

AREA PLANS SUB-COMMITTEE 'WEST'

19 August 2015

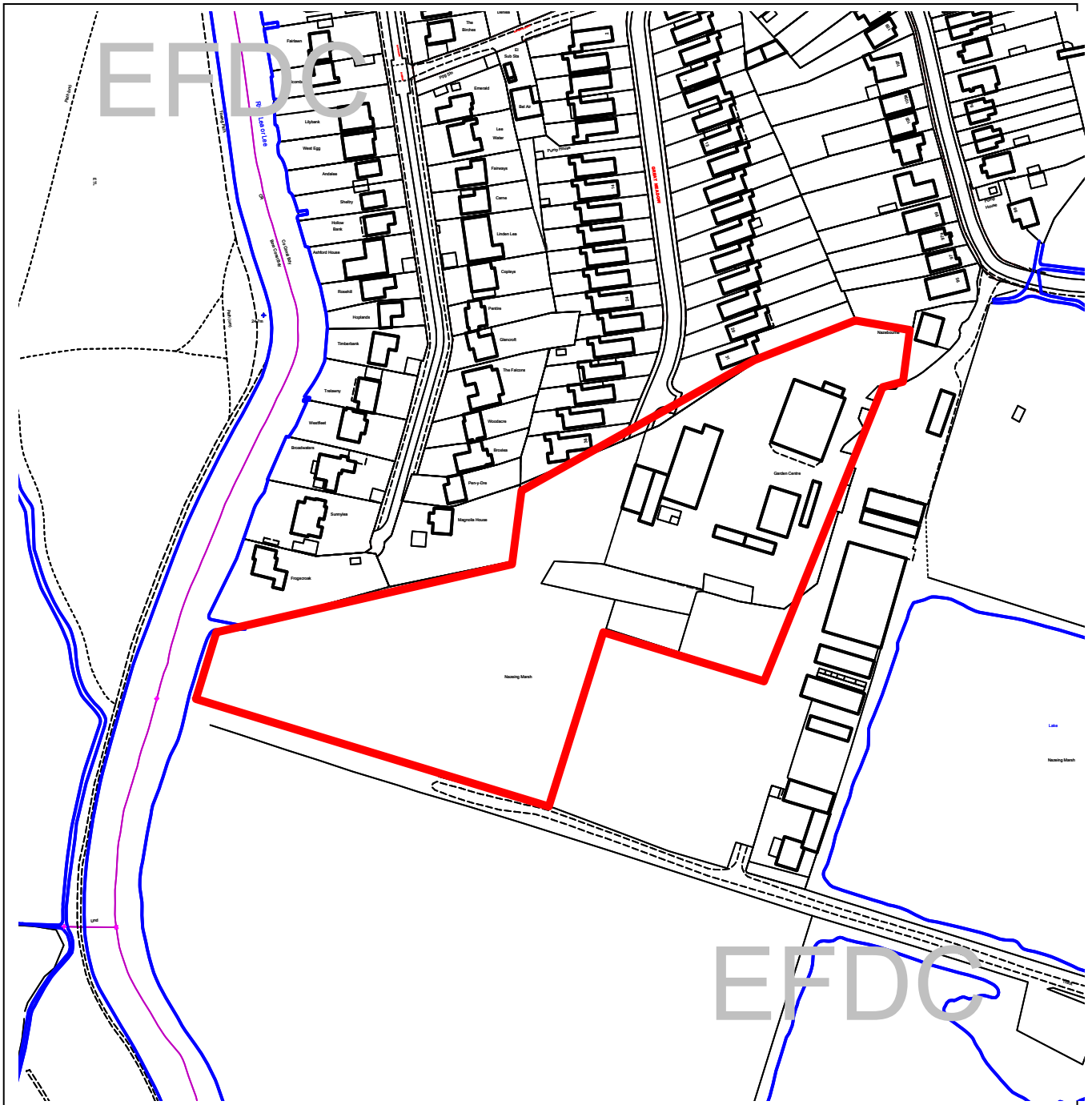
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Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/0570/15
Site Name:	Chimes Garden Centre, Old Nazeing Road, Nazeing, EN10 6RJ
Scale of Plot:	1/2500

Report Item No: 1

APPLICATION No:	EPF/0570/15
SITE ADDRESS:	Chimes Garden Centre Old Nazeing Road Nazeing Waltham Abbey Essex EN10 6RJ
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Kevin Ellerbeck
DESCRIPTION OF PROPOSAL:	Demolition of existing Garden Centre/Commercial Buildings and erection of 26 dwellings with associated parking and landscaping
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=574313

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 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: PL/101 A, 102, 103, 104, 105, 106, 107,108, 109, 110, 111, 112, 113
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 5 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 an 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.

- 6 No development shall commence until a survey by a competent person has been carried out to establish the presence or otherwise of Japanese Knotweed and submitted to the Local Planning Authority. The survey should also note any knotweed adjoining the site. If Japanese Knotweed is confirmed, full details of a scheme for its eradication and/or control programme suitable for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the substantial completion of the development hereby approved.
- 7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 8 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 9 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 10 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 11 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.

- 12 No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 13 Before any preparatory demolition or construction works commence on site, full ecological surveys and a mitigation strategy for the site shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.
- 14 No development shall take place until details of the proposed surface materials for the proposed driveway and parking areas have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.
- 15 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 16 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

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

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

- 18 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 19 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 20 No development shall take place until details of a satisfactory ground gas investigation and risk assessment has been carried out and submitted to the Local Planning Authority for approval in order to determine what if any ground gas remediation measures may be required or shall specify appropriate ground gas mitigation measures to be installed in the building(s) in lieu of any ground gas investigation.

The investigations, risk assessment and remediation methods, including remedial mitigation measures to be installed in lieu of investigation, shall be carried out or assessed in accordance with the guidance contained in BS 9485:2007 "Code of practice for the Characterisation and Remediation from Ground Gas in Affected Developments." Should the ground gas mitigation measures be installed, it is the responsibility of the developer to ensure that any mitigation measures are suitably maintained or to pass on this responsibility should ownership or responsibility for the buildings be transferred.

- 21 Prior to any excavation or dewatering works taking place on site and details of land contamination remediation required by condition 17 above being submitted, a report by suitably qualified and experienced groundwater and land stability engineers providing a full survey and assessment of risks both on and off site from the proposed contamination remediation works shall be submitted to and agreed in writing by the Local Planning Authority.
- 22 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 23 Prior to first occupation of the development the vehicular turning facilities, as shown in principle on drawing no.PL101 Rev A, shall be constructed, surfaced and maintained free from obstruction within the site at all times and shall be retained as such in perpetuity.
- 24 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- 25 Prior to any works on site the existing gated access to the site from Great Meadow, shall be closed by the erection of wall, details of which are to be submitted to and agreed in writing by the Local planning Authority. The approved wall shall thereafter be retained and no access or egress into the site from/to Great Meadow shall take place at any time.

