

**committee agenda**



**Epping Forest  
District Council**

**District Development Management Committee  
Wednesday, 31st January, 2018**

You are invited to attend the next meeting of **District Development Management Committee**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping  
on Wednesday, 31st January, 2018  
at 7.30 pm .**

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer**

Gary Woodhall  
(Governance Directorate)  
Tel: 01992 564470  
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**Members:**

Councillors B Sandler (Chairman), B Rolfe (Vice-Chairman), H Brady, R Jennings, G Chambers, S Heap, S Jones, H Kauffman, J Knapman, S Kane, R Morgan, C C Pond, G Shiell, D Stallan and J M Whitehouse

**SUBSTITUTE NOMINATION DEADLINE:**

**18:30**

**1. WEBCASTING INTRODUCTION**

This meeting is to be webcast and the Senior Democratic Services Officer will read the following announcement:

*"I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by third parties).*

*If you are seated in the lower public seating area then it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.*

*This may infringe your human and data protection rights and if you wish to avoid this then you should move to the upper public gallery.*

*Could I please also remind Members to activate their microphones before speaking.”*

**2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 6)**

(Director of Governance) General advice to people attending the meeting is attached.

**3. APOLOGIES FOR ABSENCE**

(Director of Governance) To be announced at the meeting.

**4. SUBSTITUTE MEMBERS**

(Director of Governance) To report the appointment of any substitute members for the meeting in accordance with Council Rule S1 in the Constitution (Part 4 “The Rules” refers).

**5. DECLARATIONS OF INTEREST**

(Director of Governance) To declare interests in any item on the agenda.

**6. MINUTES**

(Director of Governance) To confirm the minutes of the last meeting of the Committee held on 29 November 2017.

[Click here for District Development Management Committee Minutes 29 November 2017.](#)

**7. EPF/1849/17 - CHIGWELL PRIMARY SCHOOL, HIGH ROAD, CHIGWELL (Pages 7 - 24)**

(Director of Governance) To consider the attached report for the complete refurbishment of Chigwell Primary Academy and enabling residential development comprising 59 no. residential properties together with associated off-street parking, a dedicated parking court for existing residents, garden space, new vehicular accesses from High Road (A113) and Vicarage Lane, external landscaping and associated development.

**8. EPF-2413-17 - 1 BENTONS COTTAGES, MIDDLE STREET, NAZEING (Pages 25 - 36)**

(Director of Governance) To consider the attached report for the installation of a new vehicle cross-over.

**9. ANY OTHER BUSINESS**

(Director of Governance) Section 100B(4)(b) of the Local Government Act 1972 requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

**10. EXCLUSION OF PUBLIC AND PRESS**Exclusion

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

<u>Agenda Item</u>	<u>Subject</u>	<u>Paragraph Number</u>
Nil	None	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers

Article 17 (Access to Information) of the Constitution defines background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection one copy of each of the documents on the list of background papers for four years after the date of the meeting. Inspection of background papers can be arranged by contacting either the Responsible Officer or the Democratic Services Officer for the particular item.

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## Advice to Public and Speakers at Council Planning Sub-Committees

### Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

### When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Sub-Committee.

### Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

### Who can speak?

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

### What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

If you are not present by the time your item is considered, the Sub-Committee will determine the application in your absence.

### Can I give the Councillors more information about my application or my objection?

**Yes you can but it must not be presented at the meeting.** If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website [www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk). Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

### How are the applications considered?

The Sub-Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Sub-Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Sub-Committee. Should the Sub-Committee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee are required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
  - (i) the Council's approved policy framework; or
  - (ii) the development or other approved plan for the area; or

- (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

**Further Information?**

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

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



**Epping Forest  
District Council**

**Report Reference: EPF/1849/17**  
**Date of meeting: 31 January 2018**

**Address: Chigwell Primary School, High Road, Chigwell**

**Subject: 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.**

**Responsible Officer: Ian Ansell (01992 564481).**

**Democratic Services: Gary Woodhall (01992 564470).**

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### **Recommendation:**

**(1) That planning application EPF/1849/17 be Refused for the following reasons:**

- 1. The application makes inadequate provision for affordable housing, either by way of on-site provision or off-site contribution in circumstances where available information indicates it is viable and appropriate to do so. Failure to make such provision creates an imbalance in housing supply and fails to meet an identified need for such accommodation in a location where provision would meet sustainable development objectives. As such, the proposals would be contrary to policies CP1, H5A, H6A and H7A of the approved Local Plan and Alterations, and the NPPF.**
- 2. The development fails to adequately address the location of the site on the edge of the Conservation Area and within the broader setting of designated listed buildings, and to adequately protect the quality of the existing landscape within the site and on its boundaries. As a direct result, the development has an adverse effect on the setting of the listed buildings, the landscape character of the site and surroundings and on the long term future of trees within the site, thereby contrary to policies HC12 and LL10 of the adopted Local Plan and Alterations, and the NPPF.**

### **Report:**

- 1. Members deferred determination of this application at the last meeting of the Committee in November to primarily allow further consideration of affordable housing matters. The Officer's report is attached hereto.**

2. As a result of Members decision, the applicants commissioned a new viability assessment and appointed a new consultant for this purpose. As a result, a full reassessment of the new report has been required from the Council's consultants. Final deadline for submission of comments thereon expired after the deadline for preparation of the agenda for this meeting. Officers will therefore present a further detailed report for members once this deadline has passed.

3. Officers also recommended that the application be refused on grounds that the landscaping proposals were inadequate. A revised site layout plan was submitted on the publication of the previous report which sought to demonstrate increased planting adjacent to the access road, but failed to address any of the other concerns, particularly around the loss of the dense landscape along the road frontage and the reconfiguration of the car park described as seeking to relieve the High Road. Officers' view on this aspect is therefore unchanged.

4. The original Officer's report is attached below.



## **Report detail:**

### **Report submitted to November meeting**

*This application is before this Committee since it is “large scale major” application as defined within guidance issued by the DCLG (Pursuant to The Constitution, Part Two, Article 10 (b))*

### **Description of Site:**

The application site comprises the same areas as the earlier planning application considered by Members in 2016.

The site comprises the Chigwell County Primary School (around 1.3ha net area) and the former BI Sports Ground fronting High Road and extending on its south side along Vicarage Lane and to the north along the full length of the access road serving the school. The site overall comprises around 4.76 ha.

The school access road from High Road, access to the former Beis Shammei School lies at the northern end on the road junction. The site has been used for parking at peak times by parents of the school and the new owners of the building (who are converting for use as a temple) have indicated an intention to continue this arrangement. Parking also takes place along the access road and there is a small car park within the school boundary used by staff and day time visitors. Pedestrian access to the school is also available from the west via footpaths linking to Vicarage Lane.

The school remains unchanged at present and comprises a mix of single storey buildings dating from the 1930's until the 1960's, and a number of temporary classrooms. There are three principal school buildings identified as the main block, the old dining hall and the old kitchen block although kitchen and dining facilities now lie in the main block and the other two buildings are used as teaching areas.

All buildings on the former sports ground have been removed above ground level and the land is given over to largely scrubland other than a vehicle access on Vicarage Lane and the mature tree screens that lie around and within the land.

