

**Report to District Development
Management Committee**



Report Reference: DEV-014-2016/17
Date of meeting: 30 November 2016

**Epping Forest
District Council**

Subject: Planning Application EPF/2207/16 – Playing fields and Community Centre, Hillhouse, Ninefields, Waltham Abbey, EN9 3EH – Outline application with all matters reserved except access for the erection of a Health Centre building; 60 Independent Living Older Persons Apartments Building (Use Class C2 - with a minimum of 6 hours care to be provided per week for each apartment) with a minimum of 40% affordable; Leisure Centre and Swimming Pool Building (to include Fitness Suite and Community Hall); Open Space including a mini soccer grass pitch for use by under 7/8 year olds and footpaths; and ancillary development including three vehicular accesses off Hillhouse, car parking, and SUDs Infrastructure and demolition of Ninefields Community Centre Building.

Responsible Officer: Nigel Richardson (01992 564110)

Democratic Services: Gary Woodhall (01992 564470)

Recommendation:

(1) That consent is granted, subject to the following conditions and the completion by 1 March 2017 (unless otherwise agreed in writing by the Local Planning Authority) of a LEGAL AGREEMENT:

- (a) to secure 40% affordable housing as part of the independent living accommodation (Class C2);**
- (b) for this element of the scheme to be provided by a developer listed in Essex County Council's Developer/Provide Panel; and**
- (c) to provide £340,000 financial contribution to be used on projects identified through the Playing Pitch Strategy.**

(2) In the event that the developer/applicant fails to complete a Section 106 Agreement within the stated time period, Members delegate authority to Officers to refuse planning permission on the basis that the proposed development would not comply with Local Plan policies regarding the provision of affordable housing and the loss of playing fields.

(3) Proposed planning conditions:

- 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.**

2.
 - (a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (i) layout;
 - (ii) scale;
 - (iii) appearance; and
 - (iv) landscaping.
 - (b) The reserved matters shall be carried out as approved.
 - (c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
3. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 01131_PP_04 Rev: P2, 01131_MP_03 Rev: P1, 02218-01 and the letter dated 27th October 2016 from Derek Macnab, Director of Neighbourhoods & Deputy Chief Executive, regarding a commitment to pay a financial contribution.
4. Construction of the leisure centre development hereby permitted shall not commence until the area shown in Drawing 01131 PP 04 Rev: P2 has been delineated as a mini football pitch with dimensions of 37 x 27 metres with goal posts so that it is available for use as a mini soccer pitch. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order amending, revoking or re-enacting that order) that area shall not thereafter be used for any purpose other than as a playing field unless otherwise approved in writing by the local planning authority.
5. The relocation scheme for existing formal users of the playing fields as outlined within the letter dated 15th November 2016 from James Warwick, Assistant Community Health and Wellbeing Manager for Epping Forest District Council, shall be agreed prior to commencement of the development, unless otherwise agreed in writing by the Local Planning Authority.
6. No development shall take place, including any ground works or demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The approved CMP shall be adhered to throughout the construction period. The CMP shall provide for the following all clear of the highway:
 - Safe access into the site
 - 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
 - Wheel and underbody washing facilities
7. Prior to the first occupation of the development the access arrangements and visibility splays, as shown in principle on Phil Jones Associates drawing no.02218-01, shall be fully implemented and be retained as such in perpetuity (subject to appropriate detailed design and road safety audit).

- 8. Prior to first occupation of the development details shall be submitted to and agreed in writing by the Local Planning Authority for an upgrade to the existing surface of footpath no.54 Waltham Abbey, from the footbridge at Hillhouse west to its junction with Mason Way (approx. 245m), and/or possibly improving it to an adopted shared use ped/cycleway 3m wide, the approved scheme shall then be fully implemented.**
- 9. The recommendations and enhancements in sections 8.4, 8.8 and 8.9 of the Preliminary Ecological Assessment dated 26/7/16 by place services shall be adhered to. These include the following:**

 - Specialist nest boxes and three generalist bird boxes shall be incorporated into the development affixed to trees on or adjacent to the site.**
 - Any removal of trees, scrub or hedgerows shall be undertaken outside of the bird breeding season (commonly between 1st March and 31st August). If this is not possible, habitat removal shall be supervised by an ecologist.**
 - Suitable reptile habitat along Honey Lane Brook shall be retained and enhanced. Contractors should be made aware of the legislation protecting reptiles, and as a precautionary measure any habitat clearance shall be carried out when temperatures exceed 10 degrees.**
 - Tree planting consisting of native species of local provenance should be incorporated into the development (such as oak, field maple, silver birch, alder and aspen). Fruit bearing trees including cherry, hawthorn, guelder rose and rowan should also be included. Planting should be linear and link to off-site habitats where possible.**
 - Any hedgerow planting should link to existing, or proposed habitat to ensure habitat connectivity through the site.**
 - Tree planting along Cripsey Brook would help to absorb run-off and any associated pollution.**
 - As well as tree planting, additional shrub and marginal plants of local provenance should be introduced. This scheme should be dictated by the soil conditions and jointly designed by a landscape architect / ecologist.**
 - Log piles should be introduced to benefit invertebrates and provide habitat for reptiles to shelter under.**
 - Some scrub should be left to benefit nesting birds.**
 - Litter on the banks and within the stream should be removed.**
- 10. The Location of the proposed Independent Living Apartments, Health Centre and Leisure Centre/Swimming Pool shall be within those areas indicated on drawing ref: 01131_PP_06 Rev: P1.**
- 11. The development hereby approved shall be carried out in accordance with the Flood Risk and Drainage Impact Assessment Issue 5 dated 15 August 2016, unless otherwise agreed in writing by the Local Planning Authority.**
- 12. 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 tools. 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.