And Subject to the applicant first entering into a legal agreement under section 106 (within 3 months of the date of the decision) to provide £500,000 towards the provision of affordable housing elsewhere within the district and to provide £98,593 (index linked) towards provision of secondary education and £22,640 index linked towards school transport costs.

This application is before this Committee since it is an application for residential development of 5 dwellings or more and is recommended for approval (Pursuant to Section CL56, Schedule A (d) of the Council's Delegated Functions) and as it is for a form of development that cannot be approved at Officer level if there are more than two expressions of objection to the proposal. (Pursuant to Section CL56, Schedule A(f) of the Council's Delegated functions).

Description of Site:

The application site is an irregular, roughly triangular shaped area of land. It is predominantly hard surfaced and contains a number of buildings including a glasshouse. The site is located to the south of the residential area comprising Riverside Avenue and Great Meadow. The northern boundary of the site is bounded by flank garden boundaries of residential properties. To the east and south is open land. The site is accessed from Old Nazeing Road. In addition there is currently a gated access from the end of Great Meadow.

The site lies wholly within the Metropolitan Green Belt and is within the Lea Valley Regional Park. (LVRP) It is not within a conservation area.

Description of Proposal:

The proposal is to remove all the existing buildings and hard standing from the site and to redevelop the whole of the site with 26 two and two and a half storey (8 x 4 bed and 18 x 5 bed) detached houses in a simple layout around a central estate road accessed via the existing access from Old Nazeing Road. 8 different house types are proposed. All are fairly standard pitched roofed design of traditional materials and proportions and all include garaging and on plot parking. The scheme will result in the removal of the access from Great Meadow.

Relevant History:

The site has a long and complex planning History.

The grant of planning permission in 1971 for a Garden Centre (Sui Generis use) under EPO/0565/71 commenced the current chapter in the planning history of the site. Condition 2 laid out what goods could be sold from the site as an ancillary use of the Garden Centre. Condition 3 stated that the premises should only be used as a Garden Centre and for no other use. The plans show the area of the permission as the area encompassed by the current buildings and an area of land to the west.

Chimes then was subject of the following applications (these are relevant not an exhaustive list):

1975 - EPF/0668/75 - Rebuilding of nursery as Garden Centre - granted
1975 - EPF/1014/75 - Extraction of sand and gravel - granted (area to west of site)
1982 - EPF/0003/82 - LDC for storage and sale of building materials - refused
1984 - EPF/0689/84 - Extension of garden centre and additional parking - granted
1989 - Section 52 agreement on use of land to south of Chimes site for car parking and no other uses

The Garden Centre changed its name in 1995 to The Potting Shed. Some time before this the site had encompassed an area to the south of the original planning permission which was to become after 2006, used without consent by a pallet firm, gas suppliers, flower sales and shed manufactures', later destroyed by fire in 2012.

The garden centre closed in about 1999.

It was then allowed to become derelict and was unused until late 2006 when a number of businesses moved on to the site from the adjacent Nazebourne Poultry Farm which was cleared of development as part of a section 106 agreement.

The following applications were received in this time:

2003 - EPF/2211/03 5 dwellings - refused
2004 - EPF/1860/04 5 dwellings - withdrawn
2006 - EPF/0040/06 5 dwellings - refused

In 2002 Essex Country Council served an enforcement notice on the west of the site regarding the tipping of waste.

In December 2006 enforcement investigations commenced into building works in two of the garden centre buildings and the new uses of the site which were A1, B1, B2 and B8, and some Sui Generis uses. In 2007 a number of small buildings were erected on the site, large scale fencing erected and an area of hardstanding re-laid with a glasshouse being erected. The enforcement

investigation concluded that there had been a change of use and operational development which required planning permission.

Enforcement Notices were served in 2011 (These were withdrawn after protracted negotiations over the submission of a planning application with Kelsworth).

After some considerable delay a planning application for the change of uses was submitted:

2012 - EPF/0969/12 Change of use of Garden centre to horticulture and B1 (Business uses) – withdrawn

In 2012 a fire swept the site and burnt down the majority of the uses to the south of the site. Some uses continued to the north and a new use of car repairs started in building 1.

In 2013 – EPF/0524/13- Replacement buildings damaged in a recent fire and the erection of further amenity buildings for waste disposal and cycle storage facilities in connection with retention of a mixed use of retail garden centre and commercial centre with business uses A1 (retail), B1 (light industrial and office), B2 (general industry) and B8 (storage use) - Withdrawn

Currently the site is covered by two extant enforcement notices and a S215 (Untidy Land Notice). The enforcement notices cover the site for use for car repairs, B2 general industrial uses, stationing of buildings and container and various unauthorised B1 & B8 uses. There are ongoing breaches of the notices in that the external wall of the southerly garden centre structure have not been removed nor has the fencing around the site (although the enforcement section is prepared for this to remain temporarily to provide security for the site) and the storage and processing of artificial grass within the glasshouse building. The Enforcement Team are trying to secure details of the owners of the turf company to serve summons. The S215 notice requires the site to be cleared of rubbish, cars, building materials and external storage of rolls of artificial grass. A prosecution of the site owner is currently ongoing. The Dog Grooming Company (K9) is lawfully occupying part of the northern garden centre structure.

In February this year an application (EPF/ /15) for redevelopment of this site together with a significant area of open land to the south extending down to the river for the erection of 43 houses was refused at District Development Control Committee for the following reasons:

1. The proposed development includes "more vulnerable" development located within Flood Zone 3. The development does not provide wider sustainability benefits that outweigh the flood risk and does not therefore pass the Exceptions Test. As such the proposal is contrary to the NPPF. Para 102.
2. The development, due to the amount of built form that will intrude in to the southern half of the site which is currently free of buildings, will have a significantly greater impact on the openness of the Green Belt than the existing development and as such is inappropriate and by definition harmful. The development is therefore contrary to policy GB2A of the adopted Local Plan and Alterations and to the NPPF.
3. The proposal fails to provide on site affordable housing despite such provision being financially viable and the site being suitable for such development, as such the development is contrary to policies H5A, H6A, and H7A of the adopted Local Plan and Alterations and Para 50 of the NPPF.
4. By reason of the site's location beyond the statutory walking distance to a secondary school the proposal will generate an additional cost to the Local Education Authority, Essex County Council, for transporting children to secondary school. However, the proposal does not include any mechanism to meet those additional costs. Since the proposal fails to properly address this matter it is not a sustainable form of development and is consequently contrary to policies CP9 (iii) and I1A of the Adopted Local Plan and Alterations, which are consistent with the National Planning Policy Framework.

Members of the District Development Control committee however considered that there was a way forward and these are minuted as:

1. That the redevelopment of the northern part of the site could be acceptable, as this would avoid the Flood Risk Zone 3, most of the former landfill site and would likely to be acceptable in Green Belt terms;
2. That any proposed scheme should include an appropriate element of affordable housing. Although it was acknowledged that this location was not acceptable for high density housing, a suitable development which respected the character of the area could be achieved.

