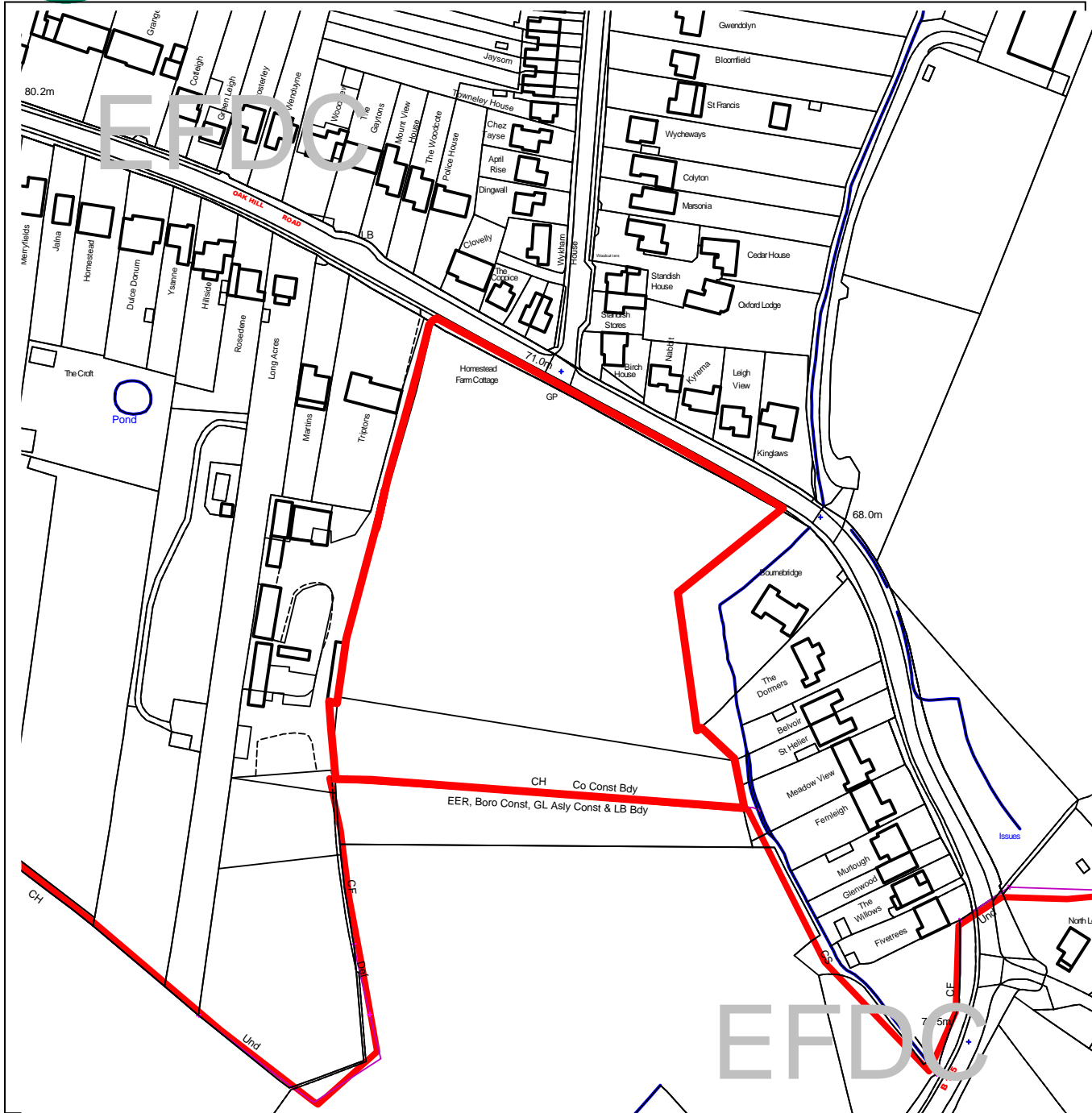




Epping Forest District Council



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Application Number:	EPF/0216/20
Site Name:	Land at Oak Hill Road Stapleford Abbots RM4 1JH
Scale of Plot:	1:3000

Report Item No: 9

APPLICATION No:	EPF/0216/20
SITE ADDRESS:	Land at Oak Hill Road Stapleford Abbots RM4 1JH
PARISH:	Stapleford Abbots
WARD:	Passingford
APPLICANT:	Pearl Holdings Limited
DESCRIPTION OF PROPOSAL:	Proposed erection of x 42 no. residential units (including 1 no.caretakers home) together with associated landscaping; car parking & highway works.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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=633034

