

Delegated Report
Chigwell Primary Academy, Chigwell
EPF/1902/25 & EPF/1903/25

Site and Surroundings

The site comprises the Chigwell Primary Academy School and the former BI Sports Grounds; the total area of the site is approx. 4.76ha. The application site sits outside but adjacent to the Chigwell Conservation Area, and the surrounding area comprises a mixture of residential and non-residential buildings, including three listed buildings.

The site is within the Green Belt.

Proposal

EPF/1902/25 – s73 application to vary several conditions attached to EPF/1681/19 to remove references to the construction of the *Chigwell Primary Academy school*. Namely;

- Condition 1 (Commencement),
- Condition 2 (Plan Numbers),
- Condition 4 (Bat Strategy),
- Condition 16 (Contaminated Land) and
- Condition 20 (Playing Field)

EPF/1903/25 – Non-Material Amendment to EPF/1681/19 – Seeks to amend the description of development as below.

Original Description

Construction of new Chigwell Primary Academy school, followed by demolition of existing buildings and creation of new playing field and playground, together with residential development comprising 59 number dwellings, together with car parking, garden spaces, vehicular access from High Road (A113), external landscaping and associated development.

Amended Description

Residential development comprising 59 number dwellings, together with car parking, garden spaces, vehicular access from High Road (A113), external landscaping and associated development.

For clarity, EPF/1681/19 has been lawfully implemented.

Relevant Planning History

EPF/2899/15 - Major refurbishment of Chigwell Primary Academy (reserved matters) and enabling residential development (outline) comprising 32 no. detached residential properties together with associated off-street parking, dedicated parking court for existing residents, garden space, new vehicular accesses from High Road (A113) and Vicarage Lane, external landscaping and associated development - Approved with Conditions

EPF/3218/16 - Application for approval of details reserved by condition 10 'phase 1 habitat survey' on planning application EPF/2899/15 (Major refurbishment of Chigwell Primary Academy (reserved matters) and enabling residential development (outline) comprising 32 no. detached residential properties together with associated off-street parking, dedicated parking court for existing residents, garden space, new vehicular accesses from High Road (A113) and Vicarage Lane, external landscaping and associated development) – Details Partially Approved

EPF/3257/16 - Variation of Condition 3 of planning permission EPF/2899/15 (Complete refurbishment of Chigwell Primary Academy (reserved matters) and enabling residential development (outline) comprising 32 no. detached residential properties together with associated off-street parking, dedicated parking court for existing residents, garden space, new vehicular accesses from High Road (A113) and Vicarage Lane, external landscaping and associated development) - revision to list of approved plans for school works only, to include alterations to consented school refurbishment - Approve with Conditions

EPF/0591/17 - Application for approval of details reserved by condition 14 'Contaminated Land Phase 2 ' of planning permission EPF/2899/15 (Major refurbishment of Chigwell Primary Academy (reserved matters) and enabling residential development (outline) comprising 32 no. detached residential properties together with associated off-street parking, dedicated parking court for existing residents, garden space, new vehicular accesses from High Road (A113) and Vicarage Lane, external landscaping and associated development) - Withdrawn

EPF/0949/17 - Application for approval of details reserved by condition 32 ' Japanese Knotweed' of planning permission EPF/2899/15 (Major refurbishment of Chigwell Primary Academy (reserved matters) and enabling residential development (outline) comprising 32 no. detached residential properties together with associated off-street parking, dedicated parking court for existing residents, garden space, new vehicular accesses from High Road (A113) and Vicarage Lane, external landscaping and associated development - Approved

EPF/1849/17 - Complete refurbishment of Chigwell Primary Academy and enabling residential development comprising 59 no. residential properties together with associated off-street parking, dedicated parking court for existing residents, garden space, new vehicular accesses from High Road (A113) and Vicarage Lane, external landscaping and associated development - Approved with Conditions

EPF/1708/18 - Application for approval of details reserved by condition 3 'site levels', 4 'tree protection', 5 'landscaping', 6 'landscape management plan', 8 'details of means of enclosure', 15 'details of refuse and recycling storage' and 21 'maintenance plan' on planning application EPF/1849/17 (Complete refurbishment of Chigwell Primary Academy and enabling residential development comprising 59 no. residential properties together with associated off-street parking, dedicated parking court for existing residents, garden space, new vehicular accesses from High Road (A113) and Vicarage Lane, external landscaping and associated development) - Details Partially Approved

