

**Report to District Development  
Management Committee**



**Report Reference:** EPF/1681/19  
**Date of meeting:** 18 March 2020

**Epping Forest  
District Council**

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**Address:** Chigwell Primary Academy, High Road, Chigwell, Essex, IG7 6DW

**Subject:** Construction of new Chigwell Primary Academy followed by demolition of existing buildings and creation of new playing field and playground, together with residential development comprising 59 no. dwellings, together with car parking, garden spaces, vehicular access from High Road (A113), external landscaping and associated development.

**Responsible Officer:** Ian Ansell (01992 564481)

**Committee Secretary:** Gary Woodhall (01992 564470)

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**Recommendation:**

This application has a recommendation to approve subject to a Legal Agreement to secure the following planning obligations:

- Affordable housing contribution of £3,000,000 for off site affordable housing provision
- Local transport infrastructure contribution of £800,000
- Early years education infrastructure contribution of £92,336
- Secondary education contribution of £273,925
- Health care contribution for local GP capacity improvement of £22,402
- Contribution to mitigation of recreational pressure on the Epping Forest SAC of £20,768
- Community facility enhancement contribution in accordance with identified local IDP requirements of £60,563.81

**and the following conditions:**

1. The school and residential developments hereby permitted must each be begun not later than the expiration of three years beginning with the date of this notice.
2. The development hereby permitted will be completed strictly in accordance with the approved drawings nos:

School development: (05)100 B, A1 PL A (05) 200 B, A 2 PL A (05)201A, PL A (05) 202 B, A PL A(05)220 C, PL A(05) 221 C, SK001 and SK002

Housing development: (05) 114 B, (05) 115 A, (05) 116, (05) 117 A, (05) 120 A, (05) 121 A, (05) 122 A, (05) 123 A, (05) 150 B, (05) 152 B, (05) 154 B, (05)156 B, (05) 158 B, (05) 160 B, (05) 161 B, (05)162 B, (05) 220 D, (05) 221 D, (05) 222, (05) 223, (05) 224, (05) 225 and (05) 226.

General - (05) 001 A, (05) 200 H, (05) 201 F, (05) 202 D, (05) 300 B, 171121-003, 171121-04 and 7549-D-AIA.

3. No development above ground shall take place on the residential scheme until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
4. Prior to the commencement of the residential development other than groundworks, a detailed mitigation and compensation strategy in relation to bats identified in the report accompanying the application written in accordance with current guidelines available from Natural England (or other relevant body), accompanied by a Natural England European Protected Species licence (EPS) shall be submitted to and approved by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy unless otherwise agreed in writing.
5. No development shall take place on the residential development site until tree protection measures indicated in the Arboricultural Impact Assessment accompanying the application and shown on drawing number 7549-D-AIA have been installed and in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations). The tree protection measures shall be fully retained for the duration of the development in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
6. Prior to the commencement of development other than ground excavation works, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
7. No development shall take place, including any works of demolition, until a full Construction Method Statement for the main contractor and following the principles set out in Construction Management Plan accompanying the application prepared by Avison Young dated August 2019 has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - a. Safe access into the site for construction traffic
  - b. The parking of vehicles of site operatives and visitors
  - c. Loading and unloading of plant and materials
  - d. Storage of plant and materials used in constructing the development
  - e. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - f. Measures to control the emission of dust and dirt during construction, including vehicle wheel and underbody washing.
  - g. A scheme for recycling/disposing of waste resulting from demolition and construction works

All measures shall be retained for the duration of the construction programme unless otherwise agreed in writing by the Local Planning Authority

8. A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
9. No construction works above ground level shall take place until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) for the residential development site have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
10. No construction works above ground level shall take place until samples and documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
11. No removal of hedgerows, trees or shrubs, or works to or demolition of buildings or structures that may be used by breeding birds, shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared, provided a written report of confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site, and that written confirmation has been approved by the Local Planning Authority.
12. Prior to the commencement of the residential development other than groundworks, a precautionary working method statement to ensure no amphibians, reptiles or doormice are injured or killed during clearance of suitable habitat shall be submitted to and approved by the Local Planning Authority. All works shall thereafter proceed in accordance with the approved strategy unless otherwise agreed in writing.
13. Prior to any development above ground level, details of the refuse and recycling storage and a cycle shelter for the flatted development shall be submitted to and

approved by the Local Planning Authority. The works as agreed shall be fully completed prior to first occupation of the said flatted development.