- 13. No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.**

Report

This application is put to the District Development Management Committee since it is a major application for development on the Council's own land and since it is "large scale major" application as defined within guidance issued by the DCLG (Pursuant to The Constitution, Part Two, Article 10 (b)).

Planning Issues

1. The application has been made on behalf of Epping Forest District Council, Essex County Council and NHS Midland & East for the demolition of the existing Community Centre and erection of a Health Centre building; 60 Independent Living Older Persons Apartments Building; and a Leisure Centre and Swimming Pool Building. Open space, including a mini soccer grass pitch, would be provided along with ancillary works such as three vehicular access points off of Hillhouse, car parking, and SUDs Infrastructure.

Description of Site:

2. The application site is a 3.73 hectare area of land consisting of open space, a car park area and Ninefield Community Centre. The site is located to the southwest of Hillhouse within the Ninefields Estate and bordered to the south by a brook and a public footpath. To the immediate north, west and south of the site are residential dwellings. To the east of the site, on the opposite side of Hillhouse, are residential dwellings, Hillhouse Primary School, Hazelwood Childrens Nursery and Tallis House (nursing home). To the east of the community centre is a small shopping parade laid out within a pedestrianised square with residential flats on the first floor. Beyond these properties are further open spaces, including school playing fields.
3. In terms of delivery the site is formed from three areas:
 - Playing fields to the north owned by Essex County Council;
 - Playing fields to the south owned by Epping Forest District Council; and
 - Community centre and circular car park owned by Epping Forest District Council.
4. The site is not located within the Metropolitan Green Belt, a conservation area or any other designated land however there are two veteran trees situated in the southern part of the site along with a Public Footpath that runs close to the southern boundary and is within the site. The very southernmost part of the site (either side of the brook) is located within an Environment Agency Flood Zone 3 and the majority of the southern playing fields and existing community centre is located within an Environment Agency Flood Zone 2.

Description of Proposal:

5. Outline planning consent is being sought for the demolition of the existing Community Centre and erection of a Health Centre building; 60 Independent Living Older Persons Apartments Building; and a Leisure Centre and Swimming Pool Building. Open space, including a mini soccer grass pitch, would be provided along with ancillary works such as three vehicular access points off of Hillhouse, car parking, and SUDs Infrastructure.
6. With the exception of details of access all matters are reserved and therefore the only considerations in this application are the principle of the development and the access arrangements and its impact on highway safety and the free flow of traffic.
7. The application has been submitted with a Draft Heads of Terms that agrees the following factors:
 - A minimum of 40% of the Assisted Living Accommodation would be provided as affordable housing;
 - All housing units would be developed in line with Essex County Council's design guidance on Independent Living for Older People;
 - The Independent Living Accommodation will be Use Class C2 (Residential Institution) and will have no less than 6 hours care provided per week for each flat;
 - The Independent Living Accommodation will be provided by a developer listed on Essex County Council's Developer/Provider Panel for the provision of independent living accommodation (as applicable at the time tenders for undertaking the development are invited);
 - A financial contribution of £340,000 shall be provided for use on projects identified through the Playing Pitch Strategy and spent on suitable projects agreed with Sport England within Waltham Abbey;
 - The financial contributions would comprise: £137,000 for the leisure centre, £36,910 for the Health Centre and £166,090 for the Independent Living Accommodation; and
 - The contribution will be made within 3 months of the commencement of construction of the Leisure Centre, the Health Centre and the Independent Living Accommodation respectively.

Relevant History:

8. None relevant to this application.

Policies Applied:

9. CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP5 – Sustainable building
CP6 – Achieving sustainable urban development patterns
CP8 – Sustainable economic development
CP9 – Sustainable transport
NC4 – Protection of established habitat
RP3 – Water quality
RP4 – Contaminated land

RP5A – Adverse environmental impacts
 H2A – Previously developed land
 H3A – Housing density
 H5A – Provision for affordable housing
 H6A – Site thresholds for affordable housing
 H7A – Levels of affordable housing
 RST1 – Recreational, sporting and tourist facilities
 RST3 – Loss or diversion of rights of way
 RST14 – Playing fields
 RST22 – Potentially intrusive activities
 CF2 – Health care facilities
 CF12 – Retention of community facilities
 U2A – Development in flood risk areas
 U2B – Flood risk assessment zones
 U3A – Catchment effects
 DBE1 – Design of new buildings
 DBE2 – Effect on neighbouring properties
 DBE3 – Design in urban areas
 DBE6 – Car parking in new development
 DBE9 – Loss of amenity
 LL5 – Protection of urban open spaces
 LL6 – Partial development of urban open spaces
 LL10 – Provision for landscape retention
 LL11 – Landscaping schemes
 U2A – Development in flood risk areas
 U3B – Sustainable drainage systems
 ST1 – Location of development
 ST2 – Accessibility of development
 ST4 – Road safety
 ST6 – Vehicle parking
 I1A – Planning obligations

10. The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.
11. The site is listed in 'Draft Policy P 3 Waltham Abbey', which forms part of the Epping Forest District Draft Local Plan Consultation October 2016, as site SR-0385 for approximately 60 homes. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The site has been through the sifting process for suitable sustainable sites and has made the current Draft Local Plan that is currently out to consultation to which this proposal in principle is in accordance with.