EPF/1828/18 - Application for approval of details reserved by condition 7 'External Materials', condition 16 'Phase 2 Site Investigation', condition 17 'Contamination Remediation Programme' and condition 28 'Construction Method Statement' of planning application EPF/1849/17 (Complete refurbishment of Chigwell Primary Academy and enabling residential development comprising 59 no. residential properties together with associated off-street parking, dedicated parking court for existing residents, garden space, new vehicular accesses from High Road (A113) and Vicarage Lane, external landscaping and associated development) - Approved

EPF/0144/19 - Application for Approval of Details Reserved by Conditions 10, 11, 12 & 13 for EPF/1849/17. Condition 10:-"method statement for amphibians, reptiles or doormice", 11:-"mitigation and compensation strategy in relation to bats", 12:-"lighting design strategy", 13:-"biodiversity enhancement statement". (Complete refurbishment of Chigwell Primary Academy with a development comprising x 59 no. residential properties with associated off-street parking, dedicated parking court for existing residents, garden space, new vehicular accesses from High Road (A113) and Vicarage Lane, external landscaping and associated development) - Approved

EPF/1681/19 - Construction of new Chigwell Primary Academy school, followed by

demolition of existing buildings and creation of new playing field and playground, together with residential development comprising 59 number dwellings, together with car parking, garden spaces, vehicular access from High Road (A113), external landscaping and associated development - Approved with Conditions (Subject to s106 Legal Agreement)

EPF/0248/20 - Application for Approval of Details Reserved by Conditions 14 'Archaeology' and 21 'Drainage maintenance plan' for EPF/1849/17. (Complete refurbishment of Chigwell Primary Academy & enabling residential development comprising 59 no. residential properties with associated off-street parking, dedicated parking court for existing residents, garden space, new vehicular accesses from High Road (A113) and Vicarage Lane, external landscaping & associated development - Approved

PRE/0140/23 - Construction of new Chigwell Primary Academy school, followed by demolition of existing buildings and creation of new playing field and playground, together with residential development comprising 91 dwellings, together with car parking, garden spaces, vehicular access from High Road (A113) & Vicarage lane, external landscaping & associated development (Revised scheme to EPF/1681/19) - Advice Given

PRE/0305/23 - Post application advice - EPF/1681/19 - Construction of new Chigwell Primary Academy school, followed by demolition of existing buildings and creation of new playing field and playground, together with residential development comprising 59 number dwellings, together with car parking, garden spaces, vehicular access from High Road (A113), external landscaping and associated development - Advice Given

EPF/2649/23 - Application for approval of details reserved by below conditions attached to planning permission EPF/1681/19 (Construction of new Chigwell Primary Academy school, followed by demolition of existing buildings and creation of new playing field and playground, together with residential development comprising 59 number dwellings, together with car parking, garden spaces, vehicular access from High Road (A113), external landscaping and associated development); Condition 4 - Bat Mitigation and Compensation Strategy Condition 6 - Surface water disposal Condition 9 - Hard and Soft Landscaping Condition 10 - External finishes Condition 12 - Working Method Statement in relation to Amphibians, Reptiles or Doormice Condition 13 - Refuse/Recycling and Cycle Storage Condition 14 - Bat Lighting Design Strategy Condition 19 - SuDs Maintenance Plan - Details Partially Approved

EPF/2704/23 - Application for approval of details reserved by condition 15 (Biodiversity Enhancement Statement) on planning application EPF/1681/19 (Construction of new Chigwell Primary Academy school, followed by demolition of existing buildings and creation of new playing field and playground, together with residential development comprising 59 number dwellings, together with car parking, garden spaces, vehicular access from High Road (A113), external landscaping and associated development) - Approved

EPF/0047/24/DOV - Deed of Variation to s106 Legal Agreement attached to EPF/1681/19 (Construction of new Chigwell Primary Academy school, followed by demolition of existing buildings and creation of new playing field and playground, together with residential development comprising 59 number dwellings, together with car parking, garden spaces, vehicular access from High Road (A113), external landscaping and associated development) - Approved (Subject to Variation to s106 Legal Agreement)

EPF/0363/24 - Application for approval of details reserved by condition 1 'Commencement of works' on planning permission EPF/1681/19 (Construction of new Chigwell Primary Academy school, followed by demolition of existing buildings and creation of new playing field and playground, together with residential development comprising 59 number dwellings, together with car parking, garden spaces, vehicular access from High Road (A113), external landscaping and associated development) - Withdrawn

EPF/1423/24 - Application for approval of details reserved by condition 4 'Mitigation and Compensation Strategy for Bats on planning permission EPF/1681/19 (Construction of new

