

Report to the District Development Control Committee

Date of meeting: 5 July 2005



**Epping Forest
District Council**

Subject: St Johns School, Epping – Planning Application for New Secondary School and Residential Development (EPF/1400/04)

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Committee Secretary: Simon Hill Ext 4249**

Decisions Required:

To consider an application for the erection of a new, 6 Form Entry, secondary school; 4 hectares of residential development and open amenity space on the site of St Johns School, Epping.

Report:

Background

1. This planning application was originally submitted in July 2004 when the application included almost 5.5 hectares of residential development, about 3 hectares of which was proposed beyond the built-up area within the Green Belt. The applicants reconsidered their proposals with the help of two meetings chaired by the local Member of Parliament with representatives of the local community. Four options were produced for further consideration and the application has now been formally revised for determination.
2. The current application, illustrated on the plan attached to the end of this report, then, is for:
 - (i) the erection of a new, 6 Form Entry, secondary school on land comprising the western side of the current playing fields. Although this is an outline application, the submitted plans illustrate a two storey structure designed on an X-shaped plan. The school would include retention of sufficient playing fields to cater for a 6FE school, plus hard courts, parking area and landscaped grounds. Of the current holding, 8.23 hectares are being retained as the school site. The main vehicular entrance is proposed in Bury Lane and it is proposed to stop-up Lower Bury Lane preventing vehicular access to Bury Lane;
 - (ii) 4 hectares of residential development located largely on the site of the existing school buildings on the eastern part of the existing site, although 1.44 hectares would spread west of the existing school buildings into part of the existing playing fields that lie within the Green Belt. It is proposed that 10% of the total number of residential units would be provided as affordable housing, the precise mix of which would be agreed later; and

- (iii) a 1.46 hectare area of open amenity space is proposed between the new school and the new housing providing a landscaped link between Lower Bury Lane and the Swaines Open Space, transferred to the District Council to ensure public access with a commuted sum for future maintenance.
3. Since the building of a school and residential development within the Green Belt would represent a significant departure from the development plan, if this committee were minded to approve the application it would need to be referred to the Government Office for the East of England (GO-East) for determination as to whether GO-East would 'call-in' the application or allow the Council to make the decision.

The Existing Site

4. The current site occupies approximately 13.69 hectares on the western edge of Epping Town. The existing school buildings are located on the eastern part of the site and the Green Belt boundary closely follows the western edge of the school buildings. The remaining land is laid out as playing fields, though it is clear from site that much of the land is not used extensively. The playing fields are designated as Green Belt. The site is bordered by Bury Lane and Lower Bury Lane to the west, and by the residential areas of Tower Road and Bury Road to the east and south.
5. Since the open areas of the site are laid out as playing fields, it means that there are very few areas of existing tree planting and landscaping and the site is generally level, though slopes a little to the north. However, there is a natural hedgerow with trees and a pond that divides the site in two.
6. Access to the site is currently from Tower Road with a secondary access from Lower Swaines. In fact, the school operates a one-way system through the site such that vehicles enter from Tower Road and leave via Lower Swaines.

Relevant Planning Policies

7. The Development Plan comprises both the Essex Replacement Structure Plan 2001 and the Epping Forest Local Plan 1998. Relevant policies include:

Structure Plan

CS1 – encouraging a range of facilities to support urban areas,
CS2 – safeguard and enhance the character of urban and rural environments,
C1 – no alterations to the boundaries of the green belt,
C2 – limited, appropriate development within the green belt,
NR1 – conserving the landscape of rural areas.

Local Plan

GB2 – limited, appropriate development with the green belt,
H4-6 and Supplementary Planning Guidance – the provision and extent of 'affordable housing',
DBE1 & 2 – design of new development and impact upon surrounding areas,
DBE7 – provision of open space within new residential development,
LL2 – protect the landscape from inappropriate development, and
T17 – traffic implications.