SUMMARY OF REPRESENTATIONS

160 addresses were written to including neighbours and all those who commented on the previous application, and site notices were erected

The following consultation responses were received:

PARISH COUNCIL- No objection- It was noted that the Nazeing Parish Council had considered any possible impact on Great Meadow.

132 signed copies of a standard letter have been received from local addresses in and around Nazeing the letter reads:

Re: Chimes garden centre & business park- EPF/0570/15 and EPF/0666/15 Old Nazeing Road, Nazeing, EN10 6JR

With respect to the above property, this letter is to confirm that:-

1. I have seen the residential proposals for the site submitted by the current owners, BDG Partners Ltd, for a total of 27 houses on the 6 acre site
2. In principle, I agree to a low density, high quality residential development of the Chimes site.
3. I would like to see a Country Park being made available for Local residents as part of the redevelopment of the site.
4. I would prefer that should residential development be permitted that no social or affordable housing is built on the site.
5. I do not want the Chimes site to continue as a commercial complex, garden centre or industrial premises.
6. That the site entrance into Great Meadow be permanently shut.

In addition the following comments were received:

FROGSCROAK, RIVERSIDE AVENUE. – Not against 26 houses, concerned about flood risk and contamination and need reassurance on this. Concerned that development does extend into open area and therefore may set a precedent.

135 OLD NAZEING ROAD – I am opposed to any housing, would like garden centre to continue. The letter sent to residents contained veiled threats.

104A OLD NAZEING ROAD – Object increased traffic on a very dangerous corner. Old Nazeing Road is very narrow and not designed to accommodate further traffic. We suggest light commercial use be considered, as probably fewer vehicles would be using the site and out of usual business hours local residents would be less affected.

WESTFLEET, RIVERSIDE AVENUE – object to residential development, as the road would not take any more traffic.

PEN Y DRE, RIVERSIDE AVENUE – Concerned about flooding, high water table, contamination, gases etc development likely to increase flooding risk to the surrounding properties. Concerned about working hours.

21 NORTH BARN - agree principal of low density high quality development but would prefer the site to be reinstated as a garden centre. Would like to see Country Park to be part of LVRP

36 BUTTONDENE CRESCENT –Concerned about traffic congestion and safety issues. Gate to Great meadow needs to be closed. Would prefer a mix of housing for local people. Local roads need to be improved to deal with extra traffic.

ROSEHILL- RIVERSIDE AVE – The proposals have not overcome the previous reasons for refusal. Concerned about these issues and also ulterior motives of the developer.

57 OLD NAZEING ROAD – Agree with standard letter except I not object to affordable housing on site.

LINDEN LEA, RIVERSIDE AVENUE – Concerns about potential increased flood risk and congestion on Old Nazeing Road.

32 GREAT MEADOW – Would like the vehicle access into Great meadow replaced by a brick wall prior to start of development to stop use during construction as promised. Do not object if all the issues, flooding, contamination, highways, school etc are addressed.

GLENCROFT, RIVERSIDE AVE – Concern about flood risk infrastructure of drainage and additional traffic danger.

WOODACRE, RIVERSIDE AVE – Not against the development but concerned about the landfill and contamination issues. Flood zone and very high water table. There is still some incursion into open land.

31 GREAT MEADOW – Object. Several of the houses will directly overlook my property and be a gross invasion of privacy and cause loss of sunlight. Adjacent properties should be bungalows to prevent this. Concerned about contamination. Need the right type of development. Threats of commercial development in letter sent to neighbours need to be challenged.

MAGNOLIA HOUSE, RIVERSIDE AVENUE – Object strongly. Overlaps onto undeveloped land, concerned about asbestos and other contamination, lack of adequate investigation. Impact on amenity, increased traffic, harm to ecology, inadequate infrastructure, Significant flood risk in area with very high water table, existing houses already flood. Harm to human rights including peaceful enjoyment of our home. Development will harm our way of life and community.

34 GREAT MEADOW – Applicant has promised that a wall will be built to prevent access from Great Meadow, if this is granted. This needs to be clarified and enforced.

95 OLD NAZEING ROAD – Pleased to see reduction in numbers (is it 26 or 27?) but still have concerns that the flooding and contamination issues need to be comprehensively addressed, given the potential harm that could arise not only on site but to adjacent properties. Nearby site was found to be unworkable by the Olympic Delivery Authority, due to the industrial contamination and that there was potential risk of spreading contamination across the park. This site could likely have similar issues.

26 WOODMAN LANE – How will the area be serviced by road. It is always a nightmare already.

TRELAWNY, RIVERSIDE AVE.- Concerned about building in flood zone and insufficient infrastructure to take the traffic increase.

MEADOWBANK, RIVERSIDE AVE – Object, the site is in floodplain and there are existing sewage problems.

GLENONE, RIVERSIDE AVE - Strongly object. Building on the floodplain. Significant existing sewage problems and traffic problems will worsen. Hope it is rejected.

COURTSIDE, RIVERSIDE AVE – Concerned about additional traffic in an area where there are already major problems. Flooding issues, Already have to use sandbags when there is heavy rain. There are daily sewage problems. Threats of opening Great Meadow gate to HGV traffic are blackmail.

In addition 2 anonymous letters raise concern about the nature of the letter sent to residents by the applicant and suggesting that it amounts to a form of blackmail.

LEE VALLEY REGIONAL PARK AUTHORITY - that Epping Forest District Council be informed that the Authority objects to this planning application on the following grounds:

- (1) It results in a loss of land designated as green belt
- (2) Insufficient ecological surveys submitted with the application
- (3) It fails to adequately address the requirements of the Park Plan (2000) and the draft proposals of the Park Development Framework.

Informative. The Authority would consider withdrawing its objection if the application was restricted to the existing footprint of the garden centre and the single dwelling in the south west corner of the application site was omitted.

Policies Applied:

Local Plan Policies

CP1, Sustainable development objectives
CP2 Protecting the Quality of the Rural and built environment
CP3 New Development
CP6 Achieving sustainable development patterns
CP7 Urban Form and Quality
GB2a Development in the Green Belt
BB10 Development in the Lee Valley Regional Park (LVRP)
RP3 Water quality
RP4 Contaminated Land
RP5A Pollution
H1A Housing provision
H2A Previously Developed Land
H3A housing density
H4A Dwelling Mix

H5A Provision of affordable housing
H6A Site thresholds for affordable housing
H7A levels of affordable housing
H8A Availability of affordable housing in perpetuity
H9A Lifetime Homes
RST24 Design and location of development in the LVRP
U1 Infrastructure adequacy
U2A Development in Flood Risk Areas
U2B Flood Risk assessment Zone
U3A catchment effects
U3B Sustainable Drainage Systems
DBE1 design of new buildings
DBE2 Effect on neighbouring properties
DBE3 Design in the Green Belt
DBE5 Design and layout in new development
DBE6 Car Parking in new development
DBE7 Public open space
DBE8 Private Amenity space
DBE9 Loss of amenity
LL1 Rural Landscape
LL2 Inappropriate Rural Development
LL3 Edge of settlement
LL7 Planting protection and care of trees
LL10 Adequacy of provision for landscape retention
LL12 Landscaping schemes
ST1 Location of development
ST2 Accessibility of development
ST4 Road Safety
ST6 Vehicle Parking
I1A Planning Obligations
I4 Enforcement procedures

The above policies are in accordance with the National Planning Policy Framework (NPPF) and are therefore to be afforded due weight

Issues and Considerations:

Green Belt

The site lies wholly within the Metropolitan Green Belt and the first assessment must be whether the proposed development is in accordance with Green Belt policy as set out within the NPPF and the adopted Local Plan.

The NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. Construction of new buildings is inappropriate in the Green Belt but the NPPF sets out some exceptions to this, these include:

- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

The site is largely previously developed or brownfield land, although the south western corner (approximately 100sq metres is currently undeveloped and much of the land has no permanent structures. The main consideration therefore is whether the development proposed would have a

greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development and whether the relatively small incursion now proposed into the Green Belt is acceptable.

At present some of the uses within the site are not lawful and are the subject of a current enforcement notice, in addition there is an untidy land notice on the site in an effort to secure an improvement to the visual amenity of the area. The applicant has reached an agreement to rectify the current situation in accordance with the notice, within the next few weeks. Should this not happen the Council is likely to continue to prosecution for non compliance. In assessing the impact of the proposed development we should discount those aspects of the current development that are not lawful and that can be rectified by enforcement action. That said unlike with the previous application, the Council accepts that the majority of the area now proposed for development is previously developed land. It is largely hard surfaced and contains a number of buildings of significant size, which can be used for commercial purposes. (Garden Centre and dog grooming parlour). Redevelopment of the site for housing is therefore not inappropriate provided it would not have a greater impact on openness than the existing built development.

The assessment of the impact on openness is normally based on the volume and spread of built development. In this instance the development will have a greater volume than the existing, but this is tempered by the significant removal of a very large area of hardstanding and the introduction of a large amount of garden space but given the increase in height and volume there still need to be very special circumstances sufficient to outweigh the harm to the green belt in order to justify the increase in built development within the site.

The factors put forward by the applicants as Very Special Circumstances are:

- 1. The removal of an adverse commercial facility in a predominantly residential area*
- 2. The openness of the green belt will be enhanced by the reduction in hard surfacing and the introduction of landscaping,*
- 3. There will be an overall reduction in traffic using the site and surrounding roads and fewer HGV's improving highway safety and residential amenity*
- 4. The consultations with local residents and with over 170 letters of support, clearly indicate that the amenity advantages to the local residents adjoining the application site and the wider community on the Keyzers Estate, want the residential scheme to be approved to replace the adverse commercial usage for the site that has been a consistent social problem in the local area for many years.*
- 5. The failure of the LPA to provide a 5 year housing supply –. Whilst this is not a VSC in its own right, the knock-on effect is. If planning consent on the application site for 43 dwellings is granted, this will reduce by a corresponding figure the net figure required to be achieved in the Council's Objectively Assessed Housing Need (OAHN) target. This will alleviate pressure on other, more Vulnerable Greenfield sites in the Green Belt, amounting to Very Special Circumstances.*

In addition the applicant is offering a substantial sum of money towards the provision of affordable housing off site.

Taken together, it is considered that the advantages of developing the site which has been a problem site in the locality for many years are sufficient to amount to very special circumstances that outweigh the relatively limited harm to the Green Belt that would result from the increased built form. Now that most of the open and undeveloped area of land to the south of the site has been removed from the scheme it is considered that the development is acceptable in Green Belt terms, and that the application overcomes the Green Belt reason for refusal of the previous application

Housing Issues

The recently adopted National Planning Practice Guidance (NPPG) has reaffirmed a view previously espoused by Planning Ministers that the single issue of unmet housing need is unlikely to outweigh harm to the Green Belt and any other harm to constitute a very special circumstances argument. It is not therefore considered that in the event of a shortfall of deliverable sites for housing that such a scenario would justify the proposed development. Clarification has therefore been provided that unmet need should not necessarily justify Green Belt development to meet the need and that if Green Belt sites are released for housing this is best achieved through the plan making process. Furthermore the proposed scheme would fail the test of the presumption in favour of sustainable development in meeting this need. What is proposed is large detached and semi detached houses set on relatively generous plots and this is not a sustainable way to meet housing need on Green Belt sites.

Affordable Housing

Despite the way forward suggested by the District Development Control Committee, no affordable housing is proposed on site. The applicant has explained that this is in accordance with the wishes of the local people following consultation:

No viability assessment has been submitted with the current application, the applicant has sought to rely on the previous viability assessment for the 43 houses and adopt a kind of pro rata approach, but it is accepted in this instance given the previous information submitted and that the area now to be developed is likely to be more costly to develop than the southern part that has been removed from the application, and therefore the £500,000 now offered towards affordable housing elsewhere is appropriate.

Local Plan Policy seeks the provision of affordable housing on "all suitable development sites". The District Development Committee suggested this in their way forward, but the applicant continues to resist this on the basis that there is no local support for this.

Advice from the Director of Communities (Alan Hall) was sought and the following comments were received:

As you are aware, under Policy H6A of the Council's Local Plan, in settlements with a population of more than 3,000, the Council seeks on-site affordable housing on developments comprising 15 or more dwellings, or at least 0.5 hectares. On such sites, under Policy H7 of the Local Plan, 40% of the total number of dwellings will be sought as affordable housing, unless it can be demonstrated that such provision would make the development unviable.

It is a requirement of the National Planning Policy Framework and the associated Planning Practice Guidance on Viability that, if it would be unviable to provide affordable housing on a site when it would otherwise be required, the applicant must submit a detailed Viability Assessment – in an acceptable form and accompanied with supporting documentary evidence – demonstrating that a lower number of affordable homes than usually required (or none) would have to be provided to enable the scheme to be viable.

Although the applicant submitted a Viability Appraisal for his previous planning application for the site, which proposed a development comprising more residential accommodation than included within the current application, the applicant has not submitted any Viability Appraisal with this current application.

I presume that the reason for not submitting the required Viability Appraisal is because, prior to this latest planning application being submitted, the applicant and Council Officers had negotiated the proposed approach set out at Paragraph D7 of the applicant's Planning Statement (i.e. the

payment of £500,000 for off-site affordable housing provision and the provision of 6 affordable rented houses on the site of the former Total garage) and, on this basis, had agreed that a Viability Appraisal would not be necessary since the proposal within Paragraph D7 was one that officers were willing to support.

However, since it is no longer the applicant's intention to provide affordable housing on the former Total garage site, those negotiations have effectively broken down and the basis of those negotiations therefore no longer apply.