14. Prior to commencement of development, other than ground works, a lighting design strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a. Identify those areas/features on site that are particularly sensitive for bats eg. along important routes used to access key areas of their territory, for example, for foraging
- b. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
- c. Identify lighting to roads, communal parking areas, and external lighting on all buildings within the site.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting shall be installed without prior consent from the Local Planning Authority.

15. In accordance with the recommendations in the Ecological Assessment accompanying the application, prior to any development above ground level, a biodiversity enhancement statement should be submitted to and approved by the Local Planning Authority. This should include a wildlife buffer with swales and marshland habitat, two bat boxes, four bat bricks, ten bird boxes, native wildflower sowing, native hedgerow planting, a free-standing four-chamber bat house and a new pond. All works shall then proceed in accordance with the approved strategy unless otherwise agreed in writing, shall be completed before first occupation of the residential development and shall then be maintained.
16. No development shall commence until a Phase 2 site investigation for contamination is completed in accordance with the protocol for the investigation prepared by Gemco in November 2019 and submitted in the application. The assessment shall be carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local

planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

17. Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
18. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
19. No works other than groundworks shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
20. Prior to any playing field construction works commencing on the site
  - a. A survey of the ground conditions of the land proposed for the new playing field shall be undertaken to identify constraints which could affect playing field quality; and
  - b. Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed playing field construction specification; and
  - c. A programme for the implementation of the detailed playing field construction specificationshall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The works shall be carried out in accordance with the approved specification and programme.
21. Prior to the first occupation of the development the visibility splays for each access, the access arrangements and footway improvement works, as shown in principle on Ardent Consulting Engineers drawing no.171121-003, dated 28 June 2019, shall be fully implemented and maintained as such in perpetuity.
22. Prior to the first occupation of the development the developer shall implement a pedestrian dropped kerb crossing, within the vicinity of the mini-roundabout, across Vicarage Lane, with the exact location and detail to be agreed with the Highway Authority.

23. No diversion of any existing definitive right of way shall take place until such time as an Order securing the diversion of any such rights of way to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.
24. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
25. All walls, fences, gates and other means of enclosure within the residential development shall be completed in accordance with the details shown on drawing number (05) 300 B prior to first occupation of any building to which the works relate, unless otherwise agreed by the Local Planning Authority.
26. Measures for the eradication of Japanese Knotweed on the site shall be completed wholly in accordance with the details approved under application reference EPF/0949/17 and such works shall be completed and certified as complete by a competent person prior to the commencement of the residential development, unless otherwise agreed in writing by the Local Planning Authority.
27. All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
28. All material excavated from below ground level shall be removed from the site unless otherwise agreed by the Local Planning Authority.
29. Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
30. Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has a garage or allocated parking space, 1 Electric Vehicle Charging Point for every 10 properties that share unallocated parking and 1 Electric Vehicle Charging Point for every five visitors parking spaces (or part thereof) shall be installed and retained thereafter for use by the occupants of the site.
31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, E and F of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

## **Site and Surroundings**

The application site comprises the Chigwell County Primary School, now Chigwell Primary Academy (around 1.3ha net area) located at the southern end of Mandir Lane, and the former BI Sports Ground which has its main frontages to the east side of High Road and the north east side of Vicarage Lane, its northern edge abuts Mandir Lane. The site overall comprises around 4.76 ha.

Mandir Lane serves the school and a temple / community centre which extends along the entire northern side of the road and is accessed close to the roundabout junction of Mandir Lane and High Road. Parking for school traffic often takes place along the road and there is a small car park within the school boundary used by staff and day time visitors. Pedestrian access to the school is also available from the west via existing footpaths linking to Vicarage Lane.

