

**Report to District Development
Management Committee**

**Report Reference: DEV-021-2015/16
Date of meeting: 24 February 2016**



Subject: EPF/2254/15 Pyrles Lane Nursery, Pyrles Lane, Loughton – Outline consent for the demolition of the existing tree/plant Nursery and the erection of up to 36 dwellings, of which 15 will be affordable units.

Responsible Officer: Nigel Richardson (01992 564110)

Democratic Services: Gary Woodhall (01992 564470)

Recommendation(s):

(1) That outline planning permission is granted subject to the following 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.**

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 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.**

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 3. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 201506009RevB and 10335/Additional/1.0RevA.**

Reason: To ensure the proposal is built in accordance with these approved drawings.

4. No development shall take place, including works of demolition or site clearance, until an Arboricultural Implication Assessment and Tree Constraint plan, concurrently with the detailed site layout, has been submitted to and approved in writing by the Local Planning Authority. This should be drawn up in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations).

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable proper consideration to be given to the impact of the proposed development on existing trees, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development, in accordance with the guidance contained within the National Planning Policy Framework and policy LL10 of the adopted Local Plan and Alterations.

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

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity to be provided by the new landscaping is achieved and safeguarded, and to ensure a satisfactory appearance to the development, in accordance with the guidance contained within the National Planning Policy Framework and policies LL7 and LL11 of the adopted Local Plan and Alterations.

6. No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to safeguard the visual amenity to be provided by the new landscaping and to ensure a satisfactory appearance to the development, in accordance with the guidance contained within the National Planning Policy Framework and policy LL7 of the adopted Local Plan and Alterations.

7. No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment

by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with the guidance contained within the National Planning Policy Framework and policies CP2 and LL11 of the adopted Local Plan and Alterations.

8. A flood risk assessment and management and maintenance plan shall be submitted to and approved in writing 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.

Reason: The development is of a size where it is likely to result in increased surface water run-off.

9. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation. This should include:
 - limiting discharge rate to the 1 in 1 greenfield rate
 - providing the associated attenuation storage and providing an allowance for climate change and urban creep for the lifetime of the development.
 - Providing treatment in line with the CIRIA SuDS manual (C753).

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment

10. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased

elsewhere by development. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

11. No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

12. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with the approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

13. No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

14. Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the

investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

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

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

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

16. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the

development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

17. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

18. No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.

Reason: The site is an Archaeological site where any remains are irreplaceable and are an interest of acknowledged importance which may be highly vulnerable to damage or destruction. Unless the Authority is satisfied that a proper scheme for investigation has been agreed the remains should be left undisturbed.

19. All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of noise sensitive properties, in accordance with the guidance contained within the National Planning Policy

Framework and policies RP5A and DBE9 of the adopted Local Plan and Alterations.

- 20. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:**
- 1. The parking of vehicles of site operatives and visitors**
 - 2. Loading and unloading of plant and materials**
 - 3. Storage of plant and materials used in constructing the development**
 - 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate**
 - 5. Measures to control the emission of dust and dirt during construction, including wheel washing.**
 - 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.**
 - 7. Safe access into the site**

Reason: To limit the impact of the construction work on the living conditions of residents living in close proximity to the site and in the interests of highway safety, in accordance with the guidance contained within the National Planning Policy Framework and policies RP5A and DBE9 of the adopted Local Plan and Alterations.

- 21. No bonfires shall be permitted on site throughout the demolition and construction phase of the development.**

Reason: In order to protect residential amenity.

- 22. Prior to first occupation of the development the access arrangements and associated highway works, as shown in principle on the Traffic Statement Plan - drawing no.TS Diagram 3 Rev G, shall be implemented with all details being agreed with the Highway Authority, to include, but not limited to, the following:**
- a bellmouth access with minimum radii of 6m**
 - provision of visibility splays clear to ground level of 2.4m x 40m to the north and 2.4m x 38m to the south**
 - provision of pedestrian dropped kerb crossing points across the bellmouth with appropriate tactile paving**
 - the reinstatement of the parking layby to the south of the access to footway, with the possible provision of bollards**
 - provision of parking restrictions around the new bellmouth access to keep the visibility splays clear onto Pyrles Lane**
 - provision of a minimum carriageway width of 4.3m into the site**

Reason: In the interests of highway safety and efficiency and accessibility.