It should be noted that, during these negotiations, the applicant did provide a copy of the Viability Appraisal that had been produced by the Council's own consultants (who were appointed to validate the applicant's previous planning application and which was different from the applicant's own Viability Appraisal submitted for the previous application - since the Council's consultants were unable to validate many of the assumptions within the applicant's own Viability Appraisal), which the applicant had then amended by hand the figures relating to estimated costs and income by applying pro rata costs and income based on the Viability Appraisal for the previous planning application.

Not only is it inappropriate to formulate a Viability Appraisal based on a Viability Appraisal for a different planning application with a different number of properties and then simply apply pro rata costs and income, no supporting information to justify or back-up the pro-rata costs was provided either.

I hope that this information is of assistance to you when considering your recommendations to the Area Plan Sub Committee.

After more than 2 years of negotiation with the applicant, and despite the way forward suggested by the District Development Committee, the applicant has stuck to his original promise to local people that there would not be affordable housing on this site. Whilst officers consider this to be a misguided and somewhat perverse stance, as every location, including Nazeing has a need for affordable housing, it is also accepted that there is a more general need for all types of housing and that the development of 26, 4 and 5 bedroom houses on this site may in turn free up smaller dwellings elsewhere which are more "affordable" in the traditional sense. As such it is considered that to further delay the possible redevelopment of this site, in the hope of at some point achieving affordable housing on site would not, in the current housing, shortage be beneficial. Given that we had previously considered accepting a sum towards off site provision acceptable as part of a package (including affordable housing on the Total Garage site) it is felt that the current proposal may also be accepted.

Flood Risk.

The site lies within the Environment Agency's (EA) Flood Zone 2.

The NPPF seeks to ensure that new development is directed towards those sites that are at least risk of flooding. Within Flood Zone 2 the Government Guidance and the EA standing advice requires that proposals of this kind need to pass a "Sequential Test" that is, the Local Planning Authority needs to be satisfied that the development could not be provided somewhere else that has a lesser risk of flooding. Once the Council as part of the Local Plan process has a Strategic Flood Risk Assessment (SFRA) in place it will be a simpler matter for planning officers to assess this. The SFRA will identify those flood risk areas which have passed the sequential test and within which development may be accepted.

At the moment however we do not have an SFRA in place. Therefore each application received for development within Flood Zones 2 needs to be accompanied by a sequential test. This needs to demonstrate to the satisfaction of the LPA, that there is nowhere else (within an area to be defined by the District) which is at lesser risk of flooding and which is available and deliverable (suitable in planning terms) for a development of the type proposed. Given that most of the land within this District is open undeveloped Green Belt and is therefore not suitable for housing development, there are relatively few such sites of equivalent size in the District. A sequential test document was submitted, which does indicate that no such sites are readily available and deliverable and on balance therefore it is considered as with the previous application that the area of the site within Flood Zone 2 meets the sequential test.

The proposal, as it now avoids development within flood zone 3, overcomes the Flood risk reason for refusal of the previous application.

The Council's land drainage team provided the following comments:

The applicant has provided a flood risk assessment with the application and we agree with the findings in principal.

Therefore, please add a condition requiring that the development be carried out in accordance with the flood risk assessment (Undertaken by MTC, Ref 1333 - FRA 26 Dwellings - March 2015) and drainage strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority.

Any works to or within eight metres of an open or piped watercourse will require Land Drainage Consent.

The applicant is proposing to dispose of foul sewage by main sewer. However, if there are dwellings which cannot be connected by gravity to the main sewer then a package treatment plant will be installed. Further details are required. Please add a condition requiring approval of foul drainage details by the Local Planning Authority prior to development commencing.

As a detailed drainage plan has not been confirmed and is not yet available please add a condition requiring approval of surface water drainage details by the Local Planning Authority prior to development commencing.

At the time that the application was submitted the statutory consultee on this application with regard to Flood Risk, was the Environment Agency.

The Environment Agency were also consulted and appear to accept the site is suitable for development. They have responded as follows:

I am pleased to see that the new dwellings are now located entirely outside of flood zone 3. Please ensure the following condition is included on any planning permission granted.

Condition: The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed flood risk assessment (MTC Engineering Ltd, March 2015) has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the flood risk assessment. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. Reason To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in line with your policies U3A and U3B, the Thames River Basin Management Plan, Planning Practice Guidance and National Planning Policy Framework.

It is accepted that the submitted Flood Risk Assessment indicates that the development can be safe and will not increase the risk of flooding elsewhere (subject to imposition of conditions)

However, during the course of this application responsibility for flood risk consultation responses has moved to the County Council as Lead Local Flood Authority. They were (informally) consulted at the beginning of the process and responded at that time that the submitted Flood Risk Assessment submitted was inadequate and that they therefore raised objection to the proposal.

On this basis it is considered that a tighter condition than proposed by the Council's Land Drainage and the Environment Agency is required and that a new flood risk assessment in accordance with the requirements of the Lead Local Flood Authority should be required. It is not considered reasonable to refuse the application given that the EA and our own land drainage team are happy that the flood risk issues can be overcome.

Contamination

Part of the application site is a former landfill site and therefore there are significant dangers of landfill gases, risk of settlement and soil contamination. The applicant has provided a survey of the site which fails to adequately quantify the risks. The advice of the Contaminated Land officer is that such sites should not normally be developed for housing.

Policy RP4 of the adopted Local Plan states:

The Council will not grant planning permission for the development or reuse of land which it considers likely to be contaminated unless:

- (1) prior tests are carried out to establish the existence, type and degree of contamination and*
- (2) if contamination is found, appropriate methods of treatment and monitoring are agreed with the council, pollution authorities and water companies; and*
- (3) the agreed methods of treatment include measures to protect or recreate habitats of nature conservation interest.*

In the absence of detailed information the Council would need to be satisfied that the site could be safely developed before planning permission can be granted. In the worst case scenario this would mean that all the waste would need to be dried out and then removed to a significant depth, exported to an alternative landfill site and replaced with clean/screened material soil. This is a major piece of remediation and would need to be carried out by an appropriate "Competent Person", to ensure that there are no adverse environmental impacts from such works. The removal of water from the site has the potential to result in subsidence on adjacent sites as the area contains peat beds and all this needs to be factored into the cost of the development.

The applicant is certain that the remediation can be carried out and that the development will still be viable even if the worst case scenario were to arise. On balance it is considered that this is a matter for the developer and not a reason to refuse the application.

Officers have no expertise in this area and the only way to check these figures would be to employ a consultant to verify the method statement and costings, which would further significantly, delay any decision and result in additional cost to the developer.

After due consideration therefore it is considered that the development if approved should be subject not just to the standard contaminated land conditions but also to a condition requiring submission by suitably qualified and experienced ground water and land stability engineers of a survey and assessment of risks both on and off site and method statement of means to remediate such risks.

Members should be aware however that should the costs of remediation exceed those factored in by the developer then this could result in a later submission that the development is not actually economically viable, and the affordable housing contribution may then be difficult to retain.