The surrounding area comprises a mix of residential and non-residential uses, and a variety of built form. Opposite the site on High Road lie three listed buildings – Hainault House (part of Chigwell School), Proctors and Dickens Cottages and Christies 81 High Road, both residential.

All of the land within the site boundaries lies within the Green Belt. The boundary of the Chigwell Conservation Area runs along the east side of Vicarage Lane and the south side of High Road such that the application site abuts but lies outside the Conservation Area. Much of the boundary screening on all sides is covered by group tree preservation orders and a number of trees are subject to individual orders. There are also two public rights of way crossing the site. There are also a number of high pressure gas mains in the area, particularly in the school access road.

### **Description of Proposal:**

The current application builds on previous submissions. The original planning permission sought

to refurbish the school within the existing buildings and to provide enabling development of 32 houses (submitted in outline only). Following further consultation with Essex CC as education authority, revised proposals for the school were presented and approved in March 2017 as a minor amendment to the original permission. The current application is submitted on the basis that the revised school proposal is not viable without additional enabling development.

The school works proposed in this application are unaltered from the scheme approved in March. This proposes demolition of all buildings other than the main block at the site managers dwelling and the erection of a new building north-west of the existing block. The new build will include a new main entrance with support and office facilities and 4 classrooms to the rear (one identified as a community room with independent access). A link to the existing building is indicated.

The extension seeks to reflect the form of the existing with a taller central section which is primarily a design feature; the new build remains on one floor. The two buildings will be clad in similar finishes.

External works include a substantially increased habitat area on the south west site boundary and allows formation of a single clearly defined play area. On site parking is increased from 15 to 16 spaces and the emergency access to the rear of the school has been adapted to create a turning circle for parent drop off.

The associated development now comprises 59 residential units and is submitted as a full application. The accommodation consists of 7 x 2 bed flats located within a two storey block in the north-west corner of the site immediately adjacent to the site entrance, 15 x 3 bed houses, 13 x 4 bed houses, 23 x 5 bed houses and at the south east end of the development one x 7 bed house. All houses are detached and provided with a minimum of two parking spaces within curtilage and private gardens.

There are 6 basic house types, some have minor variations meaning there are 13 different dwelling forms. Common themes include a two storey form with rooms in the roof including limited front and rear dormers, predominantly gabled ended roofs and use of brick, render and tiles as the main materials. Four dwellings are built to a different model (house type 1B) which includes a front to rear gabled roof with a full third storey in the roof area and weatherboarding as the main frontage material.

The flatted block is designed to read as a terrace of houses with a regular pattern of doors and gables where rooms sit marginally into the roof at eaves level. The frontage of the block faces towards the High Road and a communal garden area is nominally indicated on this side of the block. Parking comprises 4 under croft spaces within the building, 10 surface spaces in front of the building and 2 visitor spaces at the northern end.

A number of elements follow principles in the earlier scheme. Access is from High Road in the same place and development lies off the road frontages where landscaped areas are retained. The existing Vicarage Lane access is retained to provide 10 parking spaces, in the developers opinion, to relieve parking stress in the High Road. A further seven visitor parking spaces are located around the outer edge of the site, accessed from the residential roads.

The application is accompanied by a number of supporting documents, including design & access statement, Archaeology evaluation, flood risk assessment, landscape and ecology

surveys, contaminated land reports, heritage and transport assessments and a draft section 106 agreement.

**Relevant History:**

Historic applications suggest that the sports ground was possibly in use into the 1990's. Proposals to redevelop the site began to emerge in the early 1990's. A series of applications were submitted for dwellings to replace the pavilion and a caretakers bungalow. Other applications included

EPF/0696/90 – extension to bungalow, use of land for parking and turning for Primary School

EPF/0646/91 – construction of private hospital

EPF/0475/95 – nursing home / residential home for the elderly

EPF/1114/95 – nursing home

EPF/1117/96 – new carpark and playing fields for use of County Primary school and erection of 6 houses

EPF/1420/96 – conversion of pavilion into B1 / B8 uses

These applications were refused on a combination of Green Belt, amenity, tree protection and impact on conservation area grounds. A number of applications were taken through appeals, all unsuccessfully. It is possible that the Sports Ground remained available for use during this period as two subsequent approved applications indicate; EPF/0434/98 proposed refurbishment of the existing pavilion and EPF/1103/98 a replacement pavilion.

A final residential proposal was made with application EPF/2236/03. This proposed two large detached houses on the north-east corner of the site and included a 60 space carpark for the school, but this was again refused permission.

Throughout this period, few developments took place on the school site; other than the construction of a series of temporary classrooms little substantive building work have been carried out since the 1970's or external works since a mid 1990's playground extension.

Redevelopment was first advocated under EPF/1124/00 where the County Council proposed a new school on the north eastern half of the sports ground and 16 dwellings on the existing school and the adjoining land to the west fronting Vicarage Lane. This was refused on grounds that it was inappropriate in the Green Belt, the residential element was cramped and the landscape setting was unduly affected.

An outline application EPF/0330/08 proposed to redevelop the current application site and the adjacent Beis Shammai School site to provide a new school on the existing site, playing fields on land to the west, parking and public open space in the north east portion and residential development including houses and flats on the remainder. This application was withdrawn before determination.

Recent approved applications referred to above comprise:

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.

EPF/3257/16 Variation of Condition 3 of planning permission EPF/2899/15 - revision to list of approved plans for school works only, to include alterations to consented school refurbishment.

Discharge of conditions applications have been submitted in relation to habitat surveys, contaminated land and treatment of Japanese knotweed.

### **Policies Applied:**

#### *Adopted Local Plan:*

CP1	Achieving sustainable development objectives
CP2	Quality of Rural and Built Environment
CP3	New development
CP7	Urban Form and Quality
CP9	Sustainable Transport
GB2A	Development in the Green Belt
GB7A	Conspicuous Development
GB16	Affordable Housing
HC6	Character, appearance and setting of Conservation Areas
HC12	Development affecting the setting of Listed Buildings
NC4	Protection of established habitat
RP4	Contaminated Land
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
H5A	Provision for Affordable Housing
H6A	Site Threshold for Affordable Housing
H7A	Levels of Affordable Housing
H9A	Lifetime Homes
U3B	Sustainable drainage systems
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE4	Design in the Green Belt
DBE5	Design and layout of new development
DBE6	Car parking in new development
DBE7	Public Open Space
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL3	Edge of Settlement
LL7	Planting, protection and care of trees
LL10	Adequacy of provision for landscape retention
LL11	Landscaping schemes
ST1	Location of development
ST2	Accessibility of development
ST4	Road safety
ST6	Vehicle parking

## I1A Planning Obligations

### *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.

### *Draft Local Plan:*

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

SP1	Presumption in favour of sustainable development
SP2	Spatial Development Strategy
SP4	Place Shaping
SP5	Green Belt and District Open Land
SP6	Natural Environment, landscape character and green infrastructure
H1	Housing mix and accommodation types
H2	Affordable Housing
T1	Sustainable Transport Choices
T2	Safeguarding of routes and facilities
DM1	Habitat protection and improving biodiversity
DM2	Landscape character and ancient landscapes
DM5	Green infrastructure: Design of development
DM6	Designated and undesignated open space
DM7	Heritage Assets
DM9	High Quality Design
DM10	Housing design and quality
DM15	Managing and reducing flood risk
DM16	Sustainable drainage systems
DM21	Local environmental impacts, pollution and land contamination
D1	Delivery of infrastructure