Consultation Carried Out and Summary of Representations Received:

12. 370 neighbouring residents were consulted and multiple Site Notices were displayed within the surrounding area on 03/09/16.
13. TOWN COUNCIL – No objection.

14. PETITION OF 656 SIGNATURES – Object to the loss of the existing playing fields that are used for recreational purposes as this would impact on the quality of life and wellbeing of the surrounding residents.

15. NINEFIELDS CO-OPERATIVE ACTION GROUP – Object for the following reasons:

- Inadequate public consultation was undertaken prior to the submission of the planning application;
- The proposal would be an overdevelopment that would dominate and be out of keeping with the area;
- The potential height of the Independent Loving Apartments will dwarf the adjacent housing and block the light and views to these neighbouring residents;
- There would be an increase in noise and pollution as a result of the new access road and parking areas;
- Concern about insect nuisance resulting from the proposed attenuation basins;
- There is a concern about contamination impacts;
- Concerned about the disruption that would result from the building works of this scale of development;
- There are already a number of specialised elderly resident accommodation in Waltham Abbey and therefore no justification to provide more within this already densely populated area;
- Concerned about possible subsidence issues;
- The on-street parking within the area is already stretched at peak times and would be further exacerbated by the proposed development;
- The development (and construction of the development) would have a detrimental impact on the use of the surrounding roads, as previously concluded on other developments in 2001, 2007 and 2008;
- The proposal would result in the loss of existing playing fields that are currently used for recreational purposes, particularly since Town Mead is not fit for purpose;
- The open space retained is that closest to neighbours and would cause increased disturbance since at present most sports are undertaken in the centre of the fields;
- The community centre was a popular community hub and its replacement with a multi-use community space would be unacceptable. Feel that the money could be better spent on restoring the existing building;
- Whilst there is no objection to the construction of a new health centre there is an objection to the location of the proposal. If the community centre does need to be demolished then this could be replaced by a combined community centre/health centre in its place;
- The development does not respect local context and street patterns and would be entirely out of character with the area; and
- It would result in a loss of privacy and the right to enjoy a quiet and safe residential environment.

If the application is to be approved then it is requested that controlled hours of operation and other restrictions are imposed to make the duration of the works more bearable.

16. 46 CULLINGS COURT – Object due to the impact on traffic and parking and as there is no reason the existing pool at Roundhills cannot be refurbished.

17. 1 LUCAS COURT – Concerned because the fields are currently used for recreational purposes, due to the traffic implications, and because the proposed car park would be pay-and-display and therefore will result in increase on-street parking. Feel that the new sports complex/doctors/housing could be rebuilt on the Roundhills swimming pool site.
18. 37 CULLINGS COURT – Concerned about the loss of quality of life and impact that this would have on their, and others, health and standard of life.
19. 11 NEWHALL COURT – Object as this field is used for various recreational purposes, since there is already a swimming pool and leisure centre and as there are other places where housing for older people can be built. Feel that the money should be spent on the existing facilities.
20. 46 MAYNARD COURT – Concerned about increased traffic and parking problems. Whilst the development is a positive thing for the area footpaths, green areas and verges need to be protected.
21. BRICKENDON COURT – Object as they feel that the independent living houses should be across the field and $\frac{3}{4}$ of the field retained for recreational purposes.
22. A comment has been received, although no address provided, objecting to the loss of the open space that are used for recreational purposes, since the development would result in a loss of view/light, and since independent living houses could be built elsewhere.
23. A comment has been received, although no address provided, stating that whilst it is understood that there is a need for additional health care facilities other sites within the estate have been overlooked.
24. It is stated that a petition signed by over 800 residents has been submitted objecting to the proposed development however it is understood that this was submitted to the Chief Executive before the submission of the planning application and therefore is not in direct response to the planning application. This petition has not been forwarded on to the planning department.

Issues and Considerations:

25. This application is for outline consent with all matters reserved except for access. Therefore the only consideration is the principle of developing the site for the demolition of the existing Community Centre and erection of a Health Centre building; 60 Independent Living Older Persons Apartments Building; and a Leisure Centre and Swimming Pool Building along with the proposed access to the development.

Provision of new health centre and leisure centre/swimming pool:

26. The main purpose of the proposed development is to provide a new health centre and leisure centre.
27. The submitted planning statement highlights that there is an identified need for a new Health Centre within the immediate local area to accommodate the local GP's Practice, which are currently based at the Maynard Court Surgery. It is intended that the Local GP's Practice would relocate to this site and the

provision of a modern purpose built facility would be considered beneficial for this purpose.

28. Local Plan policy CF2 states that:

The Council will grant planning permission for proposals to develop or extend existing health care facilities to meet the needs of the residents of the district provided that:

- (i) The development will not result in any excessive environmental or amenity problems;*
- (ii) The site is readily accessible by car and public transport; and*
- (iii) The site is not in the Green Belt.*

29. The proposed new Leisure Centre and Swimming Pool is required in order to replace the existing Waltham Abbey Swimming Pool at Roundhills, which in its current condition is financially unviable to bring up to an acceptable standard in the long term. Whilst most of the matters are reserved for further consideration it is intended that the leisure centre would include a 25m pool with 6 lanes, a learner pool, a fitness studio, a movement/dance activities studio and a multi-use community space.

