to be replaced within the proposed Cottis Lane multi-storey car park which has a provision of 330 spaces. Six blue badge spaces shall also be provided as part of the proposal for Bakers Lane. A total of 336 spaces would therefore be provided and the site allocation development requirements that there should be no net loss of parking spaces between the Bakers Lane and Cottis Lane sites when considered together will be met.
- 14.36 To ensure that the replacement parking is secured prior to the closure of the existing Bakers Lane Car Park the Legal Agreement Heads of Terms set out for this site includes an obligation requiring the completion of the Cottis Lane multi-storey car park prior to closure of Bakers Lane Car Park and the proposed redevelopment. The Legal Agreement shall also secure that the new leisure centre at Bakers Lane is not occupied until the use of the existing Epping Sports Centre has ceased.
- 14.37 The existing Epping Sports Centre site provides 41 spaces for staff and visitors and these will not be directly replaced with instead the proposed Cottis Lane multi-storey available for users as a general public access car park. The site is identified as being within Epping Town Centre which is considered a sustainable location with good public transport accessibility and specific dedicated parking provision would not be expected.
- 14.38 The objectives of policies EPP.R4, EPP.R6 and EPP.R7 of the LPSV to re-locate the Epping Sports Centre, to provide new housing, to provide commercial floorspace and to ensure no net loss of the Bakers and Cottis Lane car parking spaces are all achieved having regard to the proposals for the Bakers Lane, Cottis Lane and St John's Road sites and the proposal for Bakers Lane can therefore be considered compliant in terms of the principle of use for the reasons explained above.

### **Cottis Lane**

#### **Planning Policy Context**

- 14.39 Policy SP2 of the LPSV seeks to promote town centre development and regeneration, and Policy E2 is supportive of proposals for retail, leisure, entertainment and office use within town centres where they will maintain and enhance the vitality and viability of those centres. The site is located within Epping Town Centre boundary within the adopted plan and LPSV.
- 14.40 Within the ALP Policy CP1, CP6, E10, TC1 and ST1 support proposals that enhance the vitality and viability of Town Centres as the key focus for commercial development.
- 14.41 The Cottis Lane Car Park currently provides 203 existing public car parking spaces and the proposed development is for a multi storey car park (MSCP) of 330 spaces, 8 motorcycle spaces and 38 cycle spaces. These spaces combined with the 6 to be provided at Bakers Lane provide a total of 336 spaces. This would therefore be in accordance with the LPSV site allocation EPP.R6 development requirements that there should be no net loss of parking spaces between the Bakers Lane and Cottis Lane sites when considered together.
- 14.42 The proposal to develop the Cottis Lane site for commercial development however is a divergence from the LPSV site allocation EPP.R6 which identifies the site for residential. This shortfall is also not made up via proposed development at Bakers Lane as set out in the proposed site allocation. The proposal would therefore result in a shortfall in the delivery of housing in the District which, in combination with Bakers Lane, amounts to 78 dwellings.
- 14.43 Significant weight should be given to strategic policy requirement for new homes in LPSV Policy SP 2 in accordance with the Plan's spatial strategy and the 'Vision for Epping' within LPSV Policy P 1. The proposal results in a combined shortfall in housing delivery of 78 homes as proposed by the policies in the LPSV. Despite this forming a small number of homes within the total housing need identified within the LPSV for the plan period, the loss cannot easily be made up elsewhere given the Council's current housing delivery shortfall.
- 14.44 Given the departure from the site allocation other material considerations should be considered in the balance regarding the planning merits of commercial town centre use in this location.

#### Assessment of the Principle of Development

- 14.45 The site is located within Epping Town Centre boundary but outside of the defined primary shopping area set out within the LPSV. For the purposes of retail development, (now a component of Class E), the primary shopping area is considered the 'Centre'. The site is within 300m of its boundary and for the purposes of the retail sequential test it would be considered an 'edge of centre' site. LPSV Policy E 2 (H) requires sequential testing under guidance contained within the NPPF. Sequentially the site is the best available site for such uses within Epping Town Centre, being in close proximity to the core of the primary retail area with direct connections to form a natural extension to its activity. The proposals will strengthen the commercial and leisure offer in the town

centre. The proposed cinema will provide a use not currently available within the town centre and supported linked trips. As the Class E floorspace is below the 2,500 sq m threshold set by Para 90 of the NPPF (in the absence of a local threshold), retail impact assessment need not formally be considered.

- 14.46 There is potential for new retail provision to impact on the vitality and viability of the Town Centre however, the proposal consists of a limited number of Class E units allowing a range of uses and activities and offers the opportunity to support and reinforce rather than undermine the existing retail core within the primary shopping area.
- 14.47 In addition, a 846 sq m (GIA) (871 sq m GEA) Cinema (Sui Generis Use) is proposed. The proposed cinema space has the potential to accommodate a three-screen boutique operator with supporting café bar. This is a suitable use within a Town Centre location.
- 14.48 The applicant has indicated that this element of the scheme may be delivered at a later stage dependant on market demand. A 'meanwhile' strategy has been detailed to utilise this part of the site for interim landscaping and events space. Any interim use of the area which in itself constitutes development would need to be subject to a separate planning application at a future date. A planning condition has been proposed setting a long stop commencement date for the cinema of 5 years from commencement of the development or that by this time an alternative proposed landscape or development scheme for the area is submitted and if approved implemented.
- 14.49 Given that the proposal is to bring forward for town centre commercial uses previously identified as being accommodated on the Land at St John's Road site it will be necessarily to seek that the Land at St John's Road is not subsequently developed for further commercial development given this could result in excess provision which could undermine the vitality and viability of the town centre. A planning obligation will control this.
- 14.50 The site is closer to the core of the town centre with access to the High Street a short distance via the pedestrianised lane adjacent to the M&S store. The St John's Road site is approximately 400m to the same point and is separated by residential properties, St John's Road and any facilities would have to be access within the centre of the site. Cottis Lane is less likely to pose a competing town centre destination. The level or nature of commercial floorspace envisaged within the St John's Road site has not previously been quantified so a direct comparison can't be made. The current proposal however has responded to likely market demand and provides flexible space that can be used for a variety of purposes.
- 14.51 It offers better design arrangements to have commercial flanking MSCP as opposed to a mixed car park residential design. The commercial use also enables the development to be public facing with communal public realm as opposed to a

residential development that would contain private amenity space and limited options for pedestrian connectivity.

- 14.52 These material considerations on their own do not balance against the overriding need to meet housing delivery objectives. The loss of housing is to be given significant weight that if not mitigated would result in the proposal being an unacceptable departure from the LPSV. A mitigation however has been secured via the proposed development of the Land at St John's Road site for 182 new dwellings. This site is proposed to act as a 'donor site' site and will meet and exceed the shortfall by providing at least 112 dwellings (78 dwelling shortfall plus the 34 dwelling allocation on St John's itself). The Legal Agreement Heads of Terms set out in this report include the placement of a restriction on the implementation of the Bakers Lane development until such time as substantial implementation on the Land at St John's Road site for a residential development of at least 112 dwellings. The restriction is placed on Bakers Lane rather than Cottis Lane to ensure that the early delivery of the proposed MSCP which unlocks the sequence of development is not stymied.
- 14.53 The objectives of policies EPP.R4, EPP.R6 and EPP.R7 of the LPSV to re-locate the Epping Sports Centre, to provide new housing, to provide commercial floorspace and to ensure no net loss of car parking spaces are all achieved having regard to the proposals for the Bakers Lane, Cottis Lane and St John's Road sites and the proposal for Cottis Lane can therefore be considered compliant in terms of the principle of use for the reasons explained above.

#### **Land at St John's Road**

- 14.54 The St John's Road site currently comprises former school buildings (Use Class F1(a)) and a Council depot (Use Class B8). The site also includes two semi-detached cottages that will be retained and refurbished. The site was vacated in 2010 following the amalgamation of two schools and declared surplus to service requirements and with Essex County Council obtaining the necessary approvals from the DfE for a site disposal to take place.
- 14.55 The former school buildings have been vacant for a substantial period and the EFDC depot is surplus to operational requirements. The site has been allocated within LPSV for redevelopment supporting a change of these existing uses in principle.
- 14.56 Site allocation EPP.R4 identifies the site for mixed use including residential (approximate net capacity of 34 dwellings) and appropriate town centre uses, including a leisure centre. None of the town centre or other non-residential uses are proposed to be provided as part of the development, with Cottis Lane instead accommodating commercial town centre uses and Bakers Lane accommodating a replacement leisure centre.
- 14.57 The proposed development is wholly residential comprising 182 new residential units and inclusive of an ancillary residential amenity space within the former Cookery Building. ALP Policies CP1, CP6 and CP8 equally would support residential

development in this location. This is not a full departure from the LPSV given that residential forms part of the site's allocation. The site allocation as described in the MMs does not set out specific uses or the quantum of floorspace anticipated other than it should include a leisure centre. The current application does not include the full extent of the site allocation given that Epping Town Council are retaining their hall/offices. This significantly reduces the developable site area and reduces the options to accommodate sufficient large format leisure development. For the reasons set out within the Bakers Lane and Cottis Lane sections above, the proposed alternative arrangement of town centre development is found acceptable. The intent of providing capacity for town centre commercial uses on the St John's Road site is therefore met by the provision made elsewhere.

- 14.58 The LPSV proposals map also includes a secondary retail frontage along St John's Road in anticipation of future commercial development on this site. LPSV Policy E 2 states that within a secondary retail frontage uses must encourage active shopfronts, attract a high footfall and maintain viability and vitality of the town. This policy is not strictly applicable to the site at the current time as a secondary retail frontage has not physically been established and a departure from any commercial uses in this location is proposed.
- 14.59 This is a highly sustainable town centre location suitable in principle for residential development of this nature.
- 14.60 The objectives of policies EPP.R4, EPP.R6 and EPP.R7 of the LPSV to re-locate the Epping Sports Centre, to provide new housing, to provide commercial floorspace and to ensure no net loss of car parking spaces are all achieved having regard to the proposals for the Bakers Lane, Cottis Lane and St John's Road sites and the proposal for St John's Road can therefore be considered compliant in terms of the principle of use for the reasons explained above.

#### **Sports Centre, Hemnall Street**

- 14.61 The existing use of the site comprises Epping Sports Centre a 2,164 sq m GIA building within Class E(d). The site allocation EPP.R5 within the LPSV identifies the site for residential development on the basis that a replacement sports centre is provided.
- 14.62 The site allocation EPP.R5 specifically requires that '*Closure of the existing Epping Sports Centre and the re-development of this site should not take place until a suitable replacement sports/leisure facility is delivered and is operational.*'
- 14.63 The principle of the loss of the existing leisure centre is acceptable only given that a replacement is secured and that this is provided prior to the redevelopment of the current centre to ensure that the public have uninterrupted access to sports/leisure facilities in the local area.
- 14.64 ALP Policy CF12 concerns the retention of community facilities and supports appropriate relocation. As described in detail in the Bakers Lane section above the

replacement centre provides enhanced facilities within an accessible town centre location and as such the relocation of the centre is acceptable in principle.

- 14.65 As noted above, the applicant proposes to deliver the replacement leisure facility at the Baker's Lane Site. The Legal Agreement Heads of Terms for this site shall secure that the planning permission for redevelopment of the Sports Centre at Hemnall Street shall not commence until the new leisure centre at Baker's Lane is operational.
- 14.66 The application as amended proposes 40 units as compared to the approximate 42 identified within the LPSV allocation. This target figure is approximate only and is dependant on the size mix proposed and detailed design. The number of units although an under provision is felt appropriate in principle and is driven by a suitable detailed design approach.
- 14.67 The proposed development of the Hemnall Street site is fully residential in keeping with the LPSV site allocation. ALP Policies CP1, CP6 and CP8 equally would support residential development in this location.
- 14.68 Given that this development cannot proceed until the replacement leisure centre is provided on Bakers Lane, a five year implementation condition is proposed rather than the standard three year period. This will enable sufficient time for the completion and opening of the Bakers Lane leisure centre prior to commencement. The Bakers Lane site is itself reliant on the completion of the Cottis Lane MSCP to enable its current car park use to be closed and development to commence.

#### **Land and Part of Civic Offices**

- 14.69 The existing site comprises the Condor Building of the Civic Offices, 2,561 sq m GIA Existing office Class E (g) (i) and the Civic Offices staff car park. Both are surplus to EFDC requirements and have been identified as a site allocation EPP.R8 for redevelopment within the LPSV.
- 14.70 ALP Policy E4A concerns protection of employment sites but notes that housing on redundant employment land will be regarded favourably. The site has been identified as surplus to requirements by EFDC and was subject to the LPSV site selection process where it was allocated for future residential use.
- 14.71 The proposed development is residential in keeping with the site allocation EPP.R8.
- 14.72 Alongside the LPSV site allocation, ALP Policies CP1, CP6 and CP8 equally would support residential development in this location.
- 14.73 The staff car park closing has been aligned with the Council's office reconfiguration that has recently been completed within the retained Civic Offices and the introduction of remote and flexible working strategies. Staff accessing the Council offices are being supported to transition to more sustainable modes of travel with the Council preparing a travel plan and establishing car sharing systems for example.