### **Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted: 179 and site notices posted.

Responses received: Objections have been received 19 properties as below. A further objection has been received from the WEST ESSEX RAMBLERS GROUP

16 CLAREMONT PLACE, 24 BROOK PARADE, 30 and 36 COURTLAND DRIVE, HUNTERS, GREEN LANE, TROTWOOD (no 54), WYKHAM LODGE (no 60), 62 and SANDON LODGE, HIGH ROAD, 28 LEE GROVE, 6 and 7 LINGMERE CLOSE, 14, 15 and 45 MEADOW WAY, GREENACRES, OAKS FARM, PUCKRIDGE HOUSE, and THE WILLOWS, VICARAGE LANE

Objectors raise the following concerns:

- Traffic issues – concerns at the design of the site access, the volume of vehicle traffic generated and the impact on the road network, and the impact of vehicle related pollution,
- Loss of Green Belt land, one resident identifies that the Green Belt review recognises the site as being of value,
- Impact on local services – both existing infrastructure services and issues around school places, GP services etc,
- Wider impacts on the historical character of the village,
- Intensity of development – the proposals are viewed as an overdevelopment of the site by some respondents,
- Objectors query the financial background to the application, querying whether the enabling development is justified by the costs of the school works
- Concerns at the impact on local wildlife and the loss of the existing landscape.
- Design considerations – objections consider the design and form of the development to be out of character in this location.
- One objector raises specifically the issue of why affordable housing cannot be provided on site.
- Issues around the cumulative impact of development in this part of the settlement, citing the ongoing London Square development on parts of the Grange Farm site.
- Other non-planning matters include the impact on property values and the timing and extent of consultations (both of which comfortably meet statutory requirements).

CHIGWELL RESIDENTS ASSOCIATION - Support the application noting the urgent need for the school works, the reduced footprint of built development from the earlier scheme and the improved housing mix being achieved.

CHIGWELL PARISH COUNCIL - strongly supported the application, commenting that the primary school has been in acute need of extensive refurbishment for some time. In addition, the design and size of the residential properties are of an appropriately varied assortment.

### **Main Issues and Considerations:**

In considering this application, members should have regard to the extant permissions and how the wider decisions taken on those schemes influence the determination of the current application.

#### **Green Belt**

In terms of core Green Belt policy, it has been accepted that an enabling housing development that facilitates the provision of a fit-for-purpose school could constitute very special circumstances as prescribed in the NPPF. The primary justification in this regard has not changed – other funding does not appear to be available, most national programmes place a high emphasis on deprivation indices when allocating funding, thus other resources must be bought forward to support the works. Members will however need to consider whether the current proposals result in a greater degree of harm to the Green Belt and whether that harm now outweighs the other considerations.

As identified by an objector, the Green Belt Review as part of the Local Plan process does recognise that the site has value in checking potential urban sprawl and preserving character. The review however pre-dates the earlier application and as a matter of principle, a level of

development has been accepted on the site. The current proposal increases the gross footprint of built development on the site, resulting in compromises to the depth and form of the landscaping screen on the main road frontages and this could be considered as making the development more intrusive. Officers have reservations about the appearance of the site which are discussed later, but in Green Belt terms, consider the previous use of the site and its relationship with built development on the High Road make the character substantively different to the open countryside to the south and east. As such harm to the Green Belt from this level of development does not on balance result in visual harm to the amenities of this part of the Green Belt.

### **Design and amenity issues**

The school proposals are unchanged from the revised application approved in March 2017. While the original permitted scheme proposed refurbishment only, following discussions with the Education Authority, survey reports and a review of the constraints from the gas mains in the vicinity, a new build option emerged as the preferred approach to a long term solution. Taken on their specific merits, the works to the school are acceptable in design and amenity terms.

The housing proposals involve an increased overall intensity of development. The applicants have suggested that the overall floor space is reduced (notwithstanding the earlier scheme was submitted in outline and the site layout and house types were illustrative only) but this has to be considered against the increase in the overall built area, a significant increase in hard surfacing and parking and the additional land required to provide garden areas. The development proposal does however, retain many characteristics of a lower density development.

The scheme seeks to break up the bulk of the buildings by the introduction of a wide mix of house types, based on 6 core designs with variation of detail to further diversify. It is noted that other than the flatted block, all houses have rooms in the roof with dormers which can add to the perception of bulk, particularly if buildings are more prominent from surrounding viewpoints. The flatted block in terms of its design, form and location is also prominent particularly from the proposed site access and more could have been done to lessen its impact, particularly in the context of the character of the listed buildings opposite. Taken in isolation, the buildings are of good quality design and mix for a development of 59 units, but reservations remain as to whether the proposal has due regard to local character.

Officers are satisfied that the housing development has limited impact on wider amenity. The proposals remain at sufficiently low density such that general residential amenity will not be unduly impacted.

### **Affordable Housing**

The proposals generate an affordable housing requirement under policies H6A and H7A of 40% of the accommodation across all house types. The applicants are again advocating a financial contribution towards off-site provision.

The application is accompanied by the required viability report. This identifies development costs for the school of around £5.5 million and build costs of around £21.5million. The report further identifies a Gross Development Value (GDV) of £54.48million. These details have been assessed using the HCA Development Appraisal Tool along with other development costs (including inter alia land costs, all fees, site costs and interest payments) and concludes that the development generates a surplus that at present value equates to £2,544,879. In noting this is below the contribution agreed previously (£2.8million), the applicants would on this basis meet the shortfall from their normal profit figures in the model.

The Council's viability consultant - Kift Consulting Ltd (KCL) have reviewed the submission and highlight a number of discrepancies. KCL have advised that in their view, the following issues are unsatisfactory:

- GDV is underestimated by around 2.5million
- No provision is made for ground rent income
- Build costs, including those for external works are over estimated by around £2.3million
- Professional fees, including sales legal fees, have been overstated, beyond accepted industry standards for greenfield sites
- Other s106 costs have been built in (i.e. education contributions) that are not being sought.
- The developer's profit exceeds a reasonable level taking account of the existing permission which reduces the developers risk profile.

As a result, KCL is of the opinion that based on the advice and assumptions they have made, the scheme generates a surplus of £10,064,358. This is significantly higher than the surplus of £2,544,879 identified by the applicants and it is argued that this could be used to contribute towards affordable housing, without compromising the development as a whole or the works to the school in particular. KCL also comment that if the £5.550m were not provided for the school works the surplus would increase to £15,279,469 and as a result this represents the opportunity cost to the Council.

The applicants have responded to KCL's Validation Report with the following comments:

- Further guidance has been sought in assessing GDV and has suggested that the Existing Land Value was underestimated by around 40%, thereby increasing costs and reducing the potential surplus
- Freehold sale of the apartments will mean there is no ground rent accruing.
- The developer considers build costs to be reasonable and in accordance with RICS guidance. By way of example, further information has been obtained from the surface water drainage consultant, which suggests KCL have considerably underestimated these costs.
- The professional and legal fees are considered to be robust in the context of the design requirements, industry comparisons and legal sales charges based on estimated values.
- The issue in respect of the s106 costs is acknowledged, but is more than balanced by other costs.
- The applicant argues that the profit is consistent with other recent appeal decisions and due regard should be had to the increased cost and time involved in the school works, economic uncertainties and lending conditions.

