

***Report to the District Development
Management Committee***

***Report Reference: EPF/2662/17
Date of meeting: 28 March 2018***



**Epping Forest
District Council**

Address: Chigwell Library, Victory Hall and Chigwell Members Club,
Hainault Road, Chigwell.

Subject: Outline planning application (All Matters Reserved) for the
demolition of existing Victory Hall, Chigwell Members Club and
Library and proposed construction of replacement Parish
Council Offices, multi-use (Victory Hall) hall, Chigwell Members
Club and Public Library.

Responsible Officer: Sukhi Dhadwar (01992 564018)

Democratic Services: Gary Woodhall (01992 564470)

Recommendation:

(1) That planning application EPF/2662/17 at Chigwell Library, Victory Hall, Chigwell Members Club Hainault Road be refused permission on the following grounds:

- 1. The site is located within land designated as Metropolitan Green Belt where there is presumption against inappropriate development. A Community Right to Build Order was not obtained prior to the submission of this application. The proposal also falls outside of all other exceptions to inappropriate development listed within paragraphs 89 and 90 of the NPPF. It is therefore inappropriate development in the Green Belt. In addition the proposal would result in a significant reduction in the openness of the Green Belt and would undermine the purpose of including land within it. No very special circumstances or other considerations have been advanced that would outweigh the harm caused by the inappropriateness and other harm identified. The development would therefore conflict with Chapter 9 of the National Planning Policy Framework and policy GB2A of the saved Combined Policies of Epping Forest District Local Plan and Alterations and policies SP 6 and DM 4 of the Epping Forest District Local Plan (2011-2033) Submission Version.**
- 2. Notwithstanding the lack of information submitted in relation to the height, scale, layout and appearance of the proposed development. Given the number of uses proposed and their location it is likely to be an incongruous and dominant feature which will be visible from a number of long views of the site. It will therefore seriously undermine the distinctive natural landscape character of this edge of settlement location and is**

incompatible with the character and low density of development in close proximity to the site. It will therefore have a serious detrimental impact on the character and amenity of the surrounding area and as such is contrary to chapter 11 of the NPPF along with Policy LL1, LL12 and CP2 of the saved Combined Policies of Epping Forest District Local Plan and Alterations and Policy DM 3 of the Epping Forest District Local Plan (2011-2033) Submission Version.

Report:

This application is presented to the District Development Management Committee since Members of the Area Plans South Sub Committee voted for it to be referred to this Committee for a final decision.

1. This application was reported to Area Plans South Sub Committee on 21 February 2018 with a recommendation that planning permission be refused. Following debate at the meeting, members of the committee voted to make no decision on the application and instead refer it to the District Development Management Committee ("DDMC") for decision without any recommendation from them.

2. The reasons for referring the application to DDMC were that:

(1) Approval would be contrary to the provisions of both the Adopted Development Plan Submission Version Plan and therefore can only be approved by the District Development Management Committee.

(2) Members of the Area South Plans Sub Committee were concerned that the very special circumstances of the proposal had not been fully considered. Questions were raised as to whether 'pro bono' applications were sufficient very special circumstances to justify the development and whether underground parking had been considered in order to limit the harm to visual amenity as a result of the proposal in this location.

(3) They also wished to have confirmation as to whether there would be a defensible Green Belt Boundary would remain after the application was approved.

3. Additional information to that in the original Officer report addressing points (2) and (3) is set out below.

4. Currently there are no saved policies within the adopted Local Plan which support proposals for community facilities in the Green Belt.

5. Policy D 4 (Community, Leisure and Cultural Facilities) of the Epping Forest District Local Plan (2011-2033) Submission Version ("LPSV") would permit proposals which improve the quality and capacity of facilities valued by the Community. This policy is supported by chapter 3 (Rural Economy) of the NPPF. However, these policies also do not include sites within the Green Belt.

6. The NPPF makes clear that when assessing applications within the Green Belt, local authorities should give substantial weight to any harm to the Green Belt. The Submission Version of the Local Plan is consistent with the NPPF.