- 23. Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport, approved**

by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

24. Prior to first occupation of the development a Size 3 turning head shall be provided within the site and maintained as such in perpetuity.

Reason: To ensure that the largest vehicle entering the site can turn and exit in forward gear in the interests of highway safety.

25. The number of parking spaces and how these are laid out (including dimensions) shall be in accordance with the parking Standards Design and Good Practice Guide Supplementary Planning Guidance Document September 2009 (or its approved predecessor) unless otherwise agreed by the Local Planning Authority. This applies to all vehicular parking spaces including disabled requirements together with cycle parking and facilities for powered two wheelers and garages that are considered as parking spaces.

Reason: In the interests of highway safety, efficiency and accessibility.

26. The public's rights and ease of passage over public footpath no.110 Loughton shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way.

27. No development hereby approved shall take place until measures to enable the provision of early years and child-care education improvements to the local area, necessitated by this development, are secured.

Reason: In the interests of local education provision.

28. The development hereby approved shall not take place until measures to secure the provision of a minimum of 40% of the total number of units to be affordable housing are in place by means of a legal undertaking with the Local Planning Authority to an agreed tenure mix, development mix, form of affordable housing and delivered by one of the Council's Preferred Housing Association partners in accordance with the Required Terms for Affordable Housing attached as informative No. 4 to this decision notice.

Reason: To comply with national and local policy to ensure provision of much needed affordable housing in the locality and meet affordable housing needs of the District.

29. A water supply to the adjoining site shown as "Allotment Gardens" on drawing no. 201506009 Rev B, shall be provided and retained during the period of demolition and construction, and retained permanently thereafter once the development is occupied. Details of this provision shall be submitted to and approved by the Local Planning Authority before any works commence on site.

Reason: To ensure a community project for the reuse of adjoining allotment is not prejudiced by the proposed residential development.

- 30.** No removal of vegetation shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to and agreed by the local planning authority.

Reason: In the interests of habitat protection.

- 31.** Three of the mature trees located within the survey area were identified with high bat roost potential. Current plans show that these trees will be retained within the development. These trees shall be protected during the development to ensure there are no negative impacts as a result of increased noise, dust and vibration in the vicinity of the trees.

Reason: In the interests of habitat protection.

- 32.** A lighting plan shall be submitted and approved by the local planning authority prior to commencement of development. Lighting for the final development and during construction shall be designed to avoid potential impact on bats. No additional lighting should be erected close to or directed towards the retained trees either in the final development or during construction. Guidelines from the Bat Conservation Trust shall be followed.

Reason: In the interests of habitat protection

- 33.** Prior to the removal, the compost heaps and other suitable features that may provide suitable habitat for reptiles shall be searched in the presence of an ecologist at a suitable time of year. Any measures recommended for the protection of reptiles shall be implemented in full.

Reason: In the interest of habitat protection.

- 34.** Prior to commencement of development details of bird and bat boxes shall be submitted to and approved by the local planning authority and implemented in accordance with such agreed details.

Reason: In the interests of habitat protection.

- 35.** If the development does not commence within three years from the date of the ecological survey (September 2014), a further Phase 1 ecological survey shall be submitted to EFDC for approval. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the original scheme, amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in

accordance with the proposed new approved ecological measures and timetable.

Reason: In the interests of habitat protection.

REPORT DETAIL:

This application is before this Committee since it is an "major" application (as defined within guidance issued by the DCLG) where the Council is the land owner (Pursuant to The Constitution, Part Two, Article 10 (c))

Description of Site:

The application site is a large roughly triangular shaped site with a single width access road onto Pyrles Lane, located behind existing houses and flats at nos. 53-107 (odd) Pyrles Lane and 8-44 (evens) Hillyfields. The site also backs onto the Hillyfields open space recreation area to the south-west. The application site is just under 1 hectare in size. It is currently used as the District Council's nursery site/grounds maintenance depot and there are various glasshouses, portacabins, raised beds, parking areas and a very overgrown area within the site.