The school comprises a mix of single storey buildings dating from the 1930's until the 1960's, and a number of temporary classrooms. There are three principal school buildings identified as the main block, the old dining hall and the old kitchen block although kitchen and dining facilities now lie in the main block and the other two buildings are used as teaching areas.

All buildings on the former sports ground have been removed above ground level and the land is given over to largely scrubland other than a vehicle access on Vicarage Lane and the mature tree screens that lie around and within the land.

The surrounding area comprises a mix of residential and non-residential uses, and a variety of built form. Opposite the site on High Road lie three listed buildings – Hainault House (part of Chigwell School), Proctors and Dickens Cottages and Christies 81 High Road, both residential.

The boundary of the Chigwell Conservation Area runs along the east side of Vicarage Lane and the south side of High Road such that the application site abuts but lies outside the Conservation Area. There is boundary screening on all sides, much of which is covered by group tree preservation orders and a number of trees are subject to individual orders. There are also two public rights of way crossing the site. There are also a number of high pressure gas mains in the area, particularly in Mandir Lane.

## **Proposal**

The application amounts to amendments to the scheme referred to below that was approved in 2018, but with changes significant enough that a new planning permission is required.

The key change to the approved scheme is that the new application proposes construction of a replacement school building rather than the refurbishment and extension in the previous scheme. The proposed building will be located on the existing open field at the southern end of the site, and upon completion the existing buildings will be demolished and a new grassed playing field and ancillary facilities will replace the existing buildings and hardstandings. The school building is two storeys in height and has been developed in close consultation with the education provider and education authority. A double height school hall and entrance lobby lie on the north side and the main teaching rooms lie on the south side of the building, facing over the new hard surfaced playground that wraps around the building. Materials comprise a mix of brickwork, render and glazing with a standing seam roof covering.

The school building is located around 19m from the rear site boundary and around 21m from each side boundary, the extent of the hard surfaced areas being largely governed by the

sloping ground on the boundaries. On completion of the new build, the existing buildings, structures and hard surfaces are removed and replaced by a new staff and visitors parking area for 19 vehicles and access for service vehicles along the eastern edge of the site, an additional 8 parking spaces and turning head along the northern site edge for drop off and collection, and external areas including a grassed playing field, a fenced habitat/forestry garden, new pedestrian path linking to the public footpath from Vicarage Lane and a secondary grassed area. Only the existing site managers dwelling will be retained on the site with an enlarged garden area.

The residential element of the scheme is more obviously a revision to the previously agreed scheme. The overall number of residential units, and site layout in terms of the vehicle access from the High Road and the internal configuration of the principal road layout are unchanged. The housing mix has however changed as follows:

HOUSE TYPE	APPROVED SCHEME	CURRENT APPLICATION
7 bed house	1	0
6 bed house	0	3
5 bed house	23	17
4 bed house	13	21
3 bed house	15	10
2 bed flat	7	8

The two storey flatted block lies in the same position to the east of the site entrance, the additional unit created by changes to the internal layout. The scheme includes seven house types which are generally two storey with additional rooms in the roof including dormers and rooflights, other than 7 units spread across the development (house type 1) which features a front to rear gabled roof with a second floor in the gabled roof; smaller house types are concentrated towards the northern end of the site with larger house types at the southern end. All dwellings are provided with parking spaces off -street and garages within curtilage. Twelve visitor spaces are proposed around the outer edge of the site access road within the landscaped buffer to the main road frontages.

The application is accompanied by a range of supporting documents, including Design & Access Statement, Planning Statement, Tree Survey and Arboricultural Impact Assessment, Phase 1 and 2 Contaminated Land Assessment, Flood Risk Assessment, Transport Statement, Ecology Assessment, Archaeology Assessment, Health Impact Assessment, Heritage Statement and Construction Management Plan.