Representations

8. The Council has received 243 individual letters of objection to these proposals. Most were received in relation to the original plans but only if the revisions led to changed opinions were residents asked to write again. Objections are largely on the following grounds:

- the use of the Green Belt, largely for new housing, but also for a new school building;
- that there is no 'housing supply' need for residential development on this scale;
- the new development would be visually intrusive in open landscape;
- a large, imposing, two-storey school building would be out of character;
- extra traffic from the school and housing will increase noise and pollution;
- additional traffic flows on Bury Lane at peak periods;
- construction traffic on Tower Road and on Bury Lane would be hazardous;
- the use of Lower Bury Lane as an access to the school would be hazardous and anti-social behaviour may result from access to the new open space;
- there would be poor visibility at the new access into the school on Bury Lane;
- the new residential development would detract from the privacy of existing properties in Tower Road and Bury Road; and
- there would be considerable impact upon the landscape and ecology of the area.

9. In addition, a number of residents of Lindsey Street and adjacent roads have written, together with a petition of 16 signatures objecting to the extra traffic a new school in Bury Lane would introduce to the Lindsey Street area.

10. In addition to the individual letters received, representations have also been received from the following:

Epping Town Council – objects as it considers the proposal to build houses in the Green Belt very damaging to Green Belt policies and does not consider that very special circumstances exist, particularly in view of the large envelope of Green Belt needed for the total development and the low percentage of affordable homes. Also object on the basis of loss of playing fields, which is a national concern at this time. Insufficient reasons for their loss. Also object on the basis of very significant increase in traffic during peak periods and at weekends caused by the new school and by the new housing. This should be considered further with a new traffic study undertaken. Although supportive of plans to redevelop St Johns School, the Council felt that the loss of Green Belt was too high a price to pay, compounded by the low percentage of affordable homes meant that the housing would be of little value to existing residents of Epping.

Conservators of Epping Forest – consider that the new school buildings and car parking would remove the open aspect of this part of the Green Belt contrary to policy. More intensive use of the playing fields in the northern part of the site has the potential to adversely affect the wildlife interest of Swaines Green abutting the site. Congestion on Tower Road will not be relieved by replacing the school with housing, and additional traffic, including contract buses, on Bury Lane might be detrimental to the lane. Trees on Bury Lane

will be lost for the new access. No alternative access on Bury Lane nor improvement to the Bury Lane/High Road junction can be achieved without needing forest land. Increase in light pollution likely.

St John's Development Consultation Group – have enlarged upon the general grounds of objection raised by local residents. In addition, they have carried out a detailed critique of the Transport Assessment and conclude that the information submitted is not complete and quality is lacking. Forecasts are lacking and road safety has not been adequately examined. Pedestrian access via Lower Bury Lane is ill-founded. Junction capacities might be inadequate and the proposals lack detail to show compliance with national policy or best practice.

Campaign to Protect Rural Essex – opposed to the loss of the Green Belt which would create a major precedent at a time when there is a major dispute about building on Green Belt land in the area. Fails to meet the Council's normal requirements for affordable housing.

Epping Society – location for new school unacceptable even if special case for building on Green Belt land; housing not acceptable in the Green Belt; additional traffic too great for residential roads; traffic too much for Bury Lane and its junction with High Road; loss of playing fields.

Friends of Epping Forest – future of the forest depends on the protection of the Green Belt and the loss of the Green Belt is unacceptable.

11. Five individual letters of support have been received from nearby residents, plus a letter signed by the 6 Head Teachers of the local Primary Schools in the vicinity supporting the new school proposals since it would enable students to benefit from a 21st century school design and would ensure that parents in the area would have renewed confidence to send their children to the local school, building on the rapid progress the school has made over the past couple of years and bringing stability to the primary school population in the local area.

Planning Issues

12. The major issues raised by this application are:
 - a) the development of a new school in the Green Belt;
 - b) the development of housing to replace the existing school buildings;
 - c) the development of housing in the Green Belt;
 - d) the provision of affordable housing;
 - e) traffic implications; and
 - f) impact upon surrounding residents.
- (a) New School in the Green Belt
13. This proposal seeks to use Green Belt land for the provision of a new school building of two storeys with a floor area of some 12000 sq.metres, plus car park and other hard play areas or courts. Such a proposal does not fall within any of the categories of appropriate development in the Green Belt set out in either Government policy guidance or in development plan policies. It has to be regarded therefore as inappropriate development and, by definition, this is harmful to the Green Belt.