Layout and Design

The proposed development of detached houses has a logical and attractive layout with 3 small cul-de-sacs off a central spine road, the design of the dwellings is varied creating an interesting street scene and although the development is not entirely in accord with the Essex Design guide principles it is considered reasonably appropriate to this area, adjacent to relatively low density developments.

The development has been designed to minimise inter overlooking between properties and to ensure that adequate parking and amenity space is available for the dwellings.

The density proposed is relatively low and there is scope for a higher density, to make better use of the site to help meet future housing need, but it is accepted that a *significantly* higher density may not be appropriate for this edge of settlement site.

The new development will no doubt appear relatively prominent in comparison to the adjacent low level bungalows in Great Meadow, but this is not an unusual juxtaposition and is not considered grounds to refuse, given that it is not the continuation of an existing street but the creation of a new street.

Impact on Neighbouring Amenity

The proposed dwellings are all located sufficient distance from existing properties not to result in excessive loss of light or any significant loss of outlook. Whilst the rear elevations of some of the new dwellings do face towards the sides of properties in Great Meadow and Riverside Avenue the siting is such that there is no direct overlooking into windows. There will be some overlooking of the rear garden areas of properties but the distances to the private amenity areas are considered to be sufficient that there will not be a significantly harmful loss of privacy, in addition boundary planting is proposed that will reduce the perception of overlooking. The proposal is considered to be acceptable in this respect. Distances between properties are sufficient to avoid excessive overshadowing.

The impact is similar to that of the previous application which was not refused on amenity grounds.

Archaeology

The Archaeology section of Essex County Council were consulted and have suggested conditions to ensure that any archaeological deposits can be properly investigated and recorded They state:

The Essex Historic Environment (HER) Record shows that the proposed development lies within area with archaeological potential. The underlying gravels date to the Middle-Early Upper Palaeolithic period, in addition the contamination survey has identified the presence of Arctic peat beds. There is therefore the potential for the presence of palaeoenvironmental evidence relating to the earliest phases of human occupation in the area. However the impact of the proposed development on the archaeology is as yet an unknown quantity, as is the degree of disturbance associated with gravel extraction and land-fill on the site. Archaeological deposits and features are both fragile and finite, and this recommendation is made in line with National Planning Policy Framework.

Ecology

A preliminary ecological appraisal was submitted with the original application which identified a need for a follow up reptile and newt survey, and a bat emergence survey. A reptile and Newt survey indicates that the area to the south of the site provides a suitable habitat for reptiles. Grass snakes were found but it would be expected also that slow worms and common lizards may be present. As such mitigation measures would be required should permission be granted, to ensure that reptiles are removed to an appropriate receptor site to avoid any reptiles being killed or injured. Conditions can be imposed to secure this and in addition it is an offence to harm protected species. No great Crested Newts or amphibians were found at the site.

A bat emergence survey was also carried out and this indicates that there are no bat roosts within the site but that the site and surroundings are used for foraging.

The surveys submitted date from 2013 and are now out of date, but it is considered that subject to conditions the development is unlikely to cause harm to the ecology of the area and mitigation can be required by condition.

Highways and Parking

The proposed development takes its access from Old Nazeing Road, via a private access track that runs past the property known as Nazebourne. This is a narrow access. The initial application drawing included proposals for works, at the junction of the site, to improve it, but this is outside the application site and outside the ownership of the applicant and these works were subsequently removed from the revised application drawings. Despite this, given the previous use of the site and the potential traffic movements that the authorised use could generate the access is considered to be suitable and appropriate for the development now proposed. The submitted transport statement indicates a reduction in traffic movement and HGV movements in particular.

The Highways officer from Essex County Council provided the following comments:

The proposed development will generate less traffic than the existing use and will reduce movement of HGV's and service vehicles to the site to the benefit of all users of the highway. The access onto Old Nazeing Road has adequate visibility and there have been no recorded accidents at this location in the last 5 years.

Consequently the Highway Authority has concluded that the proposed development will not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network.

Adequate space is provided on site for the parking of both residents and visitors in accordance with the adopted car parking standards.

The previous application had a larger number of properties and a similar configuration and was not refused on traffic or highway grounds.

Education Contribution

As the proposed dwellings are family houses the Education Authority were consulted with regard to the provision of education spaces and provided the following comments:

This development falls in the priority admissions area of Nazeing Primary School. According to Commissioning School Places in Essex (2014-19), the school has a permanent capacity of 240 places which was also the number on roll at the start of the plan period. The school also has two

temporary class bases that, if required for future demand, will need to be replaced. It is, thereby, requested that this development makes a contribution towards such replacement to meet the demand that it generates. The cost of 8.1 places at April 2015 costs equates to a contribution of £98,593 (index linked).

At secondary level the proposed development is located within the priority admissions area for Stewards Academy, which is under pressure to meet increased demand. Prior to the implementation of the revised Community Infrastructure Levy Regulations on the 6th April 2015 the County Council would have sought a developer contribution from this proposed development for additional secondary school places. However, the implementation of the revised Regulations will restrict the pooling of contributions for a specific item of infrastructure to contributions from five separate planning obligations. Under these changed circumstances the County Council has decided not to request a contribution for the provision of additional secondary school places from this proposed development. The proposed development does, however, lie over three miles from Stewards. It is thereby in an unsustainable location in school transport terms and will result in an ongoing cost to Essex County Council. In the event the application is approved, I thereby request a contribution towards school transport of £4.30 per pupil per day based on five academic years (195 days per year) i.e. £22,640 index linked to April 2015 costs.

Turning to Early Years and Childcare, Lower Nazeing ward currently has six providers with only one operating at over 80% capacity. When looking at funded places (15 hour requirement), there are currently 19 vacancies for 2 year olds and 34 for 3-4 year olds. Local provision would thereby be sufficient to meet the needs of this proposed development.

The applicant has agreed to enter into a legal agreement to pay the required amounts and this overcomes the previous education reason for refusal.

Impact on the Lee Valley Park

The LVRPA has objected to the proposal for the reasons set out above. The Green Belt consideration has already been addressed. The ecological issues have been addressed above and given the current authorised use of the site and that there is relatively small incursion into undeveloped land it is not considered that there will be significant harm to the amenity, function or character of the park. Plot 27 seems to have been the most controversial aspect of the development and this was the subject of a separate application which has been withdrawn.

Sustainability

The site is not particularly well served by local facilities and public transport, the shops in Nazeing are about 1.5km away and there is no secondary school within walking distance, however it is accepted that this is not an isolated location. Ideally sites of this kind should be identified through the Local Plan process to ensure that adequate infrastructure can be factored in and the most sustainable locations developed first, however we are still some way from having a new Local Plan. However, Officers have balanced this issue against the removal of what has been a 'problem' site for many years and the nuisance activities that have taken place here. In that respect, the proposal is comparatively sustainable.

Other Issues

Concern has been raised with regard to the impact on existing infrastructure.

Water and sewerage – Thames water was consulted on the application and has raised no objection.