Chigwell Primary Academy school, followed by demolition of existing buildings and creation of new playing field and playground, together with residential development comprising 59 number dwellings, together with car parking, garden spaces, vehicular access from High Road (A113), external landscaping and associated development) - Withdrawn

EPF/2293/24 - Non-Material Amendment to EPF/1681/19 (Construction of new Chigwell Primary Academy school, followed by demolition of existing buildings and creation of new playing field and playground, together with residential development comprising 59 number dwellings, together with car parking, garden spaces, vehicular access from High Road (A113), external landscaping and associated development). - Change to Condition 4 (Bats) - Approved

PRE/0072/25 - Post application meeting to EPF/1681/19 - Construction of new Chigwell Primary Academy school, followed by demolition of existing buildings and creation of new playing field and playground, together with residential development comprising 59 number dwellings, together with car parking, garden spaces, vehicular access from High Road (A113), external landscaping and associated development - Advice Given

PRE/0189/25 - Pre-app Meeting - A large oak tree fell into a disused Victorian building located on the site of Chigwell Primary Academy over a year ago. The building has remained structurally compromised since the incident. We are seeking to remove the fallen tree and carry out the full demolition of the affected building. The intention is to clear and level the area, making it safe and secure, while enabling future development to proceed without hazard - Advice Given

Development Plan Context

National Planning Policy Framework 2024 (Framework)

Paragraph	11
Section 5	Delivering a sufficient supply of homes
Section 11	Making effective use of land
Paragraphs	131 & 135
Section 13	Protecting Green Belt land
Paragraph	193

Epping Forest Local Plan 2011-2033 (2023)

SP1	Spatial Development Strategy 2011-2033
SP2	Place Shaping
H1	Housing Mix and Accommodation Types
T1	Sustainable Transport Choices
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and the Lee Valley SPA
DM4	Green Belt
DM9	High Quality Design
DM10	Housing Design and Quality
DM11	Waste Recycling Facilities on New Development
DM16	Sustainable Drainage Systems
DM19	Sustainable Water Use
DM21	Local Environmental Impacts, Pollution and Land Contamination
DM22	Air Quality
P7	Chigwell
D1	Delivery of Infrastructure
D2	Essential Facilities and Services
D4	Community, Leisure, and Cultural Facilities

National Planning Policy Framework 2024 (Framework)

Paragraph	11
Section 5	Delivering a sufficient supply of homes
Section 11	Making effective use of land
Paragraphs	131 & 135
Paragraph	193

Planning Considerations

The proposed changes to the approved development under EPF/1681/19 must be considered in light of the relevant planning policy and legal framework. The Planning Practice Guidance (PPG) provides a structured approach to assessing amendments to approved schemes, particularly under Paragraphs 001, 002, and 013 of the section titled *“Flexible options for planning permissions”*.

Paragraph 001 (Ref ID: 17a-001-20140306) confirms that development must proceed in accordance with the permission granted, including any conditions and legal agreements. The permission issued under EPF/1681/19 was explicitly for a comprehensive mixed-use development, incorporating both a new primary school and residential dwellings. The minutes of the committee meeting clearly indicate that the permission was granted on the basis that the school would be delivered as an integral part of the scheme. Concerns were raised by Members that the residential element might be implemented without the school, and the resolution to grant permission was contingent upon the delivery of the school.

This requirement was formalised in the Section 106 Agreement dated 26 February 2021, with clauses 5.9 onwards setting out specific triggers for the construction of the school in conjunction with the residential development. The school is therefore not ancillary, but a fundamental component of the approved development.

Paragraph 002 (Ref ID: 17a-002-20140306) highlights that non-material amendments under s.96A must be contextually assessed. Given the centrality of the school to the permission, any proposal to decouple or remove it would constitute a material change. Thus, such a material change cannot be made under s.96A, in this instance.

Paragraph 013 (Ref ID: 17a-013-20230726) requires the Local Planning Authority to consider the effect of the change. In this case, the removal of the school would fundamentally alter the nature of the development and undermine the basis on which planning permission was granted. It would also conflict with the expectations of Members and the public, as recorded in the committee minutes.

The Council’s Legal Team has advised that recent case law confirms the description of development cannot be amended via s.73 or s.96A where the changes are substantial. Therefore, the appropriate route for the applicant would be to submit a fresh planning application. This would allow the Local Planning Authority to assess the proposal in its entirety and determine whether the revised scheme remains acceptable in planning terms. Should permission be refused, the applicant would retain the right to appeal.

Conclusion

For the reasons set out above, having regard to all the matters raised by the Parish and Local Residents, the changes are substantial and more than non-material.

Thus, it is recommended that both applications are refused.