7. Due to the proposed buildings being located on open agricultural land within the Green Belt, the proposal is by definition inappropriate development. Paragraph 14 and chapter 9 of the NPPF therefore require that any development in this location should be refused unless “very special circumstances” can be demonstrated.

8. Paragraph 88 of NPPF states that: “Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations”.

9. After the presentation of the application at the Area South Plans Committee and at Officer’s request, Chigwell Parish Council has identified the following factors to justify the proposal:

- The location is at the heart of the community and readily accessible by public transport and therefore will be easily accessible to all users.
- The use of new building as a community hub will facilitate the continuity and enhancement of community uses that presently take place on land in the vicinity of the proposed building. They are presently served by a car park that would be enlarged as per a previously submitted Transport Study. Consideration was given to provision of an underground car park for the proposal but that was rejected on the ground that its cost would be make the proposal unviable.
- The Green Belt land is in the ownership of the applicant.
- The proposal will prevent the displacement of users and operators of Victory Hall and Chigwell Social Club during construction since temporary alternative locations could not be found. The development of the proposed building on land at the rear of the site would allow the continued operation of both facilities and the activities of the many local social and wellbeing groups that use the facilities until such time as the new building was ready for occupation. A fairly seamless and short transfer period could then take place following which the current buildings would be demolished and enhanced car park completed. This is important because displacement could challenge the on-going nature of their operation of the community groups and in turn the viability of the business case for the operation of the new facility could be placed in question.
- The Parish Council did not undertake to assess any other sites as it already feels that it has the only possible location for such a building and that site is already in its ownership.

10. Officers agree that the proposal will bring about positive social and economic outcomes for the local community. However, this is an outline application which means that all other matters are reserved for approval at a later stage. The layout, scale, appearance access and quality of landscaping are therefore all unknown at this stage. Nor is it clear exactly what the floorspace breakdown of each individual use will be and, as a result, its impact. It is for these reasons that the precise harm to the Green Belt and any other harm cannot be quantified and as such no balancing assessment can be made. It is therefore concluded the application cannot

demonstrate that the harm to the Green Belt, which must be accorded substantial weight, and any other harm, would be "clearly outweighed" by other considerations.

11. The Parish Council indicate that there is a lot of support for the proposal from users of the existing buildings within the application site. However, the application has only received 2 letters of support (One from the secretary of Chigwell Members Club) and a total of 79 objections (albeit that some households sent multiple objections). It is for this reason considered that support from the local community for the application is not demonstrated. In any event, the level of local support, of itself, is not a material planning consideration that can be accorded any significant weight in the determination of this application.

12. Furthermore, neither the draft Chigwell Neighbourhood Plan (2015-2013) nor the LPSV have identified the location as suitable for removal from the Green Belt in order to provide both essential and community facilities. The proposal would increase built form on the site and result in a sprawl of development into the Green Belt contrary to both the adopted local plan and the LPSV. Approval of the application will consequently weaken the defensible Green Belt boundary in this location, as it would result in the intensive development of part of an open field within the Green Belt contrary to both plans, undermining the policy protection given to this part of the Green Belt and, indeed, the LPSV in advance of its submission to PINS.

13. It is concluded that very special circumstances have not been demonstrated and, therefore, planning permission should be refused.

Procedural Matter

14. There is a suggestion in the application that the existing Parish Council building may be converted into a doctors' surgery. Since the application site does not include the Parish Council building, its future use is not the subject of this application and is not a matter that can be accorded any, or any significant, weight when deciding this application.

15. Below is an updated version of the original Officer report presented to Area South Planning Committee on 22 February 2018. It now excludes comments in relation to the size, scale and appearance of the proposal since those matters are reserved for subsequent consideration in the event of outline planning permission being granted.

OFFICER REPORT TO AREA PLANS SOUTH SUB-COMMITTEE (UPDATED)

This application is before this Committee since it is an application that is considered by the Director of Governance as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3).

Description of Site:

The application site covers an area of approximately 0.67 hectares of which 0.306 hectares falls within land designated as Green Belt. It is roughly rectangular in shape excluding the access area. It bounds both the built up area of Chigwell and extends into open fields designated as being within Green Belt.