The area to the south west backing on to the recreation area is particularly overgrown and the whole site, including the overgrown area, is fenced off from public use. Part of the site is designated as allotment use but has not been used for allotments for some time. Adjacent to the application site there are allotments that again have clearly not been used and appear to be under the ownership of Loughton Town Council. The more overgrown area (over half of the south-western part of the application site) is classed as an urban open space (as is the rest of Hillyfields open area beyond) as defined within the Local Plan, though this overgrown area is fenced off from a public footpath (no.110 Loughton), which runs along the south-western side of the site, across the recreation area linking Hillyfields to Pyrles Lane.. The site is not within the Metropolitan Green Belt or a Conservation Area.

Description of proposal:

The current application, which is a revised proposal following refusal of an earlier application in 2013, seeks outline consent for the demolition of the existing tree/plant nursery and the erection of up to 36 dwellings made up of a mix of flats and houses, with 15 of these dwellings proposed to be affordable. The application also includes associated landscaping, parking and infrastructure. The revisions to the scheme compared to the 2013 one are a) the provision of a wider access road into the site, and b) a reduction in the amount of accommodation provided in that 6 of the two bedroom flats have been changed to 6 one bedroom flats, and the number of parking spaces has been increased from 59 to 75.

An indicative layout and house/flat type has been submitted showing a layout consisting of 2 groups of three blocks of three storey flats (part one and part two bedroom) closest to the northern triangular point behind houses and gardens in Pyrles Lane and Hillyfields, with a line of 18 three storey (three bedroom) town houses with undercroft parking in the wider part of the site, with their rear gardens backing onto the redundant allotment areas and a proposed landscaped area with link path into the public open space area of Hillyfields. The maximum height of the proposed flats is 12.5m and for the proposed houses, it is 12m. The plans submitted demonstrate that 75 parking spaces can be provided in the site.

As this is an outline application, the application form states that all matters are reserved, although the highway access is detailed and has been assessed on this basis. The

application has also been accompanied by a revised Transport Assessment, an Ecological report, and a Drainage report.

Relevant History:

EPF/1622/12 - Outline application for the demolition of tree/plant nursery and erection of up to 36 dwellings (flats and houses), landscaping, parking and associated infrastructure – Withdrawn

EPF/0026/81 - Construction of access road and erection of 12 houses – Withdrawn

EPF/0458/13 – Planning permission refused for an outline application proposing demolition of the tree/plant nursery and erection of up to 36 dwellings with landscaping, parking and associated infrastructure – on grounds of an inadequate access leading to conflict between cars and pedestrians, and an overdevelopment of the site because inadequate car parking was proposed.

It is proposed that the tree/plant nursery currently on this Pyrles Lane site is relocated to a new Council depot building currently being built in Oakwood Hill, Loughton following the approval of application EPF/0439/14.

Representations Received:

LOUGHTON TOWN COUNCIL: strong objection on the following grounds

- 1) The access road is totally inadequate to take vehicles in two directions simultaneously, yet the development has parking for 75 vehicles, so there would be a substantial volume of traffic see over:
- 2) There is also no provision for pedestrians, such as mums with buggies, the elderly or disabled sharing the use of this entrance road to the detriment of highway safety.
- 3) Members commented on the existing evidence that Pyrles Lane was already a busy road and that this housing scheme would only exacerbate daily traffic congestion. There is a 'concealed entrance' sign for vehicles driving from Rectory Lane towards the access road, sited on a bend, as well as speed bumps the length of Pyrles Lane. The site entrance is also close to Fairmeads T junction, a busy GP surgery, and a small shopping parade. Pyrles lane is also a regular bus route, used by school traffic, and by children/students walking to and from schools in the vicinity.

