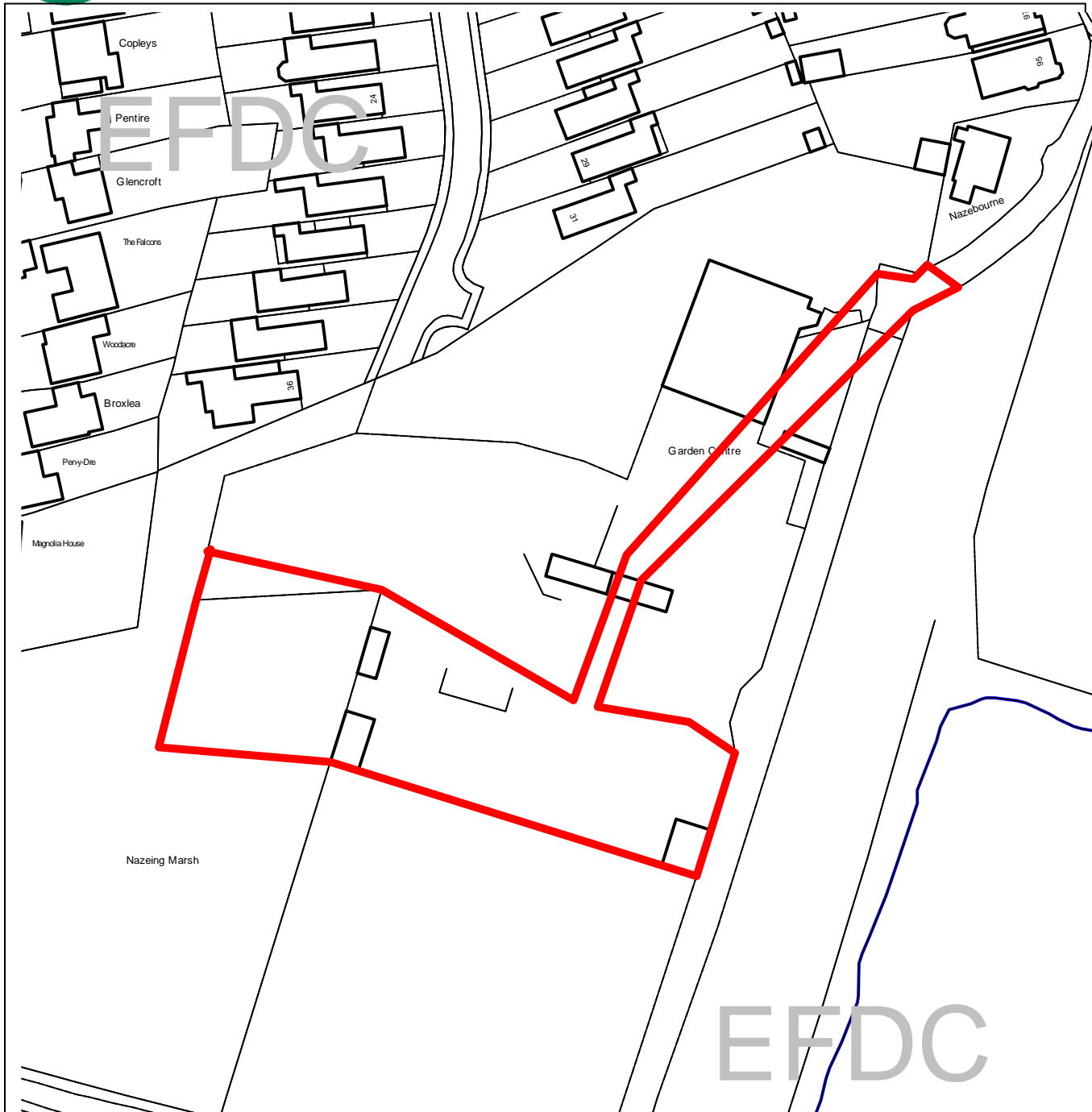




# Epping Forest District Council



Unauthorised reproduction infringes  
Crown Copyright and may lead to  
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©  
Crown Copyright 2013 EFDC License No:  
100018534

Contains Royal Mail Data. © Royal Mail  
Copyright & Database Right 2013

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

**Report Item No:**

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

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=658755](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=658755)