### **Relevant Planning History**

Historic applications suggest that the sports ground was probably in use into the 1990's. Proposals to redevelop the site began to emerge in the early 1990's. A series of applications were submitted for dwellings to replace the pavilion and a caretakers bungalow. Other applications included

- EPF/0696/90 – extension to bungalow, use of land for parking and turning for Primary School
- EPF/0646/91 – construction of private hospital
- EPF/0475/95 – nursing home / residential home for the elderly
- EPF/1114/95 – nursing home
- EPF/1117/96 – new carpark and playing fields for use of County Primary school and erection of 6 houses
- EPF/1420/96 – conversion of pavilion into B1 / B8 uses



These applications were refused on a combination of Green Belt, amenity, tree protection and impact on conservation area grounds. A number of applications were taken through appeals, all unsuccessfully.

A residential proposal was made with application EPF/2236/03. This proposed two large detached houses on the north-east corner of the site and included a 60 space carpark for the school, but this was again refused permission.

Throughout this period, few developments took place on the school site; other than the construction of a series of temporary classrooms little substantive building work have been carried out since the 1970's or external works since a mid 1990's playground extension.

Redevelopment was first proposed under EPF/1124/00 where the County Council sought permission for a new school on the north eastern half of the sports ground and 16 dwellings on the existing school and the adjoining land to the west fronting Vicarage Lane. This was refused on for reasons relating to Green Belt, a cramped form and impact on the landscape setting.

Recent relevant applications comprise:

EPF/2899/15 Major refurbishment of Chigwell Primary Academy (reserved matters) and enabling residential development (outline) comprising 32 no. detached residential properties together with associated off-street parking, dedicated parking court for existing residents, garden space, new vehicular accesses from High Road (A113) and Vicarage Lane, external landscaping and associated development.

EPF/3257/16 Variation of Condition 3 of planning permission EPF/2899/15 - revision to list of approved plans for school works only, to include alterations to consented school refurbishment.

EPF/1849/17 Complete refurbishment of Chigwell Primary Academy and enabling residential development comprising 59 no. residential properties together with associated off-street parking, dedicated parking court for existing residents, garden space, new vehicular accesses from High Road (A113) and Vicarage Lane, external landscaping and associated development. This application was granted permission on completion of a section 106 agreement in March 2018 and therefore remains extant and capable of implementation.

Discharge of conditions applications have been submitted in relation to habitat surveys, contaminated land and treatment of Japanese knotweed.

## **Development Plan Context**

### *Local Plan (1998) and Alterations (2006)*

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

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

CP1	Achieving sustainable development objectives
CP2	Quality of Rural and Built Environment
CP3	New development
CP7	Urban Form and Quality
CP9	Sustainable Transport
GB2A	Development in the Green Belt
GB7A	Conspicuous Development
GB16	Affordable Housing
HC6	Character, appearance and setting of Conservation Areas
HC12	Development affecting the setting of Listed Buildings
NC4	Protection of established habitat
RP4	Contaminated Land
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
H5A	Provision for Affordable Housing
H6A	Site Threshold for Affordable Housing
H7A	Levels of Affordable Housing
H9A	Lifetime Homes
U3B	Sustainable drainage systems
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE4	Design in the Green Belt
DBE5	Design and layout of new development
DBE6	Car parking in new development
DBE7	Public Open Space
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL3	Edge of Settlement
LL7	Planting, protection and care of trees
LL10	Adequacy of provision for landscape retention
LL11	Landscaping schemes
ST1	Location of development
ST2	Accessibility of development
ST4	Road safety
ST6	Vehicle parking
I1A	Planning Obligations

*National Planning Policy Framework (NPPF) (February 2019)*

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

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

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

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

- 2 – Achieving sustainable development - particularly paragraphs 10, 11, 12 and 14
- 5 – Delivering a sufficient supply of homes - particularly paragraphs 61,62 and 68
- 8 – Promoting healthy and sustainable communities - particularly paragraphs 91, 92, 94, 97 and 98
- 9 – Promoting sustainable transport - particularly paragraphs 105, 108 and 110
- 11 – Making effective use of land - particularly paragraphs 118 and 122
- 12 – Achieving well designed places - particularly paragraphs 124 and 127 -130
- 13 – Protecting Green Belt land - particularly paragraphs 134, 137 and 143 - 146.
- 14 – Meeting the challenge of climate change, flooding and coastal change - particularly paragraphs 153 and 154
- 15 – Conserving and enhancing the natural environment - particularly paragraphs 170 and 175 - 181
- 16 – Conserving and enhancing the historic environment - particularly paragraphs 189, 190, 192, 196, 197, 201 and 202