The applicants conclude that in the present market conditions, it is extremely difficult to raise funding for such a scheme given the increase in stamp duty, pending interest rate rises, Brexit and other market uncertainties of which will worsen with further delays. The school works have been extended and will be carried out over a longer period with up to 10 phases and the occupation of the houses are linked with the completion of the school works. The developer must present the scheme to the banks to show that the scheme is viable and above all saleable in the present market and consider that KCL use a number of assumptions without sufficient evidence to support their views.

KCL has provided a response to these comments and have raised concerns at the attempt to introduce new evidence, following the completion of the validation process. They also note that



their comments on Gross Development Values are not supported by any evidence or comparables. KCL also point out that they validated the EUV provided by the applicants in their viability appraisal and if they wish to submit a revised EUV, this would be new evidence. The introduction of new evidence for additional surface water drainage costs should also have been properly addressed in the original submission. Other claims in the rebuttal statement, including on build costs and legal fees, are not supported by additional evidence. KCL also maintain their view that profit levels have been overstated.

Your officers would also add that the comment that the school works are proposed in 10 phases could be misleading. While the draft section 106 agreement describes the works as such, this is more for ease of definition and a number of these are indicated as being concurrent.

Notwithstanding the financial arguments, Council policy is clear that the starting point is that for a development of this scale, affordable housing should be provided onsite. The applicants make several references to the principle of affordable housing being provided off site having been established by the previous permission. This is not the case however; the previous application certainly establishes the principle that that development generates an affordable housing requirement, but it was accepted that such provision could be made off-site taking the particular circumstances of that scheme into account.

Unfortunately it appears that the applicant has given no consideration to a policy compliant scheme. The scheme, as presented, has been designed to provide executive style houses and large apartments for private sale and such units, as designed, are not suitable for use as affordable housing as the floor areas are too large. As such there is no case that affordable housing could not be provided on site and until such a case is made, the application is in your officers' view contrary to policy.

Members do however also need to consider the application as submitted which proposes an off-site contribution of £2.8 million. This is the same monetary contribution as offered in the previous application but could be seen as a reduction in real terms as the index linking element from the previous scheme has not been included.

However if a financial contribution towards the provision of affordable housing elsewhere in the District were to be made in lieu of on-site affordable housing, this should be based on the equivalent of the subsidy that the applicant would have provided, had the affordable housing been achieved on site. This amount should be equivalent to the difference between:

- (a) The development value of all the dwellings being provided as market housing; and
- (b) The development value if 40% of the dwellings were sold to a Registered Provider (RP) of Housing.

Therefore, the financial contribution should either be the equivalent of the subsidy calculated on this basis or the surplus identified, if this is less than the estimated subsidy. Having regard to all the evidence, KCL have advised that an appropriate level of subsidy would be £4,936,301 and as this is substantially less than the estimated surplus provided by the proposed development, this contribution could be provided in full and the scheme would still remain viable. As the application falls substantially short of this level, officers consider the present proposal makes inadequate provision for affordable housing commensurate to the level of development now proposed.

### **Local Finance Considerations**

The application is accompanied by a draft section 106 agreement. In addition to the proposed affordable housing contribution, the applicant is proposing the same Infrastructure Contribution towards provision of a local bus service, payable in instalments on implementation and thereafter over 5 years. It should be noted that this contribution has not changed from the 2016 permission, and could be considered a reduction in real terms unless the contribution is index linked back to November 2016 (the date the original permission was finally issued).

Section 70 of the Town & Country Planning Act 1990 (as amended) and National Planning Guidance provide that such local financial considerations can be material to the determination of applications if they can help make the development acceptable in planning terms. It was accepted in the earlier application that the lack of local public transport infrastructure was a contributory factor in the ongoing parking issues in the vicinity. The provision of such a facility would introduce choice for parents, would enable positive measures to discourage parking to be introduced and would improve connectivity with the village centre for residents of the new development and in the vicinity.

### **Highways and traffic**

The scheme proposes a minimum of two parking spaces per dwelling in the flatted development and for most of the houses, a garage and two parking spaces. A limited amount of visitor parking is also proposed. This level of provision is ample for the residential element.

The access on to High Road from the residential scheme is unchanged from the original scheme. The Highway Authority have made similar comments to their views on the original application:

*The Highway Authority has considered the above planning application, visited the site and thoroughly assessed the submitted transport information and has concluded that the proposal is not contrary to current national/local policy or current safety criteria.*

*The proposed access arrangements have appropriate geometry and visibility splays onto the High Rd for the speed of the road. Furthermore the submitted Transport Statement demonstrates that the impact of the development will be relatively minor in the am/pm peak periods and will not cause any capacity or efficiency issues. The applicant is improving and widening the existing footway along the site frontage which will improve accessibility in the vicinity.*

*Consequently the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity or efficiency in the local area or on the wider highway network.*

The application again indicates a 10 space car park from Vicarage Road and in highway terms, the level of activity that this may generate is minimal. There is no demonstrable need for these spaces (which the application suggests are for use by High Road residents) and the impact is considered further below in terms of its impact on landscaping.

Ongoing issues with school traffic are not substantially altered by any aspect of the development, nor is the application particularly a vehicle to deal with this. The existing informal arrangement for parking on the former Beis Shammei school site is continuing and the new owners of the site have indicated that this will continue when the temple is fully operational. The implementation of a local bus service with funding proposed in the application is intended in part to seek to promote alternative travel modes. However, any issues arising from parents parking

within the housing development have no highway implication and would thereby be a management issue for either the highway authority or the land owners on private roads.

### **Landscape and trees**

The landscape buffer between the built elements of the development remains an integral element in the consideration of the proposals. This was a significant amenity benefit from the landscaping and public open space areas in the previous application. Officers have identified two locations where the landscape is particularly compromised in both form and function.

- The main entrance to the housing development has a much more urban edge to it. The flatted block is built in a prominent location that would be difficult to ameliorate with additional planting in front of the building.
- The ten space car park accessed from Vicarage Lane is substantially bigger with more turning space resulting from the change to a linear form. At its narrowest, the strip between the car park and the site road is less than 1.5m. This element, the requirement for which has not been established, opens up considerably the site boundary.

The site has many TPO trees, primarily located around the site boundaries and their retention forms an integral part of and strategy for minimising the impact of the development on the wider area. The proposals raise a number of concerns over the long term future of a number of established trees which would be at risk of future removal where they cause overshadowing or restrict the usable space in gardens. In terms of tree protection, particular concerns arise from the location of the flatted block and plot 17 which has two substantial trees located in the garden area.

### **Heritage and conservation**

The site stands both at the edge of the Chigwell Village Conservation Area and within the setting of four grade II listed buildings located directly opposite. The impact the current application scheme will have on their settings should therefore be carefully considered.