- 14.74 The draft site allocation seeks that a development brief is developed for the site, however the LPA has accepted that given greater certainty is now available regarding the strategy of EFDC in the downsizing of its estate and that the building is now vacant that a full planning application is suitable at this time without a development brief. This application was also supported by a Town Centre Strategy developed by the applicant across the five sites and which was subject to public and Quality Review Panel consultation. Extensive pre-application engagement also enabled the strategy for the site to be suitably tested and examined. The planning application contained all the information that would otherwise have been included with a development brief.
- 14.75 The civic offices 26 space public car park is not affected by the proposals.
- 14.76 The 'Design' section of the EPP.R8 allocation text also states that a development brief should consider opportunities to introduce town centre/ retail frontage at ground floor fronting the High Street. The current application does not include the element of the site allocation fronting the High Street which is to be retained as part of the Civic Offices and it is therefore not relevant to consider as part of the current application.

### **Principle of Development Conclusion**

- 14.77 The identified divergence from the LPSV site allocations has been mitigated via legal obligations which tie the sites together and ensure that collectively the five sites deliver the objectives of the LPSV and that housing delivery is suitably secured.
- 14.78 The reconfiguration of the sites enables an overall housing delivery number of 267 dwellings as compared to 199 identified in the LPSV. This is not to the detriment of the other uses, with the developments securing in particular the required level of town centre car parking and a high quality leisure centre. Equally the town centre commercial uses to be provided on Cottis Lane are well conceived and reinforce and enhance the existing town centre offer.
- 14.79 The developments are to be phased to enable the sequential delivery of the required facilities to enable wider development. The first phase will see the MSCP constructed on Cottis Lane and then the commencement of residential development on St John's Road, thus releasing Bakers Lane for redevelopment. The new Epping Leisure Centre can then be constructed on Bakers Lane releasing the existing Sports Centre site for residential development.
- 14.80 On the basis of this assessment, whilst some of the developments do not conform with their specific site allocations, it is considered that the proposed developments when considered in the round are compliant with the requirements of the Development Plan and achieve the objectives of the relevant LPSV site allocations when taken as a whole.

## **15. Impact on the Epping Forest SAC**

### **Background**



- 15.1 Epping Forest is designated as a Special Area of Conservation (SAC), which limits what can be done within the forest, as well as having impacts upon all proposed development in its vicinity. The Conservation of Habitats and Species Regulations 2017, as amended by the 2019 EU Exit Regulations (the Habitats Regulations) transpose the EU Habitats Directive into UK law and require a decision-maker to consider the effects of proposed projects on European protected sites through undertaking a habitats regulations assessment (HRA). Under the Habitats Regulations, the Epping Forest SAC (EFSAC) is a European site. If the result of an initial screening assessment is that a project is likely to have significant effects on a European site, a full assessment of those effects must be carried out. Regulation 63 of the Habitats Regulations requires the competent authority to conduct an 'appropriate assessment' ("**AA**") if concluding that the project is 'likely to have a significant effect' on a European site, either alone or in combination with other plans or projects. Where an appropriate assessment is conducted, then Regulation 63(5) applies, such that "the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site".
- 15.2 Accordingly, the Council has a legal duty as the 'competent authority' under the Habitats Regulations to protect the EFSAC from the effects of development (both individually and in combination) and in doing so, must have regard to the representations of Natural England (NE).
- 15.3 The LPSV is supported by a Habitats Regulation Assessment dated June 2021 ("the HRA 2021") (EB211A). Two specific 'pathways of impact' relating to new development within the District have been identified as being likely to have a significant effect on the integrity of the EFSAC. Firstly, as a result of increased levels of visitors using the EFSAC for recreation arising from new development (referred to as "recreational pressure"). Secondly, damage to the health of the protected habitats and species of flora within the EFSAC from atmospheric pollution generated by motor vehicles (referred to as "air quality") caused primarily by motor vehicles using roads within 200m of the EFSAC.
- 15.4 Policies DM 2 and DM 22 of the LPSV and Policy NC1 of the Adopted Local Plan (1998) and adopted Alterations (2006) (of which some of the policies remain in place) provide the policy context for dealing with the effect of development on the integrity of the EFSAC outlined above. The Main Modifications July 2021 version of DM 2 sets out that the Council requires all new development to ensure no harm is caused to the integrity of the EFSAC and identifies its strategic solutions to ensure no such harm. These are as follows:
- (i) *An Air Pollution Mitigation Strategy (APMS)*
  - (ii) *An Approach to managing recreational pressure on the EFSAC (SAMM Strategy) and;*
  - (iii) *A Green Infrastructure Strategy (GI)*

- 15.5 The Interim Air Pollution Mitigation Strategy (APMS) dated December 2020, (ED126/EB212) was adopted by the Full Council on 8 February 2021 following agreement with Natural England. The APMS identifies a number of mitigation measures, some of which are required to be delivered as part of individual planning applications alongside strategic initiatives and monitoring requirements, and whose implementation will require a financial contribution to be secured by individual developments. The APMS therefore provides the mechanism by which the Council can arrive at a conclusion of no adverse effect on the EFSAC as a result of planned development. The APMS sets out that all development which would give rise to a net increase in average annual daily traffic (AADT) will be required to be mitigated in accordance with the measures set out within the APMS. The SAMM strategy requires new development within the EFSAC zone of influence to make a financial contribution towards the implementation of the SAMM strategy and finally the GI strategy sets out practical interventions which are necessary to ensure recreational pressure is suitably mitigated, these include the provision of Suitable Alternative Natural Greenspace (SANGs) on strategic sites as well as improvements to the accessibility and quality of existing Green and Blue infrastructure assets.
- 15.6 Policy DM 22 sets out that applications for planning permission will be required to identify and deliver necessary mitigation measures, including monitoring mechanisms for the EFSAC before consent is given. This will include, where appropriate, measures identified in the most up to date APMS.
- 15.7 Policy DM 22 also sets out that, where an application for planning permission has been made on a site not proposed for allocation in the Local Plan, or where the potential change in traffic movements have not been accounted for in the strategic modelling undertaken by the Council, an air quality assessment will need to be submitted which identifies the potential impact of the development in combination with existing baseline pollution and other plans and projects. This assessment must identify necessary mitigation measures that will address any unexpected deterioration in air quality as a result of the development together with any necessary financial contributions and monitoring.
- 15.8 The HRA 2021 undertook an Appropriate Assessment of the planned development proposed within the emerging Local Plan, to consider its effect on the EFSAC. The HRA 2021 concluded that, subject to securing urbanisation/recreational pressure and air quality mitigation measures as noted in the strategies in policy DM 2 of the Local Plan, the adoption of the Local Plan will have no adverse effect on the EFSAC.
- 15.9 This report will now consider these issues in turn in the context of the specific development proposals in these applications.

#### Recreational Pressure

- 15.10 With regards to recreational pressure, any potential adverse effect on the integrity of the EFSAC only arises from residential development. Consequently the development

proposals on Bakers Lane and Cottis Lane can be screened out as having no adverse impact.

15.11 For the remaining development proposals on Land at St John's Road, Epping Sports Centre and Land and part of Civic Offices which propose residential development, each proposal will be required to pay a financial contribution of £352 per dwelling as noted in the SAMM strategy.

15.12 This would amount to £64,064 for St John's Road (182 new homes), £14,080 for Epping Sports Centre (40 new homes) and £15,840 for Land and part of Civic Offices (45 new homes). These financial contributions will be secured through a Legal Agreement and subject to being secured, it can be concluded beyond a reasonable scientific doubt that there will be no harm to the integrity of the EFSAC as a result of recreational pressure.

### Atmospheric pollution

15.13 As noted above, the HRA 2021 advises that without appropriate mitigation measures, new development proposed in the District would cause harm to the integrity of the EFSAC as a result of atmospheric pollution. Evidence has shown that a key contributor to atmospheric pollution arises from vehicles using roads in close proximity to the EFSAC. Figure 1 below is an extract taken from the HRA 2021 (page 180) and illustrates these key roads and junctions:

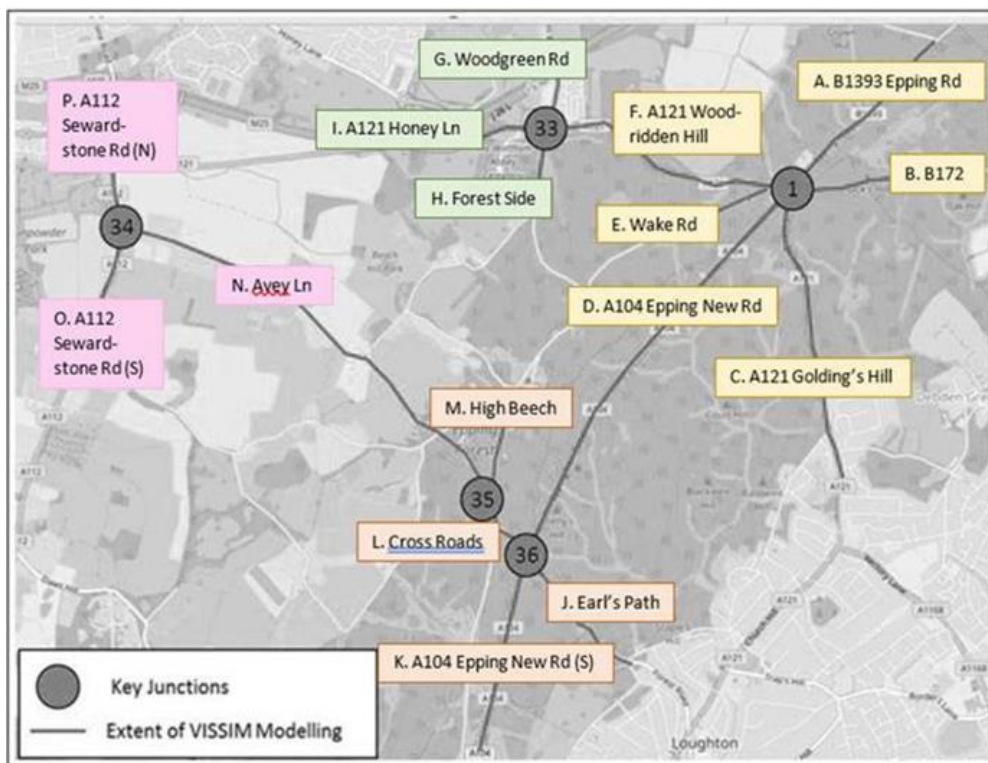


Figure 1

15.14 Paragraphs 1.1 of the APMS and paragraphs 4.18 and 4.20 of the emerging Local Plan also identifies that the EFSAC is currently in an unfavourable condition in ecological terms. The baseline worst case ammonia concentration at the roadside is 3.5 micrograms per cubic metre whereas the critical level for protecting sites with the special interest features of the EFSAC is 1 microgram per cubic metre. Any further traffic through the EFSAC as a result of new development will contribute cumulatively to worsening this situation without appropriate mitigation.

15.15 In response to this issue, in collaboration with NE, the Council has endorsed the APMS as the strategic solution to the identified issue and as noted above the HRA 2021 concludes that the development of the Local Plan will not cause harm to the integrity of the EFSAC if the mitigation measures are delivered.

15.16 Section 5.3 of the APMS sets out what needs to be achieved in order for the competent authority to conclude there will be no adverse impact on the EFSAC as a result of Local Plan growth, that:

- *A minimum 10% conversion of petrol cars to ULEVs by 2025, in other words, 4-5% of the Epping Forest SAC vehicle fleet to be ULEVs by this year;*
- *The introduction of a Clean Air Zone from 2025;*
- *A minimum 20% conversion of petrol cars to ULEVs by 2029; (8-10% of the Epping Forest vehicle fleet to be ULEVs by this year); and*
- *A minimum 30% conversion of petrol cars to ULEVs by 2033 (12-15% of the Epping Forest SAC vehicle fleet being ULEVs by this year)*

15.17 To achieve the minimum 30% conversion of petrol cars to ULEVs by 2033, paragraph 5.5 of the APMS identifies a number of measures which will need to be delivered by new development in the District:

- *a) ensuring that the necessary infrastructure for ULEVs is widely and easily available across the District;*
- *b) incentivising the replacement of petrol cars with ULEVs, targeted at people who live in areas from which the most frequent trips on roads in close proximity to the Epping Forest SAC arise; and*
- *c) Undertaking awareness-raising of both the issue of air pollution and the things that residents and businesses can do to contribute to improving air quality.*

15.18 The measures noted above and the others identified in the APMS, were informed by a traffic model which the Council undertook to accompany the emerging Local Plan. The modelling took into account the levels of AADT that would arise from the entirety of the development proposed across the District. Given the status of the EFSAC as noted

above, AADT is the appropriate method for understanding the potential impacts of atmospheric pollution on the EFSAC.