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

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

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

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

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

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

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
SP6 Green Belt and District Open Land	Some
SP7 The Natural Environment, Landscape Character and Green and Blue Infrastructure	Some
H1 Housing Mix and Accommodation Types	Some
H2 Affordable Housing	Some
T1 Sustainable Transport Choices	Significant
T2 Safeguarding of routes and facilities	Significant
DM1 Habitat protection and improving biodiversity	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM3 Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4 Green Belt	Significant
DM5 Green and Blue Infrastructure	Significant
DM7 Heritage assets	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM11 Waste Recycling Facilities on New Development	Significant
DM15 Managing and Reducing Flood Risk	Significant
DM16 Sustainable Drainage Systems	Significant
DM17 Protecting and Enhancing Watercourses and Flood Defences	Significant
DM18 On Site Management of Waste Water and Water Supply	Significant
DM19 Sustainable Water Use	Significant
DM20 Low carbon and renewable energy	Significant
DM21 Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 Air Quality	Significant
D1 Delivery of Infrastructure	Significant
D2 Essential facilities and services	Significant
D3 Utilities	Significant
D4 Community, Leisure and Cultural Facilities	Significant

### Summary of Representations

Number of neighbours consulted: 180. Responses have been received from 6 properties – 16 CLAREMONT PLACE BROOK PARADE, 36 COURTLAND DRIVE, 7 LINGMERE CLOSE, 14 MEADOW WAY, and OAKS FARM and EASTWOOD, VICARAGE LANE.

Site notice posted: Yes, 19 August 2019.

NEIGHBOUR COMMENTS – Four responses deal with the residential element, commenting that the overall number of dwellings is excessive for the site, that flatted development is inappropriate in this location opposite listed buildings, and that the proposed buildings are excessively tall.

Two responses raise issues around the school, in relation to the proximity of the building to the gas pipelines and safety concerns arising therefrom, and the impact of vehicle activity from any increase in school numbers.

One respondent has also commented on the obligation to ensure that the school is delivered alongside the residential development and urges the Council include strict penalties for failure to deliver.

PARISH COUNCIL – Chigwell Parish Council supports the application stating that it would deliver a much needed educational facility within the Parish. However, the Parish Council require there to be a comprehensive and methodical traffic management plan to mitigate the increased traffic flow the development would create. Further it sought written assurances that the s106 infrastructure contribution towards the Chigwell Parish Council Community Bus Service remains an unchanging aspect of the project.

#### OTHER STATUTORY COMMENTS:

Sport England – initially issued a holding objection but following receipt of further details have raised no objection as the application was considered to meet exception 4 of the adopted Playing Fields Policy, a condition requiring completion of the sports pitch is requested.

Essex County Council Strategic Planning – It is recognised that the delivery of the school will meet obligations for primary education arising from the residential development. A need to provide additional places for Early Years and Childcare is generated by the development requiring a contribution of £92,336, and a contribution of £273,925 is required to meet additional demand for secondary school places.

NHS West Essex Clinical Commissioning Group – Note that existing GP practices have little capacity for growth and seek a contribution of £22,402 to mitigate the impact that will result.

Essex Highways – The Highway Authority does not object to the application. The development is not seen as different in highway terms to the previous scheme, and the proposed access arrangements comply with appropriate junction geometry and visibility splays. Conditions are recommended on completion of required highway works.

#### **Planning Considerations**

In considering the application, Members should note that the proposals in broad terms can be treated as a variation to the previous approved scheme. A number of key principles have therefore been established and unless local and national circumstances and conditions have changed, it would be necessary to establish a material difference if minded to not follow the previous decision.

#### *Impact on the Green Belt*

The application site was initially proposed for removal from the Green Belt in the Local Plan Submission Version on the basis that redevelopment had been approved. Owing to the delays in commencing development, it was proposed at the Local Plan examination that the site not be removed from the Green Belt as the development had been found to meet the requirements of the NPPF due to the very special circumstances case made in respect of its function as an enabling development to provide the upgraded school. In light of this, it is appropriate to review the case in Green Belt terms.