30. Local Plan policy RST1 states:

The Council will permit the development of additional recreational, sporting and tourist facilities where it is satisfied that these are:

- (i) In the best interests of the local community; and*
- (ii) Unlikely to result, either directly or indirectly, in the character of the surrounding area being affected adversely.*

31. The proposed Health Centre and Leisure Centre would provide purpose built community facilities that would benefit the population of Waltham Abbey (plus those beyond). As such this is a material consideration that weighs in favour of the proposed development.

Loss of existing playing fields:

32. The application site is a 3.73 hectare site consisting of a vacant community centre, a small car park and a large area of playing fields. It is stated within the submitted Design and Access Statement that the playing fields were formally used by Abbey Youth football club that has subsequently relocated to Town Mead football grounds however the comments received by local residents state that the football clubs still utilise this site as Town Mead 'is not fit for purpose'. They also highlight that there are various other informal recreational uses that take place on the site, including dog walking, jogging and children's games.

33. The majority of the existing site constitutes playing fields as defined in the Town and County Planning (Development Management Procedure) (England) Order 2015.

34. Local Plan policy RST14 states that:

The Council will not grant planning permission for development which involves the loss of any playing fields unless:

- (i) *Adequate alternative provision of equivalent community benefit is made available in an appropriate location; or*
- (ii) *There is an excess of sports pitch provision and public open space in the locality; or*
- (iii) *Sport and recreational facilities can best be retained and enhanced through the redevelopment of a small part of the site;*

And the open nature of the site does not contribute to its surroundings. Any development will also need to be in accordance with policy LL6

35. Local Plan policy LL6 reads:

In granting planning permission for partial development of any area of urban open space the Council will need to be satisfied that:

- (i) *The predominantly open nature of the remainder of the site is retained; and*
- (ii) *The scheme provides for the appropriate management of the remainder of the site to enhance its:*
 - (a) *Visual importance; and/or*
 - (b) *Nature conservation interest; and/or*
 - (c) *Recreational potential.*

36. It is accepted that the existing site is a large urban open space that is used for informal recreational purposes and the proposed development would result in the loss of parts of this open land. However some 1.58 hectares of the site would be retained as public open space, which would include a 33m x 43m mini football pitch. Furthermore the proposal would make a financial contribution totalling £340,000 to be used on projects identified through the Playing Pitch Strategy and agreed by Sport England. This would consist of:

- £137,000 from the leisure centre, payable by Epping Forest District Council;
- £36,910 from the Health Centre, payable by Essex County Council (or subsequent landowner/developer); and
- £166,090 from the Independent Living Older Peoples Apartments, payable by Essex County Council.

37. In addition the following actions have been agreed by Epping Forest District Council, Abbey FC and Essex FA by letter dated 15th November 2016:

- *Abbey Youth FC has been allocated the use of the 3G pitch from 10am - 1pm (whole pitch) on Saturdays from August 2017. This will enable Abbey Youth FC to play home matches at this site. Abbey Youth FC will be charged at the same rate as a match rate hire for a grass pitch.*
- *Testing on the 3G pitch at Town Mead is to be carried out on 17th November 2016. This is to ensure the pitch is FIFA 1 Star quality standard, any subsequent required improvements to the pitch in order to meet the FIFA 1 Star quality standard will be completed as soon as possible. The facility will then be registered on the FA 3G Football Turf Pitch Register, to enable competitive matches to be played at this venue.*

- *Epping Forest District Council and Waltham Abbey Town Council will review the current booking schedule of 3G pitch at Town Mead in December 2016. The purpose of this review is to reconfigure bookings to enable Abbey Youth FC and other local clubs to consolidate training into one night of the week. It is hoped that this will help the club to generate a club ethos, spirit and identity and aid their development towards becoming FA Charter Standard.*
- *Epping Forest District Council will arrange a meeting with Essex FA, Abbey Youth FC and Waltham Abbey Town Council to discuss maintenance of grass pitches at Town Mead, Waltham Abbey.*
- *Epping Forest District Council has sent out a Playing Pitch Strategy Brief for tender. Consultants to be appointed by 5th December 2016 with a view of the playing pitch strategy work to commence in Jan 2017 and be completed by Dec 2017.*

38. Sport England were consulted on this application and have responded as follows:

The applicants have positively engaged with Sport England at pre-application stage and during the determination of the planning application with a view to developing a playing field mitigation package that would accord with our policy. Following extensive discussions between Epping Forest District Council, Essex County Council, Sport England and the Essex County FA, a playing field mitigation package has now been progressed and incorporated into the development proposals.

Exception E4 of Sport England's playing fields policy permits the loss of playing fields if the playing field that would be lost as a result of the proposed development would be replaced by a playing field of equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development. When assessed against this exception E4 (which mirrors the second criterion in paragraph 74 of the NPPF), the package would not entirely accord with the policy. This is because the main element of the mitigation package, the proposal to make a financial contribution towards currently unidentified playing field projects, would not provide certainty at this stage that the quantity and quality of replacement playing field provision would be at least equivalent to the playing fields that are being lost at Ninefields. Furthermore, due to the time lag between development starting on the Ninefields playing fields and the mitigation projects (that would be funded by the financial contribution) being identified and delivered, the replacement playing fields would not be available prior to development commencing on the playing fields that would be lost.