CONDITIONS

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 048-GA-Loc, 048- GA-RF-P2, 048-GE-Extg, 048-GE-P2, 048-GS-Extg, 048-GS-P2, 048-Caretakers, 048-Type A, 048-TypeB, 048-Type C, 048-Type C (wch), 048-Type D, GA02, GP01 and 14017-100-WIE-ZZ-XX-DR-V-95006 rev A12.
3. No development or preliminary groundworks can commence until, a programme of archaeological trial trenching and excavation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

No development or demolition shall take place other than in accordance with the Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation, and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured. Confirmation of compliance with the requirements of this condition shall be submitted in writing to the Local Planning Authority prior to occupation of the development hereby approved.

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development

4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
5. A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.
- B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.
6. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents.
 7. Prior to preliminary ground works taking place, details of surface water disposal including details of the proposed discharge location) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
 8. Prior to any above ground works, details of levels shall 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.

9. Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA). The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:
 - Location of active and passive charging infrastructure;
 - Specification of charging equipment; and
 - Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
 - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
 - b) How charging point usage will be charged amongst users;
 - c) The process and the triggers for identifying when additional passive charging points will become activated; and
 - d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.
10. Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.
11. Prior to any above ground works, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
12. Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
13. Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. The details shall further include all works to the public open space fronting Oak Hill Road, including layout and equipment to

the play area and street and other related site furniture. 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.

14. Prior to any above ground works, a plan indicating the position, design, materials and type of boundary treatment to be erected, shall have been submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained.
15. Prior to commencement of any above ground works, details of all external lighting shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. No additional external lighting, including any lighting within the curtilage of any dwelling within the development shall thereafter be installed without prior consent from the local planning authority.
16. No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.
17. Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
18. 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
19. All material excavated from the below ground works hereby approved shall be removed from the site, unless retention and re-use is agreed as part of any landscaping scheme approved for the site.
20. 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.
21. If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or

defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

22. Prior to completion of the development hereby permitted, details of boilers shall be submitted to and approved in writing to the Local Planning Authority. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%). The development shall be carried out in accordance with the approved details
 23. Prior to the first occupation of the development the access arrangements, as shown in principle on drawings no. 14107-WIE-ZZ-XX-DR-V-95018-A01 & 14107-WIE-ZZXX-DR-V-95012-A02, including, but not limited to the following:
 - 2.4m x 90m visibility splays clear to ground level in either direction;
 - A bell-mouth access with minimum radii of 6m, with a 5.5m carriageway and 2 x 2m footways into the site with an appropriate pedestrian dropped kerb crossing and tactile paving across the access;
 - The provision of three pedestrian dropped kerb crossing points with tactile paving:
 - i. Across Oak Hill Road between the access and Tysea Hill;
 - ii. Across Tysea Hill at the junction with Oak Hill Road;
 - iii. Across Oak Hill Road between Tysea Hill and the existing eastbound bus stop.
 - The removal and full reinstatement of the dropped kerb access opposite the existing bus stop on Oak Hill Road;
 - The relocation of the existing westbound bus stop and the provision of a new stop with raised kerbs, shelter, pole and flag as necessary.
- shall be fully implemented, with all details being agreed with the Highway Authority. The approved details shall be retained as such in perpetuity.
24. Prior to the first occupation of the development the vehicle/cycle 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.
 25. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.
 26. The public open space area to the northern end of the site shall be retained in perpetuity for general public use and shall be enclosed nor access restricted without prior consent from the local planning authority through a planning application.
 27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, B, E and F of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

AND subject to completion of a suitable legal agreement to secure contributions in respect of education provision, community facilities, EFSAC air quality mitigation and highway works.

This application is before this Committee since it is an application for residential development consisting of 10 dwellings or more (other than an application for approval of reserved matters) and is recommended for approval.

This application is also before this Committee since it is for a type of development that cannot be determined by Officers if more than five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal.

(Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The application site comprises around 2.2ha of land located to the south side of Oak Hill Road, directly opposite the junction with Tysea Hill. The land currently comprises open grazing and other greenfield land. The site is generally made up of open ground level scrub with areas of trees and hedgerows to the frontage and around the boundaries, free of any permanent buildings. The site falls from west to east and on the lower eastern boundary lies an ordinary watercourse, a tributary to the nearby Bourne Brook.