Grade II listed buildings are of special interest and warrant every effort being made to conserve them. The setting of a listed building is often an essential feature of its character. In addition, the significance of a heritage asset derives not only from its physical presence and historic fabric but also from its setting – the surrounding in which it is experienced.

In this case and due to their location the listed buildings are, if not historically, spatially and visually linked to the proposal site.

Although the scale of the proposed dwellings has been reduced, the increase in number has resulted in the drastic reduction of the previously proposed 'green corridor' along the High Road frontage in particular. This provided a visual and spatial buffer between the new developments and the listed buildings and thereby preserved the setting of the listed buildings.

The implications of the loss of the more extensive green corridor could potentially therefore also alter and diminish the setting of the listed buildings and should therefore be carefully considered..

### **Other considerations**

The key objective of the enabling works from the Council's perspective is to secure the delivery of the school works, and provision is made in the legal agreement to link occupation of dwellings to the works. The programme proposed is:

- Not to occupy more than 20% of dwellings (11 units) before completing installation of temporary classrooms, , demolition of existing buildings and forming new playground
- Not to occupy more than 50% of dwellings (29 units) before completing new build extension.
- Not to occupy more than 60% of dwellings (35 units) before completing site infrastructure and installing additional temporary classrooms
- Not to occupy more than 80% of dwellings (47 units) before completing all refurbishment works to the retained buildings
- Not to occupy more than 90% of dwellings (53 units) before completing final works of removing temporary buildings and final external works.

It is anticipated that the school development will proceed ahead of this programme, but officers are satisfied that the safeguards introduced by

At the time of the original application, a significant constraint on proposals was the presence of high pressure gas mains in the vicinity of the site. This was a contributory factor in presenting proposals only for a refurbishment of the school. However, further investigation has led to the current option for the school which does allow an significant element of new build without compromising the underground equipment. HSE standing advice does not advise against the development proposals while Cadent Gas who own the pipelines have requirements for safeguarding future access but have not objected.

Historic evidence suggests that the land is likely to be contaminated and the applicant's Phase One Contaminated Land Assessment, the contents of which have been accepted. If Members are minded to grant permission, conditions for further assessment are appropriate.

The site does not lie within a flood zone but the level of development is of sufficient scale to require a sustainable drainage system to be implemented. A Flood Risk Assessment has been submitted and is accepted by the County Council and Lead Flood Authority, subject to conditions relating to implementation.

The application is accompanied by a written scheme of investigation for archaeological remains which is acceptable in principle to the County Council.

A number of residents raised concerns around the impact of the development on local infrastructure such as schools and GP surgeries. Evidently, improved primary school facilities are being provided and it is not intended to cap the school roll as part of the application; no requirement has been identified by the Education Authority to support additional secondary school places. The West Essex care Commissioning Group were consulted and advised that both West Essex CCG and NHS England do not have any objections to the plan and confirm there will be no request for mitigation for this development.

### **Conclusion:**

The essential principles surrounding the application are unchanged from the previous scheme. It is broadly accepted that the objective of securing a modern fit for purpose school will only be secured by alternative funding as public resources will always be directed to areas of greater social and economic need.

The school development proposals are the same as previously approved under application EPF/3257/16. No change of circumstance has subsequently occurred to suggest this aspect is any less acceptable.

In Green Belt terms, the case that a residential development in this location that cross funds the school improvements constitutes very special circumstances has also not changed. The proposals should however be re-assessed in order to determine whether any harm to the openness and character of the Green Belt is materially different such that it would not outweigh the very special circumstances. In this regard, the application is much more finely balanced as the greater spread of built development results in more compromises in terms of the impact on the landscape and long term tree retention. Officers conclude that the previous management and use of the site, and the strength of the existing tree screen at the southern end of the site create a clear distinction between an edge of settlement character and open countryside beyond such that any potential harm is not so substantive as to outweigh the wider benefits of the scheme.

There is no dispute that in policy terms, the development should be providing for affordable housing. The overall level of development is such that it is appropriate to firstly seek to secure that provision on-site. Limited adaptations would be required to achieve this. Officers do not accept the arguments that provision on-site is not viable and this is supported by the analysis of the Viability Reports by KCL. Thus the application should in your officers' view be considered to be contrary to policies H4A, H5A and H7A of the adopted Local Plan and Alterations. Members may conclude otherwise, in which case the offer of an off-site contribution should be assessed. The contribution proposed is the same as was included in the previous application, albeit the loss of the index linked payments means the offer is in fact less in real terms.

However, KCL indicate a significant shortfall in this offer against the financial surplus likely to be generated from the development and a policy consistent contribution of £4,936,301 from the surplus would be more appropriate. Officers take the view that this shortfall would also see the development as contrary to the relevant policy criteria.

Details of the residential element are before Members for the first time as the previous scheme only sought outline consent for these works. In simple design terms, most aspects of the development would appear to be acceptable. The road access meets highway authority requirements in terms of design and capacity, and parking for the dwellings is well provided for. The architectural approach provides interest and variety in the built form and houses in particular generally have reasonable private gardens, a good level of natural surveillance is achieved throughout.

Some compromises do have to be made in such schemes however, and it is apparent that the level of landscape and tree retention and the role of new landscaping as screening has diminished. The larger extent of the built footprint contributes to this but officers consider that some of the compromises that result could be better managed; the car park accessed from Vicarage Lane is not of higher value than the landscape, the flatted block is unnecessarily prominent at the entrance and the threat to the long-term retention of certain trees could be better managed in the site layout.

Officers do not dispute the merits of the project overall, but at this stage do not consider that the development is acceptable without appropriately meeting the other important objectives of providing affordable housing and safeguarding the landscape character. Accordingly, the application in this form is recommended for refusal but Members may also wish to consider