The section of the site within the built up area of Chigwell includes 3 buildings. To the north of this area is Chigwell Library which is housed in a pre-fabricated single storey building. Centrally located within the site is the flat roofed Chigwell Members Club extension attached to the southern flank of the single storey double barrel roofed 'Victory Hall'. The existing buildings have a floorspace of 932m².

Access to the site is via the eastern side of Hainault Road on the edge of the built up area of Chigwell.

Description of Proposal:

Outline application (All matters reserved except for impact on trees) for the demolition of the existing Victory Hall, Chigwell Members Club and Library. Construction of new Parish Offices, multi use hall, Chigwell Members Club and Public Library.

The demolished buildings will be replaced with 86 car parking spaces and planting. The new building will be constructed further eastwards on land which is currently an open field.

All the uses within the proposed building would be accessed independently off the main entrance and foyer. Hours of use are proposed to remain as existing. These are as follow:

Use	Monday to Friday	Saturday	Sunday and Bank Holiday
Parish Office	09:30 until 16:30	Closed	Closed
Library	09:00 until 18:00	09:00 until 12:00	Closed
Chigwell Men's Club	18:00 until 23:00	Functions Varies	Closed
Victory Hall	09:00 until 1530	Bookings Varies	Closed

Relevant History:

Reference	Description	Decision
CHI/0206/54	Erection of Victory Hall and Mens Club	Granted
CHI/0048/57	ERECF PUBLIC HALL & ANCILLARY ROOMS	Granted
CHI/0010/65	ADDITIONAL ROOM	Granted

CHI/0071/69	PUBLIC LIBRARY	Granted
CHI/0067/71	SINGLE STOREY EXTN	Granted
EPF/0284/88	Extension to snooker room.	Granted
EPF/0016/97	Outline application for the erection of single storey building for use as Parish Council offices.	Granted
EPF/0257/97	Offices for Chigwell Parish Council. ** AMENDED PLANS **	Granted
EPF/1841/03	Extension to council offices to provide additional facilities and public access.	Granted
EPF/1571/13	Single storey front extension.	Granted
EPF/0561/14	Single storey rear extension for toilet block.	Granted

Policies Applied:

Adopted Local Plan:

CP1	Achieving Sustainable Development Object
CP2	Protecting the Quality of the Rural and Built Environment
CP3	New Development
GB2A	Development in the Green Belt
GB7A	Conspicuous Development
RP3	Water Quality
RST19	Design, Layout and Landscaping of Golf Courses
DBE4	Design in the Green Belt
LL1	Rural Landscape
LL2	Inappropriate Rural Development
LL10	Provision for Landscape Retention
LL11	Landscaping Scheme
ST1	Location of Development
NC3	Replacement of Lost Habitat
NC4	Protection of Established Habitat
NC5	Promotion of Nature Conservation Schemes

NPPF:

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Epping Forest District Local Plan (2011-2033) Submission Version 2017

The Epping Forest District Local Plan (2011-2033) Submission Version 2017 ("LPSV") has been approved for publication and is the Plan the Council intends to submit to the Secretary of State for independent examination. The policies in the LPSV are considered to be up-to-date and accord with national policy and, therefore, should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 216 of the NPPF. The policies and the LPSV are supported by up-to-date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

SP 1 -	Presumption in Favour of Sustainable Development
SP 2 -	Spatial Development Strategy 2011-2033
SP 3 -	Place Shaping
SP 6 -	Green Belt and District Open Land
SP 7 -	The Natural Environment, Landscape Character and Green and Blue Infrastructure
T 1 -	Sustainable Transport Choices
T 2 -	Safeguarding of Routes and Facilities
DM 1 -	Habitat Protection and Improving Biodiversity
DM 3 -	Landscape Character, Ancient Landscapes and Geodiversity
DM 4 -	Green Belt
DM 9 -	High Quality Design
DM 11 -	Waste Recycling Facilities on New Development
DM 15 -	Managing and Reducing Flood Risk
DM 16 -	Sustainable Drainage Systems
DM 18 -	On Site Management of Waste Water and Water Supply
DM 19 -	Sustainable Water Use
DM 20 -	Low Carbon and Renewable Energy
DM 21 -	Local Environmental Impacts, Pollution and Land Contamination
DM 22 -	Air Quality

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 71

Site notices posted: Yes – One outside entrance of site and two on Courtland Drive.