LOUGHTON RESIDENTS ASSOCIATION (PLANS GROUP) – strongly object because of inadequate access arrangements. Although a triangle of land has been added at the Pyrles Lane end of the access road this access road itself remains too narrow – vehicles cannot pass each other and would be mingled with cycle and pedestrian traffic, including the elderly and parents with buggies, creating serious hazards. This was a major reason for the refusal of the previous application, and has not been addressed.

NEIGHBOURS – 89 properties have been notified.

15 letters of objection have been received from neighbours, but one letter has also been signed by 32 other local residents - making a total of 47 objections received.

Objections have been received from the following:-

Nos. 28, 24, 99, 10, 92, and 70 HILLYFIELDS, from nos. 63, 67, 59, 61, 73, and 69 PYRLES LANE, and from 9 ASHLEY GROVE, plus 2 from unknown addresses. These objections are summarised below:-

- Loss of Urban Open Space,
- inadequate access, too narrow for cars to pass, dangerous for pedestrians and children, not suitable for refuse and larger vehicles
- Access road exits onto a bend on the busy Pyrles Lane opposite a busy surgery creating safety hazards.
- loss of wildlife,
- height out of keeping with surroundings,
- insufficient parking proposed,
- loss of allotments,
- increase in congestion,
- pressure on school places,
- loss of green space,
- loss of security due to access and dwellings to the rear,
- overlooking,
- increase in noise,
- will cause structural problems due to ground instability,
- impact on visual amenity,
- too many houses proposed,
- increase in flooding,
- pressure on existing facilities,
- development too high and overbearing,
- loss of value to existing properties

ESSEX CC HIGHWAYS AUTHORITY –

The Highway Authority (HA) has visited the site and reviewed all the submitted information for the above application and considers that the proposal is not contrary to national/local policy and current safety criteria.

The reasons given are that Pyrles Lane is a traffic calmed unclassified road with an existing access into the site for a lawful use which does generate its own vehicle movements. The revised application has provided more parking spaces and improved access width. The required visibility splays from the access can be achieved within the highway and within land the applicant controls. Pedestrians and vehicles will now have the appropriate visibility for the development. Unfortunately 3 existing parking spaces will be lost from the layby on Pyrles Lane but the applicant has undertaken a parking accumulation survey and has demonstrated that there is still sufficient parking available within a reasonable distance.

With regard to capacity issues upon Pyrles Lane the proposed 36 dwellings will not generate significant amounts of traffic to the detriment of the locality or on the surrounding highway network. At the very worst the proposal might generate 20 vehicle movements in the peak am/pm hours which equates to 1 vehicle every 3 minutes; this is minimal in capacity terms. The site is very well located for access to sustainable modes of transport and consequently should help reduce reliance on the private motor vehicle as the only mode of transport.

The proposed access arrangements are considered to be acceptable for the scale of the development and the number and type of vehicles associated with it. The site access can comfortably accommodate 3 vehicles waiting to access the site, clear of the highway, whilst a vehicle exits from the site. The provision of a priority working system into the site will

eliminate any potential for vehicles to queue back onto Pyrles Lane, and a raised/delineated pedestrian footway can be agreed at detailed design stage for safe pedestrian access. The applicant has shown that the access width can be increased from the previous width of 4.1m to at least a 4.3m width and possibly wider. It should be noted that this is not the sole pedestrian entrance into the site as the applicant intends to tie into the existing public footpath no.110 Loughton.

The parking provision has been previously agreed by the Local Planning Authority, as the Parking Authority, but it should be noted that parking levels can be reduced in accessible areas with good links to other modes of transport. The HA would agree that this location is well served by various modes of sustainable transport.

Consequently the HA is satisfied that the proposed residential development will not have any detrimental impact upon highway safety, capacity or efficiency at this location.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority - subject to conditions requiring the approval of a Construction Management Plan; the implementation of appropriate access details eg bellmouth, near Pyrles Lane; the access road into the site to have a minimum carriageway width of 4.3m; a size 3 turning head to be provided and retained within the site (to ensure the largest vehicles can enter and leave in a forward direction); provision of all car spaces in accordance with relevant standards; pedestrian rights of way over footpath 110 to be retained at all times; and the developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport.