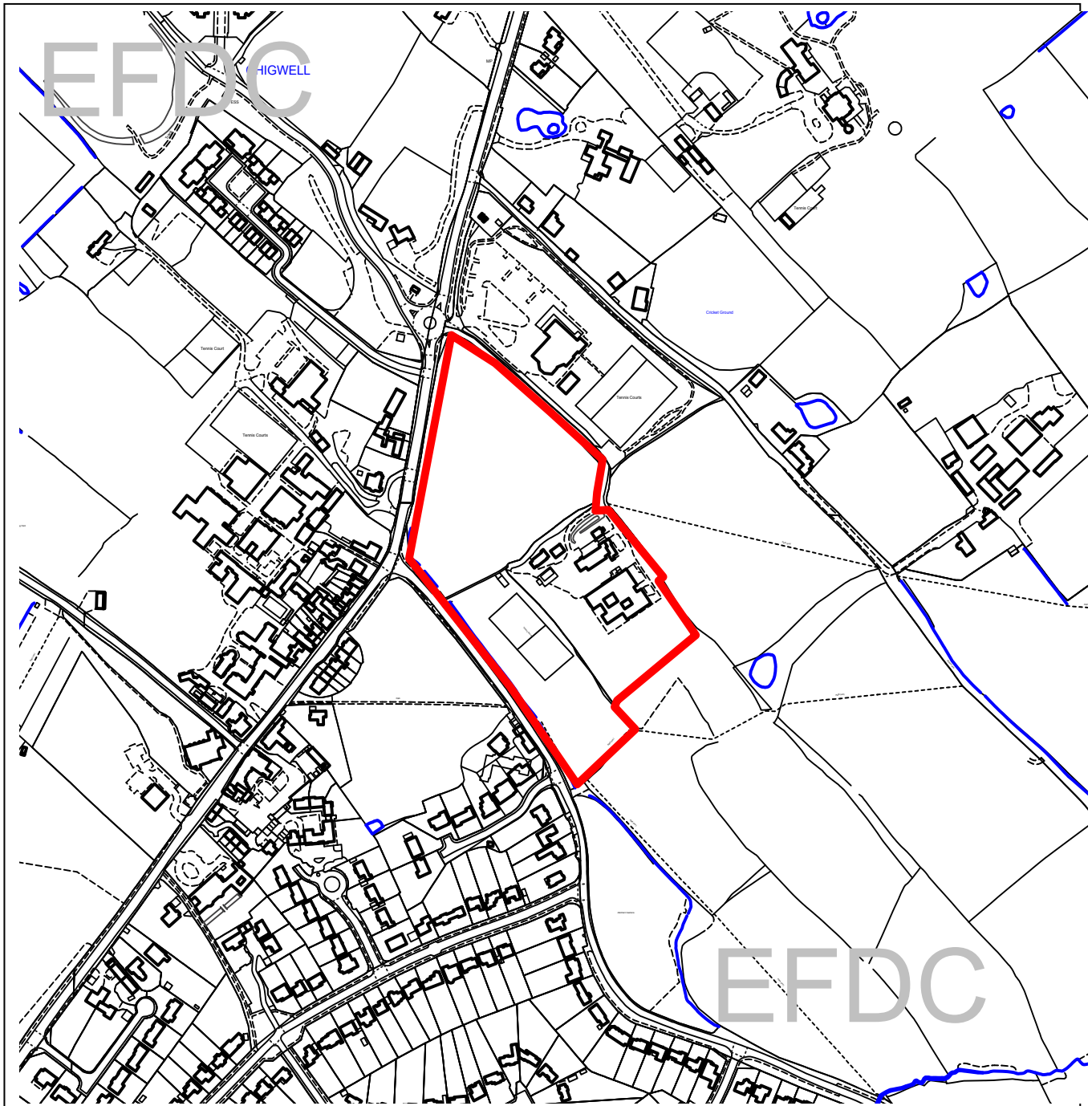
deferring determination to allow matters to be further reviewed.

Members should also note that the application will need to be referred to the National Planning Casework Unit before final decision can be issued.



# Epping Forest District Council

## Agenda Item Number 7



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Application Number:	EPF/1849/17
Site Name:	Chigwell County Primary School, High Road, Chigwell, IG7 6DW
Scale of Plot:	1/5000

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



**Epping Forest  
District Council**

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**Report Reference: EPF/2413/17**  
**Date of meeting: 31 January 2018**

**Address: 1 Bentons Cottage, Middle Street, Nazeing.**

**Subject: To install a new vehicle cross-over.**

**Responsible Officer: James Rogers (01992 564371).**

**Democratic Services: Gary Woodhall (01992 564470).**

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### **Recommendation:**

**(1) That, as recommended by Area Planning Sub-Committee West, planning application EPF/2413/17 at 1 Bentons Cottages in Middle Street, Nazeing be granted permission, subject to the following conditions:**

- 1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.**
- 2. 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.**
- 3. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.**

4. **Prior to the commencement of any works, details of surfacing for the new access shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details and prior to first use of the cross over hereby approved.**

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## Report

1. This application is put to District Development Management Committee since Members of the Area Plans West Sub-Committee resolved to recommend approval for the application, which is contrary to the Development Plan.

2. This application was reported to the West Area Committee on 17 January 2018 with a recommendation that planning permission be refused for four reasons. Following a debate at the meeting, Members of the committee voted and the recommendation to refuse planning permission was defeated. A vote was then taken to grant planning permission which was carried narrowly. Those members who voted that the planning application should be approved considered highway safety would be improved, there would be no adverse impact on the amenities of the Green Belt and therefore it was not inappropriate development in the Green Belt.

3. Notwithstanding the resolution which Members of the Committee reached, Officers consider that the proposal is inappropriate development in the Green Belt as it does not comply with any exception to it stated by the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and should not be granted unless very special circumstances can be demonstrated to clearly outweigh the harm caused.

4. Officers also consider that the installation of the access road would diminish the open character of the Green Belt and will be overtly visible in the street scene, thus conflicting with its fundamental purposes to keep land permanently open.

5. In terms of the Conservation Area, the existing boundary treatment consists of a robust mix of trees and hedges and this contributes strongly to the character and appearance of the Conservation Area. This proposal would remove a substantial amount of this screening which will, as a result significantly diminish the character and appearance of the Conservation Area.

6. The removal of some of the screening will also make the previously approved development for four new dwellings approved under (EPF/0292/17) more visible in the Conservation Area, thereby adding to the significant harm to it.

7. As the site is within a Conservation Area all trees are afforded legal protection and could not be removed without the express consent of the Local Planning Authority. This proposal would necessitate the removal of trees along the boundary and no tree surveys or justification has been submitted to justify their removal. Notwithstanding the lack of tree reports, which would be grounds for refusal in itself, the proposal fails to make adequate provision for the retention of trees and hedgerows and is therefore in conflict with policy LL10 of the Adopted Local Plan.

8. In highway terms the proposal would lead to the creation of an additional and unnecessary access on a stretch of Secondary Distributor highway where the principle function is that of carrying traffic freely and safely between centres of population. The slowing and turning of vehicles associated with the use of the access would lead to conflict

and interference with the passage of through vehicles to the detriment of that principal function and introduce a further point of possible traffic conflict to the detriment of highway safety.

9. The applicant uses the argument that the new access will be an improvement to highway safety issues and has submitted various photographs in an attempt to illustrate how dangerous the existing access is onto Middle Street. Whilst these photographs do show various cars having crashed, it is not clear where these pictures have been taken from and no evidence that they have been caused as a direct result of the existing access. Furthermore the Essex County accident data has no recorded accidents on this part of Middle Street for the last 5 years.

10. The new access would be further from the bend to the north than the existing access, however it is explicit that the applicant is not proposing to close this existing, supposedly dangerous access. As such, contrary to the applicant's contention that this proposal would improve highway safety, it would actually cause it significant harm to its function of carrying traffic safely through the proliferation of accesses onto a Secondary Distributor Road.

11. Members of District Development Management Committee are therefore requested to consider the recommendation to grant planning permission by Area Plans West which is subject to the recommended conditions above.