14. Where development in the Green Belt is inappropriate it is then necessary to consider whether any very special circumstances apply and the onus is on the applicant in each case to advance these circumstances. The applicants for St John's School have set out in detail why the current school facilities are below standard and why a refurbishment of the existing school is not viable economically, would not be practical logistically and would not give value for money to the local community since at the end of the process the community would still only have a renovated facility that would still fall short of current educational standards. It would also not be possible, both logistically and financially, to rebuild a new school on the site of the existing complex. The only option left is to build a new school on part of the existing playing fields.
15. Furthermore, the applicants argue, the local community would gain considerably by having a new school, meeting modern educational standards and enabling the continuation of the upgrading of the educational experience and achievements of St Johns School. This would encourage more local families to choose St Johns as the secondary school of their choice and reduce the numbers of children travelling away from Epping for their education. In turn, this would also reduce the vacancies at the school that are filled by children from outside the catchment area who travel to school by car at present.
16. The detailed surveys that have been undertaken of the existing school buildings (constructed largely in the 1960s) indicate that large sums of money would be necessary to repair and refurbish the buildings. Even then, a 'Suitability Survey' indicates that facilities at the school would still fall well below expected levels of access for disabilities and of educational needs. It is accepted that a newly designed school would be the most sensible way of resolving existing difficulties. It is also accepted that to redevelop on the existing site would necessitate closing the school with huge logistical problems.
17. The only practical alternative is to build on land within the Green Belt and it is considered that the arguments for this alternative amount to very special circumstances justifying this development in the Green Belt. There is no doubt that the wider Epping community would benefit from the construction of a new school.
18. It is recognised that to develop on the western part of the site results in a significant reduction in playing fields and this has been highlighted in some of the representations. However, the playing fields retained meet the space requirements for a 6FE secondary school and, in fact, the government's guidelines would query the provision of any more than the standards suggest. There is no doubt that the school is over-provided at present since part of the site has been untended as a wild meadow in recent years.

Residential Development to Replace School Buildings

19. The Green Belt boundary is drawn tightly around the extent of the school buildings so that the 2.56 hectares covered by buildings at present lie within the built-up area. The Local Plan does not allocate this land for any other purpose and so, if surplus to educational needs, the land is available in principle for residential development. Although the housing supply figure within the development plan for the period up to 2011 has already been achieved, the Council accepts that there is a continuing demand for additional

dwelling throughout the district and has chosen not to impose a halt to permissions for new housing as a result.

20. There is then no objection in principle to using this land for housing, subject to other matters, such as impact on neighbours and traffic considerations being satisfied.

Residential Development Within the Green Belt

21. Whilst the site of the existing complex lies clear of the Green Belt, this, on its own, is not sufficient to fund the building of the new school. Further residential development is necessary over part of the Green Belt area in order to fully finance the building project. The applicants have estimated that the receipts from 4 hectares of residential land (subject to a 10% affordable housing requirement) are the minimum necessary to fully fund the project. This results in the need to use 1.44 hectares of the Green Belt for housing purposes.
22. As with the school itself, residential development in the Green Belt has to be regarded as inappropriate development, which by definition is harmful to the Green Belt. It is the responsibility of the applicants to identify sufficient very special circumstances to justify setting aside Green Belt policy to this degree.
23. The applicants argue that this is justified on economic grounds. The whole scheme depends upon raising sufficient capital by selling off sufficient land for housing, in this case 4 hectares. The new school cannot be funded in any other way. Central Government has made its allocation for school building up to March 2008 and for Essex secondary schools this amounts to £15.8 million. This sum is to cover the needs of 80 schools and the cost of the St Johns scheme alone is likely to be more than the totality of this funding.
24. In addition, the Government's initiative "Building Schools for the Future" whereby all secondary schools throughout the country are to be renewed over time, has not included Essex to date and it is the 'ambition' to have Essex join the scheme by 2011. Even if this were confirmed the programme would be expected to extend over a further 10 year period with schools in west Essex being lower in priority than elsewhere. Furthermore, Private Finance Initiative (PFI) funding has been examined but this is only available through the "Building Schools for the Future" programme at the present time, and in any event St Johns would be too small to qualify for PFI.
25. The applicants argue, then, that the only realistic way of funding the new school in the short or medium terms, if further generations of pupils in Epping are to avoid not having access to modern facilities for teaching and learning, is through the suggested method of enabling residential development.
26. The submitted scheme includes an element which can be seen as mitigation against developing of Green Belt land for although about 1.4 hectares would be lost to development, the scheme proposes an open wedge of 1.4 hectares of public open space to which there would be public access, secured for the future by its transfer to the district council with a commuted sum for future maintenance. The wedge would be between the new school site and the housing area, and bounded on its western side by the existing hedgerow and wildlife corridor. It is intended that the land would simply be open grassland, but with a footpath network, not only linking the residential areas to the school