The site lies at the eastern edge of the settlement and is adjoined to the east, west and north by residential properties, and to the south by agricultural land. Oak Hill Road at this point is a B-classified road.

The site is currently within the Green Belt and outside the settlement, although it should be noted that properties to the north and west are within the settlement. The site is allocated in the Local Plan Submission Version 2017 for residential development (site STAP.R1).

Description of Proposal:

The application has been amended since original submission, including a reduction in the number of dwellings from 45 units to the current scheme which seeks permission for 42 dwellings comprising 6 x 1 bed, 11 x 2 bed, 18 x 3 bed and 7 x 4 bed units. Of these, 17 units are proposed for a combination of affordable rent and shared ownership (6 x 1 bed, 4 x 2 bed and 3 x 3 bed). The scheme comprises a mix of detached, semi detached and terraced houses and a limited number of flats, all buildings are two storeys. The site is served by a single vehicle access on the western corner of the site around 50 metres west of the facing junction with Tysea Hill.

Parking provision includes a mix of curtilage, courtyard and street parking bays. Overall, 95 spaces are indicated, although four of these are indicated as tandem bays. Nominally the scheme achieves 1 space per one bed unit, 2 spaces for all other dwellings and 18 visitor spaces.

Development is concentrated in the centre of the site. On the northern side, adjacent to the road frontage, lies an area of public open space comprising around .071ha extending across the site frontage. The area will include a play area, general landscaped areas and two attenuation ponds as part of a sustainable drainage scheme to manage surface water run off. At the western end of the open space will be a detached two storey building comprising a caretaker/ site manager flat on the upper floor and storage of maintenance equipment at ground floor.

At the southern end of the site, a landscaped buffer area is also shown of around 0.5ha. This area has been identified as being of the most significant ecological value including much of the more mature landscape and an area where badger setts have been identified.

The application is accompanied by a number of detailed reports, including a number of which have been updated. These include Arboricultural Report, Tree Survey and landscape strategy,

Contaminated Land Study, Drainage Strategy, Ecology Study and supporting species studies, Energy and Sustainability reports, Habitat Regulations Assessment, and Transport Statement

Relevant History:

None

Policies Applied:

Adopted Local Plan:

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

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

CP1	Achieving sustainable development objectives
CP2	Protecting the quality of the rural and built environment
CP5	Sustainable buildings
CP6	Achieving sustainable urban development patterns
CP7	Urban form and quality
CP9	Sustainable transport
GB2A	Development in the Green Belt
GB7A	Conspicuous development
GB16	Affordable housing
NC1	SPA's, SAC.s and SSSI's
NC3	Replacement of lost habitat
NC4	Protection of established habitat
NC5	Promotion of nature conservation schemes
RP4	Contaminated land
RP5A	Adverse environmental impacts
H3A	Housing Density
H5A	Provision of affordable housing
H6A	Thresholds for affordable housing
H7A	Levels of affordable housing
H8A	Availability of affordable housing in perpetuity
H9A	Lifetime Homes
U1	Infrastructure adequacy
U2B	Flood Risk assessment Zones
U3A	Catchment Effects
U3B	Sustainable drainage systems
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
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
LL1	Rural landscape
LL3	Edge of settlement

LL7	Planting protection and care of trees
LL10	Adequacy of provision for landscape protection
LL11	Landscaping schemes
ST1	Location of development
ST2	Accessibility of development
ST4	Road safety
ST5	Travel plans
ST6	Vehicle parking
I1A	Planning Obligations

NPPF (July 2021):

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

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

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

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

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

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the

Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

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

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

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

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

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the advanced stage of the LPSV, all policies should be afforded significant weight;

No.	POLICY
SP1	Presumption in favour of sustainable development
SP2	Spatial Development Strategy
SP3	Place Shaping
SP6	Green Belt and District Open Land
SP7	The Natural Environment, landscape character and green infrastructure
H1	Housing mix and accommodation types
H2	Affordable housing
T1	Sustainable transport choices
T2	Safeguarding of routes and facilities
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM4	Green Belt

DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM10	Housing design and quality
DM15	Managing and reducing flood risk
DM16	Sustainable Drainage Systems
DM17	Protecting and enhancing watercourses and flood defences
DM18	On site management of waste water and water supply
DM19	Sustainable water use
DM20	Low carbon and renewal energy
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality
P12	Site selection – Coopersale, Fyfield, High Ongar, Lower Sheering, Moreton, Sheering and Stapleford Abbots
D1	Delivery of Infrastructure
D2	Essential facilities and services
D3	Utilities
D4	Community, Leisure and Cultural Facilities
D5	Communications Infrastructure
D6	Neighbourhood Planning

Consultation Carried Out and Summary of Representations Received

Date of site visit: 07 February 2020

Number of neighbours consulted: 115

Site notice posted: 07 February 2020

Responses received: Comments have been received from 48 specified addresses as below, and 5 without address details:

BOURNEBRIDGE LANE (7 addresses) – BOURNE VIEW, CHEVAL, DORMY, EDEN, LITTLEMEAD, MISON, WHIPSIDERRY.

NORTH ROAD, HAVERING-ATTE-BOWER (3 addresses) – CORRIE, RYDAL MOUNT, STANLEY HOUSE.

OAK HILL ROAD (25 addresses) – BOURNEBRIDGE, BRACEBRIDGE, CLOVELLY, EL CAMINO, FERNLEIGH, FROSTERLEY, GLANMIRE, HADWEN, HOMELEIGH, HOMESTEAD FARM, LANTIVET, LEIGH VIEW, LONGACRE, MARTINS, MEADOW VIEW, MIZPAH, NABBIT HOUSE, REDROOFS, ROSEDENE, ROSEMOOR, ST.HELIER, SALCOMBE, SPRINGFIELD, THE GAYTONS, WOODLANDS.

STAPLEFORD ROAD – GLENDOWAN.

TYSEA HILL (12 addresses) – APRIL RISE, BROOK HOUSE, COOLGARDIE, DINGWALL, FAIRVIEW, HERMITAGE, KINGFIELD, OAKBROOK, REDSTOCK, 12 TOWNELEY COTTAGES, TOWNELEY HOUSE, TWINCOTT.

Objections cover a range of issues, summarised as under:

- Green Belt issues – objectors refer to the site currently being within the Green Belt, the wider implications of developing within the Green Belt and the impact such a development would have on the Green Belt character in this location
- Local Plan process – comments refer to the late inclusion of the site in the allocations and raise concerns at the lack of consultation on that allocation
- Level of development in settlement – comments relate to the level of recent development

- within Stapleford Abbots, and question whether to site needs to be allocated as a result.
- Flooding and drainage – residents comment on flooding issues around the brook arising particularly at peak rainfall times, including incidents of flooding to adjacent properties and gardens, and the appropriateness of the solutions proposed to deal with any increased flood risk. Concerns are also raised in respect of the wider drainage capacity.
- Access, parking and highways – concern that the location of the single access to the site may be a hazard, particularly in proximity to the Tysea Hill junction but also in the context of wider highway safety in the context of additional vehicles on the road network. Concerns also around the level of on site parking proposed.
- Impact on and adequacy of local services – in addition to drainage capacity above, comments question the suitability of other local services to meet demand – schools, healthcare, electricity network capacity, public transport.
- Design, character and appearance – comments on the design and form of the buildings proposed in the context of the local character and the built form itself.
- Direct amenity impacts – residents living opposite the site and to the south in North Road raise specific amenity issues around loss of outlook, noise and general disturbance, overlooking and loss of general amenity from vehicle movements out of the entrance.
- Wildlife and ecology – concerns at the extent of measures that may be introduced to protect the ecological and wildlife value of the site as it currently exists, references include local badger setts, reptiles and bats.
- Site constraints – Residents record the gas main crossing the site impacts the scale and character of any development.
- Viability of dwellings for sale in local context – concerns that the character of the development may be impacted by the levels of owner occupancy and rented accommodation, in the context of the wider character of the settlement.
- Construction issues – Comments on noise, disturbance, disruption – which Members will note are not material to the determination of the application.

Parish Council: Stapleford Abbots Parish Council have commented that they have had direct discussions with the developers prior to the submission of the application. This included a site visit by Parish Council members, and it has been acknowledged that changes have been made to the scheme as a result of this engagement. However, the Parish maintain an objection to the proposals and their detailed final response covers the following issues:

Stapleford Abbots Parish Council wish to add to the letter sent on 27th February 2020, and add the following comments to such. We do this to ensure clarity of the position of the Council to the objection to any development in the village, which has not yet received planning approval, and on the basis that the village has already undergone an excess of planning approvals over and above any local plan provisions for a village of this size.