15.19 In the context of these applications, all five sites are proposed for allocation in the emerging Local Plan and as such, all of the sites have been considered through the traffic and air quality modelling undertaken for the HRA 2021. Since these sites are all being considered together in the round and would be linked through a Legal Agreements, it is appropriate to consider them together for the purposes of the potential impact on the EFSAC.

15.20 The HRA 2021 Traffic model undertaken for each of these sites is based on the proposed allocation as follows:

- EPP.R4 Land at St John's Road – approximately 34 homes and appropriate mixed uses
- EPP.R5 Epping Sports Centre – approximately 42 homes
- EPP.R6 Cottis Lane Car park – approximately 47 homes
- EPP.R7 Bakers Lane Car Park – approximately 31 homes
- EPP.R8 Land and part of Civic Offices – approximately 44 homes

15.21 Across the entirety of these allocations therefore, the HRA 2021 traffic model assumed a total of 198 dwellings would be delivered. The planning applications currently being considered vary to differing degrees from the LPSV site allocations noted above, as follows.

- EPP R4 – Land at St John's Road – Erection of 182 new dwellings
- EPP.R5 – Epping Sports Centre – Erection of 40 new dwellings
- EPP.R6 Cottis Lane Car Park – Erection of new multi storey car park, new cinema, commercial floor space and replacement public toilets
- EPP.R7 Bakers Lane Car Park – Erection of new leisure centre, including swimming pool, gymnasium, sports hall, squash courts and new studio together with disabled parking provision.
- EPP.R8 Land and part of Civic Offices – Erection of 45 new dwellings

15.22 The applications now total 267 new homes across all of the sites as well as the erection of the multi storey car park, cinema, commercial floor space, swimming pool, gymnasium, sports hall, squash courts and studio, all of which are high traffic generators. The traffic model which informed the HRA 2021 did not assume either the number of proposed dwellings across the sites, nor the proposed distribution of any of the non-residential uses proposed. The leisure centre however is a re-provision of an

existing centre albeit with an expanded offer and the multi storey car park provides a replacement for existing parking spaces. A legal obligation will control the opening and closing of the leisure centres to ensure only one is open at one time.

15.23 Notwithstanding, there is a difference between the traffic generation assumed through the LPSV allocations and the development proposals advanced through these applications, in an unmitigated scenario. This is significant since the APMS was endorsed on the basis that it would address the increase in traffic due to the allocated sites in the LPSV and a relatively small allowance of windfall sites.

15.24 As noted in paragraph above, Policy DM 22 states that any development proposals which propose a change in traffic movements to what has been modelled in the LPSV need to be justified through the submission of an air quality assessment taking into the account other plans and projects and if necessary including further and bespoke mitigation measures. The measures put forward will be required to be precise, enforceable (both legally and in practice), quantifiable and effective beyond reasonable scientific doubt.

15.25 The first stage of the assessment is to consider the levels of AADT that the proposed development schemes would create on the key routes and junctions as noted in figure 1 above, compared to what was modelled for in the Local Plan traffic work. To ensure consistency, this traffic information must then be run through the Local Plan air quality model to get a comparison of modelled vehicle trips through the EFSAC.

15.26 Policy T 1 of the LPSV requires that any development which proposes vehicle parking spaces must ensure that those spaces have direct access to an electric charging point. The provision of electric charging points are also noted in the APMS as a required mitigation measure. (Appendix 3, page 35)

15.27 As part of the development proposals, the applicant has made a commitment to the delivery of electric charging points. Table 1 below sets out this commitment:

|                | Public Car Park | Allocated | Visitor | Blue Badge | Car Club | Total      | EV Charging                                 | EV Only Spaces |
|----------------|-----------------|-----------|---------|------------|----------|------------|---|----------------|
| St John's Road | 0               | 35        | 13      | 4          | 1        | <b>53</b>  | 100% active provision                       | 0%             |
| Hemnall St     | 0               | 11        | 6       | 3          | 0        | <b>20</b>  | 100% active provision                       | 0%             |
| Civic Offices  | 0               | 0         | 15      | 3          | 0        | <b>18</b>  | 100% active provision                       | 0%             |
| Cottis Lane    | 330             | 0         | 0       | 12         | TBC      | <b>330</b> | 85% passive provision, 15% active provision | 15%            |
| Bakers Lane    | 6               | 0         | 0       | 6          | 0        | <b>6</b>   | 100% active provision                       | 0%             |

*Table 1*

15.28 Other than Cottis Lane, each of the sites propose 100% active provision. The delivery of such a substantial amount of active provision of electric charging infrastructure is an important step to support the change in the traffic fleet from petrol and diesel cars to

electric. Whilst Cottis Lane does not propose 100% of active provision from the outset, the 15% which will be provided will be for EV only parking spaces, preventing their use by non-electric vehicles. In addition a Travel Plan for the Leisure Centre will seek to raise awareness of the electric charging facilities available. This shall be secured by way of a Legal Agreement.

15.29 In addition to the provision of necessary electric charging infrastructure, the applicant has also committed to the delivery of an advertising campaign as well as financial contributions of £335 per dwelling towards the EFSCA Air Pollution Mitigation Strategy as required by the APMS. This would amount to £60,970 for St John’s Road (182 new homes), £13,400 for Epping Sports Centre (40 new homes) and £15,075 for Land and part of Civic Offices (45 new homes). Such contributions shall be secured by way of Legal Agreements.

15.30 Taken together, these mitigation measures have been factored into the traffic modelling undertaken for the individual applications and cumulatively have resulted in a 4% reduction of cars in the level of AADT assumed as a result. The Council's transport specialists have confirmed that based on the mitigation measures above, this assumed reduction is precautionary and therefore represents a robust approach to considering the new level of AADT created.

15.31 Figure 2 below illustrates the results of the modelling exercise on the key routes and junctions through the EFSAC which are noted in figure 1 above. The results of these are then compared against the level of AADT assumed through the Local Plan traffic modelling to result in a net change between the two:

|   | Five Sites Combined + EV Provision | Local Plan Traffic and Air Quality Model | Application (Net) | Net change |
|---|------------------------------------|--|-------------------|------------|
|   | Link                               |  |                   |            |
| A | B1393 Epping Road                  | 63                                       | 50                | -13        |
| B | B172                               | 0  | 0                 | 0          |
| C | A121 Golding's Hill                | 10                                       | -1                | -11        |
| D | A104 Epping New Rd                 | 25                                       | 12                | -13        |
| E | Wake Road                          | 0  | 6                 | 6          |
| F | A121 Woodridden Hill               | 28                                       | 32                | 4          |

|   |                         |    |    |     |
|---|-------------------------|----|----|-----|
| G | Woodgreen Rd            | 0  | 0  | 0   |
| H | Forest Side             | 0  | 0  | 0   |
| I | A121 Honey Ln           | 28 | 32 | 4   |
| J | Earl's Path             | 0  | 0  | 0   |
| K | A104 Epping New Rd (S)  | 25 | 12 | -13 |
| L | Cross Roads             | 0  | 0  | 0   |
| M | High Beech              | 0  | 6  | 6   |
| N | Avey Ln                 | 0  | 5  | 5   |
| O | A112 Sewardstone Rd (S) | 0  | 0  | 0   |
| P | A112 Sewardstone Rd (N) | 0  | 0  | 0   |

*Figure 2*

15.32 The results show that when all five sites are considered together, with the proposed mitigation measures, there is a net increase in AADT movements on certain road links and a reduction on others. These AADT numbers have been considered through the Local Plan air quality model for the EFSAC as a new scenario, so that a direct comparison can be made with the modelling undertaken for the APMS.

15.33 The results of the modelling show that the biggest difference in terms of Nitrogen Oxide deposition is an increase at the roadside of  $0.03\mu\text{g}\text{m}^{-3}$  at transects E1 (Wake Arms Roundabout) and O (Honey Lane East). This magnitude of increase is matched by similar magnitude of reductions at the roadside of other transects in the EFSAC. The maximum change in nitrogen deposition is a nominal  $0.01\text{ kgN/hr/yr}$  and the results show that there will be no difference in ammonia concentrations from what was modelled for the HRA 2021. The change in pollutant load is therefore sufficiently small that the APMS will not be undermined by the change in the development proposed as opposed to the original allocations.

15.34 The findings of this assessment are predicated on the complete delivery of the proposed development in the form proposed across the five sites. An alternative delivery strategy that left some sites in their existing use would result in a different



AADT and impact on the EFSAC that may not be acceptable. On this basis the Legal Agreement associated with each site will ensure that implementation is controlled such that existing traffic generating uses will cease.

Conclusion relating to the EFSAC

- 15.35 Subject to the suitable delivery of the required parking provision on each of the five development sites as noted in table 1 as well as a suitable Travel Plan to raise awareness of the electric charging facilities available and the payment of the necessary financial contributions as noted in sections above, the Council as the competent authority can conclude beyond a reasonable scientific doubt that the development proposed by each of these applications will not lead to an adverse effect on the integrity of the EFSAC.
- 15.36 As a result of the analysis above, the proposal is demonstrably compliant with the requirements of policy NC1 of the Adopted Local Plan, with Policies DM 2 and DM 22 of the emerging Local Plan and with the requirements of the Habitats Regulations.

**16. Housing Mix / Affordable Housing**

16.1 Housing Mix

16.2 The LPSV Policy H 1 requires that development will be permitted where it includes a range of house types and sizes to address local need, is appropriate to the context and takes account of existing stock to avoid an over-concentration of a single type or size of home to achieve a mixed and balanced community.

16.3 The tables below set out the proposed unit mix at each site and in total.

| Land at St John's Road |       |       |       |       |       |
|------------------------|-------|-------|-------|-------|-------|
|                        | 1 bed | 2 bed | 3 bed | 4 bed | Total |
| Apartment              | 113   | 62    | 7     | 0     | 182   |
| Existing House         | 0     | 2     | 0     | 0     | 2     |
| Total                  | 113   | 64    | 7     | 0     | 184   |
|                        | 62%   | 34%   | 4%    |       | 100%  |

Epping Sports Centre, Hemnall Street

|           | 1 bed | 2 bed | 3 bed | 4 bed | Total |
|-----------|-------|-------|-------|-------|-------|
| Apartment | 13    | 12    | 4     | 0     | 29    |
| House     | 0     | 0     | 11    | 0     | 11    |
| Total     | 13    | 12    | 15    | 0     | 40    |
|           | 33%   | 30%   | 38%   |       | 100%  |

Land and part of Civic Offices

|           | 1 bed | 2 bed | 3 bed | 4 bed | Total |
|-----------|-------|-------|-------|-------|-------|
| Apartment | 7     | 17    | 5     | 0     | 29    |
| House     | 0     | 1     | 13    | 2     | 16    |
| Total     | 7     | 18    | 18    | 2     | 45    |
|           | 16%   | 40%   | 40%   | 4%    | 100%  |

Total New

|  | 1 bed | 2 bed | 3 bed | 4 bed | Total |
|--|-------|-------|-------|-------|-------|
|--|-------|-------|-------|-------|-------|

|           |     |     |     |    |      |
|-----------|-----|-----|-----|----|------|
| Apartment | 133 | 91  | 16  | 0  | 240  |
| House     | 0   | 1   | 24  | 2  | 27   |
| Total     | 133 | 92  | 40  | 2  | 267  |
|           | 50% | 34% | 15% | 1% | 100% |

16.4 The Strategic Housing Market Assessment 2015 (SHMA) represents the latest evidence in terms of the type and size of housing needed across the District. The applicant recognises that the proposal contrasts with the SHMA which identifies the need as being 74% 3+ bed houses and 24% 1 and 2 beds.

16.5 A residential mix justification study was provided with the applications. Analysis has been undertaken by the applicant looking at demographic projections, the existing stock in the settlement and wider district, the local housing market and trends for uptake of Build to Rent (BtR) products. The study submitted by the applicant sets out that there is a low supply of both privately rented and 1 and 2 bed accommodation in Epping, when compared to similar neighbouring districts. It also sets out that due to this lack of supply, access to housing in Epping is relatively unaffordable compared to neighbouring districts. The relatively low proportion of flats in Epping compared with nearby towns such as Loughton and Harlow suggest provision of more flats within Epping town centre would meet need and not result in an overconcentration in the town. The demographic and economic analysis undertaken also points towards a worsening affordability issue.

16.6 The delivery of the larger units as identified within the SHMA results in particular approaches to built typology and urban form and that in limited specific town centre locations with close proximity to sustainable transport options require a more nuanced approach to be taken to ensure that the delivery of homes both private and affordable are maximised and that the objective of mixed and balanced communities are achieved on space constrained sites. The proposed housing mix is supported in this location as suitable sites to accommodate a high proportion of 1 and 2 bed units. This will help diversify local housing stock while maximising housing delivery within a sustainable location.

#### Build to Rent

16.7 The applicant has proposed that the development at St John's Road will be a Build to Rent (BtR) scheme and operated under a single management company. The applicant would also like the flexibility to provide this product on the Hemnall Street and Civic Office sites. Over the last few years, the BtR model has emerged within the rental sector as a unique type of residential development with its own requirements and

specifications. The National Planning Policy Framework 2021 (NPPF) and the Practice Planning Guidance (PPG) provide frameworks for its delivery including the affordable housing need.