Finally, all housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

EFDC BUILDING CONTROL – Revised plans indicate a 4.3m wide access road. This width exceeds the width recommended in Part B5 of The Building Regulations with regard to access of fire service vehicles.

ESSEX CC SUSTAINABLE DRAINAGE TEAM - Initially raised objections to the submitted drainage details. However, following revisions they have no objections subject to 4 conditions to be imposed requiring further proposals and details to be submitted.

ESSEX CC INFRASTRUCTURE SECTION – Because of new regulations restricting the number of S106 contributions to a maximum of 5 for any specific project, the County Council has decided not to request a contribution for additional secondary school places. However, for early years and childcare provision we request a S106 agreement requiring a sum of £29,977-00.

EFDC COUNTRYCARE – No objections - subject to imposition of conditions requiring protection to breeding birds, protection to bats and their roosts, details of outside lighting to be approved, provision of bird and bat boxes, and submission of a further ecological survey if development has not commenced by September 2016.

EFDC TREES AND LANDSCAPE SECTION – No objections – subject to conditions requiring the following to be submitted and approved - an Arboricultural Implication Assessment, details of hard and soft landscaping, and details of a landscape management and maintenance plan.

THE ENVIRONMENT AGENCY – As the drainage report suggest that surface water will be discharged to Pyrles Brook please ensure an appropriate informative is added regarding the need for prior consent for any works or structures within 8m of this brook.

EFDC LAND DRAINAGE SECTION - No objections subject to conditions requiring a Flood Risk Assessment, and details of surface water drainage, to be submitted.

EFDC LAND CONTAMINATION OFFICER – due to use of part of site as a Horticultural Nursey there is potential for contaminants to be present on the site. It should be feasible to remediate worst case risks from contaminants and I recommend the standard land contamination conditions are attached.

ESEEX CC HISTORIC ENVIRONMENT OFFICER – the site has potential archaeological value and a condition is needed to require a written scheme of evaluation to be approved before any development or preliminary groundwork takes place.

Policies Applied:

National Planning Policy:

National Planning Policy Framework (NPPF)

Local Planning Policies of the Adopted Local Plan and Alterations in conformity to the NPPF

CP2 – Protecting the Quality of the Rural and Built Environment

DBE1 - New buildings

DBE2 - Neighbouring Amenity

DBE3 – Design in Urban Areas

DBE6 - Car Parking

DBE7 – Public Open Space

DBE8 - Private Amenity space

H2A – Previously Developed Land

H3A – Housing Density

H4A - Dwelling Mix

H5A – Provision for Affordable Housing

H6A – Site Thresholds for Affordable Housing

H7A – Levels of Affordable House

ST1 – Location of development

ST4 - Parking

ST6 – Highway Safety

LL5 – Protection of Urban Open Space

LL6 – Partial development of Urban Opens Space

LL10 – Adequacy of provision for landscape retention

LL11 – Landscaping Schemes

NC4 – Protection of Established Habitat

RST13 – Allotment provision/protection

Issues and Considerations:

The principal issue raised by this application is whether this revised scheme adequately

addresses the reasons for refusal of the previous 2013 application for 36 dwellings ref: EPF/0458/13. These reasons for refusal were:

- 1) *The vehicular access serving the site is of inadequate width and will provide poor access to serve a development of this nature and density, resulting in conflict between vehicular and pedestrian movement, and conflict between vehicles entering and leaving the site. This will be to the detriment of highway safety, contrary to policy ST4 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.*
- 2) *The proposal represents an overdevelopment of this site due to an inadequate level of car parking to serve the number of dwellings proposed, which would result in increased parking in neighbouring roads to the detriment of highway safety, contrary to policies ST4 and ST6 of the Adopted Local Plan and Alterations.*

Width of access road into the site

Revised and additional plans received on this application make it clear that a 4.3m wide carriageway into the site is to be provided, and that a further 0.6m is available to provide kerbs at the side of the carriageway to protect the boundary fences/enclosures of neighbouring properties. On the ground the access appears to be narrower than 4.3m but a strip of land, and poor quality hedge, on the left or south west side of the access road, is to be included to enable the existing access to be widened to 4.9m inclusive of protective kerbs.