Responses received: as follows:-

Pettitts Hall Pudding Lane; 5 Burnt House, Pudding Lane; 12 Courtland Drive; 14 Courtland Drive; 16 Courtland Drive; 18 Courtland Drive; 20 Courtland Drive; 22 Courtland Drive; 26 Courtland Drive; 34 Courtland Drive; Flat 16 Claremont Place; 65 High Road Chigwell; 94 High Road Chigwell; 134 High Road Chigwell; 2 Meadow Way; 27 Lyndhurst Rise; 3 Barton Close; Flat 5 Barton Friars; Barton Close; 9 Barton Friars Barton Close; 2 Parklands; 3 Parklands; 5 Parklands; 7 Parklands; 9 Parklands; 12 Parklands; 40 Chigwell Rise; 48 Millwell Crescent; 35 St Nicholas Place; The Moorings North Road, Havering Atte Bower; Puckridge House Vicarage Lane; 4 Puckridge Cottages; 33 Turpins Lane Woodford Green; 3 Meadow Way; 4 Meadow Way; 12 Meadow Way; Hunters Green Lane; 3 Coolgardie Avenue; 251 Fencepiece Road;

*(More than one letter of objection was received from many of the addresses listed who collectively **OBJECTED** and raised the following concerns which are reproduced below:-*

This site is Grade 1 agricultural land within the Green Belt therefore any development is inappropriate as defined in the EFDC Local Plan (Policy GB2A) and the NPPF section 9 of which paragraph 89 refers to 'Protecting Green Belt Land'. Retaining the feel of openness across the Green Belt is a fundamental concept of the Green Belt and the development as proposed would result in a permanent change to this. It is noted from the Draft Local Plan Consultation 2016 that there are no proposed alterations to the existing Green Belt boundaries in this location.

No 'very special circumstances' exist as suggested by Parish Councillors.

Given the large scale, bulk and height of the building, I conclude that this proposal

would have a detrimental impact on the landscape – contrary to Local Plan policies LL1, and LL2.

The Parish Council propose building on Green Belt Grade 1 arable farm land running alongside Courtland Drive and behind Victory Hall Chigwell which the Planning Inspectorate has recognised as a strategically important green corridor running through Chigwell and reaching into Grange Hill.

After these plans were originally drawn up, an article written by Councillor John Knapman appeared in the Spring 2015 edition of the Chigwell Residents Association (CRA) newsletter and he described in general terms what was being proposed.

He finished with the words "Residents will be consulted throughout the process.

No proper consultation has happened and the first few residents knew about the plans was when the planning application appeared in the Agenda for the Parish Planning Committee meeting held on 26 October 2017.

Residents of Courtland estate which overlooks the site attended that meeting and a spokesman read out a statement objecting to the application.

Little further information was given to residents who attended the meeting as Councillors present felt unable to discuss the plans as they were the applicants.

Furthermore we can find no mention of the Community Hub Proposal in the EFDC Local Plan released by the Council on 14 December 2017 and Pre submission Chigwell Neighbourhood Plan (CNP) only contains three lines on the subject:-

“Provide a new Community Hub replacing Victory Hall site on Hainault Road will be supported.”

Beneath the last two lines above, is paragraph which says:-

“Proposals to establish a new doctor's surgery or a new dentist facility will be supported provided they are located outside of the Green Belt and have sufficient off street parking spaces”.

This last statement is clearly at odds with the application now submitted.

In summarising the feedback from residents on the draft CNP, Councillors wrote:-

“The proposed Community Hub on the “Victory Hall” site at Hainault Road would allow a library, multi – purpose hall, café and theatre to be located within a single building”.

None of the above reference to a new Community Hub or indeed elsewhere, make reference to any building being required on Green Belt land as now proposed.

To grant this application, even as an outline building permission, would be a gross error of judgement as it would open the doors for the submission of other Green Belt development proposals in the crescent to the North East of the Courtlands estate.