The Parish makes it explicitly clear that we have had well above the necessary building in this village according to the plan which ends 2033. This parish is already 234% higher, with 110 dwellings instead of 47 overall, if the Oak Hill Green proposal goes ahead. If the plan at High House Farm goes ahead this takes the parish to 291.49% above quota. 137 houses out of a plan which states only 47.

Whilst we cannot fault the developers of Oak Hill Green for their willingness to consult with the Parish Councillors, as the elected representatives of the village and parish of Stapleford Abbots, we remain strongly opposed to the proposal for any development on this land. As described previously we wish to emphasize and reiterate the current objection to the overdevelopment of the village of Stapleford Abbots. Consideration for any development in a green belt area have not been met, when benchmarking examples, it shows the proposed site would score highly and therefore breach green belt protocols.

The lack of infrastructure in Stapleford Abbots dictates that the village remains unsuitable for a development of this size. There will be over 100 parking spaces within the development itself, all cars will enter and leave the site via one roadway straight onto the B175. The serious concerns raised with this and all other developments proposed in Stapleford Abbots, that the speed and traffic volume is a serious danger to public safety. This cannot be addressed solely by the developer. Highways agreeing that the road traffic is unacceptably fast for a pedestrian crossing and downgrading this to a tactile paving does not address the concerns expressed with regard to the threat to life on this stretch of highway. Highways have accepted and confirmed that the speed on this stretch of road is in excess of 38 miles per hour yet have no plans to instigate a change to the junction or to take measures to enforce the speed limit. Unless Highways address the concerns of Parishioners of Stapleford Abbots and perhaps install Automatic Number Plate Recognition in the village, the Parish Council cannot support any development on this site.

The objection to this development is closely related to the need for The Epping Forest Council to address the dangerous road situation in Stapleford Abbots. There was a further road traffic incident in the last week at the very position that the entrance to this proposed development is situated. The action required sits with the Authority not the developer to resolve the road safety situation in the Village.

Having received more local feedback from residents the Parish Council are obliged to provide the following local concerns about the proposal to build residences on the meadow at Oak Hill Green:

This proposal will alter the rural environment irrevocably, having a serious effect on residents' mental wellbeing. Some residents in the more immediate area surrounding the development were, and remain, concerned about being overlooked. The proposal may have considered houses where proposed building back on to but has not considered other houses surrounding the site. Some houses will be affected from an invasion of privacy and pollution by increased stationary traffic which will be created on an already busy road. The entrance to the estate overlooks four properties directly. Should this development be approved the Parish Council would request that a natural screening be included in any requirements.

A further concern is that although developers state they will only install low level lighting, there should be a requirement preventing any change to lighting following purchase of any residences which may be built in this area to maintain to look and feel of the village environment. The Essex and Metropolitan police have expressed concerns over security and an increase in theft and burglary in the area with limited police resources to support.

The developers carried out a traffic survey which showed more traffic than anticipated; we believe this should be an action for Highways to carry out an independent survey over a longer period of time, to ascertain a better picture of the intensity of traffic constantly through the village. This is an essential requirement before any further developments in Stapleford Abbots to ensure safety of residents which is in accordance with planning considerations and requirements for all proposed developments.

As Parish Councillors we know there is considerable objection to this proposal. We are opposed to this development on this area of green belt based on the serious impact to villagers, the destruction of a rural village environment, green belt removal and continued overdevelopment, now well over the national plan quota. This proposal will alter the rural environment beyond recognition, with a serious effect on residents' mental wellbeing and safety.

Main Issues and Considerations:

Housing delivery and the LPSV

In considering the merits of the application, Members should have in mind the objectives of the Local Plan Submission Version in terms of housing delivery in general, and in the Stapleford Abbots settlement specifically.

Members will be aware of the national policy requirements to ensure a continuous supply of homes are delivered through the maintenance of a five year supply of housing land. Where such supply cannot be established, the presumption in favour of allowing development will take priority of most local plan policies. This leaves the Council currently vulnerable to development coming forward in locations where it would otherwise be resisted.