Essex Fire Service was consulted and has indicated that there will be a need for an additional fire hydrant within the site. Its position will be subject to any mains scheme the water authority may wish to implement. This information has been passed to the applicant.

The highways issues have been considered above.

Conclusion

In conclusion it is considered that the development will provide good quality attractive housing close to the existing residential area of Nazeing. It will remove an existing “problem” site which has had ongoing enforcement issues for many years and it is understood why many letters have been received giving support to the principle of residential development of the site. The applicant is offering to provide a significant contribution toward the provision of affordable housing elsewhere, which is something that the Council has in the past accepted in lieu of on site provision. The design and layout of the scheme is acceptable and there will not be excessive harm to adjacent residential amenity. Whilst no improvements are proposed to the narrow access to the site, there will be a reduction in traffic over that which could be generated by lawful garden centre use. Issues of flood risk and contamination can be effectively controlled by condition.

The proposal clearly overcomes 3 of the 4 previous reasons for refusal, leaving only the issue of on site affordable housing.

On balance, as discussed in the affordable housing section above and despite the objection from our housing officers, it is considered in this instance that accepting £500,000 for the provision of housing elsewhere rather than requiring provision on site, will enable the bringing forward of this site for housing, when it had otherwise stalled. Given the current housing need and lack of suitable non Green Belt sites for housing the redevelopment of this previously developed and problematic site for housing in the relatively short term, is preferable to further delay in the potentially forlorn hope of achieving an element of on site affordable provision in the longer term.

The application is therefore, very much on balance, recommended for approval subject to the agreement under section 106 to provide £500 000 towards affordable housing elsewhere and to pay the necessary education contributions and subject to conditions.

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: Jill Shingler
Direct Line Telephone Number: 01992 564106***

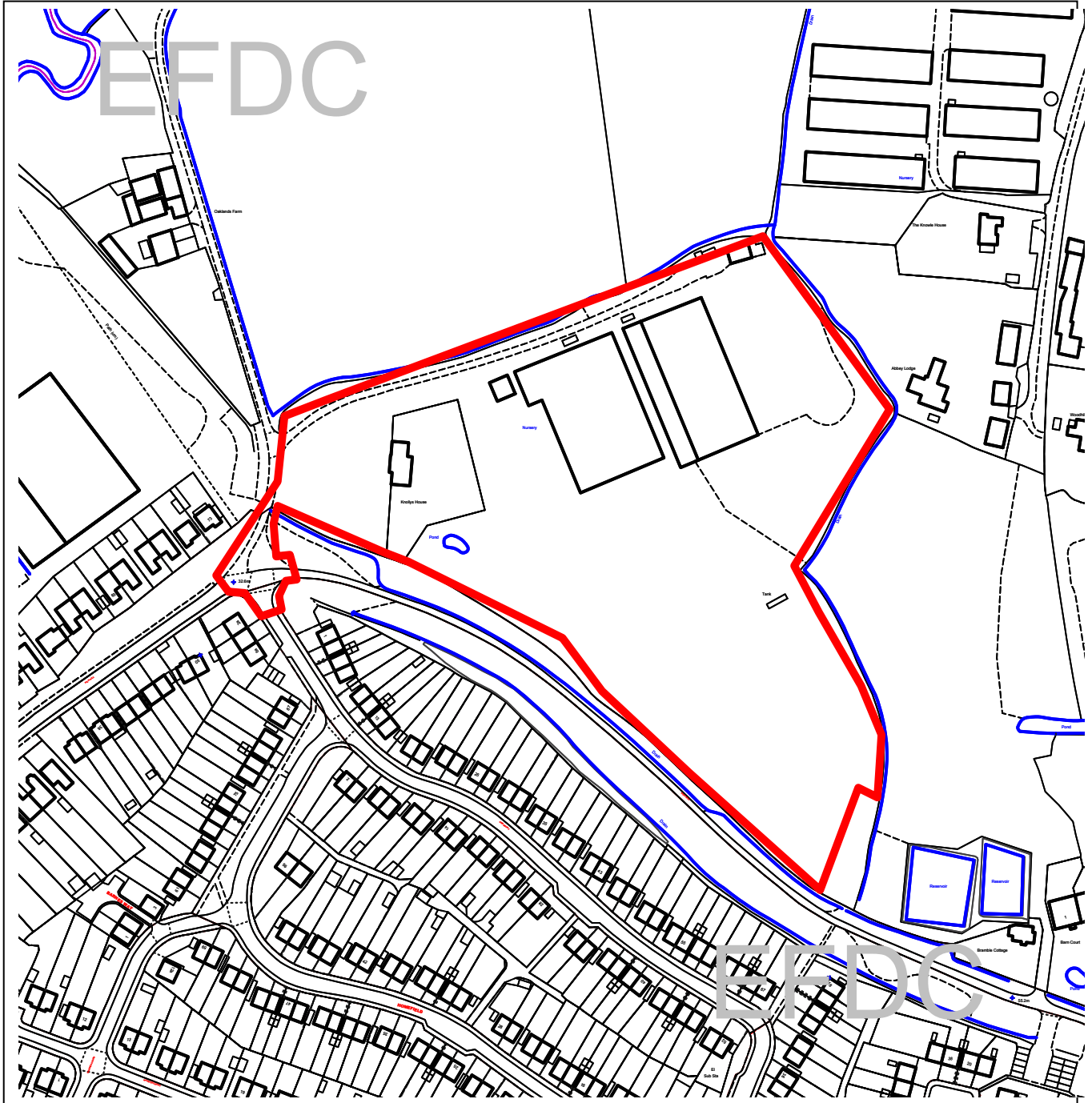
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 2



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Application Number:	EPF/1162/15
Site Name:	Knollys Nursery, Pick Hill Waltham Abbey, EN9 3LF
Scale of Plot:	1/2500

Report Item No: 2

APPLICATION No:	EPF/1162/15
SITE ADDRESS:	Knollys Nursery Pick Hill Waltham Abbey Essex EN9 3LF
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Paternoster
APPLICANT:	Mr James Thomas
DESCRIPTION OF PROPOSAL:	Demolition of existing structures and redevelopment to provide 79 residential units (63 of which are affordable), an associated Children's Day Nursery, new access and roundabout and associated parking and landscaping.
RECOMMENDED DECISION:	Refuse Permission

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=576055

REASON FOR REFUSAL

- 1 The proposal represents inappropriate development in the Metropolitan Green Belt which by definition is harmful to the objectives of including land in the Green Belt and is therefore at odds with Government advice contained in the NPPF and policy GB2A of the adopted Local Plan and Alterations. This includes the development of housing and a Day Care Nursery within the boundaries of the Green Belt for which no very special circumstances sufficient to outweigh the very significant harm to the openness of the area and any other harm have been demonstrated.
- 2 The site is considered to be unsustainable in respect of proximity to shops, services and facilities in Waltham Abbey such that the town would continue to sprawl eastwards with residential properties further detached from these services and future occupants and users of the Day Care Nursery are likely to resort to the use of private motor cars. Therefore the proposal is contrary to policies CP1, CP3, ST1, ST2 and ST3 of the adopted Local Plan and Alterations and national guidance in the NPPF.