Returning to the question of proper consultation it must be pointed out that Chigwell Parish has over 8500 residents which possibly equates to about 3,000 households.

The CRA sends out approximately 360 newsletters to households every 6 months

which means that only 10% of the Parish households have had a chance to read anything about the Community Hub proposal. Little other information has been circulated and CPC minutes seem to be silent on this.

Furthermore the Business case paper attached to the planning application is a flawed document as it completely fails to identify 'need' for the hub which is the foundation stone of building a Business plan which would demonstrate the financial viability of the project and show how it would be delivered. A Business Plan is completely absent from the application.

It should be pointed out that the core bookings for Victory Hall (excluding weekend functions etc.) are running at under 40% of available booking times.

We also have considerable concerns about the source of the Section 106 agreement monies needed to undertake the Hub construction as the proposed site, which is also on Green Belt, has no link with the Community Hub site, construction as the proposed site, which is also on Green Belt, has no link with the Community Hub site as recommended in HMG's Guidance Notes on Section 106 agreements, does not feature in the Local Plan and where a planning application has yet to be submitted.

Residents agree that the Victory Hall site generally needs to be brought up to modern standards but plans attached to the application far exceed the footprint required for that to be achieved. A complete redesign is required.

Chigwell Members Club Secretary: SUPPORT: The existing Victory Hall and Chigwell Member's Club has been leased for over 50 years to the Lewis Foundation and has provided facilities for the community. It has been clearly stated by Chigwell Parish officials that nothing will change in this respect. "You will stay who you are and what you are simply not where you are"

3 Dolphin Court: SUPPORT: I am in favour of the development, will give an improved library and community hall and council offices with much parking which will need to be monitored to avoid abuse.

CHIGWELL PARISH COUNCIL: All members of the Planning Committee declared a personal and prejudicial interest in this application, on the grounds that Chigwell Parish Council as a corporate body is a the planning applicant. Accordingly, the outline planning application was neither considered nor voted upon by the committee.

CHIGWELL RESIDENTS ASSOCIATION: Comment: Whilst the Chigwell Residents Association do not object to the application and welcome redevelopment of the above site. We do have a number of concerns we would like to raise:-

- Funding - Residents need to know exactly how this development is going to be funded. We would not want it to be approved as an enabling development for a scheme which is obviously not supported by residents.
- Consultation - Our members feel they have not been fully consulted on what is to be provided. We understand this is only an outline application but when this goes through reserved matters residents should be fully abreast of all proposals and able to comment.
- Development - it should be noted that residents would not support any form of residential accommodation on this site.

As stated above we do not object this application but the above points should be

considered carefully when members make their decision.

Main Issues and Considerations:

Paragraph 79 of the National Planning Policy Framework ("the Framework") states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This is broadly restated in Policies GB2A of the Local Plan. Paragraph 89 of the Framework states that the Council should regard the construction of new buildings as inappropriate in the Green Belt unless they fall within one of six categories of exceptions. The proposal as submitted falls outside of all the exceptions within this list.

Paragraph 90 allows other forms of development provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. This includes development brought forward by a "Community Right to Build Order". However, the Applicant has not undertaken the steps necessary to obtain this Order. (See way forward). Furthermore, the consultation carried out by the applicant in relation to the proposal falls short of the requirements of this exception.

This lack of consultation is confirmed by a report carried out by the Rural Community Council of Essex ("RCCE") and submitted by the Applicant as a supporting document for this application. The report concludes that insufficient consultation for this project was carried out. It therefore recommends that the Parish Council *"engage more fully with the public specifically on this major project and to undertake further investigations."* This view is also supported by the large number of objections received in response to the consultation of this application compared with 1 letter of support.

At this stage since no Community Right to Build Order has been obtained, and the proposal does not meet the criteria for other exceptions to inappropriate development, it is in principle inappropriate development which must only be approved in very special circumstances, where other considerations weighing in favour of the proposal clearly outweigh the harm to the Green Belt, which must be accorded substantial weight, and any other harm.