The LPSV seeks to provide inter alia new homes to meet the Council's national housing delivery targets. The Council has worked with neighbouring authorities to establish how these needs can be met while recognising differing environmental, policy and infrastructure constraints to arrive at a local requirement of around 11,400 homes. The Local Plan process has sought to further divide the allocation by a range of methods in order to identify sites capable of delivering the required number of homes over the plan period, including review of employment and other underused sites, and the Green Belt review, all of which will be familiar to Members. As a result, the plan identifies the need to supply around 175 of the required homes in the settlements of Coopersale, Fyfield, High Ongar, Lower Sheering, Sheering and Stapleford Abbots.

The site allocation process seeks to meet these targets across the District. These allocations take account of the location of each site and its surroundings in terms of built character. The application site has been allocated due to its location adjacent to the existing settlement where it was considered appropriate to release land from the Green Belt to meet other pressing needs such as the need for housing land. Such a policy has been applied across a range of sites allocated in the plan. The development of such sites would evidently relieve pressure to release other sites for development in other locations, particularly around the fringes of the settlement area where pressure may otherwise be exerted.

Thus, the early delivery of an allocated site, particularly with a level of development that is close to the allocation has significant benefit in housing delivery terms which should not be underestimated in the wider context. Officers will set out below why they consider the development is appropriate to the site and represents a practical solution to the constraints and opportunities, and why such a development outweighs the unknown alternatives.

Residents comments in respect of the process of allocation of the site are noted, but the site was included in the 2017 allocations and ample opportunity was afforded to comment at the various stages of the scrutiny process, through the various consultation stages and during the Inspector's examination. The Inspector has not sought any modifications to the allocation.

Green Belt considerations

As members consider the application at this meeting, the existing adopted Local Plan and Alterations remains the statutory development plan until such time as the LPSV formally replaces it. It is necessary therefore to address the broader context of the existing site allocation within the Green Belt.

In this historic context, a proposal for new residential development would be considered inappropriate and therefore harmful to the Green Belt, having an adverse impact on its openness. Substantial weight is given to this harm. Thus, the application must be considered in the context of paragraphs 148 and 149 of the NPPF 2021 which state that such development should only be

approved where very special circumstances exist, which will not exist unless potential harm resulting from the development, particularly harm to the Green Belt, is clearly outweighed by other considerations.

The Green Belt Review as part of the Local Plan process recognised the need to review Green Belt boundaries in order to meet other plan objectives for housing delivery. The removal of sites and allocation for development recognises opportunities to promote settlement rounding in a lower performing Green Belt location immediately adjacent to the settlements. The LPSV recognises that the site assessment establishes that it meets the criteria in the site selection process as appropriate to remove the site from the Green Belt.

Paragraph 48 of the NPPF makes clear that policies at an advanced stage in the preparation process can be given increased weight taking account of the following issues – the stage the emerging plan has reached in the process, the extent of any objection to the allocation and the degree of consistency with the NPPF. Officers are satisfied that all these criteria are met – the LPSV is at a very advanced stage in the preparation process, there are no changes to the allocation of the application site before the Inspector in the main modifications submissions, and the plan is consistent with the NPPF in terms of policies to protect the wider Green Belt.

Members should also have regard in this context to the provisions of Paragraph 11 of the NPPF which promotes a ‘tilted balance’ in favour of development in sustainable locations where it can be demonstrated that policies are not up to date, and where the adverse effects of development significantly and demonstrably outweigh the benefits. Such a case was successfully argued in the appeal decision issued in October 2021 in relation to a scheme for 52 dwellings at Langley and Mile Nurseries, Waltham Abbey - a Green Belt site immediately adjacent to the settlement.

Officers also consider that the proposal would not set a precedent for development in the Green Belt, other than in the case of other sites proposed to be allocated for removal from the Green Belt in the LPSV. Officers conclude therefore that very special circumstances exist in that the site is to be removed from the Green Belt through its allocation within the LPSV. As a result of the site’s removal from the Green Belt, any harm to the Green Belt would be greatly reduced and thus outweighed.

In broader terms, it should be noted that the LPSV is altering Green Belt boundaries and allocating land for a significant number of new homes in order to meet identified future housing requirements and is critical to the Council’s obligation under the NPPF in maintaining provision of a five year housing land supply.