The NPPF sets out that new buildings should be regarded as inappropriate in the Green Belt that are, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Such very special circumstances will not exist unless harm to the Green Belt 'is clearly outweighed by other considerations' (NPPF - para 144).

There is little dispute that the school buildings are in urgent need of refurbishment. Some of the buildings are in poor condition raising concerns on a number of grounds including the safety to users. The layout and form is evidently outdated and not fit for modern educational needs. Officers have been advised that recent Ofsted inspections have been highly critical of the standard of accommodation being offered. Previous efforts to build a replacement school have been unsuccessful and conditions have continued to deteriorate as a result. The works required are extensive.

It has been submitted that other funding sources would not support such a level of investment for refurbishment. The school would be unlikely to qualify for most national funding schemes which often rely on deprivation indices to determine priorities since the local area would be unlikely to ever meet such criteria. The Education Authority has not disputed the arguments in respect of available funding. Officers are satisfied that benefits to the school community now and in the future from a development that would meet current and future educational needs are considerable. Officers are further satisfied that these works can only be funded through development acting as a cross subsidy. As the alternative would be the continued decline of the accommodation and potential long term effects being that parts of the school may become incapable of use if other public funding does not become available. Officers therefore conclude that the benefits to the school could be described as very special circumstances justifying development in the Green Belt.

It is still necessary to consider the level of harm the development may cause to the Green Belt and determine whether this outweighs the very special circumstances. The NPPF identifies some of the key objectives of the Green Belt to be: To check the unrestricted sprawl of built up areas; to safeguard the openness of the countryside; and to preserve setting and character. These criteria should be judged against the specific local character.

While the residential site lies outside the extent of the primary settlement, there is built development on the north side of High Road extending along at least 75% of the site frontage. Further, the areas of existing built development on the Beis Shammei site immediately to the east would in all circumstances meet the requirements of previously developed land for the purposes of assessing its potential for future redevelopment. The proposal for the application site is set back from the High Road frontage with landscape enhancement works incorporated providing limited views of the built development. In the context of its setting on High Road therefore the site could be seen as related primarily to the local built environment rather than as open countryside.

The rear part of the site on the Vicarage Lane frontage is less developed but in this area boundary screening and existing trees are more dense and will be retained more completely and as such the existing character can be seen as being retained.

The school building lies further back in the site than the existing buildings, and in an elevated position in comparison to the land adjoining to the south, which comprises predominantly open countryside. The local public footpath network extends across part of this open land where there is a mature landscape of trees. There will evidently be some views of the school from the wider landscape which need to be considered in the context of the use of the whole site for educational purposes. The building and the associated works will have little direct impact on the openness of the surrounding land, contributing towards a clearer definition of the edge of the settlement built form and the rural character beyond.

It is the officer's view therefore that the overall level of harm arising to the Green Belt does not outweigh the very special circumstances supporting development.

#### *Design and amenity considerations*

The housing layout is similar to the previously approved site layout, the main access and the estate roads are in the same position and the primary changes have been to the house types and plots. The previous scheme included a car park for 10 spaces accessed from the existing site access in Vicarage Lane but this is omitted and the landscaped buffer enhanced.

The house types and mix have changed but the development follows similar principles of detached dwellings mostly two storeys with rooms in the roof. One objector refers to three storey dwellings but a similar house type with a front to rear gable roof and rooms in the roof presenting as a third storey in the gable ends appears in the previous development. The scheme provides variety in house design, materials and roof lines that create visual interest across the development.

The two storey school building provides a compact built form compared to the more sprawling character of the existing buildings and the permitted scheme, although the additional height potentially adds more bulk in the broadest sense. The main elevation faces towards to site entrance and includes a double height glazed entrance providing a clear visual focal point. The rear and side elevations are more functional, reflecting the operational needs of the building where the main teaching spaces are located. The scheme provides net gain in external space for hard and soft play areas and external teaching capacity, and the built form and external layout have been developed in close consultation with the education provider.