16.8 The frameworks noted above provide a useful definition for BtR and guidance on how planning authorities should deal with them as follows:

- They operate under common ownership(s) and management.
- The affordable housing provided shall be affordable private rent and shall be maintained as such in perpetuity (subject to below).
- A clawback mechanism should be included in the Legal Agreement to recoup the value of the affordable housing provision withdrawn or converted into other tenures in the exceptional circumstance where the developer sells all the units or part of the scheme.
- A clawback mechanism may also be included within a Legal Agreement in the event that the private BtR units are sold off within a covenant period, usually 15 years from first occupation.
- Eligibility for occupying the affordable housing units should be determined by the scheme operator although working with the local authority on an agreed nomination process.
- Eligibility should be determined by local household income and local rent levels
- Tenancies should be for a period of 3 or more years to all tenants in the development, who are eligible to live in the country for that period (under the right to rent). This should apply to all tenants, whether paying market rent or affordable private rent.
- There is no obligation on customers to take up the offer of a three-year tenancy. They may prefer a tenancy of six months, one year or two years, and companies should offer these as an alternative, if requested.
- Where the rent or service charges are to be reviewed during the period of the tenancy, the basis for the review and for calculating the increase (whether as a fixed percentage or index linked to inflation) should be clearly set in the tenancy agreement.
- Periodic rent and service charge reviews will also help to ensure there is an appropriate ongoing match between the occupants of the affordable private rent homes, and their income levels.
- Tenants should not be locked into longer tenancies for the full period of the agreement. Tenants should have the option to terminate at 1 months' notice, after the first 6 months, without a break fee being payable.
- There may be periods during the operation of a build to rent scheme when the offer of longer tenancies would interfere with planned refurbishment works. In such circumstances it would be permissible to offer shorter tenancies, running up to the date of the scheme refurbishment.

16.9 It is noted that BtR would normally be expected to operate at scale and we note for reference London Plan guidance sets a threshold of 50 units for schemes to qualify for the specific approach to affordable housing this enables.

16.10 This unit size mix is largely consistent across both private market homes and affordable homes, which is in line with Policy H 2 of the LPSV which states that 'the Council will generally expect the mix of affordable homes to reflect the mix of the

market housing in terms of the ratios of types, sizes and overall number of habitable rooms...’.

- 16.11 The NPPF states the following “for Build to Rent schemes, affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent”)
- 16.12 The Affordable Private Rent indicated above is a type of intermediate affordable housing known as discounted market rent typically at 20% below local open market rent, including service charges, although it is acknowledged that the level of discount offered can vary depending on local circumstances and justified by housing need assessment.
- 16.13 Further, the PPG suggests that eligible names may potentially come from the Authorities statutory housing list, taking into consideration the affordability of the homes to those on the list, however, Authorities should refrain from having direct nomination rights from their housing list. It further sets out that in the absence of an established local intermediate housing list, developers and authorities may consider assembling a unique dataset for the development. In so doing they should have regard to the local authority housing allocation policies and any relevant potential candidates from the Statutory Housing list. The list should also ideally include evidence about peoples’ local residence or employment connections.
- 16.14 The PPG also notes:
- “Affordable private rent homes should be under common management control, along with the market rent build to rent homes. They should be distributed throughout the development and physically indistinguishable from the market rent homes in terms of quality and size. They will not need the separate involvement of a registered landlord. Combining the 2 tenures this way improves viability and any alternation of units between affordable private rent and market rent over time is made easier.”*
- 16.15 The affordable housing should therefore be suitably controlled as follows:
- a) Rental value is capped at 80% open market rent including service charges or at the local housing allowance whichever is the lowest, with periodically reviews to ensure these homes remain affordable.
  - b) That the affordable housing units provided remain as affordable housing units or % allocation is maintained in perpetuity. A clawback clause as identified in the PPG can be triggered should properties be subject to future sale in exceptional circumstances.
  - c) That a tenancy policy is provided which is in alignment with PPG and as identified at paragraph 16.8 above
  - d) Approach to tenant nomination for the affordable homes
- 16.16 The Legal Agreement for the St John's Road site shall secure the private and affordable housing at BtR in accordance with those measures summarised at

paragraphs 16.8 and 16.15 above. Given the restrictions that this would place on the project if an alternative delivery approach is subsequently required, it is proposed that the clauses within the Legal Agreement enable the property to be alternatively delivered as for sale properties (subject to a clawback being paid if such occurs within 15 years of occupation) and the affordable housing delivered via a nominated RSL.

#### Affordable Housing

- 16.17 Policy H 2 in the LPSV requires that on development sites which provide for 11 or more homes, or residential floor space of more than 1,000m<sup>2</sup> (combined gross internal area), the Council will require 40% of those homes to be for affordable housing provided on site. The type, design and mix of housing should also reflect that classified as market housing. The affordable housing targets and tenures are however, subject to viability.
- 16.18 During the process of determination, the applicant has indicated that viability pressure means that they are not able to provide a 40% policy compliant level of affordable housing. Policy H 2 of the LPSV requires that proposals that do not accord with the policy must provide a financial and viability appraisal (with supporting evidence), which is transparent and complies with relevant national or local guidance applicable at the time. Viability reports for each of the three residential sites have been provided alongside a combined report considering all three collectively.

#### Vacant Building Credit

- 16.19 It is noted that the buildings on the St John's Road site are currently vacant. The applicant is seeking the application of Vacant Building Credit (VBC) when calculating the level of affordable housing that the scheme should provide.
- 16.20 Paragraph 64 of the NPPF states that to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. Footnote 30 explains that this credit will be equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.
- 16.21 The NPPG states, in deciding whether a use has been abandoned, account should be taken of all relevant circumstances, such as:
- the condition of the property
  - the period of non-use
  - whether there is an intervening use; and
  - any evidence regarding the owner's intention
- 16.22 The NPPG emphasises that each case is a matter for the collecting authority to judge. In determining whether the application of VBC is warranted, the NPPG advises that it may be appropriate for authorities to consider:

- whether the building has been made vacant for the sole purposes of re-development
- whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development

16.23 EFDC have produced a guidance note relating to VBC. This was last revised in March 2015, thereby pre-dating the latest revision to the NPPF and NPPG. This guidance contains some additional criteria that, according to the guidance note, will be used to assess eligibility for the VBC. These are:

- i. The whole building needs to be unused.
- ii. The building must have been vacant for at least 30 months out of the 3 years immediately prior to the date of receipt of the planning application.
- iii. The building must not have been made or left vacant for the sole purpose of redevelopment.
- iv. The owner must prove that the building is no longer needed for its current use in its current location. This includes provision of evidence of unsuccessful marketing of the property for let or sale.
- v. The building must not be covered by a current or recently expired planning permission for the same or substantially the same development.

16.24 The applicant has submitted evidence in support of the application of the VBC. The evidence includes an EFDC Report to Cabinet dated March 2008 which states that:

*'The Governing Bodies of the Epping Infant School and the Epping Junior School approved the amalgamation of the two schools to create a new primary school in November 2006. This new school will be constructed on the site of the Epping Infant School in Coronation Hill (at the end of St. John's Road). Pending the completion of the new school, the Epping Centre Point building in St. John's Road is currently being used to temporarily accommodate the Epping Infant School. Once the new primary school is completed, the Junior and Infant schools will move into that building in Summer 2009.'*

16.25 An Essex County Council Report to Cabinet further states that:

*'The former Epping Junior School and adjacent Adult Education and Youth Centre, known locally as Centre Point, in St. John's Road Epping are owned by the Council and vacant and boarded. The site was vacated in April 2010 when the new Epping Primary School was completed. The site has been declared surplus to service requirements and the necessary approvals have been obtained from the DfE for a disposal to take place.'*

16.26 The site was sold to EFDC by Essex County Council in 2016, so the building has now been vacant for 11 years.

16.27 With regard to the criteria set out in the NPPG, the buildings are in a reasonable condition and have not been abandoned. They have sat vacant for a considerable

length of time, without any intervening use. The evidence put forward by the applicant, sourced from ECC and EFDC's records, demonstrates that the buildings became surplus to education requirements, as educational provision was consolidated elsewhere within the District. The buildings were not vacated with the sole purpose of redevelopment – instead, the buildings became surplus to operational educational requirements.

- 16.28 With regard to the additional criteria contained within the 2015 EFDC guidance note, the evidence put forward shows compliance with all of the criteria apart from the second part of criterion (iv). This criterion requires evidence of unsuccessful marketing of the site for its current use in its current location. No such marketing has taken place. However, the site has become surplus to the operational requirements of the local authority in terms of education provision. It is noted that the site has not been marketed to alternative education providers.
- 16.29 However, the NPPF explains that the purpose of the VBC provide an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit. In this case, the VBC offers an incentive for the appropriate redevelopment of the site – a site which has been vacant for a considerable length of time. The re-use of the site brings multiple benefits to the District, including the provision of housing and affordable housing in the context of an acute housing crisis.
- 16.30 In summary, on the basis of the information put forward by the applicant, the application of the Vacant Building Credit is considered appropriate. Officers are confident that the building has not been abandoned or vacated for the sole purpose of redevelopment, and the scheme fulfils the criteria set out within the NPPF and NPPG in relation to VBC.
- 16.31 The Vacant Building calculation excludes the former EFDC depot and the existing residential cottages. The calculation is set out as follows:

| <b>Existing vacant building (GIA)</b> | <b>Proposed buildings (GIA)</b>    |
|---------------------------------------|------------------------------------|
| Centrepont: 603 sq.m                  | Block A: Centrepont: 1,162.88 sq.m |
| Cookery: 183 sq.m                     | Block B: 3,820.63 sq m             |
| Building 1: 15.7 sq.m                 | Block C: 1,936.74 sq m             |
| Building 2: 129.5 sq.m                | Block E: 2,910.40 sq m             |
| Building 3: 1,404.6 sq.m              | Block F: 5,568.51 sq m             |
|                                       | Block G: 904.16 sq m               |



|   |                              |
|---|------------------------------|
|   | Block I: – Cookery: 183 sq.m |
| Total: 2,335.8 sqm  | Total: 16,486.32 sq.m        |
| <p><b>VBC Calculation:</b></p> <p>Difference: 16,486.32 sqm GIA – 2,335.8 sqm GIA = 14,150.52 sqm</p> <p>Difference as a proportion of proposed: <math>14,150.52/16,486.32 = 0.8583</math> (or 85.83%)</p> <p>Reduction calculation: <math>0.8583 * 40\% = 0.3433</math> or 34.3%</p> |                              |

16.32 As a result of the calculation the policy compliant position for St John’s Road is reduced to 34.3%. The LPA accept that this calculation is in accordance with the NPPF.

16.33 Viability

16.34 The level of affordable housing provision deemed viable by the applicant falls below the policy requirements. As such, the application is supported by a Financial Viability Appraisal (FVA), prepared by Carter Jonas. The FVA assesses the viability of each of the three proposed residential sites.

16.35 Carter Jonas have reviewed the viability of the three individual residential applications and assessed the viability as a whole to calculate the maximum reasonable affordable housing contribution. Three scenarios have been tested with the FVA, summarised as follows:

| Scenario                                 | Surplus/Deficit |
|--|-----------------|
| Scenario 1 (Policy Compliant)            | -£4,384,696     |
| Scenario 2 (nil affordable at two sites) | £131,736        |
| Scenario 3 (25% affordable on each site) | -£1,472,268     |

16.36 The FVA explains that the applicant is willing to provide 25% on site provision, despite it being unviable.

16.37 The Council commissioned BPS to undertake an independent review of the Applicant’s FVA. The findings of BPS’s review are summarised below:

| <b>Scenario</b>                          | <b>Surplus/Deficit</b> |
|--|------------------------|
| Scenario 1 (Policy Compliant)            | -£3,883,000            |
| Scenario 2 (nil affordable at two sites) | £1,423,000             |
| Scenario 3 (25% affordable on each site) | -£140,000              |

16.38 The conclusion of BPS's review is that a policy compliant provision of affordable housing would not be financially viable. However, the deficit generated by scenario 3 is considered by BPS to be nominal in terms of the overall viability of the schemes, and effectively represents a breakeven position.

16.39 The difference in the projected deficits resulting from Carter Jonas' and BPS's analysis are a product of different methodologies for establishing the Benchmark Land Value (BLV) for the sites.

16.40 To calculate the value of any surplus generated above the BLV (and therefore the maximum reasonable amount of affordable housing), the cost of developing the proposed scheme (including construction costs, professional fees, other costs, profit, and finance) is deducted from the Gross Development Value (the total value of the development if built as proposed). Once this has been calculated the Residual Land Value (RLV) remains. Where the RLV is in excess of the BLV, a surplus is generated, and the available surplus would be split between relevant s106 obligations and CIL.

