

**Report to the District Development  
Management Committee**

**Report Reference: DEV-012-2015/16**

**Date of meeting: 4 November 2015**



**Epping Forest  
District Council**

---

**Subject: Planning Application EPF/1162/15 Knolly's Nursery, Pick Hill, Waltham Abbey, Essex, EN10 3LF - Demolition of existing structures and redevelopment to provide 79 residential units (63 of which are affordable), an associated Children's Day Nursery, new access and roundabout and associated parking and landscaping.**

**Responsible Officer: Dominic Duffin (01992 564336)**

**Democratic Services: Gary Woodhall (01992 564470)**

---

**Recommendation:**

(1) That the Committee considers the recommendation of Area West Planning Sub-Committee to grant planning permission for the above development subject to the applicant first entering into a SECTION 106 LEGAL AGREEMENT, to be signed by all parties and completed within 4 months from the date of this meeting and subject to conditions listed below;

(2) The proposed legal agreement is to cover and agree:

(a) The characteristics of the 63 on-site affordable housing to be agreed by the Council's Director of Communities;

(b) Education contributions of £288, 476 for primary school contributions to be used within 3 miles of the development;

(c) The provision, funding and means of the long term management and maintenance arrangements of the public open space;

(d) The provision, completion and management/handover of the children's day nursery delivered on-site and in the event that the nursery was not constructed and brought into use, a contribution of £98, 673 for early years learning to be used within 3 miles of the development; and

(e) £25,920 to mitigate the cost of additional healthcare requirements generated by the development.

(3) The recommended planning conditions are:

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 approved drawings No's: 075-001, 002, 100, 101, 102, 103, 200, 201,

**202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 220, 300, 301, 302, 400 unless otherwise altered by the below conditions.**

- 3. 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.**
- 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. A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.**
- 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 unless the Local Planning Authority gives its written consent to any variation.**
- 7. 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.**
- 8. 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:

- The parking of vehicles of site operatives and visitors
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - . The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - . Measures to control the emission of dust and dirt during construction, including wheel washing.
  - A scheme for recycling/disposing of waste resulting from demolition and construction works.
9. Prior to first occupation of the development the mini-roundabout access for the proposed development, as shown in principle on Hill drawing no.075-100, dated June 2014, shall be fully implemented.
10. The provision of Real Time Passenger Information, to Essex County Council specification, at the two existing bus stops on Uphire Road/Paternoster Hill in the vicinity of the junction with Pick Hill.
11. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
12. The number of parking spaces and how these are laid out (including dimensions) shall be in accordance with the parking Standards Design and Good Practice Guide Supplementary Planning Guidance Document September 2009 unless otherwise agreed by the Local Planning Authority. This applies to all vehicular parking spaces including disabled requirements together with cycle parking and facilities for powered two wheelers and garages that are considered as parking spaces.
13. The public's rights and ease of passage over public footpath no.31 Waltham Abbey shall be maintained free and unobstructed at all times.
14. There shall be no discharge of surface water onto the Highway.
15. All turning heads required for refuse and fire tender use shall comply with the dimensions within the Essex Design Guide for a Size 3 Turning Head and should form part of the adoptable highway.
16. No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and

proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows.]

17. Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows.]

18. Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows.]

19. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation

carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

20. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
21. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
22. A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
23. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
24. Before each phase of development approved by this planning permission, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, should be submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable principles as outlined in the approved drainage strategy referenced 3834-DR001.
25. The scheme shall include:
  1. surface water run-off generated by a 1 in 100 storm events up to the 1 in 100 year + 30% climate change critical storm limited to run-off rates in the approved drainage strategy.
  2. Storage that contains the 1 in 100 year event inclusive of climate change.

- 3. An appropriate level of treatment for all runoff leaving the site in accordance with Table 3.3 of the CIRIA SuDS Manual.**
- 26. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.**
- 27. The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.**
- 28. The development hereby permitted shall not be occupied until submission of maintenance arrangements including who is responsible for different elements of the surface water drainage system. Any maintenance should be carried out in accordance with the maintenance schedule for the lifetime of the development as outlined in the approved drainage strategy 3834-DR001, dated July2015.**
- 29. The applicant must maintain yearly Maintenance Logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.**
- 30. No development or preliminary groundwork's of any kind 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 by the local planning authority.**
- 31. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garages hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.**
- 32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions generally permitted by virtue of Class A, B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.**
- 33. Before any preparatory demolition or construction works commence on site, full ecological surveys and a mitigation strategy for the site shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.**

**Report Detail:**

1. This planning application was considered by the Area West Planning Sub Committee on 19 August 2015. At that meeting Members considered that the proposed development would bring much needed housing to Waltham Abbey and moreover that this would include a significant proportion of affordable housing. It was considered that the relocation of the day care nursery would result in the continuation of a much needed facility. It was determined that whilst the site was within the Green Belt it contained a number of derelict structures and glasshouses and their removal would bring visual benefits to the overall character of the area.

2. Members concluded that the site was not excessively unsustainable and that their where shop facilities close to Pick Hill. It was also stated that the site was no longer viable as a working nursery and as such another use for the site should be sought. Ultimately it was considered that the positive attributes of the scheme outweighed the concerns with regards to the Green Belt location of the site and issues with sustainability. In effect it was determined that that very special circumstances existed to outweigh the harm.

3. As a result of these deliberations the Sub Committee voted to grant planning permission for the scheme subject to a Legal Agreement securing benefits necessary to make the development acceptable in planning terms and the application is therefore referred to DDMC since the proposal is a major development that is contrary to Local Plan policy.

4. 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 and National Planning Policy Framework.

5... The Director of Governance maintains the recommendation that planning permission should be refused because it represents unsustainable development and this is inappropriate development in the Green Belt and therefore harmful, which is not outweighed by the need for housing and the community facility and benefits. The original report below to Area Plans West Committee offers substantiation of this view.