Officers conclude that in design and amenity terms, the development has no material greater impact than the previously approved development and is therefore acceptable.

#### *Impact on Epping Forest Special Area of Conservation (EFSAC)*

The site lies within 3km of the Epping Forest SAC and has been assessed in terms of its potential impact on the protected area in terms of recreational pressure and impact on air quality.

#### **Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)**

A significant proportion of the Epping Forest Special Area of Conservation lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV)

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concluded that there are two Impact Pathways whereby development within the Epping Forest District is likely to result in significant effects on the EFSAC. The Impact Pathways are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of

increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology underpinning the appropriate assessment of the LPSV, no issues were identified in relating to the screening of the LPSV or the Impact Pathways identified. Consequently, the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Impact Pathways to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

1. Recreation activities arising from new residents (recreational pressures); and
2. Atmospheric pollution as a result of increased traffic using roads through the EFSAC (air quality).

### **Stage 1: Screening Assessment**

This application has been screened in relation to both the recreational pressures and air quality Impact Pathways and concludes as follows:

1. The site lies within the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
2. The development would not result in a net increase in traffic using roads through the EFSAC when considered in comparison to the extant permitted scheme which was assessed as part of the HRA 2019 which took into account all developments that had been approved but not implemented but were capable of implementation..

Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to recreational pressures but would not have a likely significant effect in relation to air quality.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to recreational pressures.

### **Stage 2: 'Appropriate Assessment'**

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC, as is the case with this planning application. The applicant has agreed to make a financial contribution in accordance with the Interim Approach. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation. The applicants have accepted this assessment and the resultant contribution requirement of £20,768.



### *Local Finance Considerations and Infrastructure delivery*

Section 70 of the Town & Country Planning Act 1990 (as amended) requires that local planning authorities have regard to a local financial consideration as far as it is material. A local finance consideration is defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy or similar.

National Planning Guidance further states that a 'local finance consideration' is material if it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other Government body.

As part of the supporting documents to the LPSV, the Council has produced its initial Infrastructure Delivery Plan (IDP) which is aimed at facilitating the delivery of appropriate infrastructure to support additional housing being delivered through the Local Plan process.

The application has been assessed against the infrastructure requirements arising from the development. The extant permission was granted subject to a legal agreement to secure a contribution of £3,000,000 for the provision of affordable housing off site following submission of a viability assessment that established the broader costs of the development including the school works would not support provision of affordable housing on site, and a contribution of £800,000 towards local infrastructure, specifically targeted at the local bus service in Chigwell Parish. These financial contributions remain.

The application has been further assessed against the emerging IDP. As discussed above - the Education Authority have sought consultees have responded seeking contributions to additional early years places (£92,336) and secondary education (£273,925), and the Health Commissioning Group have sought a contribution to GP capacity improvements (£22,402).

The development is above the threshold where community facility enhancements are identified in the IDP and a contribution of £60,563.81 is required towards the identified programme.

The applicants have confirmed their agreement to the contributions as set out, in addition to the recreational contribution in respect of the EFSAC referred to earlier in the report.

The delivery of the new school facilities remains paramount to the acceptability of the development as a whole and the previous s106 agreement introduced a number of triggers linking the release of the housing units for occupation with a number of key stages in the development. The timing of the start of the school works is linked to the academic year and it has been previously agreed that a staggered start is acceptable to reflect the timing of any decision on the application. A new build allows a much simpler programme to be agreed as under:

- School set up commencement to start June 2020;
- Completion of school foundations and sub-structure – 25% residential units occupied;
- Completion of school superstructure – additional 25% residential units occupied;
- Completion of school envelope / building watertight – additional 30% residential units occupied;
- Fit out and handover of new school – additional 10% residential units occupied;

- Completion of demolition of existing school buildings and external works to school grounds – final 10% residential units occupied.

The programme envisages completion of the new school for the start of the 2021 academic year and the completion of the whole site by November 2021.

#### *Highways and traffic*

The scheme proposes a minimum of two parking spaces per dwelling in the flatted development and for most of the houses, a garage and two parking spaces. A limited amount of visitor parking is also proposed. This level of provision is ample for the residential element.