Design, scale and form

The scheme has been subject to a lengthy design process, including a Quality review Panel at pre-application stage. A number of constraints have been identified during the process that have had a significant impact on the scheme now before Members. These include:

- As referred to elsewhere, badger setts have been identified towards the southern end of the site and this and other ecological benefits excludes around 0.4ha of the gross site from development.
- A gas main crosses the site towards the eastern half which necessitates a no build zone other than surface works.
- Similarly, the area abutting the brook to the eastern boundary is to be kept clear of structures in recognition of the value of an ecological corridor adjacent to the watercourse.
- Surface water drainage requirements require the inclusion of on site attenuation to manage flow in the lower part of the site.
- The location of the access is dictated by the Highway Authority in order to ensure this is a safe distance from the Tysea Hill junction opposite.

- A public right of way extends along the western site boundary, but has been lost over time, the route is to be fully reinstated within the site.

Despite these constraints, the scheme responds to a number of key requirements. The scheme presents an active frontage to the public open space, further supplemented by the caretakers accommodation directly overlooking the space. All buildings are two storey, but the mix of units provide variety with 6 different house styles breaking up the pattern and form appropriate to the wider location which although primarily detached house, includes a mix of forms and styles. The inclusion of the public open space at the frontage presents a soft edge to the village, complemented by the low rise buildings. The pattern of buildings fronting on to the roads creates an active frontage throughout the scheme, landscaping to communal areas and front gardens further enhances the low density character of the scheme.

Officers conclude that the scale, design and form of the development is therefore appropriate to the site.

Drainage issues

Comments from local consultees raise issues around surface water drainage, citing existing issues with run off and the capacity of the brook. Despite the proximity to the brook, the site lies wholly within Flood Zone 1 (outside any extreme flood extent). However, it is recognised in the submission that the nature of surface water run-off will change as a result of the works proposed. A detailed surface water drainage scheme has been developed including the introduction of attenuation ponds on the site. The larger, lower pond would be expected to have a level of permanent water within it, the smaller upper pond provides additional capacity. Flow of water from these ponds will be managed by a flow control that restricts run off from the site that will link to the brook by way of a pipe connection downstream of properties to the east. This complies with appropriate guidance set out by the Council, the County Council as Lead Local Flood Authority and wider SuDs guidance.

The developer may be reasonably expected to deal with flood risk associated with their development, and to provide sufficient resource to ensure existing conditions are not made any worse. The reports accompanying the application identify potential options which achieve this objective, but conditions are appropriate to ensure the detailed design meets these. At this stage, officers accept the arguments submitted and could not justify withholding permission on these grounds.

Residents have also raised comments in relation to local foul sewage capacity. No comments were submitted supporting this concern from the statutory consultees, and this would primarily be a matter for any subsequent direct application under Building regulations and for appropriate connections to the wider system.

Parking and access

The location of the site access is dictated by a number of highway and site constraints. The highway authority have advised on the location being the safest viable location – access at the eastern end of the site is ruled out by the need for the attenuation ponds, and a crossroad junction with Tysea Hill was rejected as more dangerous than the staggered arrangement proposed. In highway safety terms, it is desirable for vehicles approaching a staggered junction such as this to turn right before the left hand turn. Taking account of all material highway design considerations, the proposed location meets all guidance.

The plan indicates a potential location for a pedestrian crossing if required – the highway authority do not support this approach and this is not pursued in the application.

The proposal provides ample parking within the scheme, including a mix of curtilage, courtyard and roadside spaces overall there are 95 spaces shown, including 18 visitor spaces.

Neighbour amenities

In terms of direct impact, residents to the north and east of the site potentially face the more significant impact. This is however mitigated by the general scale and layout of the development. There are no buildings in such close proximity to neighbouring dwellings that there would be concerns around overlooking and overshadowing for example. Objections relating to loss of outlook and view are noted, but such impacts would be mitigated by the limited scale of the buildings and the inclusion of significant landscape elements to the boundaries. Such concerns may have carried weight if the scheme included tall buildings, or road frontage development but this is not the case.

Residents facing on to the site access make specific comments about the access road. The situation is no different to any other arrangement where properties lie opposite an access to a main carriageway and is an inevitable consequence of development coming forward.

Taking into account the site is now allocated for development, the amenity impacts are not significant in the wider context.

Trees, landscape and ecology

The submissions recognise a number of assets exist within the site in landscape and ecological terms. This includes a range of habitats including the presence of badgers, nesting sites for bats and birds, and the likelihood that other ground foraging fauna exist. Opportunities for biodiversity enhancement evidently exist and have been incorporated particularly in the retention of the existing landscape at the southern end of the site and along the eastern boundary in particular, and through the inclusion of the attenuation ponds creating a wetland style environment.

