

**Report to the District Development
Control Committee**



**Epping Forest
District Council**

**Report Reference: DEV-009-2014/15
Date of meeting: 3 December 2014**

Subject: EPF/0853/14 - Tottenham Hotspur Training Ground, Luxborough Lane, Chigwell - Redevelopment of former Tottenham Hotspur training ground with an autistic spectrum disorder school, comprising a 3800 sq metre school building to accommodate up to 128 pupils aged 4-19, a mixed use games area, playing fields, 100 parking spaces and a minibus drop off area; additionally, the development of 60 dwellings on land to the west of the proposed school to act as enabling development to facilitate delivery of the school.

Responsible Officer: Stephan Solon (01992 564018).

Democratic Services: Gary Woodhall (01992 564470).

Recommendation(s):

- (1) That planning permission be granted subject to:**
- (a) The completion, within 3 months, of an agreement under S106 of the Town and Country Planning Act 1990 in respect of the following matters:**
- 1. Contaminated land investigation and remediation across the site.**
 - 2. A financial contribution of £459,179 towards education, comprising £66,701 towards early years and childcare, £194,994 towards primary education, and £197,484 towards secondary education.**
 - 3. A financial contribution of £19,740 towards the capital costs of the NHS for provision of additional healthcare services.**
 - 4. Completion of the improvements to/widening of Luxborough Lane prior to first occupation of the development, in accordance with details previously agreed with the Highway Authority.**
 - 5. Provision and implementation of a Travel Plan for the proposed school and residential scheme to be monitored and reviewed annually, the provision of a Travel Plan Co-ordinator to give advice and the payment of £3,000 monitoring fee for Essex County Council.**
 - 6. Completion of the ASD school development prior to first occupation of the residential component.**
 - 7. To not permit pupils to attend the school who are not diagnosed with Autistic Spectrum Disorder.**

8. The management of the school to become the responsibility of the National Autistic Society.
9. The submission to the Local Planning Authority for approval details of the management company that will be responsible for the maintenance of roads, public open space and landscaped areas and the establishment of a management company in accordance with the approved details prior to the first occupation of the development.

(b) And, subject to the following conditions:

- 1 The development hereby permitted must 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 following approved drawings numbers, unless otherwise agreed in accordance with the terms of the agreement under S106 of the Town and Country Planning Act 1990 that accompanies this planning permission:

Location and masterplan and levels:

1324_0005 D, 1324_0100 H, 1324_0009 A, 1324_0010 A

NAS School:

1324_0110 F, 1324_0120 F, 1324_0121 F, 1324_0130 E, 1324_0131 E, 1324_0133 E, 1324_0134 E, 1324_0135 E, 1324_0136 E, 1324_0137 E, 1324_0140 D, 1324_0200 D, 1324_0202 C, 1324_0203 C, 1324_0204 C, 1324_0205 C, 1324_0220 D, 1324_0221 D

Housing:

1324_0150 F, 1324_0151 B, 1324_0152 B, 1324_0155 F, 1324_0160 B, 1324_0161 B, 1324_0162 B, 1324_0163 B, 1324_0164 B, 1324_0165 B, 1324_0166 B, 1324_0167 B, 1324_0170 A, 1324_0171 A, 1324_0172 A, 1324_0173 A, 1324_0174 A, 1324_0175 A, 1324_0176 A, 1324_0250 B, 1324_0251 B

Adoptable Road Layout:

ST-2012-37

- 3 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 unless the Local Planning Authority gives its written consent to any variation.
- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an 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.

- 5 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.
- 6 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.
- 7 No construction works above ground level shall take place until 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.
- 8 The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (Stomor, Ref ST-2012/FRA-1403-Luxborough Lane, March 2014) has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

- 9 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.**
- 10 The development hereby approved shall be undertaken only in accordance with the mitigation strategy the recommendations of the Bat Survey and Reptile and Amphibian Survey dated 13 March 2014, ref DFCP 2600**
- 11 Prior to first occupation of the 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.**
- 12 Prior to the occupation of the houses referred to in this condition, the entire length of the rear facing balustrades enclosing the roof terraces of houses at plot numbers 8, 27, 28, 35 and 38 (as indicated on drawing number 1324_0152 B) shall be supplemented by an obscure glazed privacy screen that extends from the top of the balustrade to a height of 1.8m above the floor level of the roof terrace. Thereafter the rear facing balustrades shall be permanently enclosed in that manner.**
- 13 The first floor rear elevation window in the flat-roofed part of the house at plot 8, as identified on drawing numbers 1324_0152 B and 1324_0175 A, shall be obscure glazed up to a minimum height of 1.8m above the floor level of the room served by the window prior to the occupation of that house and shall thereafter be permanently maintained in that condition.**
- 14 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions, roof enlargements, swimming pools, ponds or outbuildings with foundations generally permitted by virtue of Classes A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.**
- 15 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no new buildings and extension to any building generally permitted by virtue of Class A of Part 32 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.**
- 16 No street lighting shall be provided along the entire length of Luxborough Lane that is within the application site and within the sites of the school and housing development hereby approved other than in accordance with details previously submitted to and approved in writing by the local Planning Authority.**

Report:

1. This application was reported to the meeting of the Area Plans South Sub-Committee held on 26 November 2014. The sub-Committee decided that planning permission should be granted as recommended subject to an additional condition concerning street lighting and referred the application to the District Development Control Committee for decision. The application is referred since the proposal is for a major development that is contrary to Local Plan policy concerning the Green Belt. Should the District Development Control Committee also decide planning permission should be granted it will be necessary to refer the application to the National Planning Casework unit under the Town and Country Planning (Consultation) (England) (Direction) 2009 since the proposal is a departure from the Green Belt policies of the Local Plan.

2. In coming to their decision the Sub-Committee expressed the view that the education contribution to be secured in a S106 agreement should be spent for the benefit of Chigwell residents and requested Officers seek clarification and assurances from Essex County Council as Education Authority. They have been sought but there is insufficient time to include any response within this report. Consideration was given to deferring the application to the next meeting of this Committee on 11 February 2015 in order to include the response within a report but it was concluded that it would be more appropriate to report the response verbally in order to avoid a significant delay in the decision making process. Accordingly, the response of the Local education Authority will be reported verbally.