16.41 To calculate any surplus generated by the development the applicant and their assessor have suggested a Benchmark Land Value (BLV) for the site based on the Existing Use Value Plus (EUV+) approach. However, the Council's Assessors BPS do not consider this approach to be in accordance with NPPG and consider that Alternative Use Value (AUV) is appropriate in situations such as this, where sites have low Existing Use Value but a significant development potential. When the AUV methodology employed by BPS is used, the resultant BLV is lower for the Condor Site and the Sports Centre site, and marginally higher for St John's Road. Overall, looking at the three sites together, the BLV is lower. The difference in BLV calculations is shown below:

| <b>Site</b> | <b>Applicant's BLV</b> | <b>Council's Independent Assessor BPS's BLV</b> |
|-------------|------------------------|---|
|             |                        |   |

|                                |                   |                   |
|--------------------------------|-------------------|-------------------|
| Land at Civic Offices (Conder) | £3,693,061        | £2,028,000        |
| Sports Centre                  | £1,797,807        | £1,770,000        |
| St John's Rd                   | £1,217,091        | £1,785,000        |
| <b>TOTAL:</b>                  | <b>£6,707,959</b> | <b>£5,583,000</b> |

- 16.42 As a result of a lower BLV, the Council's assessor concludes that the deficit resulting from a 25% provision of affordable housing would be lower than put forward by the applicant. It is considered that this deficit is minimal and represents a break-even position.
- 16.43 Aside from this, the assessors are generally in agreement with regard to sales costs and build costs of the units.
- 16.44 Given the conclusions of BPS in relation to the viability of the scheme, the Council considers the applicant's offer of a 25% on-site affordable housing provision at each of the three sites to be the maximum that can reasonably be provided.
- 16.45 On the basis of affordable provision is provided in accordance with the wider unit mix the affordable provision would consist of approximately that outlined in the following tables. The general build for sale affordable housing should be provided by Registered Social Landlord and the Legal Agreements shall specify the number of affordable housing units, including the tenure split and unit mix.
- 16.46 The 2015 SHMA and 2017 updates provide information about the potential type and tenure of affordable homes to be provided across the District. This evidence indicates the need for the provision of 81% of new affordable homes to be for affordable rent and 19% to be for intermediate housing products. The applicant has adopted a 80% Affordable Social Rent and 20% Shared Ownership in the submitted FVA. In accordance with LPSV Policy H 2 this proposed mix is supported.

| Land at St John's Road - <u>Affordable Private Rent @ 25%</u> |       |       |       |       |       |
|---|-------|-------|-------|-------|-------|
|   | 1 bed | 2 bed | 3 bed | 4 bed | Total |
| Apartment   | 28.25 | 15.5  | 1.75  | 0     | 45.5  |

|  |     |     |    |  |      |
|--|-----|-----|----|--|------|
|  | 62% | 34% | 4% |  | 100% |
|--|-----|-----|----|--|------|

Epping Sports Centre, Hemnall Street – 80% Affordable Social Rent 20% Shared Ownership @ 25%

|           | 1 bed | 2 bed | 3 bed | 4 bed | Total |
|-----------|-------|-------|-------|-------|-------|
| Apartment | 3.25  | 3     | 1     | 0     | 7.25  |
| House     | 0     | 0     | 2.75  | 0     | 2.75  |
| Total     | 3.25  | 3     | 3.75  | 0     | 10    |
|           | 33%   | 30%   | 38%   |       | 100%  |

Land and part of Civic Offices – 80% Affordable Social Rent / 20% Shared Ownership @ 25%

|           | 1 bed | 2 bed | 3 bed | 4 bed | Total |
|-----------|-------|-------|-------|-------|-------|
| Apartment | 1.75  | 4.25  | 1.25  | 0     | 7.25  |
| House     | 0     | 0.25  | 3.25  | 0.5   | 4     |
| Total     | 1.75  | 4.5   | 4.5   | 0.5   | 11.25 |
|           | 16%   | 40%   | 40%   | 4%    | 100%  |

16.47 Paragraph 3.14 of LPSV Policy H 2 explains that, for larger-scale development proposals for new housing development to be delivered on a phased basis, the Council will require Legal Agreements to include mechanism for viability reviews and 'clawback'

clauses (or similar) to ensure the fullest possible compliance with Local Plan policy is achieved where the viability of the scheme improves before completion. The proposals are linked and their delivery shall be phased in order to ensure general compliance with the LPSV site allocations. Given this phasing, and the time period over which the developments will be constructed, viability review mechanisms shall be included within the Legal Agreements for the residential properties. These review mechanisms shall allow for viability to be re-assessed at various stages of the development process, to allow any improvements in viability to be captured by the Council. This is particularly important in light of current high build costs – the review will capture any improvements in sales values relative to costs.

16.48 In summary, the applicant's FVA has been scrutinised by an independent assessor working on behalf of the Council. The conclusion of this assessment is that a policy compliant provision of affordable housing would not be viable. The applicant has put forward an offer of 25% provision on each site which the Council's assessors consider would represent a break-even position. Given this, the provision of 25% of units on site as affordable would be acceptable. Review mechanisms will be included within the Legal Agreement to ensure that any improvement in viability is secured by the Council.

## **17. Design**

17.1 The LPSV is clear that the Council is committed to ensuring that all new development in the District is of the highest design standards in their broadest sense. Good design should ensure that new forms of development function well within the surrounding area and result in buildings which are durable and adaptable within their context.

17.2 The LPSV emphasises that good design is not solely a visual concern, but actually has social and environmental elements such as the potential to create high quality public realm, improving quality of life for local communities and contributing to the sustainability agenda.

17.3 This approach follows the NPPF requirement for Local Planning Authorities to require new forms of development to recognise local context and set out the quality of development expected within the District.

17.4 Policy SP 3 sets out that the Council seeks to ensure that development proposals accord with exceptional place making principles. Place making is a holistic approach to planning which brings together all component parts of a successful place.

17.5 Policy DM 9 sets out the policy requirements based on the overall design approach contained within the LPSV.

17.6 Similarly to Policy DM 9 of the LPSV, Saved Policy DBE1 of the ALP requires that new development is of high quality design. Development proposals are expected to be respectful to their setting, adopt a significance in the street scene which is appropriate to their function and use high quality external materials. In addition to high quality

design standards required, Policy CP2 of the ALP seeks to preserve the rural environment, including landscape character and protecting the countryside.

- 17.7 In order to achieve the outstanding design as required by the LPSV, the Council has established a Quality Review Panel (QRP) to act as a 'critical friend' to both the Council and applicants.
- 17.8 The QRP consists of an independent, multidisciplinary group of experts who are suitably trained and highly experienced individuals in their fields and the Panel has the overarching ambition of assisting the Council with ensuring that new development achieves the high-quality design as required by the LPSV.
- 17.9 The proposed development on the application site has been the subject of several reviews by the QRP. The comments received following each review has been taken into account when considering the various elements of design in the following section.
- 17.10 Scale, form and massing
- 17.11 Policy DM9 of the LPSV notes that developments must relate positively to their context (Part A (i)), having regard to the form, scale and massing prevailing around the site (Part D (ii)), active frontages (Part D (v)), and respond to natural features of the site and surroundings (Part E). Policy DM 9 also notes that proposals should not result in an over-bearing or overly enclosed form of development (Part H (iii)) and consider microclimate conditions (Part H (iv)).
- 17.12 Paragraph 130 of the NPPF notes that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and be sympathetic to the surrounding built environment and landscape character
- 17.13 The current leisure centre building occupies a large proportion of the total site area and presents a solid, expansive mass to both of the site's street frontages. In terms of height of the proposed scheme, the terrace fronting onto Nicholl Road would reflect the height of existing two and a half storey houses along Nicholl Road, and would not appear overly dominant in the street scene. When viewed from Hemnall Street, the apartment block would be taller than the existing properties.
- 17.14 Whilst the proposed scheme is, overall, taller than the existing leisure centre, the mass has been broken down reducing the overall visual impact of the building. This has been achieved by incorporating steps in the building elevations, flat roofs and recessed pitched roofs, set behind parapet walls, on the apartment block building and gable fronted designs with saw-tooth pitched roofs to the terraced houses. Furthermore, the apartment block and the terraced houses are set in from the site boundaries, and over 12 metres from each other, which allows space for meaningful landscaping and ensures the proposal does not appear cramped within the site and reducing the visual impact when viewed from the street.
- 17.15 The general building height and massing strategy is therefore acceptable.

#### 17.16 Layout

- 17.17 Policy SP 3 of the LPSV notes that development proposals must demonstrate strong vision, leadership and community engagement (i), extend, enhance and reinforce strategic green infrastructure and public open space (vii), ensure positive integration and connection with adjacent rural and urban communities thereby contributing to the revitalisation of existing neighbourhoods (x) provide for sustainable movement and access to local and strategic destinations (including rail, bus and pedestrians, cycling) (xiii).
- 17.18 Policy DM 9 notes that development proposals must have regard to the framework of routes and spaces connecting locally and more widely (Part D (iii)).
- 17.19 Policy T 1 notes that development proposals will be permitted where they provide safe, suitable and convenient access for all potential users (Part C (i)) and provide a coordinated and comprehensive scheme that does not prejudice future provision of transport.
- 17.20 Policy DM 9 Part A (v) notes developments must incorporate design measures to reduce social exclusion, the risk of crime, and the fear of crime. Policy DM 9 part A also notes proposals should relate positively to their context, and Policy DM 21 notes that the local environmental impacts, including light pollution, of all development proposals after mitigation must not lead to unacceptable impacts on the health, safety, wellbeing and amenity of existing and new users or occupiers of the development site, or the surrounding land.
- 17.21 The siting of the apartment blocks and terrace in relation to each other allows for an acceptable amount of amenity space and landscaping to be incorporated into the scheme. There is a clear distinction between the public and private spaces within the site, with appropriately sited fencing and gates to aid legibility and site security.
- 17.22 The visual presence of the car parking area is softened by the presence of the landscaping buffer between the car park and the apartment block. Conditions are recommended to ensure that appropriate boundary treatments are installed, to ensure residents within the apartment block are not unduly impacted by noise, light or air quality arising from the use of the car park.

#### 17.23 Landscaping

- 17.1 Policy DM 3 of the LPSV seeks to ensure that new development will not directly, indirectly or cumulatively cause significant harm to landscape character, the nature and physical appearance of ancient landscapes or geological sites of importance. Proposals should be sensitive to their setting in the landscape and have due regard for local distinctiveness and characteristics. Policy DM 5 of the LPSV seeks that developments retain and enhance existing green infrastructure including trees, use native species and enhance the public realm through the provision of trees.

- 17.2 The existing trees along Hemnall Street are to be retained as part of the landscaping masterplan, along with trees along the north-east boundary of the site. These trees provide the context for the 'woodland walk', a publicly accessible route running through the site from Hemnall to Nicholl Street which improves the permeability of the site when compared to the existing situation. The design of the apartment block ensures sufficient natural surveillance and activation onto this route through the site. Planting and rain gardens are to be provided across the site, including a landscaping buffer surrounding the parking area which reduces the visual impact of the hardstanding.
- 17.3 However, the following trees are shown to be removed to facilitate development – London Plane (T1) ; Black Pine (T7) ; and the mixed evergreen boundary along Nicholl Road (G21). The Trees and Landscape Team have stated that there is no arboricultural justification for the removal of these and the replacement landscaping is an insufficient replacement. This objection is noted. The loss of the trees is regrettable, but the retention of the trees would significantly limit the extent of development that could take place on the site. Given the acute housing need within the District and the need to optimise the density of development on the site, the benefit arising from the removal of the trees outweighs the harm in this instance.
- 17.4 The scheme incorporates a central landscaped courtyard, which is accessible by all residents within the site. There is a physical connection between the rear gardens of the terraced houses and the courtyard area. A revised approach to the landscape treatment of the courtyard has been submitted during the course of the application. The proposal now represents an interesting, high-quality and sustainable scheme with a distinct character. The revised layout, along with high-quality precedents shown, provide reassurance that the courtyard has been designed in a meaningful and appropriate way, benefiting residents and those using the 'woodland walk'. An acceptable level of play, planting, seating and artwork provision has been considered and is to be provided as part of the overall landscaping strategy.
- 17.5 In terms of the detail of the planting scheme proposed, subject to conditions, the species selection and mix is considered acceptable.
- 17.6 Boundary treatments are generally supported, with high-quality brickwork proposed to all boundaries visible from the public realm. A change to the brick colour/ texture could help the boundary walls to be viewed as part of the landscape design and help to soften the edges – a condition is therefore recommended to secure this alternative arrangement.
- 17.7 Appearance and materials
- 17.8 Policy DM 9 of the LPSV notes that development proposals are required to incorporate sustainable design and construction principles (Part A (iii)) and relate positively to their locality having regard to distinctive local architectural styles, detailing and materials (Part D (vi)).