While the mitigation package would not fully accord with exception E4, the following considerations which apply specifically to this case are significant to my assessment:

- *Epping Forest district currently does not have an up-to-date playing pitch strategy which would identify current and future playing pitch needs and prioritise strategic projects for addressing such needs. In the absence of such a strategy, it was considered by all parties to be premature to identify specific projects for mitigating the loss of Ninefields playing fields.*

Furthermore, based on the current understanding of football facility needs in Waltham Abbey, it is considered by all parties that mitigation in the form of enhancing existing playing fields (through the provision of artificial grass pitches and/or qualitative improvements to existing grass pitches for instance) would be more likely to be appropriate for addressing unmet needs than providing a new playing field to replace Ninefields on a like for like basis. If a replacement playing field project had been identified at this stage, there would have been the risk that it would not have been the most suitable proposal for addressing local needs and would not have accorded with priorities in a future playing pitch strategy;

- The proposed financial contribution that has been proposed is considered to be appropriate in terms of scale for providing a replacement playing field that would be equivalent or better in quantity and quality to the Ninefields Playing Fields that would be lost. The proposed contribution has been based on Sport England's costings for replacing a playing field equivalent in area to that which would be lost in accordance with our design guidance and also allows for an additional cost for providing modest replacement ancillary facilities such as changing rooms, toilets and parking. Consequently, the scale of the financial contribution proposed would be adequate for delivering a replacement playing field that would meet exception E4 of our policy;*
- Epping Forest District Council's commitment to imminently prepare a playing pitch strategy as part of the mitigation package will have wider benefits beyond informing the projects that the proposed financial contribution will be used towards delivering. The strategy is to be prepared in accordance with Sport England guidance and this should ensure that outdoor sports facility needs across Epping Forest district are robustly assessed. This would lead to the preparation of a strategy that would prioritise projects for addressing the identified needs. This would have the benefit of providing the evidence base for supporting emerging local plan policies that seek to ensure that new residential development within the district makes provision for addressing the additional outdoor sports facility needs that they will generate. It will also provide the evidence to help justify the protection of existing outdoor sports facilities that are required for meeting needs. The strategic approach would also help ensure that the limited funding that is available from public and sporting bodies for investing in new and enhanced facilities is co-ordinated and strategically invested in projects which offer the potential to deliver the best outcomes in terms of meeting needs. A playing pitch strategy would also provide the evidence base and strategic approach that is required for leveraging investment from funding bodies;*
- The provision of a mini football pitch (suitable for 5v5 matches) on the remaining area of the Ninefields playing field, while not mitigating the loss of the existing junior football pitches, would provide a suitable football pitch for informal use by local residents, especially children, which could also still be used for matches and/or training by local youth football clubs such as Abbey Youth FC. This would also provide continuity of pitch provision for existing informal users of the football pitches;*
- The suggested proposals for relocating Abbey Youth FC as set out in the Epping Forest District Council letter dated 15th November 2016 would, if*

delivered as proposed, provide continuity of pitch provision for the existing formal users of the football pitches at Ninefields and help address the short term impact of the development in the interim of projects being delivered (with the financial contribution) that would improve football facilities in the local area. This would help ensure that in accordance with exception E4 of our policy, continuity of provision is made for existing users of the playing field.

39. Due to the above Sport England conclude that the proposed playing field mitigation would broadly meet the intention of exception E4 of their policy despite not meeting all of the specific criteria.
40. In addition to the above, whilst the proposal would result in the loss of existing recreational grounds (albeit with some 1.58 hectares being retained) it also proposes to provide a new leisure centre and swimming pool to replace the existing Waltham Abbey Swimming Pool at Roundhills. Whilst currently at outline stage it is envisaged that this leisure centre would include a 25m pool with 6 lanes, a learner pool, a fitness studio, a movement/dance activities studio and a multi-use community space. Such a development would provide new/improved recreational services to the area and would therefore go some way to outweigh the loss of the existing playing fields and has been accepted by Sport England to meet exception E5 of their playing fields policy.
41. Due to the above Sport England conclude that *“while the proposed playing field mitigation package would not fully accord with exception E4 of our policy, the considerations related to the mitigation package that only apply to this planning application together with the benefits to sport associated with the proposed leisure centre would outweigh the impact associated with the replacement playing field proposals not fully according with the policy. While the proposed development would be considered as a departure from our policy because it would not fully accord with any of the exceptions, on this occasion based on the specific circumstances of this proposal, an exception to our policy is considered to be justified”*.
42. As such Sport England have raised **no objection** to the planning subject to the above mitigation measures.

Housing provision:

43. The northern most section of the site has been proposed for the erection of a 60 bed independent living scheme (sometimes referred to as Extra Care). This would provide a mix of 1 and 2-bed self-contained apartments for people over 55 years old and would include a range of communal open spaces.
44. The submitted Draft Heads of Terms confirms that there would be no less than 6 hours care provided per week to each flat and that the apartments would be provided by a developer listed on Essex County Council’s Developer/Provide Panel for the provision of independent living accommodation.
45. Paragraph 47 of the National Planning Policy Framework emphasises the importance of housing with provisions to *“boost significantly the supply of housing”*, including ensuring that a five year supply of land for housing purposes is demonstrable. The Council can currently only demonstrate a 1.35 year supply of land for housing purposes. It has been clearly shown in several recent appeal decisions that a lack of a demonstrable five year supply of housing weighs in

favour of granting planning permission for the supply of new houses. Therefore this matter would be given significant weight in favour of the development, particularly when considering the specialised nature of the proposal and the specific need that this would address as detailed below.