3. The report on the application presented to the Area Plans South Sub-Committee is set out below with minor alteration to delete duplication.

REPORT TO AREA PLANS SOUTH SUB-COMMITTEE

Description of Proposal:

It is proposed to construct a school on the eastern part of the site. The school would be a specialist school for children with Autistic-Spectrum Disorder (ASD) as their main Special Educational Need (SEN). The applicant's Planning Statement states it will be run independently by the National Autistic Society (NAS) and the NAS has confirmed they would do so. The Planning Statement also says the school will provide for up to 128 pupils aged 4 to 19. It also states it is anticipated the pupils will be of average to high cognitive ability, without severe complex needs. The school will offer National Curriculum education through key stages 1 to 4, leading to GCSE and other national qualifications where appropriate.

The school buildings would not be on any of the filled land. They would be sited along the central axis of the eastern part of the site with the filled land to the south-east of it proposed to be used as a football pitch as at present. The school teaching buildings would comprise the greater part of the built form. They would be single storey arranged around a central courtyard with a wing projecting to the north, south and west. A mix of traditional and modern external materials would be used while the buildings themselves would be of modern design. A double height hall with timber clad exterior would be part of the cluster of buildings.

South of the teaching buildings would be a pair of school houses providing supervised boarding accommodation for up to 16 children in their own bedrooms and an appropriate number of staff. The houses would have an L shaped plan, have 2 storeys and gabled roofs. A workshop/store building would be sited adjacent to the school houses.

Parking would be a robustly landscaped setting in the north-east corner of this part of the site, adjacent to Luxborough Lane and the M11 cutting. A landscaped belt with a bund up to 6m high would extend along the boundary with the M11 and the southern site boundary. A total of 100 off-street parking spaces would be provided for the school. Play areas and gardens would be provided throughout the school site.

This application also proposes the erection of 60 houses within a parkland setting on the western part of the site. The houses are proposed on the basis that they are enabling development for the school. The houses would be predominantly 3 bedroom (43), with some 4 bedroom (11) and 5 bedroom (6) houses. They would be arranged along the northern, eastern and southern boundaries of the western part of the site. The remainder of the site would be landscaped with access to the existing path at the top of the bank adjacent to the River Roding.

The houses would be predominantly two-storey with a small number of part two/ part three storey and full three storey houses sited at specific focal points and particularly adjacent to Luxborough Lane. They would be modern design with traditional materials and gabled roofs. A small number of houses would have flat-roofed side projections with roof terraces. Parking would be in garages, covered parking areas and a mix of dedicated and on-street parking spaces. Most of the access road serving the development together with all the parking areas would not be adopted.

The final component of the proposal is to bring Luxborough Lane up to adoptable standards between High Road Chigwell and the access road to the site off Luxborough Lane. That includes increasing the width of the carriageway to 5.5m, providing a 1.8m wide footway on its southern side, street lighting and minor works at

the junction to improve visibility.

Relevant History:

- CHI/0030/48 Continuation and extension of existing workings. Approved (relating to eastern part of the site)
- CHI/0154/50 Use as school playing fields. Approved
- CHI/0151/65 Use of land as playing fields. Approved
- CHI/0019/56 Use of brickfield, when excavated, as tip for house refuse and other materials. Approved (Approved plans show western half of site as an existing tip)
- EPF/0806/95 Erection of replacement pavilion and use of existing hardstanding for car parking, regrading site to create level pitches, erection of irrigation tank and enlargement of existing parking area. Approved
- EPF/0671/98 Installation of synthetic pitch to replace existing pitch. Approved
- EPF/0081/99 Installation of a natural turf football pitch and training area including boundary fencing. Approved
- EPF/1212/03 Erection of temporary building to cover existing artificial playing surface. Approved for a temporary period. Consent subsequently renewed on a number of occasions.
- EPF/1824/12 Variation of condition 1 of planning permission EPF/1356/10 (Retention of air hall) to allow 'air hall' to be inflated for a further temporary period. Approved until 31 December 2013. Amounts to the most recent renewal of planning permission EPF/1212/03.
- EPF/2662/13 Variation of condition 1 of planning permission EPF/1824/12 (Retention of Air Hall for a further period until 31/12/2014). Refused on the basis the proposal is inappropriate development in the Green Belt and no very special circumstances sufficient to outweigh the harm are demonstrated.

Policies Applied:

- CP1 Achieving Sustainable Development Objectives
- CP2 Protecting the Quality of Rural and Built Environment
- CP3 New Development
- GB2A Development in the Green Belt
- GB7A Conspicuous Development
- RP4 Contaminated Land
- RP5A Adverse Environmental Impacts
- H3A Housing Density
- H4A Dwelling Mix
- H5A Provision for Affordable Housing
- H6A Site Thresholds for Affordable Housing
- H7A Levels of Affordable Housing
- H9A Lifetime Homes
- RST14 Playing Fields
- U3A Catchment Effects
- 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

LL2	Inappropriate Rural Development
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
ST1	Location of Development
ST2	Accessibility of Development
ST3	Transport Assessments
ST4	Road Safety
ST5	Travel Plans
ST6	Vehicle Parking
I1A	Planning Obligations

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to the relevant policies in existing plans according to the degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 27

Site notice posted: Yes

Press advert: Yes

Responses received:

An OBJECTION letter signed by the occupants of 98, 100, 102, 104, 106-108, 110, 112, 116, 118, 120 LUXBOROUGH LANE. The objections raised are summarised as follows:

1. The development is on an essential piece of green belt.
2. The development will cut off continuous river corridor for wildlife on the Luxborough Lane side of the river. That is critical for wildlife since the site spans the entire area between existing barriers of the River Roding and the M11.
3. Both the School and the housing will generate too much traffic for Luxborough Lane and its junction with the High Road to cope with.
4. Construction traffic will pose a particular safety hazard for pedestrians using Luxborough Lane, including children walking to school. Three 11 year old children live at addresses on Luxborough Lane as do others with special needs. It is therefore necessary to include a protected walkway along Luxborough Lane.
5. Traffic to the school will exacerbate the impact of school run traffic to other schools in the locality with much parking adjacent to the junction of Luxborough Lane and High Road. Bollards will assist but not fully deal with this problem.
6. Land ownership in the vicinity of Luxborough Lane will restrict the ability of the developer to deliver the proposed improvements.
7. Directing traffic to the school via an alternative route would be more hazardous than it using Luxborough Lane.
8. It is not clear how many children in Chigwell would benefit from the school.
9. The site is highly polluted as a consequence of its previous use for the disposal of waste. Adjacent watercourses are often full of pollutants and longstanding residents are aware the previous operator of the waste disposal use would accept any form of waste for the right price. Construction work would release more pollutants. Insufficient testing of the site has taken place.
10. Existing housing adjacent to the site are at lower level than the site therefore

the proposed development is likely to result in a significant increase in the risk of flooding of these properties.

11. The neighbouring sewage treatment works are overloaded in storm conditions and waste water together with raw sewage flooding the grounds adjacent to the site at a level of existing neighbouring houses. Thames Water routinely have to send tankers to pump out and remove excess sewage. There are no plans to upgrade the sewage treatment works and the current problem can be regarded as being at a tipping point. The proposed development would add significant extra load to the Luxborough Lane sewer.
12. Water supply pipes would have to be upgraded to facilitate the development.
13. Alternative sites in the locality, specifically land on the opposite side of Luxborough Lane owned by Higgins Homes, has not been considered as an alternative location for the development. Moreover, there is plenty of brownfield land in London that could accommodate the development.

8 CASCADE ROAD, BUCKHURST HILL – Objection, summarised as follows:

1. Harm to Green Belt and openness, eroding the physical separation of Buckhurst Hill from Chigwell.
2. Harm to the rural character of the River walk.
3. Insufficient off-street car parking
4. Harm to the flow of traffic in the locality, particularly on Luxborough Lane
5. Unsustainable location for new housing due to poor access to services and public transport.
6. Will result in additional pressure on the demand for primary school places in the locality.

27 STRADBROKE GROVE, BUCKHURST HILL – Objection, summarised as follows:

1. Harm to Green Belt serving as a precedent for similar future development.
2. Encroaches into the physical separation of Buckhurst Hill from Chigwell resulting in a visual linking of the two.
3. Increased pressure on school places.
4. Increased pressure on doctors and other services in the locality.

EPPING FOREST RIDERS ASSOCIATION, 69 COOPERS LANE, LEYTON
Objection, summarised as follows:

1. Luxborough Lane provides bridleway access to the River Roding Path and to Epping Forest via Knighton Wood. The number of vehicle movements generated by the development on Luxborough Lane will cause congestion, particularly as the site is remote from public transport. Previous traffic movements arising from use by Tottenham Hotspur were very low and not comparable to that likely to be generated.
2. If planning permission is granted Luxborough Lane should have a 20mph speed limit and traffic calming measures should be implemented on the road.
3. Existing services in the locality, e.g. doctors surgeries, will be unlikely to have capacity to cope with the increase in demand arising from the development.
4. The application site is in a flood plain.
5. The playing fields should not be lost.
6. Rights of way should be protected.
7. Living conditions of future residents are likely to be affected by perceived noise, dust and smell from the household waste disposal site.

The following letters of SUPPORT have been received:

149 HONEY LANE, WALTHAM ABBEY

I am a parent of a child with autism. There is no autism specialism school in Epping Forest. Lots of children with autism cannot manage in normal schools and delivering the correct teaching as early as possible makes all the difference to a child's life chances. The proposed autism assessment centre and young adults learning centre will spread the benefits into the community by bringing help and support to teachers in local schools and helping young adults with the condition learn important life skills and independent living.

23 CROSSFIELDS, LOUGHTON

I am a parent of a child with autism. Children on the autistic spectrum need proper specialist support. A specialist local school providing such support would achieve this more effectively than could be done in a mainstream school and therefore benefit residents.

104A ST JOHNS ROAD, EPPING

I am a parent of a child with autism. The proposal would be a massive help to the children and families of those affected by autism. There is currently no autism specialism school within Epping Forest.

AUTISM SUNDAY (AN AUTISM CAMPAIGNER IN THE UK)

We had a dream of launching an Autism Centre and an Autism School, we couldn't do it but now we have seen these plans for a state of the art autism specialist school in Chigwell Essex and I have to say we are very excited. As a parent and a carer we longed for a school such as this for our own son. Even though it is too late for our son it opens a door for so many children and young people with autism in Essex. You don't know how much that means to parents, carers and families with autism. Children with autism need specialist schools such as this.

BUCKHURST HILL PARISH COUNCIL: Comment/objection:

- Reduction of the recreation ground
- Premature to the outcome of the Local Plan
- Residential development is inappropriate use of the Green Belt
- Reduces the separation between the towns
- Concern as to the effect on infrastructure

CHIGWELL PARISH COUNCIL: Objection

"The Council voted to OBJECT to this application at this time and wish it to go directly to District Development Control when the following questions have been answered: The materials and design of the properties that will be used for the enabling development were more in keeping with their surroundings, that the highway will be constructed before any development take place, and there is a construction method statement."

LONDON BOROUGH OF REDBRIDGE: Comment

It is considered that the proposed development is separated from the northern

boundary of Ashton Playing Fields by farmers fields, West Hatch school campus and the M11 and therefore, does not immediately impact on the Green Belt purposes of this land [Green Belt land within the London Borough of Redbridge]. However, should the site be redeveloped it might undermine the Green Belt function of the farmers fields and Luxborough Lane Treatment Works to the south, which may ultimately impact on Redbridge's Green Belt.

[The proposal as a whole] does not appear to comply with Green Belt policy as it will have a significant impact upon the openness of Green Belt with potential impact on Green Belt in Redbridge. Therefore, it is considered premature to allow a non Green Belt policy compliant scheme when Epping Forest District Council has not conducted a full review of Green Belt designated land.