**REASON FOR REFUSAL**

- 1 The application site comprises previously developed and undeveloped land within the Metropolitan Green Belt. The proposed development would have a greater impact on the openness of the Green Belt than the existing development and is therefore inappropriate development, by definition, harmful to the Green Belt. In addition, the erection of 14 no. dwellings on the site will have a significant physical and visual impact on the openness of the Green Belt. No very special circumstances have been demonstrated that are sufficient to outweigh the significant harm to the Green Belt and to the purposes of including land within the Green Belt. The development is therefore contrary to policy GB2A of the adopted Local Plan and Alterations and Policy DM4 of the Local Plan Submission Version 2017 and the NPPF (2021).
- 2 The proposed development would result in the loss of an area previously identified and approved as managed open space for the benefit of future residents of the dwellings approved, and currently under construction, under application reference EPF/1351/18, contrary to Policy DM6 of the Local Plan Submission Version 2017 and the NPPF (2021).
- 3 In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of air pollution. Failure to secure such mitigation is contrary to policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

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

**Address:**

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

**Description of Site:**

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

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

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

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

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

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

**Description of Proposal:**

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

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

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

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

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

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

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

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

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

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

### **Relevant Planning History:**

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

Reasons for refusal:

1. The application site comprises previously developed and undeveloped land within the Metropolitan Green Belt. The proposed development would have a greater impact on the openness of the Green Belt than the existing development and is therefore inappropriate development, by definition, harmful to the Green Belt. In addition, the erection of 14 no. dwellings on the site will have a significant physical and visual impact on the openness of the Green Belt. No very special circumstances have been demonstrated that are sufficient to outweigh the significant harm to the Green Belt and to the purposes of including land within the Green Belt. The development is therefore contrary to policy GB2A of the adopted Local Plan and Alterations and Policy DM4 of the Local Plan Submission Version 2017 and the NPPF (2021).
2. The proposed development would result in the loss of an area previously identified and approved as managed open space for the benefit of future residents of the dwellings approved, and currently under construction, under application reference EPF/1351/18, contrary to Policy DM6 of the Local Plan Submission Version 2017 and the NPPF (2021).
3. In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

EPF/1351/18

Demolition of site buildings and redevelopment to provide 33 new homes

Approved subject to conditions and legal agreement 14.02.2019.

Provides 5 x 3 bed affordable rented dwellings on site. This scheme is currently being built out.

EPF/1232/16

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

Approved subject to conditions and legal agreement 14.06.2018.

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

EPF/1492/16

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

Refused 30<sup>th</sup> November 2017.

Reasons for refusal:

1. The proposed development includes "more vulnerable" development within Flood Zone 3. The development does not meet the sequential test and does not provide wider sustainability benefits that outweigh the flood risk and does not therefore pass the Exceptions Test. The proposal is therefore contrary to the NPPF Para 102 and policy U2A of the Adopted Local Plan and Alterations.
2. The development of this green field site within the metropolitan Green Belt amounts to inappropriate development by definition harmful to the Green Belt and to the purposes of including land within the Green Belt, in addition the erection of 7 houses on the site will have a significant physical and visual impact on the openness of the Green Belt. No very special circumstances exist sufficient to outweigh the harm to the Green Belt that would result and the development is therefore contrary to policy GB2A of the adopted Local plan and Alterations and to the NPPF.
3. The proposed development will adversely impact on the landscape of the Lee Valley Regional Park contrary to the strategic policies on landscape and detailed proposals which identify the site as within a landscape enhancement area, and adversely impact on the amenity of users of the Regional Park, as such the development is contrary to Policy RST24 of the adopted Local Plan and Alterations.

EPF/0570/15

Demolition of existing Garden Centre/Commercial Buildings and erection of 26 dwellings with associated parking and landscaping.

Approved subject to conditions and legal agreement 02.10.2015.

Affordable Housing contribution of £500,000.

This scheme cannot now be implemented as it shares part of the same site as the EPF/1351/18 scheme which is currently being built out.

EPF/0206/14

Demolition of existing garden centre/commercial buildings and erection of 43 dwellings with associated parking and landscaping

Refused (11.02.2015) and dismissed at appeal (10.02.2016)

Refused at District Development Control Committee for the following reasons:

1. The proposed development includes "more vulnerable" development located within Flood Zone 3. The development does not provide wider sustainability benefits that outweigh the flood risk and does not therefore pass the Exceptions Test. As such the proposal is contrary to the NPPF. Para 102.
2. The development, due to the amount of built form that will intrude in to the southern half of the site which is currently free of buildings, will have a significantly greater impact on the openness of the Green Belt than the existing development and as such is inappropriate and by definition harmful. The development is therefore contrary to policy GB2A of the adopted Local Plan and Alterations and to the NPPF.
3. The proposal fails to provide on site affordable housing despite such provision being financially viable and the site being suitable for such development, as such the development is contrary to

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

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

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

1. That the redevelopment of the northern part of the site could be acceptable, as this would avoid the Flood Risk Zone 3, most of the former landfill site and would likely to be acceptable in Green Belt terms;
2. That any proposed scheme should include an appropriate element of affordable housing. Although it was acknowledged that this location was not acceptable for high density housing, a suitable development which respected the character of the area could be achieved.