east to west, but also providing a link north to south from Lower Bury Lane and Bell Common to Swaines Green and the footpath links beyond.

27. The committee may feel that the need to use part of the Green Belt area of the site for housing is not sufficiently compelling in itself, but the provision of open space with public access tips the balance to justify setting aside Green Belt policy in circumstances so special that an undesirable precedent is not created.

Affordable Housing

28. Although related to the amount of Green Belt land necessary for residential development, the issue of the amount of affordable housing to be required from the development should also be considered in its own right, for, after all, it is a reasonable position of the Council to stand on its current policies and indicate that whatever area of the Green Belt is used for housing, 30% of any housing must be affordable.
29. However, the applicants are asking that the Council's normal policy requirement of 30% affordable housing be relaxed to 10%. The committee will be aware of the need for affordable housing in the district identified in the Housing Needs Survey 2003 and more widely. This established that 665 new affordable properties *per annum* were needed over the following 5 years to meet the current and anticipated housing need over that period. In fact, the number completed has been significantly less while the number of applicants on the Housing Register has doubled over the past 3 years.
30. The committee will also be aware that, at its last meeting, the Council's Cabinet agreed that one of the Council's priority actions is "to take every opportunity to increase the amount of affordable housing in the district in order to contribute to meeting the needs of the local community".
31. The Local Plan Alterations propose increasing the current requirement to 40% because of the outstanding need, but 30% is the currently adopted policy requirement. The applicants argue that less land will be needed for housing (and more given as open space) if the Council were to relax the requirement and, in any event, value should be credited for the provision of a new school as benefiting the community to offset any shortfall in affordable housing provision.
32. The Head of Housing Services is of the view that we should be seeking 30% affordable housing but that a realistic view of the overall community benefits from the development would have to be looked at, but that 10% is too low in any circumstances. He suggests that at least 20% affordable housing should be provided, comprising 15% general housing needs for rent and 5% shared ownership. He advises that, if the affordable housing is to have a chance of attracting funding from the Housing Corporation, the land for the affordable housing would need to be provided free to a housing association, which is now usual in all section 106 Agreement sites.
33. It is true that the amount of affordable housing required from the residential development has a direct impact on the total area of residential development necessary if a finite return has to be achieved to finance the new school. The applicants make it clear that if a larger proportion is required, the area of encroachment into the Green Belt would have to increase or the whole

scheme becomes unviable. In that sense, a greater demand for affordable housing may result in none at all, if the scheme becomes unviable. However, it is unclear whether a stance on this point by the Council would force the County Council to find additional funding, perhaps from the County's own capital programme.

34. The committee will need to decide whether the need for affordable housing is considered to outweigh encroachment into the Green Belt, bearing in mind that the community will be receiving the benefit of a new school and access to open land in addition to only 10% affordable housing.