In highways terms no specific adverse impact has been identified on the Redbridge road network. As a general observation, the site is remote and poorly connected in transport terms...there could be an opportunity to connect the site into existing and proposed cycle infrastructure, the Roding Valley Way with obvious benefits to users of the development as well as the wider public.

ENVIRONMENT AGENCY: No objection

Conditions requested to deal with the matters of land contamination and flood risk.

HIGHWAYS AGENCY: No objection

NATIONAL GRID: No objection

National Grid has No Objection to the above proposal which is in close proximity to a High-Pressure Gas Pipeline – Feeder FM05 - Abridge to Luxborough Lane.

HEALTH AND SAFETY EXECUTIVE: No objection

The housing lies outside the consultation distance of pipeline 2447 and so does not need to be included in the PADHI+ consultation.

The roadway changes are sensitivity level SL1, which PADHI+ would not advise against within any of the zones.

The sensitivity level of the school is SL4, and the school site lies within the outer zone and outside the CD of pipeline 2447. As less than 10% of the total school site area lies within the outer zone (i.e. within 170 metres of pipeline ref 2447), the school would be considered to lie outside the CD of pipeline 2447.

Therefore HSE would not advise against the granting of planning permission.

SPORT ENGLAND: No objection

Sport England raises no objection to this proposal as the club has provided replacement facilities of equivalent or greater quantity and quality, in accordance with Sport England policy. Sport England would wish to see sports facilities at the ASD school opened up for wider community use, and consideration being given to s106 funding being secured to upgrade the proposed grass football pitch to an artificial surface.

NHS ENGLAND: No objection subject to S106 agreement

There is a capacity deficit in the catchment practice [for GP services] and a

developer contribution of £19,740 is required to mitigate the 'capital cost' to NHS England for the provision of additional healthcare services arising directly as a result of the development proposal. NHS England, therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 Agreement.

ESSEX POLICE

The housing and school should achieve Secured by Design certification. Reducing opportunities for crime on all of this development will benefit the community. Essex Police will assist the developers to attain the SBD certification.

Screening Opinion:

On 24 April 2014 the District Council adopted a screening opinion finding the proposed development is not Environmental Impact Assessment (EIA) Development under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. Accordingly, it was not necessary for the applicant to submit an Environmental Impact Assessment with this application.

Main Issues and Considerations:

The main planning issues raised by the proposal are:

- Need for the ASD school
- Need for the enabling development
- Green Belt
- Land contamination
- Highway safety and vehicle parking

Need for the Autistic Spectrum Disorder School:

Before specifically considering the evidence of need, it is pertinent to set out further details of the proposals for the proposed ASD school.

The school is proposed to be managed by the National Autistic Society. It would be for children with ASD who are of average to high cognitive ability. The NAS has submitted a short statement as follows:

"The Society has been involved in the detailed design of the school, autism assessment centre and young adults learning centre in this application. We have ensured, in particular, that it meets the needs of those children and young adults on the more severe end of the autistic spectrum, who are not well catered for by mainstream education. The design brings to bear the expertise we have built up from the many such facilities that we have developed and run across the country.

I would also like to confirm that, once it is built and opened, we will manage and run the school and other facilities."

The Applicant proposes to enter into a S106 agreement to the effect that the only pupils permitted to attend the school shall be those with ASD and that the NAS would manage the school. It also agrees to complete the ASD school development prior to first occupation of the proposed enabling residential development.

In relation to the funding of the operation of the school the Applicant has submitted the following statement:

“...the applicant has had advanced discussions with the Department for Education (DFE). The DFE will support a free school bid for the site, especially given that there will be no capital costs for them. The free school bid will follow a grant of planning permission.

That bid will result in the NAS/school receiving £10,000 per annum per space at the school. That sum is paid irrespective of how many children actually attend the school. As such, from day one, the school would receive £1,280,000 per annum funding direct from the Government.

The National Autistic Society anticipate that the running costs for the school will amount to £2,000,000 per annum. The ‘gap’ between Government funding and actual running costs will be filled through a combination of the National Autistic Society’s own funds, and those generated by the Anderson Foundation.”

“...the Anderson Foundation is a philanthropic organisation, whose sole aim is to raise funds for, and awareness of, the National Autistic Society. The Anderson Foundation, on average, raises £300,000 per annum for the National Autistic Society, and those funds can legitimately be used for operating the school at Luxborough Lane.”

Advice from the Education Authority, Essex County Council, confirms “If the free school application is approved by the Secretary of State it is the Education Funding Agency which provides core funding of £10,000 per annum for each place commissioned. Therefore it is the Secretary of State who would be required to guarantee revenue funding of £1.28m per year. Local Authorities commissioning places at the school would be required to pay an agreed top up amount for each pupil placed.”

The Applicant sets out a case of need for the proposed school in a Planning Statement. In summary, it states that discussions with Essex County Council, prior to the submission of the application confirmed the following:

- There is no special school provision in Essex that supports only pupils with ASD.
- There are 100 ASD school places in total in Essex.
- It is forecast that there will be a need to provide a total of 600 school places within Essex by 2020.
- There has been an annual increase in the number of children diagnosed with ASD since 2004 and that is likely to continue. In 2013 there were 1563 children with statements for ASD compared to 573 in 2004 equating to a 10 year percentage increase of 174.52%.
- Within the west quadrant of Essex there were 136 children with ASD in 2013
- Within the west quadrant of Essex there is a forecast demand for 64 complex ASD special schools places and 98 severe ASD school places by 2020.

Note – the West Essex area comprises Epping Forest, Harlow and Uttlesford District Councils.