- 17.9 The NPPF paragraph 130 notes that developments must be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, establish a strong sense of place, and be sympathetic to local character and history while not preventing or discouraging appropriate innovation or change.
- 17.10 The design, appearance and materiality of the terraced houses fronting onto Nicholl Road appears as a contemporary, yet respectful, addition to the street scene. Appropriate materials and finishes will be secured by the recommended conditions. In particular, detailed elevation/ junction information is required to be submitted, particularly with regards to depths of reveals, rainwater goods, copings, door/ window details and balconies. To note, balcony design shown on bay studies still differ from precedent images and CGI perspectives, however the precise detail of these can be secured by condition.
- 17.11 As noted above, the use of solid brick matching the building brickwork to ground floor private amenity should be reviewed to relieve the dominance of a single brick type and to soften the edges of the communal amenity. This is to be secured by the recommended conditions.
- 17.12 Amenity for future residents
- 17.13 In terms of the layout of the flats within apartment block A, these are in line with NDSS, fire strategy and Part M4(2) Accessibility standards. Layouts are carefully considered. For accessibility and fire considerations this will be further reviewed by Building Control to ensure all technical requirements are met. The requirement for Part M4(2) is included within the recommended conditions but appears achievable through the design.
- 17.14 Similarly, house layouts are rational and provide an acceptable quality of accommodation. Whilst the arrangement of WC rather than habitable room at ground floor frontage limits activity and overlooking, there are two bedrooms and a study space on the frontage at upper levels and therefore this arrangement is acceptable. It is noted that Part M4(2) requires a shower room on the entrance level of 3-bed+ properties, and this will be secured by condition.
- 17.15 The cycle parking to houses is located at the front of the property and this allows for convenient access, therefore encouraging active travel in line with policy T1 and DM9. There does not appear to be any detailed information provided on the design of these however the plan information in conjunction with visuals provides sufficient information so that the detail can be secured by condition.
- 17.16 The cycle store to Block A is also conveniently located for all residents of the flats.
- 17.17 With regard to overlooking, the distance between windows of habitable rooms and their siting ensures that there is an acceptable level of privacy for all homes. A condition is recommended to ensure appropriate screens are installed on balconies to prevent overlooking of the private amenity areas of some of the ground floor flats.

- 17.18 An updated Daylight, Sunlight, Overshadowing Report (Aug 2021) was submitted, which assessed the internal light levels to the proposed homes. This report shows that 88% of windows comply with daylight at 2% Average Daylight Factor (ADF) for Living/Kitchen/ Dining rooms (LKDs) and 96% comply at 1.5% for LKDs. Given the highly sustainable location, the need to make efficient use of the site and the high-quality amenity proposed, the figures acceptable in this context.
- 17.19 Whilst a number of rooms would not meet the BRE recommendations for sunlight/ Annual Probable Sunlight Hours (APSH), it is noted that most of the rooms that transgress the recommendations are bedrooms and/or north-facing. The fact that most of the proposed dwellings are dual aspect means that it is more likely the overall light quality internally will be better than for single aspect dwellings, with more choice of aspect. On this basis, the arrangement is acceptable.
- 17.20 Therefore, overall in terms of design, the proposal would be of an acceptable scale, height and massing. The site layout and the detailed design of the buildings reduces the overall visual mass, ensuring the scheme sits comfortable within the plot and does not appear visually dominant within the wider street scene. The proposed appearance, materiality and landscaping is acceptable subject to conditions requiring further details. The proposed homes have been carefully designed in terms of layout and would provide a good level of amenity for future residents. Subject to conditions, there would be adequate privacy to each home and external amenity spaces. Each home would benefit from an acceptable level of daylight, sunlight and outlook. In addition, parking and cycle parking provision is easily accessible and would promote the use of active travel.
- 17.21 **Density**
- 17.22 The proposal is for 40 dwellings across a site area of 0.41 hectares, resulting in a density of 98 dph.
- 17.23 Policy H3A of the adopted Local Plan states that new housing developments will achieve a net site density of at least 30 - 50 dwellings per hectare. In the LPSV, policy SP3 states that the Council will normally expect densities above 50 dwellings per hectare in towns. Therefore, there is general support for higher density residential developments in sustainable town centre locations. The policy does not provide an upper limit on the density for each site.
- 17.24 Paragraph 122 of the NPPF states that planning decisions should support developments that makes efficient use of land. Paragraph 125 further states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. The NPPF advises that density standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate.

17.25 The LPSV allocates the site for the provision of approximately 43 homes. The number of homes proposed falls below that expected within the site allocation and therefore the density is lower. Having regard to the density within the site allocation and the town centre location, the proposed density is acceptable.

## **18. Impacts on neighbouring amenity**

18.1 Paragraph H of Policy DM 9 requires development proposals to take account of the privacy and amenity of the users of a development as well as that of neighbours. Policy DBE9 of the ALP contains the same objective by seeking to safeguard the living conditions of neighbouring properties. Paragraph H of Policy DM 9 is further split into subsections (i – iv) and the report will consider these issues in turn.

18.2 When considering privacy and amenity issues in relation to existing residents, it is important to understand the context of the application site in relation to the nearest of these neighbours.

### **18.3 Sunlight and Daylight**

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

18.5 The application was accompanied with a Daylight, Sunlight and Overshadowing Report (updated Aug 2021) prepared by Avison Young (AY) on behalf of the applicant. Officers has reviewed the report and assessed the application.

18.6 As a result of the proposal, a single property would be affected beyond the recommended BRE levels – no. 23a Hemnall Street. Given the windows affected serve a small study and utility space and are located on a flank wall facing the site, the overall level of light to the main habitable rooms of this property would remain acceptable.

### **18.7 Overlooking / loss of privacy**

18.8 Part (ii) seeks to ensure that existing neighbours will not be overlooked by users of new development.

18.9 At present, the properties on the northern side of Amesbury Road are sited in close proximity to the flank walls of the existing sports centre building. There are only a few windows facing these residential dwellings at present. The proposed apartment block would introduce a greater number of windows facing the Amesbury Close properties, However, the apartment block would be sited at a greater distance from the site boundary than the existing sports centre, creating a separation distance of at least 22 metres. This separation distance is sufficient to ensure that there will not be an unacceptable level of overlooking between the apartment block and the Amesbury Road properties.

- 18.10 The proposed terraced houses would be sited closer to the boundary with 12 and 12a Amesbury Close. The front elevations would not extend beyond the side/front of 12b, which does not have any windows in the flank elevation. As such, there would be no overlooking or loss of privacy to this building. The end of terrace house only includes one ground floor window in the flank elevation. This, combined with its siting in relation to 12 Amesbury Close, is sufficient to ensure that an acceptable level of privacy remains to this property.
- 18.11 The apartment block would be sited at least 12 metres from the rear garden of 27 Hemnall Street, which is sufficient and would ensure an acceptable level of privacy remains. No 25a Hemnall Street is located in closer proximity to the apartment block, but is not a residential property and therefore the level of retained privacy is acceptable for its use.
- 18.12 With regard to the neighbours on the north-eastern side of the site, No. 23a has two ground floor flank windows, but the distance between the windows and the apartment block, along with the presence of the existing boundary fence and hedge, would ensure no direct overlooking between these buildings. The apartment block would incorporate upper storey flank windows facing No. 23a, but these would face onto the front car parking area and not the main garden area to the rear. At the rear, the siting of the rear building line in relation to No. 23a prevents any overlooking. A condition is recommended to secure an acceptable screen to the north-eastern side of the balconies to prevent any perceived loss of privacy to the rear garden of No. 23a.
- 18.13 No. 20 Nicholl Road is a dormer bungalow, with side facing windows within the roof. Again, the flank wall of the proposed end-of-terrace house only contains a ground floor level window in the flank elevation. The window is sited at sufficient distance from the boundary and there are intervening trees, such that there would not be any overlooking of No. 20 Nicholl Road. The row of terraces are set further forward in the site than No. 20, such the privacy of the garden of this property would also be retained.
- 18.14 Outlook
- 18.15 Part (iii) seeks to ensure that new development is not overbearing and would not cause significant harm to the outlook of occupiers of neighbouring properties.
- 18.16 As set out above, the existing sports centre building is sprawling in form, and sits tight to the boundaries of the plot. Although the proposed buildings would, at some points, be taller in height than the existing building, the overall footprint would be less sprawling and the distance from the site's boundaries increased in most areas of the site. In particular, the outlook from the Amesbury Close properties will be retained, by moving the built form more centrally into the site. The siting of the proposed buildings relative to 23a Hemnall Street and 20 Nicholl Road has been carefully considered and adequate outlook will be retained from the main habitable rooms of these properties.

- 18.17 Overall, the proposal is considered acceptable with regard to any impact on the surrounding residential properties in terms of privacy, overlooking, daylight, sunlight and outlook and is therefore compliant with paragraph H of Policy DM 9.
- 18.18 Noise, vibration, fumes, light pollution and air quality
- 18.19 Part (iv) requires that issues of noise, vibration, fumes, light pollution and air quality are properly addressed when considering an application to ensure that none would cause significant harm to the amenity of existing residents or new users of the proposed development.
- 18.20 The report will now consider each of these aspects in turn.
- 18.21 With regard to noise, the proposed residential use, and the siting of the buildings in relation to the neighbouring properties, is such that there would not be an unacceptable increase in noise experienced by the neighbouring properties.
- 18.22 Additionally parking provision on the site will be significantly reduced and thus any noise generated from vehicles is likely to be less than that of which the occupants of the surrounding properties currently experience with the leisure centre use, and associated servicing. As such, the proposal is acceptable with regard to noise impacts.
- 18.23 A lighting impact assessment was submitted with the application which indicates that the upward light ratio (ULR) would not exceed the maximum permissible level of 5% for an E3 environmental zone. The report concludes finding that any residual effects of lighting from the proposed development will be negligible. Officers have reviewed the application and the lighting assessment report and are satisfied that there will be no undue harm caused to the amenity of the occupants of the surrounding properties as a result of lighting, subject to the recommended conditions.
- 18.24 The application has been accompanied by an Air Quality Assessment (AQA) which considers the potential impacts of the construction phase of the development as well as the operational phase.
- 18.25 The Council's Environmental Health Officer (EHO) has considered the AQA and has commented that the proposed mitigation measures have been taken from appropriate guidance and if suitably implemented, will ensure that there will not be significant harm caused to sensitive receptors. These measures can be secured through the recommended condition. Given the proximity of residential properties and the phased nature of development on this, and the nearby linked sites, conditions recommending real time dust monitoring are recommended also.
- 18.26 Based on the evidence provided by the applicant and subject to the recommended conditions, the proposal will not cause significant harm to air quality in relation to human health.
- 18.27 Summary relating to design and neighbouring amenity issues

- 18.28 Drawing all the strands together in relation to design and neighbouring amenity issues, the analysis conducted through this report has concluded that the proposed development fulfils the Council's overall vision and policies of ensuring that new development is comprised of high quality design, subject to the imposition of adequately worded planning conditions/obligations.
- 18.29 It has further been concluded that there would not be any significant harm caused to the living conditions of any of the existing residents who live in the area and that the development will ensure a good level of amenity to staff and visitors, subject to the imposition of suitably worded conditions / planning obligations.
- 18.30 The proposal is therefore compliant with the requirements of Policies SP 3, DM 9 and T 1 Part C and Part D of the LPSV and with Policies CP2, DBE1, DBE4 and DBE9 of the ALP.

## **19. Highways and Transport**

- 19.1 The submitted Transport Assessment (TA) assesses the potential impacts of the proposed development on the local and strategic highway network.
- 19.2 The TA has been reviewed by Essex County Council Highways, who conclude that it is a robust assessment of the traffic impacts of the proposal.
- 19.3 The application proposes 248 cycle parking spaces (224 long-stay and 24 short-stay).
- 19.4 The application proposes 20 car parking spaces, including 3 blue-badge parking spaces. Of these spaces, 11 will be allocated with the remainder for visitor parking. Policy T 1 of the emerging Local Plan requires that any development which proposes vehicle parking spaces must ensure that those spaces have direct access to an electric charging point. All parking spaces are to be active Electrical Vehicle Charging Points (EVCP), in compliance with this policy.
- 19.5 The residential Travel Plan submitted includes detailed measures for the applicant to implement in order to reduce reliance on the private car. These include providing Residential Travel Information Packs, cycle parking provision, encouraging car share platforms, free membership and £50 credit for a car club for residents, and the provision of electrical vehicle car charging. The site is well located, close to other accessible modes of sustainable travel. Given the scale of the development and proximity to existing transport modes, these measures are sufficient.
- 19.6 The applicant is committed to delivering the Travel Plan and monitoring its implementation. Implemented alongside the low level of parking provision on site, the proposed Travel Plan will help reduce reliance on the private vehicle.
- 19.7 In summary, given the existing use as an office and car park, and the low parking provision, the proposal will generate fewer trips than the existing use, resulting in a negligible impact on traffic and congestion on the local highway network.

19.8 Overall, the proposals will not result in an unacceptable impact on highway safety and would not have a severe residual cumulative impact on the road network in accordance with paragraph 111 of the NPPF, as well as ST4 of the adopted Local Plan and policy T1 of the LPSV.

## **20. Sustainability, Energy and Climate Change**

20.1 The NPPF sets out that the overall purpose of the planning system is to contribute to the achievement of sustainable development which is defined as:

*Meeting the needs of the present generation without compromising the ability of future generations to meet their own needs*

20.2 In order to achieve sustainable development, the NPPF sets out three overarching objectives:

- *An economic objective;*
- *A social objective; and*
- *An environmental objective*

20.3 The NPPF is clear that each of these objectives are interdependent and need to be pursued in mutually supportive ways.