46. Essex County Council is one of the parties to the planning application and owns the northern section of the site and it has been submitted that within Epping Forest District there is currently an identified need for around 240 independent living homes, of all tenure types, for older people.
47. The September 2015 SHMA highlights that there is a need for more appropriate accommodation to meet the housing needs of older people. This report identifies that *“older people are living longer, healthier lives, and the specialist housing offered today [specifically C2 care home developments] may not be appropriate in future years and the Government’s reform of Health and Adult Social Care is underpinned by a principle of sustaining people at home for as long as possible”*.
48. This has fed into the Draft Local Plan whereby it is stated that:

4.5 It is important that a proportion of new homes can provide for the needs of those with, or who may develop, accessibility needs through the design of those homes. This reflects the evidence as set out in the revised SHMA that there is an existing need for accessible housing in the District and that will continue taking into account the aging profile of the District’s population over the period of the Local Plan. Improving housing standards to strengthen local communities and reduce the need for residential care by enabling vulnerable people to remain in their homes, or be able to have the choice to be able to move into a new home, is important as part of improving the overall housing mix within the District. Consequently, the Council’s preferred approach is that all new homes should be built to Category 2: Accessible and Adaptable Homes standards, subject to further viability testing.

49. In addition it should be noted that the northern part of the application site has been identified within the Draft Local Plan as a suitable allocation site for the provision of approximately 60 home. Whilst the Draft Local Plan is at an early stage and therefore can only be given limited weight Central Government has made it clear that LPA’s should seek to ensure that everyone is able to have the opportunity of a home which best suits their needs. Planning Minister Nick Boles formerly issued a statement which said *“we must build homes or suitable accommodation for older people if we are to avoid problems further down the track. We’re all living longer and there will be a big rise in the number of older people in future years. Making sure councils plan for this, and for enough suitable homes like bungalows in their area, will help ensure the ageing population can live in the places they want and enjoy their retirement”*.
50. The National Planning Practice Guidance states:

The need to provide housing for older people is critical given the projected increase in the number of households aged 65 and over accounts for over half of the new households (Department for Communities and Local Government Household Projections 2013). Plan makers will need to consider the size, location and quality of dwellings needed in the future for older people in order to allow them to move. This could free up houses that are under occupied.

51. Furthermore the National Planning Policy Framework makes it clear that a mix of housing types should be provided since paragraph 50 of the Framework states that local planning authorities should “*plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as but not limited to, families with children, older people, people with disabilities...)*”. This is reflected within policy H4A of the Epping Forest Local Plan which states that “*the Council will require that provision is made for a range of dwellings, including an appropriate proportion of smaller dwellings, to meet identified housing need, to meet identified housing need on a site-by-site basis*”.
52. As well as meeting the general need as identified above 40% of the proposed assisted living apartments would be affordable housing. On applications for assisted living accommodation it is common to receive financial contributions towards off-site affordable housing rather than meeting an on-site provision, primarily due to viability factors. Therefore on-site affordable housing on this assisted living accommodation is welcomed and would assist in allowing low income elderly persons to benefit from Extra Care accommodation. This also weighs in favour of the proposal.

Highways/Parking:

53. A number of objections have been raised with regards to the potential impact that the development would have on highway safety and parking provision within the surrounding area. This includes concerns that visitors to the proposed leisure centre would park in Shernbroke Road (and the surrounding roads) and walk through to this site.
54. The only aspect of the development that is not reserved for future assessment is access. The proposed development would be served by three vehicle access points directly off of Hillhouse that would serve each of the three parking areas. Whilst indicative at present it is envisaged that these access points would lead to a 46 space car park to serve the assisted living apartments; a 15 space car park to serve the proposed health centre and a 180 space car park to serve the leisure centre/swimming pool. Pedestrian links would be maintained through the site and to the surrounding road and pedestrian networks beyond.
55. The Essex County Council Vehicle Parking Standards would require the following parking provision for a development such as this:
- Leisure Centre – 1 space per 10m² of public area;
 - Health Centre – 1 space per full time equivalent staff + 3 spaces per consulting room; and
 - Independent Living – 1 space per 1-bed and 2 spaces per 2-bed dwellings + 0.25 visitor spaces per unit (it is highlighted within the document that “*parking standards for retirement developments that are warden assisted yet provide independent living should fall under Class C3*”)
56. Since the application is currently at outline stage with all matters (except access) reserved there is no way to accurately assess the required car parking provision. The submitted transport assessment has however undertaken the following estimations:

- *The detail of the public area of the leisure centre is not yet known however to estimate the demand for parking at the site for this use a comparison has been made with the existing facility in the town... an Automatic Traffic Survey (ATC) was undertaken at the entrance of the existing leisure centre which allows for an estimation of the likely parking accumulation in one hour periods. This accumulation has then been factored up based on the respective floor areas to reflect the likely increase in demand at the new facility... The maximum parking accumulation at the existing facility was 69 vehicles. Factoring this figure on the basis of the change in floor areas results in an estimated peak parking demand of 150 vehicles. The indicative proposals for 180 spaces on the site will therefore be sufficient to accommodate the estimated parking demand.*
- *The proposed independent living units do not easily fit within the land use criteria set out in the ECC parking standards as it is anticipated to provide an intermediate level of care between C3 class warden assisted retirement living and a full C2 class care home. The provision of one space per dwelling is therefore not seen as appropriate and would likely result in an over provision of parking. To provide an indication of the likely demand for parking at the development a comparison of the parking provisions at a number of similar developments has been undertaken... Across all the comparable sites the average parking provision is 0.55 spaces per apartment, therefore the provision illustrated on the concept masterplan (46 spaces) would be significantly above the average figure.*

57. In addition to the above estimates regarding parking needs of the proposed development the transport assessment also highlights that *"the likely peak parking demand for the proposed uses will occur at different times. For examples, the health centre is likely to generate a peak parking demand during weekday daytime hours whereas the leisure centre peak demand is likely to occur during weekday evenings and weekend periods. It is therefore anticipated that some of the parking proposed for the site could be shared between the uses. The development will also include disabled parking spaces and cycle parking in accordance with the relevant standards"*.