The access on to High Road from the residential scheme is unchanged from the original scheme. The Highway Authority has been involved in the design of the junction and subject to conditions are satisfied that the level of traffic will be capable of absorption into the network. The removal of the ten space car park with access from Vicarage Lane is welcomed in highway and landscape terms.

The most significant highway issue in the area remains drop off and pick up for the school. The school proposals do show improved daytime parking facilities and additional cycle stands, and will result in improved pedestrian access through the upgraded rights of way crossing the site. The contribution to improved local transport services will allow alternative solutions promoted as part of a longer term solution. The proposal does not propose any substantive increase in the school population and in the short term it is difficult to argue that the proposal results in any further deterioration in local conditions.

#### *Tree and landscape issues*

There are a number of trees within and adjacent to the site protected by Tree Preservation Orders and there are a number of existing landscape features which contribute significantly to the landscape character, particularly the trees, hedge and shrub screen around the boundaries of the residential development.

The application is accompanied by a tree report which is broadly accepted by officers as identifying the key trees and retaining them. Some development within Root Protection Areas has been identified, however engineering solutions have been proposed as mitigation. The construction compound hoarding has been established inside the boundary landscaping, itself offering protection to these areas.

While more detail is required on a number of issues, officers are satisfied that the principles of good landscape management are being observed in the development of the proposals.

#### *Heritage and conservation*

The site stands both at the edge of the Chigwell Village Conservation Area and within the setting of four Grade II listed buildings located directly opposite. The impact the current application scheme will have on their settings should therefore be carefully considered.

Grade II listed buildings are of special interest and warrant every effort being made to conserve them. The setting of a listed building is often an essential feature of its character. In addition, the significance of a heritage asset derives not only from its physical presence and historic fabric but also from its setting – the surrounding in which it is experienced.

In this case, due to their location the listed buildings are historically, spatially and visually separated from the application site by the High Road. Development is set back from the road and the landscaped buffer provides further separation physically and visually such that the development does not unduly impact on the listed buildings, or the wider Conservation Area.

#### *Other material considerations*

At the time of the original application, a significant constraint on proposals was the presence of high pressure gas mains in the vicinity of the site. This was a contributory factor in presenting proposals only for a refurbishment of the school. However, further investigation has identified the route of the relevant infrastructure and the school development takes this into account, maintaining sufficient easement for servicing such that Cadent Gas who own the pipelines have not objected.

Historic contamination has been identified within the housing site from a phase 1 study. A protocol has been developed for a site investigation, and it is understood that this may have taken place during site set up works. Appropriate remediation measures will emerge as the site progresses and can be dealt with by condition.

The application is accompanied by a Flood Risk Assessment and preliminary drainage strategy. The site does not lie within a flood zone and the broad principles of the FRA have been accepted.

During the previous applications, the site was identified as having issues with invasive Japanese Knotweed. Remedial works have taken place to resolve this issue.

#### **Conclusion**

The residential elements of the scheme take their design cues from the development previously granted consent, the access and road layout is largely the same, and the general scale of the built form is similar in terms of the storey heights, parking provision and domestic character. However the scheme has to be considered in the context of changing policy.

The provision of a new school is a significant advancement from the previous rebuild options, providing a facility with potentially a much longer life than the refurbishment option. Thus, notwithstanding the changing national and local policy context, the benefits to the local area in general and the school community in particular far outweigh any harm to the Green Belt in terms of the limited views of the building from the surrounding open countryside, thereby confirming the previous assessment that the proposals provide unique very special circumstances to justify the development in Green Belt terms.

The development does however have wider implications in terms of local policy on provision of affordable housing, community infrastructure, and the need to promote local transport; these measures are addressed in the revised heads of terms for the revised legal agreement set out above, including the contribution to deal with the impact in terms of recreational pressure on the EFSAC. In considering the impact on air quality, the existing extant permission was considered as part of the HRA 2019 and the current proposal does not increase vehicle activity beyond the levels forecast therein.

Officers therefore recommend that subject to appropriate conditions, and the completion of the legal agreement set out above, the application should be approved.