Impact on openness

The importance of the Green Belt section of the site has been identified in paragraph 2.17 of the Chigwell Parish Council Neighbourhood Plan Pre Submission Version. It describes this piece of land as *"Open farmland sandwiched between it (Courtland Drive) and Hainault Road and which provides what has been recognised by the Planning Inspectorate as (being part of) a strategically important green corridor running through Chigwell and reaching into Grange Hill."*

The buildings will be relocated from land within the built-up area to land an open field within Green Belt therefore as stated above the proposal is, as a starting point inappropriate development within the Green Belt. The height, bulk, massing, associated signage and intensity of use proposed in a location where there is currently only an open field would seriously detract from the openness of this site. This proposal will therefore be spreading urban sprawl into to the Green Belt.

This harm is increased by the fact that the proposal is on higher land than its surroundings. Land around and behind Hainault Road is lower than the application site, therefore the proposal will even with natural screening dominate northern views to this location. It would also be very prominent from views within Courtland Drive and further east from the site. It is noted that there is an existing tree screen between Courtland Drive and the application site which will partially screen the development during the spring and summer months. However, this partial screening will be insufficient to overcome loss of openness as a result of building's presence and loss of natural landscape and encroachment into the countryside.

Whether very special circumstances exist

Paragraph 87 of the NPPF requires that inappropriate development is by definition harmful to the Green Belt and will result in serious loss of openness. In this circumstance, the application must demonstrate that very special circumstances exist. In other words, the applicant must demonstrate that other considerations weighing in favour of the proposal clearly outweigh the harm to the Green Belt, due to the inappropriateness of the development, its adverse impact on openness, and conflict with the Green Belt purposes, which must be accorded substantial weight, and any other harm.

The Parish Council are promoting this application on the grounds that this site is allocated within the Chigwell Neighbourhood Plan 2015-2030 (Submission Plan). However, policy CHG2 of this document does not conform to planning legislation, national policy and both the adopted and submission versions of the District Local Plan. This is because they require changes to the Green Belt boundary which are inconsistent with site allocations within the Submission Plan and can only be funded through "enabling development".

The Neighbourhood Plan (Submission Version) and RCCE report indicate that the proposal will cost £6.5 million. The RCCE report says this funding has:-

"Been earmarked for the construction of the Community Hub via a proposed enabling agreement with the developer of the Rolls Park development. The Rolls Park development consists of 45 homes with 40% of these designated as 'affordable' with the rent set by the developer for 20 years. The enabling agreement will also fund the cost of the other onsite community works."

The requirement of an "enabling agreement" of this sort would be contrary to Section 106 of the Town and Country Planning Act 1990 (as amended) and paragraph 204 of the NPPF, as this type of agreement would not meet the criteria for planning obligations in section 106 of the 1990 Act, or the legal test in Regulation 122 of the Community Infrastructure Levy Regulation 2010, which specify the circumstances in which a planning obligation may be taken into account when granting planning permission. Any private agreement between the Local Planning Authority and developers must be:-

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development."

Members are advised that there is no application or permission for development at Rolls Park referred to in the Submission Version of the Neighbourhood Plan and it is not a site allocated for development within the LPSV. In the circumstances, and since

land at Rolls Park is in the Green Belt, the enabling development referred to in the Submission Version of the Neighbourhood Plan is contrary to current national and local planning policy. Even if it was not contrary to policy, since Rolls Park is remote from the application site, any possible development there cannot achieve a benefit at the application site sufficient to overcome the harm that would be caused to the Green Belt by the application proposal.

The requirement for a planning obligation linking the application proposal to potential development at Rolls Park would therefore be beyond the powers granted to the Council under the relevant planning legislation. It is for this reason that Officers raise concern about the validity of policy CHG2 of the Chigwell Neighbourhood Plan.

In the circumstances, further concern is raised on the basis that if planning permission were to be given, there would be high probability that the scheme could not be funded since the Council would have no powers to enforce this type of agreement. The danger would be that an extant permission for the proposal could open the gateway for other more profitable uses.

These circumstances therefore do not clearly outweigh the harm to the aims and purposes of the Green Belt and to the rural character of this site.

The proposal is therefore contrary to chapter 9 of the NPPF and policies GB2A and GB7 of the adopted Local Plan as well as SP 6 and DM 4 of the LPSV.