58. Essex County Council Highways have been consulted on the proposal and have responded as follows:

The applicant has submitted a robust Transport Assessment (TA) supporting the application and the Highway Authority is satisfied that the application is not contrary to current National/Local policy or safety criteria. The TA has thoroughly demonstrated that the development traffic will not have a major impact upon the existing highway network and the junction assessment shows that the Hillhouse/Ninefields junction will operate well within capacity in the future.

The proposed accesses will all have appropriate visibility and geometry onto Hillhouse and no safety issues are raised as a result. The parking provision appears to broadly comply with the Parking Standards and it should be recognised that the location is well situated to provide access to other modes of sustainable travel. Further to this it is noted that the existing footpaths will be maintained/improved and others provided within the site.

Consequently the proposal will not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network.

59. Due to the above Essex County Council have raised no objection to the proposed development, subject to various conditions.

Neighbouring Amenity:

60. Concern has been raised by neighbouring residents with regards to the potential impact on residential amenities due to factors such as loss of light, privacy and outlook, primarily as a result of the Assisted Living Accommodation.
61. Since the application is for outline consent with all matters (except access) reserved the scale, layout and appearance are not under consideration here. Indicative layouts have been provided and the parameter plans within the Design and Access Statement indicate that the building height of the proposals would consist of two storeys rising to three storeys (at the point furthest from dwellings to the north) for the Independent Living Accommodation, up to two storeys for the proposed health centre, and a 12m maximum height for the proposed leisure centre building.
62. The application site is surrounded by residential dwellings however the neighbours closest to the proposed built form are those located in Cullings Court (to the north), Neal Court (to the east), and Maynard Court (to the south) along with the residential flats above the courtyard shops adjacent to the existing community centre.
63. Drawing No. 01131_PP_03 shows the parameters of the site and indicates that the proposed building can be provided with significant separation from neighbouring properties. This includes that Assisted Living Accommodation being a minimum of 26m from Cullings Court properties and 33m from the closest properties in Neal Court; the Health Centre being a minimum of 45m from the dwellings in Neal Court; and the leisure centre being a minimum of 20m from the properties in Maynard Court. At its closest point the leisure centre could be as close to 6m from the closest residential flat above the courtyard shops however this property does not have any flank windows directly facing the proposed building and therefore it is likely that, subject to detailed design, scale and layout, this building could be provided to ensure that any resulting harm to these nearby residents would not be excess.
64. Given the size of the application site and distances that can be achieved between the new buildings and the neighbouring sites it is considered that the proposed development could be accomplished without causing any significant detrimental impact on the residential amenities of surrounding neighbours.
65. Whilst there would be some loss of the existing open recreation ground, which neighbours consider would impact on their quality of life, some 1.58 hectares of open land would be retained and other community facilities would be provided. As concluded above it is considered that the provision/retention of these facilities, along with financial contributions towards other recreational projects, would be sufficient enough to outweigh any harm caused by the loss of the informal recreation grounds.

Flooding:

66. The majority of the southern playing fields and existing community centre are located within an Environment Agency Flood Zone 2 with the very southernmost part of the site (either side of the brook) being located within an Environment Agency Flood Zone 3.
67. The indicative masterplan shows that the proposed leisure centre would be the only aspect of the proposed development located within Flood Zone 2 (with no building works located within Flood Zone 3). This development is classified as a 'less vulnerable use' and therefore requires a Sequential Test but not an Exceptions Test.
68. A Sequential Test has been undertaken and submitted with this proposal. In order to identify potential alternative sites the Epping Forest Strategic Land Availability Assessment (SLAA, May 2012) was examined to provide sites within the Waltham Abbey area. In addition the employment zone at Brooker Road was included from the Epping Forest District Council Employment Land Review, as was the existing Waltham Abbey Swimming Pool at Roundhills, and also any possible reconfiguration of the proposed site to locate solely within Flood Zone 1. Discussions with EFDC identified sites within public ownership from each of these sources to produce the final list of potential alternative sites.
69. A number of alternative sites were assessed, including:
 - Playing fields at Roundhill
 - Land adjoin Mason Way
 - Recreational Fields at King Harold School
 - Recreational Fields at Holy Cross Junior School
70. All of the above sites are owned by either EFDC or ECC and, with the exception of the Roundhill playing fields site, are outside of the Green Belt. However all of these sites have some form of restriction that make them unsuitable for use.
71. The Brooker Road Employment Zone was assessed however since the current use of the site is as an employment zone this means that the site is unavailable in the short term and the need to replace the employment zone use in another location in Waltham Abbey results in this site being less suitable for the leisure centre development than the other sites identified from the EFDC SLAA and ELR. As such, the Brooker Road Employment Zone is not considered a 'reasonably available' alternative.
72. With regards to replacing the existing Roundhills Swimming Pool, the key reason why the Roundhills site would be unsuitable is that it would have to be demolished, and for the period of time while the new pool is being built Waltham Abbey would be without a swimming pool. As such this is not seen as a 'reasonable alternative' to the development proposal.
73. In terms of reconfiguring the existing application site, the supporting note to Planning Practice Guidance Flood Zone and Flood Risk states that "*some developments may contain different elements of vulnerability and the highest vulnerability category should be used, unless the development is considered in its component parts*". Since the proposed development includes a new health centre and an independent living scheme, both of which are categorised as a 'more vulnerable' use, it is correct to locate these within Flood Zone 1. Locating the leisure centre in the northern part of the wider site would therefore be to the detriment of delivering the more vulnerable uses of a new health centre and an