20.4 The LPSV sets out that the Council is committed to providing proactive strategies with regard to climate change resilience. This approach is based on the NPPF which encourages Local Planning Authorities to adopt a proactive strategy with regard to sustainable development and climate change.

20.5 On 19th September 2019 the Council declared a climate emergency for the District and set out a pledge that the Council will do everything in its power to make the District carbon neutral by 2030.

20.6 This approach is encapsulated within Policy DM 20 of the LPSV which seeks to encourage new developments to be of a low carbon energy use. Renewable energy measures in new and existing development is also to be encouraged as far as possible. The policies in the LPSV have been added to via the adoption in March 2021 EFDC Sustainability Guidance and Checklist as supplementary planning guidance. The purpose of this guidance is to help applicants meet EFDC's goals of becoming net zero carbon by 2030.

20.7 In support of the application, a Sustainability Statement and Energy Strategy have been submitted along with a completed EFDC Sustainability Checklist which presents the sustainable aspects of the proposed development.

20.8 The Sustainability Statement highlights a number of aspects of the scheme which contribute to the sustainability credentials of the development. In short these are:

- A fabric first approach to reducing carbon emissions
- The development resulting in an annual 51% reduction in CO2 emissions over the requirements of Building Regulations Part L.
- High efficiency air source heat pumps;
- Installation of electric charging points for all of the car parking spaces on the site and provision of bicycle storage.
- Installation of new green and active spaces.
- Adopting measures for waste reduction during construction.
- Using embodied carbon studies to guide design.

20.9 Generally, the scheme is compliant with the sustainability policies in the emerging Local Plan. However, the scheme is not particularly innovative or proactive in addressing Climate Change and could be more ambitious in aligning with the Council's Climate Emergency declaration. It is noted in the DAS addendum that operational carbon, energy strategy, embodied carbon, water management, circular economy/ waste management and socio-economic aspects will be addressed in more detail during future design stages. Whilst it is acknowledged that some of the details of the scheme can only be developed at later design stages, many of the principles need to be in place at an early stage of design to enable this to be possible.

20.10 Specifically, the potable water target aligns with the Checklist's 2050 targets. Rainwater and greywater harvesting have been explored following initial Officer comments but deemed not viable for the scheme.

20.11 The submission states 'permeable surfaces will be included wherever practical to do so', but no percentage figure has been provided as asked by the Sustainability Checklist. The proposal should target 75% of hard surfaces being permeable.

20.12 The applicant has addressed previous comments with regards to Circular Economy principles by providing further detail on responsible sourcing of materials, use of recycled, reusable or local materials, and adaptable design.

20.13 The scheme appears to be meeting the highest targets of the Sustainability Checklist in terms of waste management. The responses to the Checklist suggest that 95% of the construction waste produced during the demolition, excavation and construction processes will be recycled or reused. This approach is welcomed, and the 95% target will be secured through the recommended condition.

20.14 The project is targeted to be an Air Quality neutral development and mitigation measures as described in the District's Air Pollution Mitigation Strategy are being adhered to.



20.15 Therefore, whilst not overly ambitious, the proposal is considered to be a sustainable form of development and is therefore compliant with Policy SP 1 and Policy DM 20 of the LPSV and Policy CP5 of the adopted Local Plan. The applicant is encouraged, through the recommended conditions, to enhance the sustainability credentials of the development through the next stages of design.

## **21. Flood Risk and SuDs**

21.1 There is a clear need to ensure that surface and foul water drainage and treatment occur effectively and for the protection of both human health and the environment. This includes the need to ensure that development will not cause pollution to water bodies or controlled water, including ground water.

21.2 Policy DM 18 of the LPSV sets out that it is expected that applications for planning permission will ensure that there is adequate surface water, foul drainage and treatment capacity to serve their development. This requirement is also reflected in Policy U2A of the ALP.

21.3 The application has been accompanied by a Flood Risk Assessment (FRA) and a Below Ground Drainage Strategy. Further information was submitted by the applicant during the course of the application in relation to the greenfield run-off rate, water quality and landscape features, following concerns raised by EFDC and ECC.

21.4 The EFDC Land Drainage Team has reviewed the information and has no objection in principle, subject to the recommended condition requiring the approval of a detailed surface water drainage scheme, prior to commencement.

21.5 The ECC SuDS Team acts as the Lead Local Flood Authority. Similarly to the EFDC Land Drainage Team, based on the FRA and the surface water drainage strategy the team has no objection to the application subject to the imposition of planning conditions.

21.6 Thames Water has been consulted as part of this application as a key utilities provider. In terms of foul water disposal, Thames Water has raised no objection to the application.

21.7 Subject to the imposition of appropriately worded planning conditions the proposal is compliant with Policy DM 18 of the LPSV and with Policy U2A of the ALP.

## **22. Ground contamination**

22.1 The LPSV seeks to ensure that new forms of development avoid unacceptable risks from pollution to humans and other species. Paragraph C of Policy DM 21 of the LPSV requires that potential contamination risks are properly considered and adequately mitigated before development proceeds. Policy RP4 of the ALP is consistent with this approach, whereby potential contaminants are required to be identified and if necessary, appropriately mitigated.

- 22.2 The application is accompanied by a ground investigation report, which considers the potential contamination risks present on the site.
- 22.3 The reports conclude that no elevated concentrations of contaminations have been found and the works are unlikely to present a potentially significant risk to human health. Furthermore, monitoring has not indicated any abnormal concentrations of ground gas, therefore no gas protection measures are considered necessary.
- 22.4 The Councils Geo-technical Team have considered the reports and agree with their findings in principle. The team have added that imported soils are likely to be required to provide suitable growing conditions for landscaped areas – these soils must be tested. A condition is therefore recommended to secure Remediation Method Statements and Verification reports.
- 22.5 The standard condition suggested by the Geo-technical Team seeks to ensure that if discoloured or odorous soils are encountered on the application site, or if hazardous materials or significant quantities of non-soil forming materials found during development works, then development will cease until the risks are fully investigated and evaluated. If necessary, an appropriate scheme to mitigate the potential risks will be submitted to and approved in writing by the Local Planning Authority.
- 22.6 The proposed condition will ensure compliance with the provisions of paragraph C of policy DM 21 of the LPSV and with Policy RP4 of the ALP.
- 22.7 Following this advice and on the basis of the evidence submitted by the applicant, the proposal is compliant with paragraph C of Policy DM 21 of the LPSV and with Policy RP4 of the ALP.

### **23. Historic Environment – Archaeology**

- 23.1 The LPSV recognises that Epping Forest District benefits from a rich and varied historic environment, including historic remains. Where proposals could potentially affect archaeological remains, preference is given to their preservation since these remains are finite and irreplaceable.
- 23.2 Policy DM 7 of the LPSV seeks to ensure that heritage assets (including archaeological remains) are conserved or enhanced in a manner appropriate to their significance.
- 23.3 To investigate potential impacts on the historic environment the application is supported by a Heritage Statement which assess the potential for archaeological deposits within the site.
- 23.4 The historic maps have shown that some buildings were evident within the site on the Tithe Map of 1838 and that there was a standing historic building within the site visible on the First Edition Ordnance Survey Map. Given these findings, the Historic Environment Team at ECC have recommended a further scheme of archaeological investigation be secured by condition.

23.5 Subject to these conditions, the proposed development is compliant with policy DM 7 of the LPSV and the proposals would conserve any heritage assets of archaeological significance.

## **24. Ecology**

24.1 The LPSV sets out that new development proposals should seek to deliver a net biodiversity gain in addition to protecting existing habitats and species. This approach is set out in Policy DM 1 of the LPSV. Policy NC3 of the adopted Local Plan is broadly consistent with this approach, whereby development proposals which may cause harm to established habitats are required to provide a replacement, alternative habitats of at least equivalent wildlife value. Additionally, Policy CP1 of the adopted Local Plan seeks to avoid or to minimise potential environmental impacts of development proposals.

24.2 The application is accompanied by an Ecological Assessment which sets out the baseline ecology of the application site and assesses the potential impacts of the development and mitigation and enhancement measures which may be required.

### **24.3 Baseline ecological surveys**

24.4 The findings of the Habitats Survey demonstrate that, due to the footprint of the building and the extent of hardstanding, the habitats are of negligible ecological importance. The existing hedgerows and trees are non-native and have no intrinsic ecological value.

24.5 The site was found to have low suitability for roosting bats. A very low level of foraging activity by common pipistrelle was recorded during the emergence/ re-entry surveys. The site has the suitability to support nesting birds, and although records of hedgehog in the surrounding area exist, the site is unlikely to provide a significant resource for this species.

### **24.6 Impacts, mitigation and enhancement measures**

24.7 The construction of the development proposal has the potential to cause harm to existing habitats on the site and therefore it is recommended that a planning condition is attached to the application to ensure that a Construction Environment Management Plan (CEMP) is submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.

24.8 Similarly to the construction phase, the operational phase of the development and its potential impacts on habitats will need to be addressed in a Landscape and Ecology Mitigation and Management Plan (LEMP). This can be secured through the use of a planning condition.

24.9 The mitigation measures identified in the Environmental Impact Assessment should be secured and implemented in full, to conserve and enhance protected and Priority Species. This includes precautionary measures for Hedgehogs (including Hedgehog

Holes) and Nesting birds. Therefore, a condition is recommended requiring the mitigation measures to be implemented on site.

- 24.10 Furthermore, the mitigation measures identified in the Epping Forest Environmental Impact Assessment should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species. This includes precautionary measures for common toad, hedgehogs (including gaps in fencing), and nesting birds.
- 24.11 The ES demonstrates that a biodiversity net gain will be achieved through five bird nesting boxes, neutral grassland (referred to as 'woodland groundcover mix' in the landscape plan), and a biodiversity roof. A condition is recommended to ensure that enhancement measures are to be outlined and secured through the approval of a Biodiversity Enhancement Strategy.
- 24.12 Overall, in terms of ecology, the proposal would be in accordance with policy DM 1 of the LPSV is also compliant with Policies NC3 and CP1 of the ALP

## **25. Infrastructure**

In order to deliver the sustainable and balanced growth which has been identified in the LPSV, significant investment in infrastructure is required to meet the needs of residents and businesses.

- 25.1 Infrastructure includes a wide variety of elements including transport, utilities, flood and surface water management, open space and social and community infrastructure.
- 25.2 To outline the infrastructure requirements which are necessary to meet the needs of the growth outlined in the Plan, the Council has compiled an Infrastructure Delivery Plan (IDP). The IDP identifies:
- The organisation responsible for delivering each piece of infrastructure;
  - The period over which the relevant investment will be required; and
  - The cost of each item and how it is going to be funded.
- 25.3 The IDP has been developed in consultation and cooperation with infrastructure providers and will ensure that infrastructure is delivered in a timely, predictable and effective manner. The IDP has also considered high level issues of viability and therefore delivery of policy compliant new development.
- 25.4 The IDP is split into development areas and identifies the various interventions necessary within each area.
- 25.5 A number of Active Transport Improvements i.e cycle and footpath improvements are identified within the IDP and the value of these have been apportioned between proposed developments within Epping. The value of these works is £70,360.

- 25.6 Potential Highway Works are identified within the IDP for Epping with a site apportionment detailing how the cost will be spread over a number of schemes. In this case given the scale of the proposal, low level of car parking provided and indirect link to the scheme the cost of potential highway works are not sought.
- 25.7 Open Space and Green Infrastructure requirements are identified in the IDP alongside the deficient in local park provision set out within the Epping Forest Open Space Strategy 2017. The identified projects have been apportioned using the same method as the Active Transport Improvements. A contribution value of £258,851 has been identified.
- 25.8 ECC Infrastructure Planning confirmed the following requirements to mitigate the impact of the increase resident population:
- Early Years and Childcare – £29,528
  - Primary Education - £98,428
  - Secondary Education – £90,345
  - Libraries – £3,112
- 25.9 NHS West Essex Clinical Commissioning Group undertook a Healthcare Impact Assessment to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area. The developments would have an impact on primary healthcare provision in the area and a contribution towards the required funding for the provision of capacity to absorb the patient growth generated by these developments will mitigate this. A contribution of £19,740 has been calculated.
- 25.10 Subject to the infrastructure interventions as noted in the previous section being secured through appropriate planning obligations, the proposal is compliant with policy D1 of the LPSV.

## **26. Employment and skills**

- 26.1 Part (v) of paragraph F of Policy SP 2 of the LPSV seeks to ensure that suitable training and skills development opportunities are provided for local residents to equip them with the skills they need to access future employment opportunities.
- 26.2 The Council is committed to ensuring that local residents get the best possible opportunities for training and employment in relation to this development proposal and as such an employment and skills plan (ESP) is proposed to be secured via legal obligation. The ESP will ensure liaison with the Council on employment opportunities, provide training opportunities and seek appropriate level of apprentices are provided as part of the construction works.