Sustainability

The site is in close proximity to sustainable modes of transport which include Chigwell Station and bus links. It is also close to other public facilities and amenities. The site could also accommodate the provision cycle parking on the site. It is for this reason considered to accord with ST2 of the adopted Local Plan.

Landscape and Trees

The Trees and Landscape team object to the proposal on the grounds that

“This site is agricultural land within the Green Belt therefore any development is inappropriate as defined in the EFDC Local Plan (Policy GB2A) and the NPPF section 9 in which paragraph 89 refers to ‘Protecting Green Belt Land’. Retaining the feel of openness across the Green Belt is a fundamental concept of the Green Belt, and the development as proposed would result in a permanent change to this. It is noted from the Draft Local Plan Consultation 2016 that there are no proposed alterations to the existing Green Belt boundaries in this location.

We object to the proposal on the grounds of its impact in the landscape – Within the EFDC Landscape Character Assessment (Chris Blandford Associates 2010) Chigwell’s overall landscape character is described as –

☐ *“...encompassing a gently undulating patchwork or predominantly arable fields. Mature hedgerows line field boundaries and often contain trees, which are key landscape features within views across the area.*

☐ *In terms of the landscapes sensitivity to change, the assessment states that ‘Framed views across this area are visually sensitive to potential new development, particularly large-scale or tall vertical elements.’*

☐ *The suggested landscape planning guidelines are that, “...any new development*

within the farmland is small scale, responding to historic settlement pattern, landscape setting and local distinctive building styles.” Also that characteristic framed views across the area maintained.”

The EFDC Settlement Edge Landscape Sensitivity Study (Chris Blanford Associates 2010) places the area (including this site) within Chigwell / Chigwell Row’.

- *This describes the landscape setting (between Chigwell and Chigwell Row) as comprising of “a gently undulating patchwork of small fields delineated by hedgerows (often containing hedgerow trees)”*
- *In respect of the landscape sensitivity it comments that “There are several public footpaths located between Chigwell and Chigwell Row that create sensitive recreational routes within the fringes of the settlements. These provide access for pedestrians and cyclists throughout the area.”*
- *This site is within ‘Landscape Setting Area 3 – this evaluated as follows –*
 - *Moderate overall landscape character sensitivity*
 - *High overall visual sensitivity*
 - *High overall sensitivity to change.*

The recommendation is that those landscape areas identified as ‘high’ or ‘moderate’ I have highlighted in red the area of the existing buildings on the site. (This photograph was based on the two storey scheme previously submitted.) It should be noted that their presence / impact within the landscape is negligible. The tree screen that is present along the rear boundary consists of trees estimated to be between 30-50 years in age. They adequately screen the existing single storey buildings on the site. The proposal will require the removal of this rear screen, and the construction of a large scale building. It is accepted that planting could be undertaken along the rear boundary. However, given the likely large scale, bulk and height of the building, landscaping can reasonably be expected to take 10-15 years to achieve a satisfactory screen to allow the building to sit congruously within this setting. This would clearly be longer say 20-30 years if the proposal was more than one storey. We consider both these scenarios to be unacceptable time periods.

We therefore conclude that this proposal would have a detrimental impact on the landscape.”

Whilst it is noted that a Tree Report was submitted as part of this application, the Landscape Team did not consider the details that it contained were sufficient to overcome the harms they identified.

The proposal fails to conserve or enhance the character and appearance of the existing natural landscape and as a result will have a detrimental effect on the enjoyment of the countryside by the public. The proposal is therefore contrary to policies CP2, LL1 and LL2 of the adopted Local Plan as well as Policies SP 7 and DM 3 of the LPSV.

Ecology

The application site is surrounded by open countryside and therefore there is a high likelihood that protected species’ could be using the site for foraging or as a commuting habitat. The Countryside team recommend that additional conditions be attached to any permission which are require biodiversity enhancement schemes, new native planting and bat sensitive lighting scheme. It is on this basis that the

proposal is consistent with the requirements of Chapter 11 of the NPPF and policy NC4 of the adopted Local Plan as well as Policy DM 1 of the LPSV.