Traffic Implications

35. The school currently takes all access from Tower Road. This comprises contract transport by bus and coach, pedestrians, staff (86% of whom travel by car) and pupils being dropped off by car (24% travel by this means). [NB. These percentages were obtained from a staff and pupil survey carried out and submitted by the applicants as part of their Transport Assessment.]
36. The proposals are:
- (i) to create a new vehicular entrance from Bury Lane at the point currently occupied by the Lower Bury Lane junction. This access is to serve staff parking, contract transport and visitors to the school but not pupils. There will be no access for pupils at this point nor opportunity for pupils to be dropped-off in Bury Lane;
 - (ii) to close Lower Bury Lane to through traffic and create a turning point close to the present Cricket Club access point. A pedestrian and cycle access into the school would be created here as well; and
 - (iii) to create 3 access points to the new school along its eastern boundary for pedestrians and cyclists through the new residential area and across the open space, and thus maintain access from the residential areas of Epping.
37. The application has been accompanied by a Transport Assessment, which has been independently assessed by Traffic Consultants on behalf of the County Council as Highway Authority, who have agreed the conclusions of the Assessment.
38. The conclusions of the report include:
- (a) that the access onto Bury Lane for the new school is acceptable in both capacity and safety terms so long it is not used for pedestrian access nor any facilities provided for dropping-off pupils at this point.
 - (b) that the new school development would not increase the total numbers of vehicles seeking to gain access to the school since the current scheme seeks no increase in pupil or staff numbers.
 - (c) that the development offers opportunities to promote cycling and other more sustainable travel options leading to a reduction in car-borne staff and pupils.

- (d) that closing Lower Bury Lane will change the pattern of traffic in that area, perhaps creating inconvenience for those residents wishing to travel to the north but balanced by environmental improvement.
 - (e) that there would be no implications for Lindsey Street or elsewhere in Epping.
 - (f) that levels of traffic on Tower Road would reduce in peak periods and certainly benefit from losing the contract transport, even if the residential development catered for up to 200 new homes (160 is a more reasonable figure).
 - (g) that there would be increased traffic using the Bury Lane/High Road roundabout but that it would still operate within its absolute capacity though above the desirable capacity, increasing the average traffic queue from an average of 6 to 9 vehicles during morning peak hours.
39. The Assessment has been criticised for using traffic information gained in March and December 2003 and not more up-to-date and for not projecting future growth or taking account of the possibility of enlarging the school to 7FE. A number of detailed criticisms have also been made by the residents group but the Assessment as a whole has been accepted as reasonable by the independent consultants working for the Highway Authority.
40. There are certainly queries over the use of Lower Bury Lane as one of the pedestrian accesses for the new school. There could be some conflict between pupils walking to school on this route and vehicular traffic from the houses in both Lower Bury Lane and Bury Road and, whilst the applicants emphasise that there is no encouragement given for any pupils to travel by car, car-borne pupils might well be dropped-off here as well. Part of Lower Bury Lane has no pavements.
41. However, the highway authority has suggested that traffic calming measures are introduced in the remaining section of Lower Bury Lane to reduce speeds and make the road safe for shared use by both vehicles and pedestrians.
42. The adverse traffic implications really reduce to two matters: increased inconvenience and possible queuing at the High Road/Bury Lane junction, and whether no encouragement and therefore provision for pupils being brought by car is realistic and may cause safety concerns. These concerns need to be balanced against improved conditions for Tower Road and Lower Swaines and the opportunity to reduce dependency on the private car by improving cycle facilities and by generally encouraging more children from Epping town to choose St Johns as the secondary school of their choice and thus reduce travel out of the town generally.
43. The committee will need to consider whether the apparent shortcomings of the traffic situation are sufficiently concerning to warrant rejecting the scheme as a whole.

Impact on Surrounding Properties

44. The new school building would be some distance from existing houses and a significant, landscaped buffer is proposed between the building and the nearest houses in Lower Bury Lane and Bury Road. It will be a large and

imposing building but set back about 100m from the road at the nearest point, it is not likely to be overly intrusive. The design and appearance of the building can take account of the setting and context and need not appear out of character.

45. The design and layout of the residential development will need to take account of the surrounding dwellings. Much of the Tower Road boundary is heavily treed and little view can be obtained of the Bury Road houses from the playing fields at present. Therefore it should prove possible to accommodate the residential development without detracting from amenities of the surrounding properties.