A minimum of 4.1m is required for an access to this form of development so a 4.3m carriageway is acceptable, as pointed out by the Highway Authority in their comments above. It is not proposed that this access be a two way one where cars would pass by the side of each other - instead there will be one way working with a priority system given to vehicles entering the site in order to eliminate the potential for vehicles to queue back into Pyrles Lane – and in this context the site access can easily accommodate 3 vehicles waiting to enter the site. Many objectors refer to the high levels of vehicular movement that would occur in the access road – however as the Highway Authority states, even in peak morning and evening periods a development of 36 dwellings will give rise to just 1 vehicle movement every 3 minutes. At this low level of use one way working will be acceptable.

Many objectors justifiably raise the issue of pedestrian safety in the access road. A 4.3m wide carriageway will allow for a pedestrian path to be incorporated – either in the form of a path with a different surface texture or colour, or in the form of a raised pavement with angled kerb next to the vehicular carriageway. Details of this pedestrian facility will be considered at the later detailed planning stage, but a 4.3m width will allow for provision of a pedestrian path. There will also be another pedestrian route out of the development via a proposed footpath from the middle of the development to The Hillyfields open space (Millenium Park) – which will then link into footpath no.110 which leads out southwards onto Pyrles Lane and northwards out onto Hillyfields. It is acknowledged however that this alternative path would provide a longer route for new residents to ‘pop out’ to the local shops in Pyrles Lane.

Finally, as was the case in the previous application, visibility sightlines will be improved at the junction of the access road by removal of conifer trees and hedge at the front of the flats at nos.81 to 93 Pyrles Lane, and by the provision of a bellmouth access with radii of 6m. The existing ‘concealed entrance’ will therefore be opened up.

Overdevelopment - by way of inadequate off street car parking.

The amount of accommodation being provided in the site has been altered in that 6 two bedroom units are now 6 one bedroom flats, and hence 6 less car spaces are required. Moreover, 75 car spaces are now proposed compared to the previous 59.

75 spaces provides complete compliance with Essex CC parking standards based on one car space per one bedroom dwelling, two car spaces per 2 or more bedroom dwellings, and 0.25 visitor spaces per dwelling - which equals 9 car spaces. The parking standards policy does state that in main urban areas with public transport links, such as Loughton, a lower provision can be acceptable. However, on street parking in roads such as Pyrles Lane is high, and in this case a full off street parking provision is appropriate. In conclusion, the reduction in the size of some dwellings being proposed, plus the provision of 16 more car spaces, means that scheme does not now result in overdevelopment, and 36 new dwellings will not result in any material increase in on street car parking.

Other issues

Neighbours have raised other objections to the proposed development but these were considered in the assessment of the previous applications and the principal of residential development here was not objected to. It should also be emphasised that this is an outline scheme with all matters reserved, and many issues such as the exact layout, position and design of dwellings, surface water drainage, protection of trees and new tree planting, protection of wildlife, and details of access arrangements and car parking, will be considered again at the detailed planning stage.

An unused area of allotments lies between the site and Millenium Remembrance Park. Loughton Town Council and others, including the Silkworth Trust and Restore Community Centre, are working on plans to restore these allotments as part of a new community project for the long term unemployed. They have requested that the existing water supply from the Council nursesey to this site be retained or re provided in the new development, and a condition is proposed on any consent to cover this requirement.

Conclusion:

The principal of the development was not objected to on the previous refused outline application, but it was on grounds of highway safety and parking provision, which has been carefully addressed in this submission.

For the reasons outlined above the revised scheme has adequately addressed the reasons for the refusal of the previous application. Consequently it is recommended that outline planning permission be granted.