Design

The number of uses within the mixed use site ensures that it will make an efficient use of the land. In respect of design, however, insufficient information has been submitted in relation to the scale, height, layout and appearance of the proposed buildings. Those matters are reserved for subsequent consideration in the event of outline planning permission being granted therefore Officers are unable to assess this issue now.

Impact on neighbouring residential amenity

Paragraph 17 of the NPPF requires that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This stance is reiterated within policy DBE9 which requires that new development should not result in an excessive loss of amenity to neighbouring properties. The factors which will be taken into account include noise, smell or other disturbance.

The nearest residential properties are 50m away. As this is an outline application, conditions could be imposed requiring further details on how the building will be ventilated, noise mitigated against and how refuse will be stored and collected.

The application proposes 86 car parking spaces and a function hall with a bar. It could result in a significant increase in noise and disturbance during the evening outside of the site after 21:00 hours when there is an expectation that surrounding background noise and disturbance will remain low in this predominately residential suburban area. However, these issues could be controlled by hours of use and sound insulation conditions.

Highways

The Highway Authority is satisfied that the details contained within the Transport Statement have robustly demonstrated that the proposal will not be detrimental to highway safety, efficiency or capacity at this location or the wider network. The proposal therefore accords with the requirements of policies ST3 and ST4 of the adopted Local Plan as well as Policy T 1 of the LPSV.

Contaminated land

The Land Contamination Officer has reviewed the application and due to the proposed uses not being of a sensitive nature, it is not necessary to attach conditions related to remediation of the land.

Land Drainage

The Land Drainage Officer finds the details of the proposal acceptable subject to conditions relating to a flood risk assessment and foul and surface water drainage details. It is on this basis that the proposal complies with the requirements of the Utilities chapter of the Local Plan and policy DM 16 of the LPSV.

Green Belt Balance / Conclusion

The proposal, due to its additional height, bulk, massing design, presence and intensity of use on the undeveloped part of the application site which is designated as Green Belt and which is in close proximity to the urban fringe boundary of Chigwell is inappropriate development. The proposal would spread development into the countryside seriously detracting from the open sylvan character of this site and as a result would fail to protect the countryside from encroachment through urban sprawl. The proposal therefore is contrary to this fundamental aim of Green Belt policy.

Officers appreciate that the proposal has the potential to achieve many positive social and economic benefits for the local community. However, the justification given in the application for the proposed development does not clearly demonstrate its benefits against the clear harm it would cause to the Green Belt and landscape. These unquantified benefits therefore do not demonstrably outweigh the serious harm that would evidently be caused by this development to the openness of the Green Belt and purposes of including the land within it. On that basis it is concluded the application does not demonstrate very-special circumstances.

If Members decide to grant planning permission contrary to Officer recommendation it will be necessary to refer the application to the National Planning Casework Unit since it is a major development in the Green Belt that is contrary to Green Belt policy.

Way Forward

Going forward three options are recommended:

- (1) Any future proposal remains in the built-up area of the site. (This is the preferred option).
- (2) As stated above, one of the exceptions to inappropriate development brought forward under a Community Right to Build Order. It is recommended that the Parish Council consider going through the process of obtaining this Order. This type of Order is one of the neighbourhood planning tools introduced in the Localism Act 2011. It can be used to grant outline or full planning permission for this type of development as long as it complies with the order.

A Community Right to Build Order is prepared by local people who can decide on the type, quantity and design of buildings they want and in the locations they want them. Once an Order has been drawn up with the involvement of local people, it is publicised and consulted on before being submitted to the Council. The Council is then required to arrange for an independent examiner (paid for by the Council) to test whether the order meets the relevant legal tests, such as ensuring it is in line with national planning policies and certain basic conditions. (This includes ensuring that the recommendations made by the RCCE report are fully adhered to). If the independent examiner gives their approval, the Order is put to a local referendum.

If more than 50 per cent of those who vote in the referendum are in favour of the Community Right to Build Order, it will be made and planning permission for development proposals which accord with the Order will have to be granted.

- (3) Provide significantly more robust evidence of need for the development on this particular site.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

***or if no direct contact can be made please email:
contactplanning@eppingforestdc.gov.uk***