The Education Authority was consulted on the application and has, in addition, provided the following information in relation to the matter of need:

- Priority 2 of The SEND Strategy 2014-19 [Strategy for Children and Young People with Special Educational Needs and Disabilities] requires the Local Authority to commission/deliver a range of high quality provision for all children and young people with SEND.
- The Strategy acknowledges a shortfall across the County in specialist SEN provision for pupils with Autistic Spectrum Disorders (ASD).
- At present Essex is not intending to publish proposals to establish a new school of the type proposed by the applicant in Chigwell.
- The gap in provision in Essex is for parents who request a place at a special school supporting only pupils with ASD, as these do not exist in the Essex maintained sector. The proposed solution is to create 8 small enhanced provisions attached to mainstream schools for pupils of mainstream learning ability but with severe autism.
- Also under consideration is the creation of a small number of additional special school places (possibly in the form of new schools) for pupils with learning difficulties or challenging behaviour and severe autism.

In relation to the take up of places, the Education Authority states:

“Providing the provision was of good quality, the level of top up charged was competitive and parents/carers wanted to send their young person to the provision then it is likely that Essex County Council would commission some places at this school should it be established as a Free School. It would be open to other local authorities to commission places at the school.”

The statistics for all children with ASD divided into two categories: those with complex ASD and those with severe ASD. No distinction is made between those with a high cognitive ability and those with learning difficulties. That presents a difficulty in using the statistical information on children with ASD for the purposes of assessing the need for the particular school proposed. That is because the school would only accommodate children with an average to high cognitive ability.

The development proposed would create a large scale enhanced provision in West Essex. Although there is no information readily available to Officers about need beyond Essex, since the location of the application site is within the vicinity of local authorities outside of Essex it is likely that those Authorities, e.g. London Borough of Redbridge, would consider using the proposed school for some of their children with ASD. The Education Authority states *“We think it is inevitable that the provision could be attractive to parents living outside Essex and other local authorities may therefore consider commissioning places. This cannot be prevented if places exist.”*

Notwithstanding the difficulty in the format of the statistical information, it is concluded that the evidence available demonstrates there is a need for a school of the type proposed within the west of Essex. That need is greater than the numbers of places that would be provided at the school. Informal discussion with relevant education Officers indicates that it is very unlikely that the provision of the school would affect the viability of the proposed enhancement of facilities for children with ASD at mainstream schools. Subject to the school being a free school it is likely Essex County Council would commission places at the school and the Applicant confirms it has had advanced discussions with the DFE in relation to the school being supported as a free school.

The next opportunity for the Applicant to formally bid for a free school at the

application site is not scheduled until after the next general election. That does present some uncertainty as to the funding for the schools running costs. The applicant does not propose a privately funded school but there is a possibility that, should planning permission be granted, the school would not receive public funding. If that were the case, and the school has to draw pupils from a wider area in order to be viable, the degree to which local need could be met would be reduced. However, it is not considered appropriate to give significant weight to unforeseen hypothetical public funding issues when assessing the matter of need for the school.

In relation to the matter of need, it is concluded that there is a demonstrable need for the proposed ASD school.

Need for the Enabling Development:

The Applicant has raised, through its charitable foundation, £750,000 towards funding the delivery of the school. A very substantial shortfall of some £34.5m is required to be realised to fund the delivery of the school, which is found to be needed. Consequently, there is no doubt that an enabling development is necessary to fund the shortfall. However, it is necessary to know whether the scale of enabling development proposed is actually the minimum necessary to achieve that. Careful examination of the costs for construction of the school and housing together set against realistic estimate of the likely sale value of the proposed houses has therefore been carried out by the applicant and independently verified by consultants employed by the District Council.

The Applicant has submitted a viability assessment for the proposal setting out full detailed costings for both the proposed school and the proposed enabling development. It allows for a worst case scenario in terms of having to carry out remediation works to deal with land contamination arising from the previous use of the site and neighbouring land as a refuse tip. The viability assessment, which contains commercially sensitive information, was provided to independent consultants employed by the Council for review. They were specifically asked to advise whether 60 open market sale houses is the minimum number of units required to enable the proposed ASD school.

The Council's consultants found the income and expenditure inputs to be reasonable and found the land following development has a negative land value of approximately £450,000. The Applicants had submitted that the land has a negative land value of £908,000. The difference in opinion arises from the Council's consultants considering the sale value of the proposed houses could generate an additional £450,000. The consultants therefore concluded "*A scheme of 60 residential units (based on the density and size) in accordance with the proposed planning application is therefore the minimum number of houses that can be provided as enabling development to support the school.*" Such a conclusion clearly makes allowance for the funding already secured by the applicant for the construction of the school.

Having regard to the findings of the Council's consultants it is concluded that should the proposed enabling development not be permitted, the needed ASD school would not be provided. Consequently, it is found that there is a demonstrable need for the proposed enabling development.

Green Belt:

The definition of previously developed land set out in the NPPF includes land developed for waste disposal by landfill purposes where no provision for restoration

was made through development control procedures. The main application site (that excluding Luxborough Lane itself) was used for waste disposal by landfill from the 1920's through to the 1970's with such use ceasing on different parts of the site at different times. Aerial photographs demonstrating the western part of the site was capped in 1960 and much of the eastern part of the site in playing field use by that time. Any consents for the landfill pre-date the planning system and there is no accessible surviving record of them. Consents given for the extension of such use to neighbouring land in 1948 and 1956 did not control or make provision for the restoration of the landfill at the application site. It is therefore known that the site was used for waste disposal by landfill purposes and there is no evidence that provision for restoration was made through development control procedures. On that basis the Applicant has informally invited the Council to consider the application site previously developed land.

However, the definition of previously developed land does exclude land which was previously developed but where the remains of the structure or fixed surface structure have blended into the landscape in the process of time. It also excludes recreation grounds. Other than a small area of buildings and car park adjacent to the access road through the site, the site is entirely playing fields. The Air-Hall on the eastern part of the site exists in breach of a planning condition requiring its removal and is therefore unlawful. It is therefore concluded that the vast majority of the site is not previously developed land.

The erection of new buildings in the Green Belt is inappropriate development. An exception to this is the partial or complete development of previously developed land which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Although not considered previously developed land, even if it were, the proposal would clearly have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. It is therefore concluded the proposal is inappropriate development in the Green Belt.

Very Special Circumstances

Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The demonstrable need for the proposed ASD school and associated enabling development is a material consideration that weighs heavily in favour of the proposal. In order for that to amount to a very special circumstance it is necessary to be satisfied the development as a whole could not be provided on any other land outside of the Green Belt.