The broad principles established in the Preliminary Ecological Assessment and the landscape Strategy are accepted by officers, and further details can be progressed by way of conditions.

Impact on EFSAC

The site lies outside the 3km core area and should be considered in relation to air quality impact only.

A site specific Habitat Regulations Assessment accompanies the application. This recognises the development will lead to an increase in vehicle trips given the existing use, but contends that most trips will be to the south and south east. Taking account of the modelling for the impact on the EFSAC takes account of the site allocations, no additional obligation beyond air quality contributions and provision for electric vehicle charging points are deemed necessary. In this context an Appropriate Assessment has been completed.

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

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

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concludes that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are 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 parts of the methodology underpinning the appropriate assessment HRA 2019, no issues were identified in relating to the screening of the LPSV or the Pathways of impact identified. Consequently the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

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

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

1. The site lies outside of the 6.2 km Zone of Influence as identified in the 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 will not result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
2. The development has the potential to result in a net increase in traffic using roads through the EFSAC. Therefore the proposal has the potential to result in a likely significant effect on the integrity of the EFSAC as a result of atmospheric pollution.

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 the atmospheric pollution Pathway of Impact.

Stage 2: Appropriate Assessment

Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. The applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition the application will be subject to planning conditions to secure measures as identified in the IAPMS. 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 and the imposition of relevant planning conditions.

Appropriate Assessment Conclusions:

The Council is satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions as set out above, the application proposal would not have an adverse effect on the integrity of the EFSAC.

Other mitigation measures

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

Discussions in relation to such impacts arising from the proposed development have resulted in a range of measures that would need to be addressed if development is to proceed, these can be secured by a s106 agreement. The following matters are included therefore as part of the application:

EDUCATION – Essex County Council originally advised on contributions to additional demand education services for a 45 unit scheme of:

- Early Years and Childcare £70,559.00
- Primary Education £206,294.00
- Secondary Education £208,926.00
- School Transport £45,315.00

Further details on the revised scheme have been sought.

COMMUNITY FACILITIES – Discussions have been held direct with the Parish Council and a contribution of £100,000 has been agreed as appropriate to provide such facilities

EFSAC MITIGATION - £335 per dwelling for air quality monitoring.

HIGHWAY WORKS - £ 20,200 (Twenty thousand two hundred pounds) index linked, shall be paid to Essex County Council, to be used for new village signage and/or gateway features at the entrance into Stapleford Abbots, on the B175, on the Essex border.

AFFORDABLE HOUSING – The scheme proposes a policy compliant affordable housing provision, as set out above. A partner provider is in place, from the Council's approved list.

While it is noted that residents and the Parish Council made comments about other local services, no further evidence has been submitted including statutory consultees to support additional provision.

Other matters

Initial assessment of historic records indicate the potential for multi-period archaeological deposits to be present on the site. As a result, an initial excavation of trial trenches followed by targeted open area excavation is called for, evidently at the early stages of site clearance. These requirements can be adequately addressed through condition.

An initial study for potential contaminants have not found any initial evidence other than superficial deposits at the southern end of the site. Records do not indicate any commercial uses on the site other than a former brickworks to the south east. The assessment has not considered any possible agricultural and livestock uses which may also present contamination potential, and a condition is recommended to allow for further assessment of this risk.

Crime Prevention Design Advice from Essex Police confirms that there are no apparent concerns with the layout, subject to detailed design of matters such a lighting, boundary treatments and security.

Conclusion:

The application brings forward an allocated site in the draft Local Plan with a level of development which meets a number of objectives in terms of housing delivery in the settlement and the wider District. Although the Plan has not been finally adopted, modifications do not propose any amendments to this site allocation, either in terms of housing numbers or site boundaries, so should be given significant weight. The delivery of this site at an early stage in the life of the plan will significantly reduce pressure for development on other, less suitable sites around the settlement.

Any development on a large site has the potential to create benefits and enhancements which need to be balanced against the compromises. Benefits arise from provision of a policy compliant level of affordable housing, the mix for which has been agreed with by Housing Officers, measures to manage surface water drainage within the site, biodiversity, ecological and landscape improvements, and relevant mitigation to ameliorate impact on wider community infrastructure. In comparison, compromises in terms of residential amenity are limited.

Officers therefore conclude that the positive benefits far outweigh the concerns and therefore recommend that permission is granted, subject to conditions and an appropriate legal agreement.

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

***Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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