## ORIGINAL REPORT TO AREA PLANS WEST COMMITTEE – 17 January 2018

### OFFICER RECOMMENDED REASON FOR REFUSAL

1. The proposal constitutes inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and for which there are no very special circumstances which clearly outweigh this harm. The proposal will also cause additional harm to the openness of the Green Belt and therefore the proposal is contrary to policies GB2A and GB7A of the Adopted Local Plan and with paragraph 87 of the National Planning Policy Framework. It is also contrary to policies DM4 and SP6 of the Epping Forest Local Plan (Submission Version) 2017.
2. The proposal will cause a significant erosion to the character and appearance of the Conservation Area through the removal of the attractive vegetation at the front of the site and the substantial urbanising impact of the new access. In addition the failure to submit a heritage statement has not justified the identified harm. The proposal is therefore contrary to policies HC6 and HC7 of the Adopted Local Plan and with the objectives of the National Planning Policy Framework. It is also contrary to policies DM3 and DM7 of the Epping Forest Local Plan (Submission Version) 2017.
3. The proposal will remove an area of protected trees and vegetation at the front of the site and the applicant has not submitted tree reports to accompany the application. The proposal has therefore failed to demonstrate the adequate provision for the retention of trees and hedgerows and is therefore in conflict with policy LL10 of the Adopted Local Plan and with the objectives of the National Planning Policy Framework. It is also contrary to policies DM3 and DM5 of the Epping Forest Local Plan (Submission Version) 2017.
4. The proposal would lead to the creation of an additional and unnecessary access on a stretch of Secondary Distributor highway where the principal function is that of carrying traffic freely and safely between centres of population. The slowing and turning of vehicles associated with the use of the access would lead to conflict and interference with the passage of through vehicles to the detriment of that principal function and introduce a further point of possible traffic conflict to the detriment of highway safety. Therefore this proposal is contrary to policy ST4 of the Local Plan and with the objectives of the National Planning Policy Framework. The proposal is also contrary to policy T1 of the Epping Forest Local Plan (Submission Version) 2017.

*This application is before this Committee since the recommendation is for refusal contrary to a support from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))*

This item was deferred from the last Committee Meeting as additional information was offered by the applicant to Officers and Members shortly before the previous meeting; this information was not requested by Officers. On receipt of the information, Members felt that more time was needed for them to fully review the submission of this additional documentation.

Firstly the information argues that the new access will make the existing highway situation safer; however there is no substantive evidence to support this claim, indeed as stated in the highway section of this report, there is no accident data to suggest that the current access is

indeed dangerous and there is no evidence to suggest that the creation of a new access, whilst maintaining the supposed existing dangerous access will make the situation safer.

Another justification given for the new access is that contractors will already be on site for other development and if they do both aspects at the same time, it will save on the cost to the applicant. It is Officers view that the cost implications to the applicant do not outweigh the significant harm identified within this report.

The other issues raised in the submission do not offer any evidence which is in any way persuasive to alter the view that Officers have taken on this application.

Since the last Committee meeting, the new Epping Forest Local Plan (Submission Version) 2017 has been approved for publication and is the plan that the Council intends to submit for independent examination. The policies contained within the plan are considered to be up to date, backed up with evidence and compliant with National Policy and therefore are accorded substantial weight. For this reason, the recommended reasons for refusal have been amended to contain reference to policies from the new Local Plan.

Members are reminded that as the development is clearly contrary to adopted policy, should the Committee be minded to Grant consent, the application will need to be referred to the District Development Management Committee.

### **Description of site**

The application site is located on the southern end of Middle Street which is within the settlement of Nazeing. The red lined site is a small strip of land adjacent to Bentons Cottage to the north west and is adjacent to a set of 4 new dwellings not yet built to the east and which abuts Middle Street to the south. There is a robust screen of vegetation on its front boundary which is afforded legal protection as the site is within the boundaries of a Conservation Area. The site is also located within the boundaries of the Metropolitan Green Belt.

### **Description of proposal**

The proposed development is for the construction of a new access onto Middle Street.

### **Relevant History**

EPF/0292/17 – Erection of four detached dwellings – Approved

### **Policies Applied**

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

CP7- Quality of development

DBE9 – Residential amenity

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

HC6 – Character, appearance and setting of Conservation Areas

HC7 – Development within Conservation Areas

DBE2 – Effect on neighbouring properties

DBE4 – Design in the Green Belt

DBE9 – Loss of Amenity

ST4 – Road Safety

ST6 – Vehicle Parking

LL10 - Landscaping

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

### **Consultation Carried Out and Summary of Representations Received**

38 Neighbours consulted –

THE LODGE – SUPPORT – The new access onto Middle Street will be a lot safer than the existing access.

NAZEING PARISH COUNCIL – NO OBJECTION and the Council fully SUPPORTS the improved egress from the property. The Council also supports the proposal to improve highway safety while the adjacent development is in progress.

### **Issues and considerations**

The main issues to consider when assessing this application are the potential impacts on the Green Belt, the character and appearance of the Conservation Area, the existing legally protected trees on the site and highway issues.

#### Green Belt

The Framework (CLG, 2012) indicates that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The Framework states that inappropriate development is by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated to clearly outweigh the harm caused.

The Framework also emphasises that when considering an application, a Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt. 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.

However the Framework does allow for specific exceptions to inappropriate development, this proposal, which involves the provision of hardstanding and construction of a new access does not comfortably fall into any of the exceptions given by the Framework however the most relevant one to consider is:

*Engineering operations...provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*

The construction of a new access and its associated hardstanding could fall within an 'engineering operation' or a 'building operation' and there is little guidance within legislation to separate these two concepts. However in a court judgment *Fayrewood fish Farms Vs SOS and Hampshire CC 1984*, it was held that an engineering operation could be:

*An operation that would generally be supervised by an engineer, however it is not essential that an engineer is actually engaged on the project and nor is the phrase limited to any special branch of the engineering profession.*

However a slightly different view was taken in a more recent appeal decision (APP/J1535/C/12/2186463) where the inspector concluded that:

*There is no persuasive evidence to demonstrate the provision of hardstanding is the type of work that would generally be supervised by an engineer. I therefore conclude that it could more properly be described as "other operations normally undertaken by a person carrying on a business as a builder". The construction of the hardstanding should therefore be regarded as a building operation rather than as an engineering operation.*

Whilst an 'engineer' could be employed to carry out this work, it is not essential and often it is carried out without such supervision. As a consequence the laying of hardstanding such as this falls rather more comfortably within the definition of a building operation than an engineering operation. Therefore whilst an engineering operation may fall under an exception to inappropriate development under paragraph 90 of the NPPF, as it is not an engineering operation the construction of hardstanding cannot be considered to be 'not inappropriate' in the Green Belt.

The proposal is therefore inappropriate development in the Green Belt for which there are no very special circumstances. The proposal is therefore contrary to policy GB2A of the Adopted Local Plan and very substantial weight should be attached to this.

### Openness

In terms of openness, the provision of this new access road diminishes the openness of the Green Belt and will be a significantly visible and obvious feature within the visible street scene. It therefore conflicts with the fundamental aim of the Green Belt which is to permanently keep land open.

Even if it were accepted that the unauthorised hardstanding were an engineering operation rather than as a building operation, as it fails to preserve the openness of the Green Belt, it conflicts with the principle purpose of Green Belt policy to keep land permanently open and therefore cannot comply with the exception to inappropriate development as defined in paragraph 90 of the NPPF, which requires that these exceptions preserve the openness of the Green Belt and do not conflict with the purpose of including land within it.

### Conservation issues

The application site is located within the Nazeing and South Roydon Conservation Area and Paragraph 128 of the NPPF states that applicants are required to describe the significance of any heritage assets affected and how the proposal will impact on its significance.

The Nazeing and South Roydon Conservation Area was designated to preserve the medieval 'close field' pattern and the medieval 'long green' settlements; important landscape features which form a fundamental part of the character and appearance of the area.