The Applicant has given consideration to whether the proposed school could be provided elsewhere and has examined 16 alternative sites within the District. The sites were assessed against the operational requirements for the school, planning policy and having regard to other constraints. Of those sites, one was found both too small and not appropriate for any development, three others were also found not appropriate for any development and five were too small. Of the others, 6 were either more appropriate for other development or were likely to result in greater harm to the Green Belt than the development on the site proposed. Officers do not disagree with the Applicant's assessment and, in relation to sites adjacent to Luxborough Lane, it is noted that sites both north and south of it were captured in the assessment. Of the sites outside of the Green Belt, none were of suitable size.

Moreover, the extent of site search is considered to be appropriate. Although confined to this District, that nonetheless captures sites within an appropriate travel

time from main population areas within the west Essex area. Sites outside of the District could still address the identified need for specialist ASD education provision within the west Essex area, however, they are likely to be more remote from this District's main population areas. It is also clear from data provided by the Education Authority that the degree of need projected for 2020 within Essex as a whole is so great that approximately eight similar scale schools would be necessary to accommodate it and that the projected need for the west Essex area would significantly exceed the capacity of the proposed school.

The degree of need for an ASD school together with the need for the enabling development and the demonstrable absence of any suitable alternative site within an urban area are consequently considered to be material circumstances that outweigh the harm to the Green Belt that would arise from the development. It is also considered that the combination of circumstances is such that they should be considered very special.

Conclusion on Green Belt:

The proposal is inappropriate development in the Green Belt but very special circumstances are demonstrated that outweigh the harm that would be caused to the Green Belt. As will be seen from the following assessment, the proposal would not result in any other harm that could not be properly addressed without relying on a case of very special circumstances.

Land Contamination:

In the interests of safeguarding human health and preventing harm to the environment it is necessary to properly remediate the entire application site. The District Council's Land Contamination Officer provides the following detailed advice in relation to this matter:

The proposed western domestic housing site is on an old landfill filled by W & C French Ltd, a local mineral extraction & waste disposal, civil engineering, and property development company who carried out waste disposal and civil engineering work for EFDC and its predecessor authorities during the 1920s – 1970s. The proposed school site also contains a landfill, but this is confined to an area in the southwest of the site proposed for retention as a football pitch (the main problem with landfill sites is from the accumulation of landfill gases inside buildings when built on waste). The site is surrounded by other landfill sites filled by W&C French Ltd and Essex County Council between 1940-1990. All these sites, including the application site, contain waste collected and disposed of by this Authority.

Only a very basic low density exploratory investigation was carried out last year by the Applicants, and although they were able to confirm that waste was present across the whole of the proposed western housing site, down to a depth of about 4.8m, they were not able to characterise the type of waste present in order to exclude the presence of gas producing sewage sludge from the adjoining Sewage Works, or the presence of Hazardous Industrial Waste, which has been found present in another local site filled at this time. Landfill gas was detected at concentrations above the NHBC "red" limit, which could mean that the site may be unsuitable for unmanaged domestic use unless all the waste is removed and/or cut off walls are installed around the perimeter of the site to prevent onsite migration from other surrounding landfill sites.

Although the exploratory investigation of the eastern proposed school site was able

to confirm the extent of the landfill present in the SW quarter of the site, and identified that organic odours were present indicating the presence of decomposing domestic waste, no investigation was carried out within the main body of the waste in order to be able to characterise the type and depth of waste present. The investigation identified up to 2m of made ground present across most of the rest of the site, with natural soils present along the eastern side bordering the motorway.

The Applicants have elected to demonstrate that it is feasible to mitigate all potential worst case risks from land contamination at the site, in lieu of carrying out a site investigation prior to receiving planning consent. An appropriate site investigation and necessary remediation works will then be required under planning conditions attached to any approval granted.

As the proposed school site is to be managed and the proposed ventilated sub floor buildings are not being located on top of landfill waste, it should be feasible to install a very high level of managed gas protection measures in the building (by upgrading the dpm to a gas membrane and including gas detectors in addition to smoke detectors already required under Building Regs), to provide a managed 600mm clean cover over the landfill sports pitch, and to remove up to 1.3m of made ground and replace with a 0.3m cobble anti-intrusion barrier and 1m of clean soils in the proposed vegetable gardens and tree landscape areas if, for example, asbestos in soils is found to be presenting risks.

It is understood that the Anderson Group own both authorised waste sorting/treatment sites and landfill sites and that they have stated that it would therefore be financially feasible for them, if necessary, to remove all the waste (approx 5ha x 3.5m = 175,000 m³), to replace with validated clean fill and soils, and to install perimeter grout cut off walls on the proposed western housing site, and that they would then carry out appropriate investigations to quantify the actual risks in order to determine what remedial measures were required under planning conditions.

Following that advice the Applicant provided clarification of worst case scenario remediation costs that were taken into account when assessing the financial viability of the proposal. The Applicants have also agreed to the matter of land contamination being dealt with in a S106 agreement rather than by condition. That would require a phased approach to the contaminated land investigation and remediation across the site. The developer would have to submit evidence verifying completion of each phase of investigation and remediation on part or all of the site and, as soon as it is satisfied with the evidence, the Council would be obliged to serve a notice permitting the following phase to commence on the land the evidence relates to. The developer would not be able to start a subsequent phase until the Council had issued its notice. This would allow works on some parts of the site to proceed ahead of those on other parts.

The use of a S106 agreement is considered more appropriate in respect of this site having regard to the likely scale of remediation required and since enforcement mechanisms for S106 agreements are more effective than for planning conditions. Consequently there is no need to deal with the matter of land contamination in conditions since that would result in a duplication of work and possible confusion about what had or had not been approved.

Highway safety and vehicle parking:

The Highway Authority is Essex County Council. In respect of the matter of highway safety it gives the following advice:

The proposed development has been assessed against current National, Local and County policy and current safety criteria and has been found acceptable to the Highway Authority.