- 26.3 Subject to the delivery of the measures identified in the ESP, Officers consider that the development proposal will provide for significant opportunities for new jobs, apprenticeships and training for the local community.
- 26.4 The precise details of these schemes can be secured through a planning obligation as part of the section 106 legal agreement. Subject to the inclusion of the proposed planning obligation, the proposal will be compliant with Part (v) of Paragraph F of Policy SP 2 of the LPSV and will provide significant economic benefits to the local area.

## **27. EQUALITY DUTIES AND HUMAN RIGHTS**

- 27.1 Section 149 of the Equality Act 2010 requires that a public authority must exercise its functions having due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic (age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation) and persons who do not share it, and foster good relations between persons who share a relevant protected characteristic and persons who do not.
- 27.2 In making this recommendation, due regard has been given to this Public Sector Equality Duty and the relevant protected characteristics. It is considered that there will be no specific implications and that, if approving or refusing this proposal, the Council will be acting in compliance with its duties.
- 27.3 The Human Rights Act 1998 makes it unlawful for a public authority to act in a way which is incompatible with any of the Convention rights protected by the Act unless it could not have acted otherwise. Careful consideration has been given to the rights set out in the European Convention on Human Rights, in particular Article 6 (right to a fair trial); Article 8 (right to respect for private and family life; Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (right to peaceful enjoyment of possessions).
- 27.4 The Council is of the opinion that the recommendation does not interfere with any such rights except insofar as is necessary to protect the rights and freedoms of others. The Council is permitted to control the use of property in accordance with the public interest and the recommendation is considered a proportionate response to the submitted application based upon the considerations set out in this report.

## **28. CONCLUSION**

- 28.1 In conclusion, the starting point for determining this application is development plan. Determinations must be made in accordance with the development plan unless material considerations indicate otherwise. The tilted balance identified in Para 11(d) of the NPPF is engaged, which provides that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

- 28.2 In assessing the principle of the development against the adopted and emerging Development Plan, the scheme proposes the re-use of brownfield land, within an accessible and highly sustainable town centre location. The site is located within Flood Zone 1 and is at low risk from all sources of flooding.
- 28.3 The site allocation EPP.R5 within the LPSV identifies the site for residential development on the basis that a replacement sports centre is provided. The site allocation EPP.R5 specifically requires that 'Closure of the existing Epping Sports Centre and the re-development of this site should not take place until a suitable replacement sports/leisure facility is delivered and is operational.' The principle of the loss of the existing leisure centre is acceptable only if a replacement is secured and provided prior to the redevelopment of the current centre, to ensure that the public have uninterrupted access to sports/leisure facilities in the local area. As set out elsewhere in this report, the provision of a replacement leisure centre on the St John's site is acceptable. The use of the Hemnall Street site for residential purposes is in compliance with the site allocation and is acceptable in principle.
- 28.4 Looking at the wider context, the three residential and two commercial developments proposed by the Applicant are to be phased to enable the sequential delivery of the required facilities to enable wider development. The first phase will see the MSCP constructed on Cottis Lane, thus releasing Bakers Lane for redevelopment. The new Epping Leisure Centre can then be constructed on Bakers Lane releasing the existing Sports Centre site for residential development.
- 28.5 On the basis of this assessment, it is considered that proposed development is compliant with the requirements of the Development Plan and the LPSV in relation to the principle of use proposed on each site
- 28.6 Turning to other relevant material considerations, it is recognised that under the Habitats Regulations, the Epping Forest SAC ("EFSAC) is classified as a 'European Site' and applications for planning permission that are likely, either alone or in combination with other plans or projects, to have a significant effect on the EFSAC must be subject to an assessment, known as an Appropriate Assessment ("AA"). Harm can result from recreational pressure, resulting from additional residential units, and atmospheric pressure, arising from increased vehicular movements.
- 28.7 The proposed residential development on Land at St John's Road, Epping Sports Centre and Land and part of Civic Offices which propose residential development, will pay a financial contribution of £352 per dwelling as noted in the SAMM strategy, secured through the S106 agreement. It can therefore be concluded, beyond a reasonable scientific doubt, that there will be no harm to the integrity of the EFSAC as a result of recreational pressure.
- 28.8 In terms of atmospheric pressure, there is difference between the traffic generation assumed through the Local Plan allocations and the development proposals advanced through these applications, in an unmitigated scenario. The Annual Average Daily Traffic has been modelled for the proposed scenario and considered through the Local

Plan air quality model for the EFSAC, so that a direct comparison can be made with the modelling undertaken for the Air Pollution Mitigation Strategy. It has been concluded that, subject to the suitable delivery of the required parking provision on each of the five development sites as well as a suitable Car Park Management Plan to raise awareness of the electric charging facilities available and the payment of the necessary financial contributions, the Council as the competent authority can conclude beyond a reasonable scientific doubt that the development proposed by each of these applications will not lead to an adverse effect on the integrity of the EFSAC.

- 28.9 Each of the five applications include an Environmental Statement (ES). The ESs set out a baseline for the existing environmental conditions in the areas affected and then identify likely significant effects (including possible cumulative effects) and mitigation. Significant effects on climate change are identified, which is to be addressed via embedded and operational mitigation to reduce carbon emissions. Significant beneficial effects arise from new employment opportunities and the provision of new and improved sports facilities. Other residual effects are to be addressed via Construction Management Plans, Landscape and Ecological Management Plans secured by planning condition. Overall, subject to the appropriate mitigation secured via condition and the S106 agreement, the environmental impact of the schemes is acceptable.
- 28.10 In terms of the proposed housing mix, the delivery of the larger units as identified within the SHMAA would result in a particular approach to built typology and urban form. In limited specific town centre locations with close proximity to sustainable transport options, such as this, a more nuanced approach should be taken to ensure that the delivery of homes both private and affordable are maximised and that the objective of mixed and balanced communities are achieved on space constrained sites. The proposed housing mix is supported in this location as suitable sites to accommodate a high proportion of 1 and 2 bed units. This will help diversify local housing stock while maximising housing delivery within a sustainable location. The proposed tenure, including Built to Rent at St John's, are acceptable.
- 28.11 The applicant has put forward an offer of 25% provision of on-site affordable housing at each of the residential sites. As this falls below the policy requirement of 40%, a Financial Viability Assessment (FVA) has been submitted, which has been scrutinised by an independent assessor on behalf of the Council. The conclusion of the independent assessment is that a policy compliant provision of affordable housing would not be viable. The Council's assessors consider that a 25% provision would represent a break-even position. Given this, the provision of 25% of units on site as affordable would be acceptable. A review mechanism will be included within the S106 agreement to ensure that any improvement in viability is secured by the Council.
- 28.12 In terms of design quality, the existing leisure centre building occupies a large proportion of the total site area and presents a solid, expansive mass to both of the site's street frontages. The proposed terrace fronting onto Nicholl Road would reflect the height of existing two and a half storey houses along Nicholl Road, and would not



appear overly dominant in the street scene. When viewed from Hemnall Street, the apartment block would be taller than the existing properties but the mass has been satisfactorily broken down, reducing the overall visual impact of the building. The built form is set in from the site boundaries which allows space for meaningful landscaping and ensures the proposal does not appear cramped within the site and reducing the visual impact when viewed from the street. The proposed materials are acceptable, subject to further details to be secured by condition.

- 28.13 The proposed landscaping is sufficient to soften the visual impact of the buildings and the associated hardstanding, whilst providing high quality and varied play space throughout the site in accessible and attractive locations. The Trees and Landscape Team have raised objection to the removal of two protected trees. The loss of the trees is regrettable, but the retention of the trees would significantly limit the extent of development that could take place on the site. Given the acute housing need within the District and the need to optimise the density of development on the site, the benefit arising from the removal of the trees outweighs the harm in this instance.
- 28.14 Each new home provided as part of the proposal would benefit from an acceptable level of privacy internally and externally, adequate outlook, and an acceptable level of light. Layouts of the homes are rational and useable. Subject to conditions relating to bin storage arrangements and cycle parking, the proposed servicing arrangements are acceptable and would encourage a shift to sustainable modes of transport.
- 28.15 With regard to the impact on surrounding residential properties, an acceptable level of daylight and sunlight would be retained for all surrounding residential properties. Whilst some of the surrounding properties are in close proximity to the site, the siting of windows to habitable rooms, the presence of the existing boundary fencing and vegetation and the use of obscure glazing (secured by condition) would be sufficient to prevent any loss of privacy or outlook. The proposal is therefore compliant with paragraph H of Policy DM 9.
- 28.16 Furthermore, the proposed residential use, and the siting of the buildings in relation to the neighbouring properties, is such that there would not be an unacceptable increase in noise experienced by the neighbouring properties. In addition, there will be no undue harm caused to the amenity of the surrounding properties as a result of lighting, subject to the recommended conditions. Based on the evidence provided by the applicant and subject to the recommended conditions, the proposal will not cause significant harm to air quality in relation to human health.
- 28.17 The predicted traffic generation resulting from the proposal would not have a significant impact on the local highway network and is acceptable. The extent of car and cycle parking is acceptable and, in combination with the submitted Travel Plan, would help reduce reliance on the private car and transition to sustainable modes of travel.
- 28.18 Generally, the scheme is compliant with the sustainability policies in the emerging Local Plan. The design incorporates a 'fabric-first' approach to sustainability, potable water targets are acceptable, 95% of construction waste will be recycled or re-use and

the project will be air quality neutral. Therefore, whilst not overly ambitious, the proposal is considered to be a sustainable form of development and is therefore compliant with Policy SP 1 of the LPSV and Policy CP5 of the adopted Local Plan. In addition, in terms of energy consumption and CO2 emissions, the proposal is compliant with Policy DM 20 of the LPSV.

- 28.19 The application has been accompanied by a Flood Risk Assessment (FRA) and a Below Ground Drainage Strategy. Further information was submitted by the applicant during the course of the application in relation to the greenfield run-off rate, water quality and landscape features, following concerns raised by EFDC and ECC. The EFDC Land Drainage Team and the ECC SuDS Team have reviewed the information and have no objection, subject to the recommended condition requiring the approval of a detailed surface water drainage scheme. The proposal is therefore compliant with Policy DM 18 of the LPSV and with Policy U2A of the ALP.
- 28.20 A ground investigation report has been submitted with the application, which considers the potential contamination risks present on the site. The Council's Geotechnical Team have considered the reports and agree that there will be no significant risk to human health as a result of the proposal. A condition is recommended to secure Remediation Method Statements and Verification reports.
- 28.21 The application is also supported by a Heritage Statement which assess the potential for archaeological deposits within the site. Subject to conditions requiring a further scheme of archaeological investigation, the proposals would conserve any heritage assets of archaeological significance and are compliant with Policy DM 7 of the LPSV.
- 28.22 The Ecological Assessment within the submitted ES sets out the baseline ecology of the application site and assesses the potential impacts of the development and mitigation and enhancement measures which may be required. Overall, in terms of ecology, subject to conditions, the proposal would be in accordance with policy DM 1 of the LPSV and Policies NC3 and CP1 of the ALP.
- 28.23 Suitable contributions have been secured to meet the needs for education and health facility capacity improvements alongside funding for a range of sustainable transport measures.
- 28.24 Overall, the proposal is for the sustainable re-use of brownfield land, in general accordance with the site allocations within the LPSV. The proposal would provide additional housing which is a benefit that should be afforded significant weight in the planning balance, particularly in light of the acute housing shortage within the District. The scheme would also provide a significant amount of affordable housing, albeit noting that full policy compliance would not be viable. In terms of the quality of the proposed homes, these would meet prescribed space standards, accessibility standards, benefit from amenity space and include a large proportion of dual aspect flats.

- 28.25 The proposals would integrate satisfactorily with the surrounding townscape in terms of scale, massing and overall design. The proposals would have an acceptable impact on the living conditions of neighbouring properties in terms of light, privacy and outlook. Furthermore, no undue harm would arise from noise or light emitted from the development.
- 28.26 In terms of transport, the extent of car and cycle parking is acceptable and, in combination with the submitted Travel Plan, would help reduce reliance on the private car and the transition to sustainable modes of travel. The sustainability aspects of the proposal are in compliance with policy.
- 28.27 The application demonstrates that the environmental impact of the proposal would be acceptable, subject to appropriate mitigation. There would be no adverse effect on the integrity of the EFSAC, no air quality degradation, no increased flood risk and no significant risk to human health from contamination. Archaeological and ecological assets would be safeguarded as a result of the proposal, and biodiversity net gain secured.
- 28.28 Taken together, the application has demonstrated its compliance with the requirements of the LPSV, the Adopted Local Plan and the NPPF. It is therefore recommended that planning permission is granted subject to the imposition of suitably worded planning conditions and obligations.

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

***Planning Application Case Officer: Nick Finney***

***Direct Line Telephone Number: 01992 564 371***

***or if no direct contact can be made please email:***

***[contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

**Appendix 1 – Planning conditions and informative**

**Appendix 2 – Neighbour representations summary**

**Appendix 3 – Statutory and technical consultee responses**

**Appendix 4 – QRP feedback summary**