The existing boundary treatment adjacent to Middle Street consists of a robust mix of trees and hedges and this contributes strongly to the character and appearance of the part of the conservation area. A recent planning application granted consent for the erection of four detached dwellings on land adjacent to the application site (EPF/0292/17). The screening at the front of the site will serve to screen these large detached dwellings from publicly visible viewpoints within the Conservation Area and this was an important factor in this previous application obtaining planning permission. The erosion of this screening will not only diminish the character of the Conservation Area through the removal of attractive vegetation but will also make this previously approved development far more visible in the street scene, further diminishing this character.

In addition the applicant has not submitted a heritage statement as required by the Framework and the lack of the required information is in itself grounds for a refusal. Without such information there justification for the new access cannot be fully understood. Paragraph 132 states that great weight should be given to an asset's conservation and that, as an irreplaceable resource, any harm to significance should require "clear and convincing" justification. No clear and convincing justification has been provided and therefore the proposal is contrary to HC6 and HC7 of the Adopted Local Plan and with the objectives of the Framework.

### Trees and landscaping

As previously identified, the boundary treatment between the application site and Middle Street is an attractive feature in the locality and contributes greatly to the character and appearance of the Conservation Area.

As this site is within a Conservation Area all trees are afforded legal protection and could not be removed without the express consent of the Local Planning Authority. This proposal will necessitate the removal of trees along this boundary and no tree surveys or justification has been submitted to justify their removal. Notwithstanding the lack of tree reports, which would be grounds for refusal in itself, the proposal clearly fails to make adequate provision for the retention of trees and hedgerows and is therefore in conflict with policy LL10 of the Adopted Local Plan.



### Highway and access issues

The proposal would lead to the creation of an additional and unnecessary access on a stretch of Secondary Distributor highway where the principal function is that of carrying traffic freely and safely between centres of population. The slowing and turning of vehicles associated with the use of the access would lead to conflict and interference with the passage of through vehicles to the detriment of that principal function and introduce a further point of possible traffic conflict to the detriment of highway safety.

The applicant uses the argument that this new access will be an improvement to highway safety issues and has submitted various photographs in an attempt to illustrate how dangerous the existing access is onto Middle Street. Whilst these photographs do show various cars having crashed, it is not clear where these pictures have been taken from and no evidence that they have been caused as a direct result of the existing access. Furthermore the Essex County accident data has no recorded accidents on this part of Middle Street for the last 5 years.

The new access would be further from the bend to the north than the existing access, however it is explicit that the applicant is not proposing to close this existing, supposedly dangerous access. As such, contrary to the applicant's contention that this proposal would improve highway safety, it would actually cause it significant harm to its function of carrying traffic safely through through the proliferation of accesses onto a Secondary Distributor Road.

The proposal is therefore contrary to policy ST4 of the Local Plan and with the objectives of the Framework.

### **Conclusion**

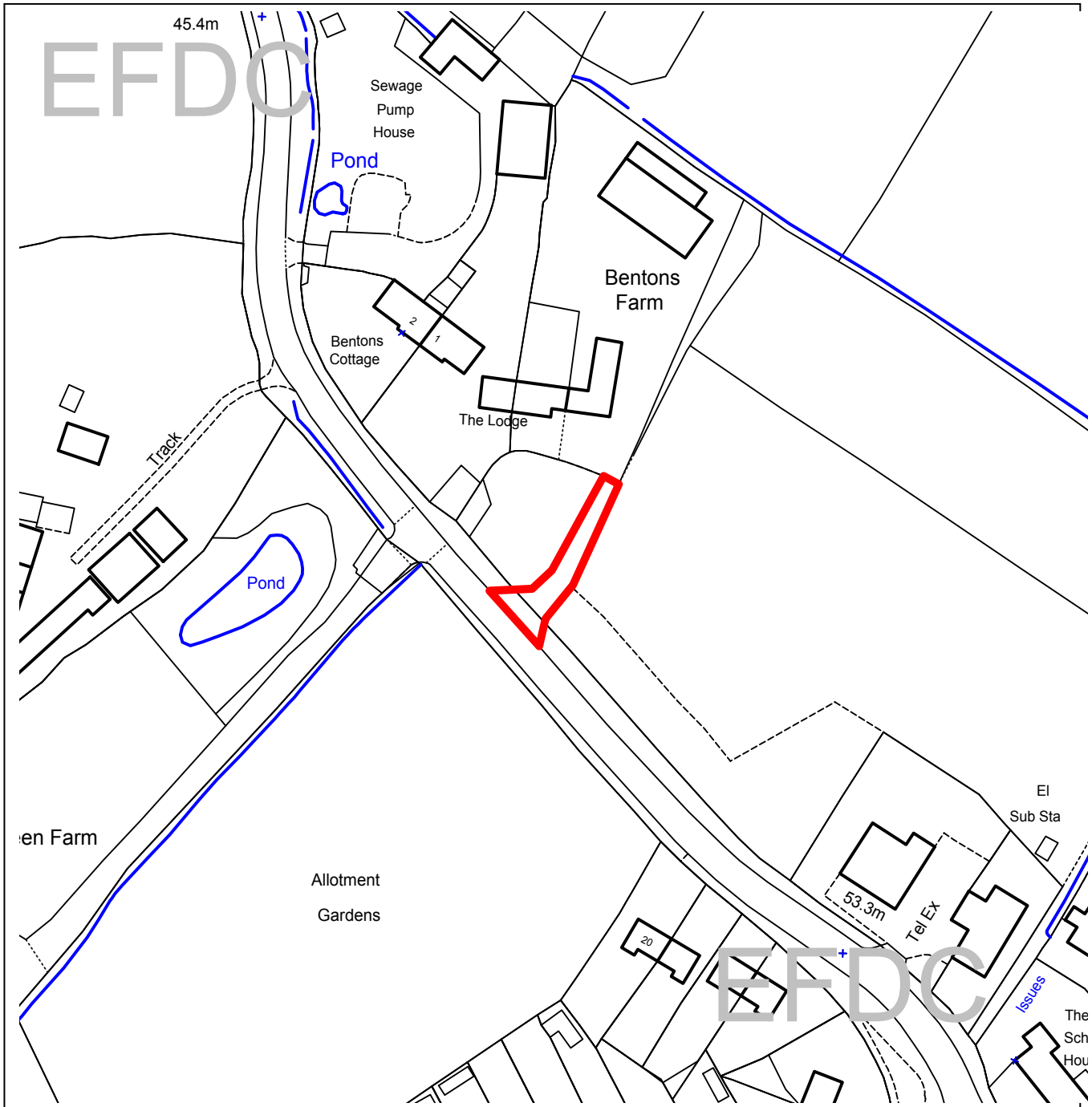
The proposal constitutes inappropriate development in the Green Belt and will cause additional harm to its openness, it will cause significant harm to the character and appearance of the Conservation Area, to existing protected trees and to highway safety issues. Therefore it is recommended that planning permission is refused.

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# Epping Forest District Council

## Agenda Item Number 8



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Application Number:	EPF/2413/17
Site Name:	1 Bentons Cottages, Middle Street, Nazeing, EN9 2LN
Scale of Plot:	1/1250

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