The applicant has submitted a comprehensive and robust Transport Assessment which demonstrates that the development will not have a detrimental impact upon the local highway network in the vicinity of the site or upon the wider highway network. There is no capacity issue associated with the development and the junction onto the High Road is appropriate in terms of geometry and visibility. Furthermore the developer is proposing significant highway works which will greatly improve and regulate the use of Luxborough Lane to the benefit of all highway users.

Consequently the Highway Authority is satisfied that the development will not be detrimental to highway safety, capacity or efficiency and will improve safety and accessibility to the site and in the locality.

A number of planning conditions are requested in order to address technical matters and also to ensure the highway works are completed before the occupation of the development. Most of those are more appropriate to secure in a S106 agreement. The Applicant agrees to complete the improvements to/widening of Luxborough Lane prior to first occupation of the development.

An objector has raised the matter of land ownership being a constraint on the ability of the developer to deliver the highway improvements. The Applicant does state in the application that there are areas of land adjoining Luxborough Lane which are unregistered and that it is considered searches demonstrate there are some areas of land without ownership. Subsequently the Applicant has submitted much more detailed drawings of the extent of highway works in relation to neighbouring land that also show the pattern and extent of land ownership adjacent to the proposed works by identifying the title areas. That shows the works would not encroach on to any land that is within a registered title.

It is considered the Applicant has taken reasonable steps to clarify land ownership adjacent to Luxborough Lane and served notice on any party with an interest in any part of the site: Tottenham Hotspur Football Club and Thames Water Utilities Ltd. The objectors point in relation to land ownership is not supported by any evidence. In the circumstances, and having regard to the additional drawings, even if the objector is correct, a worst case scenario is the width of the proposed 1.8m wide footpath alongside the southern edge of the carriageway may have to be slightly reduced. That scenario appears unlikely to arise but if it did the consequence for highway safety would be very limited and certainly not fatal to the proposed development.

The matter of parking is for the District Council to assess having regard to the Vehicle Parking Standards 2009.

The standards require a maximum of 9 spaces for the proposed school rather than the 100 proposed. While the Applicant makes a case that the site is in a sustainable location, its degree of accessibility to public transport is limited. Moreover, the proposed school is aimed at children who are likely to be brought to the school by car in any event the maximum standard is not considered appropriate for the proposal. Furthermore, the School has been specifically designed to meet the requirements of the NAS, who would manage it and who have considerable expertise in managing such schools. In the circumstances, it is concluded that the level of provision

proposed is appropriate even though it is far in excess of the maximum standard for schools set out in the Vehicle Parking Standards.

The numbers of off-street parking spaces proposed for the houses is slightly in excess of that specified in the Vehicle Parking Standards. There is a shortfall of formal visitors spaces (just over half of the required amount is proposed), however there is ample availability of informal on-street parking provided for within the proposed layout. In the circumstances and in order to maintain the parkland character of the undeveloped part of the site the Applicant was not requested to provide additional formal visitors parking spaces.

Other Matters:

Affordable Housing:

Having regard to the viability of the development and in order to limit the impact of the proposal on the openness of the Green Belt it was decided not to seek any affordable housing in connection with the development. Planning policy requires the provision of 50% of the dwellings as affordable housing, however, the Applicants have demonstrated that the values of house sales would be significantly less than the cost of the school, with the balance made up by charitable donations. Consequently, in order to achieve 50% affordable housing it is likely the scale of the enabling development would have to double resulting in significant encroachment towards the River Roding and the complete loss of the substantial green area that would give the housing layout its charm. The consequence for the openness of the Green Belt would be severe.

Flood Risk:

The site is within Flood Risk Zone 1. A Flood Risk Assessment submitted with the application demonstrates the proposal would not result in any significant increase in the risk of flooding elsewhere. A planning condition requiring implementation in accordance with the FRA is necessary.

Nature Conservation:

The proposed development is on enclosed land currently laid out as playing fields that were regularly mown and used for a considerable length of time. The form of enclosure varies and includes significant lengths of steel palisade and chain link fencing, often of very significant height. The opportunity for it to be a wildlife corridor and to provide significant areas of habitat is therefore limited. A Phase 1 Habitat Survey submitted with the application did not find evidence of the site serving as a link to adjacent habitat. Some wildlife, including grass snakes and common toads were found and recommendations for mitigation were put forward. They can be secured by condition. No bats were found on site.

Trees on the site are at its edges and do provide nesting opportunities. Few would be lost and the Council's Tree and Landscaping Team raises no objection subject to planning conditions to secure protection of trees in construction and further landscaping.

The proposal does include significant landscaping and measures to create new habitat within the proposal. That is particularly the case at the edges of the school site and for much of the housing site, particularly adjacent to the River Roding. It is therefore concluded the proposals would significantly enhance the available habitat

on the site and its links to neighbouring habitat.

Playing Fields:

Although the proposal results in the loss of playing fields, there is provision elsewhere in Chigwell and Sport England raises no objection. The school would include a playing field and the request by Sport England to consider making it available to the wider community is recognised. However, such use could be harmful to the operation of the school and it is therefore considered more appropriate for that to be a matter for the NAS to assess as part of their management function. The imposition of such a requirement on the school within a S106 agreement could potentially undermine the future success of the school and, moreover, Sport England do not say it is necessary for the development to take place.

Design and Appearance:

The proposal is of contemporary design with a mix of traditional and modern materials. The housing development would be more traditional in appearance. Its layout facilitates links to the River Roding path and cycle route (which addresses one of LB of Redbridge concerns) via a large landscaped area that would serve as a visual buffer between the river and the greater part of the development as well as providing a good recreational facility for residents.

In relation to the future condition of the development the Applicant agrees to the following being the subject of a S106 agreement:

Prior to commencement of the development to submit to the Local Planning Authority for approval details of the management company that will be responsible for the maintenance of roads, public open space and landscaped areas. A management company shall be established in accordance with the approved details.

Living Conditions:

Notwithstanding differences in levels between the site and adjacent existing houses, no harm would be caused to the living conditions of neighbouring properties due to the degree of separation between the houses. Within the development there is some potential for overlooking between particular plots, but that can be resolved through the imposition of appropriate planning conditions.