**Relevant Policies:**

**Adopted Local Plan Policies:**

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

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

### **National Planning Policy Framework Policy (July 2021)**

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

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

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

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

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

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

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

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

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

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

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

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

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

- SP1 Presumption in favour of sustainable development
- SP2 Spatial Development Strategy 2011-33
- SP6 Green Belt and District Open Land
- SP7 The Natural Environment, Landscape Character, and Green and Blue Infrastructure
- T1 Sustainable transport choices
- T2 Safeguarding of routes and facilities
- DM1 Habitat protection and improving biodiversity
- DM2 Epping Forest SAC and the Lee Valley SPA
- DM3 Landscape Character, Ancient Landscapes and geodiversity
- DM4 Green Belt
- DM9 High Quality Design
- DM10 Housing Design and Quality
- DM15 Managing and reducing flood risk
- DM16 Sustainable drainage systems
- DM19 Sustainable water use
- DM21 Local environmental impacts, pollution and land contamination
- DM22 Air quality.

## **SUMMARY OF REPRESENTATIONS AND CONSULTEE RESPONSES**



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

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

Woodacre, Riverside Avenue (Objection):

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

97 Old Nazeing Road (Objection):

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

90 Old Nazeing Road (Objection):

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

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

81 Old Nazeing Road (Objection):

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

Broxbourne Cruising Club, 17<sup>th</sup> December 2021:

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

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

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

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

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

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

**Nazeing Parish Council:** No objection (14<sup>th</sup> December 2021).

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

#### **EFDC Affordable Housing:**

##### Comments 23<sup>rd</sup> December 2021:

*As currently presented, apart from any other planning reasons that may apply, I cannot support the application from an affordable housing point of view.*

*The viability report provided does not appear to be independently assessed by the Council's independent consultants to verify that the scheme cannot provide any affordable housing and remain viable.*

*However, in the event that it is confirmed, that the scheme cannot meet the Council's affordable housing requirement in full, a review mechanism will need to be included in the S106 agreement.*

##### Further Comments 18th February 2022:

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

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

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

#### **EFDC Environmental Protection and Drainage (17<sup>th</sup> December 2021):**

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

#### **Environment Agency:**

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

#### **EFDC Contaminated Land (16<sup>th</sup> December 2021):**

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

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

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

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

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

#### **EFDC Trees and Landscape (30<sup>th</sup> November 2021):**

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

### **Essex CC Highways (29<sup>th</sup> November 2021):**

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

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

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

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

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

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

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

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

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

*Informative:*

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

### **Essex CC Infrastructure (3<sup>rd</sup> December 2021):**

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

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

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

#### *Early Years and Childcare*

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

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

#### *Primary Education*

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

#### *Secondary Education*

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

#### *School Transport*

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

#### *Libraries*

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

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

#### *Employment and Skills*

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

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

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

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

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

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

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

#### **Essex Police (Crime Prevention):**

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

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

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

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

#### **Issues and Considerations:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Green Belt.**

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

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

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would:
  - not have a greater impact on the openness of the Green Belt than the existing development;

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

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

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

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

The Committee Report goes on to say:

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



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

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

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

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

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

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

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

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

The VSC which were accepted were:

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

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

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

#### Current scheme, 14 units (south part of site)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Housing Land Supply**

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

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

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

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

### **Fall back position / Volume / Floorspace / comparisons**

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

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

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

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

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

### **Affordable Housing**

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

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

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

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

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

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

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

The BPS Report looked at four scenarios as follows:

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

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

The BPS Report concludes as follows:

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

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

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

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

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

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

### **Flood Risk:**

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

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

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

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

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

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

## **Contamination.**

Policy RP4 of the adopted Local Plan states:

The Council will not grant planning permission for the development or reuse of land which it considers likely to be contaminated unless:

- (1) prior tests are carried out to establish the existence, type and degree of contamination and
- (2) if contamination is found, appropriate methods of treatment and monitoring are agreed with the council, pollution authorities and water companies; and
- (3) the agreed methods of treatment include measures to protect or recreate habitats of nature conservation interest.

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

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

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

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

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

## **Layout and Design**

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

## **Quality of Accommodation**

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

## **Impact on Neighbouring Amenity**

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

The proposal is considered to be acceptable in this respect.

## **Highways and Parking:**

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

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

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

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

### **Impact on the Lee Valley Park**

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

### **Epping Forest SAC**

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

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

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

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

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

### **Ecology**

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

This concludes as follows:

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

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

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

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

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

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

### **Archaeology**

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

### **S106 Legal Agreement**

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

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

### **Conclusion**

Recommended for refusal.

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

**Planning Application Case Officer: Kie Farrell Telephone Number: 01992 564000**

**or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**