Other Matters

46. Ecology – An Ecological Study has been undertaken. Whilst part of the site has the appearance of grassland meadow this is because it is unused playing field having been intensively managed in the past and is of little conservation value. The more interesting habitats are the hedgerow across and around the site and the pond within the central hedgerow. These features are being retained.
47. Footpath to Epping Cemetery – Representations have been received emphasising the community benefit of having a footpath access to Epping Cemetery in Bury Lane. The applicants are happy to incorporate such a feature if at all possible. Whilst a footpath/pavement along Bury Lane is not acceptable to the highway authority, since this would provide opportunity for children to be set-down from cars which is discouraged, there is scope to use the footpath links from the residential areas to the east and from Lower Bury Lane, via a footpath around the front of the new school to provide an alternative to walking along the carriageway of Bury Lane. However, this is dependant upon the Conservators agreeing to a footpath link across forest land that forms a verge to the lane.
48. Landscape Assimilation – Although the site appears flat, there is a slight fall from south to north. However, the site is well screened from beyond its boundaries, the Bury Lane frontage having Tree Preservation Orders protecting trees on the highway boundary within the control of the Epping Forest Conservators. However, the proposals include extensive planting in the southern corner of the site to create an attractive setting for the school and to screen the new development from the residential properties in this area.

Conclusions

49. Very special circumstances need to be demonstrated in order to use Green Belt land for the building of the new school. It is considered that the arguments put forward including the need for the work and the lack of practical alternatives comprise the necessary very special circumstances.
50. The site of the existing school buildings can be used for residential development providing other considerations, such as highway concerns, are satisfied.
51. Further very special circumstances need to be demonstrated to use Green Belt land for residential development. The applicants state that without the

proposed 1.44 hectares of land beyond the built-up area boundary the whole scheme becomes unviable. The committee will need to determine whether the consequences for the whole scheme outweigh the normal policies of restraint applied within the Green Belt. The applicants argue that opening up part of the site for public access mitigates the encroachment of the housing into the Green Belt.

52. There is a recognised and unmet need for affordable housing in the district. The proposals do not seek to provide affordable housing to the extent required by the Council's policy but only to the extent of 10% of the total number of dwellings. It is argued that to increase the proportion would spread the housing development further into the Green Belt. This issue involves the balance of the importance of obtaining affordable housing and of minimising loss of the Green Belt.
53. The development has a number of implications for traffic, some improving the present situation and some disbenefits. The particular areas of concern are the use of Lower Bury Lane by both pedestrians and vehicles, though no longer a through road, and increased congestion at the Bury Lane/High Road junction during the morning peak hour, though not to a point beyond the capacity of the junction (based upon the 2003 figures). However, the traffic proposals and their implications are a package and the committee will need to decide if the shortcomings in the package are sufficient to warrant refusing the whole scheme.
54. Other matters have been satisfactorily addressed and do not warrant refusing the application.
55. Should the committee be minded to grant permission to the proposals as submitted, any permission will need to be subject to conditions as attached at appendix 1 and to legal agreements to secure:
 - (a) affordable housing as 10% of the total number of units as general needs housing for rent;
 - (b) the provision with appropriate landscaping and footpaths of 1.46 hectares of open amenity space with subsequent transfer to the Council with an agreed commuted sum for future maintenance;
 - (c) the stopping up of Lower Bury Lane and provision of a turning head and pedestrian/cycle access into the site. The breaking out, removal of highway rights and landscaping that part of Lower Bury Lane made redundant by the stopping up;
 - (d) traffic calming/ management measures in Lower Bury Lane between its junction with High Road and the proposed turning head;
 - (e) the bringing up to current standards two bus stops in the vicinity with shelters, raised kerbs and telematics;
 - (f) the provision of tactile paving at three specified road junctions in the vicinity;
 - (g) a school travel plan;

- (h) a public transport promotion and marketing campaign for the occupiers of the new residential development; and
- (i) a bellmouth priority junction in Bury Lane to provide direct access to the new school to include two kerbed radii and 120m x 4.5m x 120m visibility splays. Also to include yellow-backed side road ahead warning signs on both approaches, 'SLOW' markings before and after each warning sign and centre hazard lines to a minimum width of 150mm for a minimum distance of 100m either side of the new junction.

56. With the necessary conditions and the above matters secured by legal agreement, the committee may consider that permission may be granted. The committee are reminded that should it be minded to grant permission the application will then need to be referred to the Government Office as the next step.