independent living scheme. As such, the reconfiguration of the proposed site cannot be considered a reasonable alternative, in regard to how it would impact on the availability, achievability and deliverability of the wider scheme.

Trees and Landscaping:

74. The application has been submitted with an arboricultural impact assessment that highlights a number of trees that may need to be removed along with several trees that could be retained; however this concludes that *“this matter can only be confirmed once a final site layout is available”*. Since this, and landscaping, is a reserved matter this aspect of the proposal is not under consideration here.

Ecology:

75. A preliminary ecological appraisal has also been submitted with the application. This has been assessed by the Councils ecological officer who is satisfied that the proposed development would not be unacceptable subject to the recommendations and enhancements within this appraisal. These include:

- **Starlings** – *Specialist nest boxes and three generalist bird boxes should be incorporated into the development affixed to trees on or adjacent to the site.*
- **Nesting birds** – *Any removal of trees, scrub or hedgerows should be undertaken outside of the bird breeding season (commonly understood as being between 1st March and 31st August). If this is not possible, habitat removal should be supervised by an ecologist.*
- **Reptiles** – *Suitable reptile habitat along Honey Lane Brook should be retained and enhanced. Contractors should be made aware of the legislation protecting reptiles, and as a precautionary measure any habitat clearance should be carried out when temperatures exceed 10 degrees.*
- **Tree planting** - *consisting of native species of local provenance should be incorporated into the development (consider oak, field maple, silver birch, alder and aspen). Fruit bearing trees including cherry, hawthorn, guelder rose and rowan should also be included. Planting should be linear and link to off-site habitats where possible.*
- **Native hedgerow planting** - *Any hedgerow planting should link to existing, or proposed habitat to ensure habitat connectivity through the site.*
- **Honey Lane Brook:**
 - *Tree planting along Cripsey Brook would help to absorb run-off and any associated pollution.*
 - *As well as tree planting, additional shrub and marginal plants of local provenance should be introduced. This scheme should be dictated by the soil conditions and jointly designed by a landscape architect / ecologist.*
 - *Log piles should be introduced to benefit invertebrates and provide habitat for reptiles to shelter under.*
 - *Some scrub should be left to benefit nesting birds.*
 - *Litter on the banks and within the stream should be removed.*

Contamination:

76. Due to the former use of the site as a Horticultural Nursery and Kennels there is the potential for contaminants to be present on site. Domestic dwellings with gardens are classified as a particularly sensitive proposed use.

77. A report has been submitted with the application that comprises a basic ground gas investigation which has identified risks from ground gases and an exploratory Phase 1 level investigation with very low density sampling & analysis, mainly of the upper made ground subsoil stratum, which has identified some white and brown asbestos (and some Lead, Zinc and PAH) in subsoils, which it is proposed to remediate.
78. The report recommends that ground gas mitigation measures suitable for Characteristic Situation 2 (Amber 1) are employed which will be acceptable in lieu of further gas investigation under Phase 2 and can be dealt with under a detailed remediation scheme. It is also recommended that a 300mm BRE465 type cover system of imported validated soil is employed to prevent contact with potentially asbestos impacted retained underlying soils, which is not acceptable as a remediation measure. Therefore either further investigation of these soils would be required under a Phase 2 investigation or more robust remediation measures would be required under a detailed remediation scheme.

Conclusion:

79. The proposed development would provide a purpose built Health Centre and Leisure Centre/Swimming Pool to meet the needs of the local community. Furthermore it would provide specialised Extra Care housing (Class C2) to meet an identified need, with 40% of these being provided as affordable housing. All of these factors weigh in favour of the proposed development.
80. The key concern with the proposal is regarding the loss of part of the existing playing fields, however since some 1.58 hectares of recreational ground would be retained as playing fields; the development would provide a new leisure facility; and due to robust mitigation measures, it is considered that in this instance there are sufficient exceptional circumstances that outweigh the harm that would result from the loss of these playing fields.
81. The submitted Transport Assessment has demonstrated that the traffic generated by the proposal would not have a major impact upon the existing highway network and it is accepted that the proposal would be able to provide adequate off-street parking provision that would ensure that there would be no detrimental impact on highway safety or the free flow of traffic.
82. Matters such as scale, design and landscaping are reserved and therefore are not under consideration at this stage, however it is considered that it would be feasible to develop the site as proposed without undue detrimental impact on the amenities of surrounding residents or the character and appearance of the area.
83. Due to the above it is considered that the benefits of the development would outweigh any harm and therefore the application complies with the relevant Local Plan policies and government guidance and is therefore recommended for approval.