Education provision:

The Education Authority advises the proposed enabling development would generate the need for additional school places within mainstream schools. Consequently it is necessary for a financial contribution to be made and the level of contribution is calculated to be £459,179 comprising £66,701 towards early years and childcare, £194,994 towards primary education, and £197,484 towards secondary education. The Applicant has agreed to deal with this in a S106 agreement and the additional cost was factored in to the viability assessment.

Healthcare Provision:

In order to fund the provision of enhanced GP services for the development NHS England advises a financial contribution of £19,740 is required. The Applicant has agreed to deal with this in a S106 agreement and the additional cost was factored in

to the viability assessment.

Conclusion:

The proposed Autistic Spectrum Disorder (ASD) school is demonstrably necessary to meet the need for the provision of education for children with ASD. The proposed housing is demonstrably necessary to enable the delivery of the school. There is no other suitable site outside of the Green Belt where the educational need for the west Essex area could be met. There is also no alternative site within the Green Belt whose development for the proposal as a whole would be less harmful to the Green Belt than carrying out the development at the application site. Therefore, although the proposal is inappropriate development within the Green Belt, very special circumstances that outweigh the harm to the Green Belt have been demonstrated.

All other matters arising from the proposal are either acceptable or can be properly addressed in either planning conditions or a S106 agreement. Heads of terms have been agreed with the Applicant.

Notwithstanding the departure from the Green Belt policies of the Local Plan and Alterations, therefore, it is recommended that planning permission be granted subject to planning conditions and S106 agreement referred to elsewhere in this report.

Should Members decide to grant planning permission, the application will have to be referred to the following week's District Development Control Committee (DDCC) of the Council for decision since the proposal is for a development contrary to adopted planning policy.

Should the DDCC decide to grant planning permission the application will then have to be referred to the National Planning Casework Unit under the Town and Country Planning (Consultation) (England) (Direction) 2009 since the proposal is a departure from the Green Belt policies of the Local Plan.

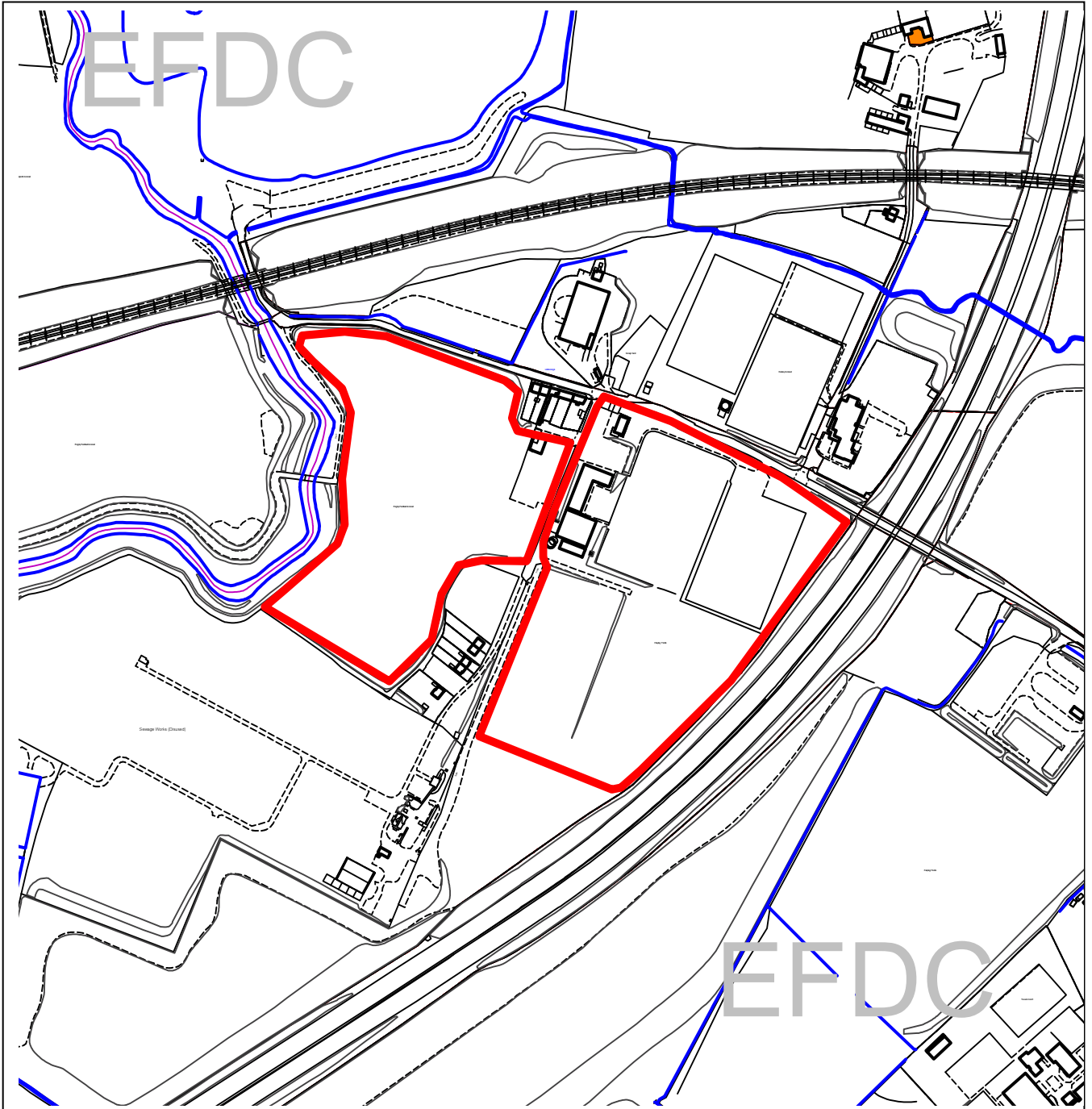
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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



Epping Forest District Council



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Application Number:	EPF0853/14
Site Name:	Tottenham Hotspur Training Ground Luxborough Lane, Chigwell
Scale of Plot:	1/5000