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(k))

Description of Site:

Knolly's Nursery occupies a site of approximately 3.5 hectares which is situated in the north eastern area of Waltham Abbey. The entire site is within the boundaries of the Metropolitan Green

Belt. Part of the site was formerly used to operate a horticultural business and as such is a Greenfield site. There are some disused glasshouse structures at the western side of the site and a residential property. This area is generally low set and well screened. Conversely the eastern side of the site rises steeply to the crest of a hill and is open grassland. The Council's Settlement Edge Landscape Sensitivity Study (SELSS) as part of the evidence base for the Local Plan records the landscape sensitivity of most of the site as "high" and includes a "sensitive historic landscape-with pre 18th Century fields". Owing to the sloping nature of this part of the site it is visually prominent from the surrounding countryside. The site contains a number of preserved trees.

Access to the site is gained from close to the junction of Pick Hill and Amesbury. The western side of Pick Hill, prior to meeting the application site, is typically residential, with a road of a standard width and has residential dwellings lining either side. However as the road ascends along the southern boundary of this site it becomes single track and is lined by hedging.

The site is essentially at a point where the built up residential part of Waltham Abbey meets the countryside. The character to the south of Knolly's Nursery is typically residential with rows of fairly densely developed residential dwellings. To the north of the site is open countryside, with sparse development and some nursery businesses.. The main town centre of Waltham Abbey is approximately 3km to the west. The site forms a small part of the "Wal-D" Potential Development Options for Waltham Abbey in the Issues and Options "Planning Our Future" document which went out to consultation originally in July 2012.

The site is within an Epping Forest Flood Risk Assessment Zone, but not within Environment Agency Flood Risk Zones and includes features which could potentially provide habitat such as hedging, scrubland, ponds and disused buildings for various animal species.

Description of Proposal:

There is a recent history to develop this site for a residential led development and these have been before Area Plans Committee West. In 2012 the first recent application was made for the following development (EPF/1564/12);

"Outline application with some matters reserved for redevelopment of site to provide a mix of 2,3 and 4 bedroom dwellings (114 dwellings), a 50 unit 1 bedroom extra care apartments building, a new health centre to accommodate six practitioners with adjoining pharmacy/convenience store, public amenity area, access roads and associated parking for all uses".

Officers recommended that this scheme should be refused on impact on the Green Belt, the considered unsustainability of the site and harm to what was deemed a sensitive landscape. On the 9th January 2013 this application was refused at committee.

A second application (EPF/1784/13) was made for a revised development of the following characteristics;

"Outline application (with appearance, landscaping layout and scale reserved) for redevelopment of site to provide up to 105 residential units, 80% affordable, associated parking access road, amenity areas and community facility with shop. Access to be determined".

This application was also refused, after a close vote, at the committee meeting held on 25th October 2013 on the same grounds as the previous application.

This Scheme

The third application to develop the site is similar to the previous two in that it is largely a residential led development. The applicant seeks consent to construct 79 residential unit on the low level portion of the site, 63 of which would be affordable.

The proposed dwellings would have the following mix;

- 36 two bedroom affordable houses.
- 27 three bedroom affordable houses.
- 11 three bedroom private dwellings.
- 5 four bedroom private dwellings. .

A Children's Day Care Nursery would be constructed close to the entrance. A roundabout would be constructed at the Pick Hill junction in line with a new access to the site and there would be associated garden areas and internal roads. The high level section of the site would remain as open space.

Relevant History:

EPF/0061/03 - O/A for Change of use/Residential development - All matters reserved (Strip of land fronting Pick Hill on South West side of file plot, covers Knolly's Nursery and Knolly's House).

Refuse permission - 06/08/2003.

EPF/1564/12 - Outline application with some matters reserved for redevelopment of site to provide a mix of 2,3 and 4 bedroom dwellings (114 dwellings), a 50 unit 1 bedroom extra care apartments building, a new health centre to accommodate six practitioners with adjoining pharmacy/convenience store, public amenity area, access roads and associated parking for all uses. Refuse permission - 10/01/2013.

EPF/1784/13 - Outline application (with appearance, landscaping layout and scale reserved) for redevelopment of site to provide up to 105 residential units, 80% affordable, associated parking access road, amenity areas and community facility with shop. Access to be determined. Refuse Permission - 25/10/2013.

Policies Applied:

CP1- Achieving Sustainable Development Objectives
CP2 - Protecting the Quality of the Rural and Built Environment
CP3 - New Development
CP4 - Energy Conservation
CP5 - Sustainable Building
CP6 - Achieving Sustainable Urban Development Patterns
CP7 - Urban Form and Quality
CP8 – Sustainable Economic Development
CP9 - Sustainable Transport
GB2A – General Restraint
GB7A – Conspicuous Development
RP4 – Contaminated Land
U2B – Flood Risk Assessment Zones
U3B – Sustainable Drainage Systems
DBE1 – New Buildings
DBE2 – Impact of Buildings on Neighbouring Property
DBE4 – Design and Location of New Buildings within Green Belt
DBE5 – Design and Layout of New Development

DBE6 – Car Parking in New Development
DBE7 – Public Open Space
DBE8 – Private Amenity space
DBE9 – Amenity
H3A - Housing Density
H4A – Dwelling Mix
H5A - Affordable Housing
H6A - Site Thresholds for Affordable Housing
H7A - Levels of Affordable Housing
H8A – Availability of Affordable Housing in Perpetuity
H9A – Lifetime Homes
NC4 – Protection of Established Habitat
LL1 – Rural Landscape
LL2 – Resist Inappropriate Development
LL3 – Edge of Settlement
LL10 – Retention of Trees
LL11 – Landscaping Schemes
ST1 - Location of Development
ST2 - Accessibility of Development
ST3 – Transport Assessments
ST4 – Road Safety
ST6 – Vehicle Parking
ST7– Criteria for Assessing Proposals (new development)
I1A – Planning Obligations

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 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.

SUMMARY OF REPRESENTATIONS:

WALTHAM ABBEY TOWN COUNCIL: No Objection. Subject to a condition agreeing adequate road safety and that a suitable S106 Agreement is agreed regarding scheme contributions.

The application was widely advertised; with 224 neighbours directly consulted, two site notices displayed adjacent to the site, an advertisement placed in the local newspaper and local community groups consulted. A large number of responses were received from these various consultees and it is clear that there is both some local opposition to, and support for, the proposed scheme. These are documented as follows;

Objections: Waltham Abbey Residents Association, Friends of Epping Forest, Essex Area Ramblers, 1, 2A, 5, 9, 13, 34, 57 Amesbury, 16, 20, 21, 30,47, 48, 49, 50, 51, 61, 63, 71, 73 Pick Hill, 3 Barns Court, 7, 9, 40, 43, 47, 57, 61, 65, 67 Amesbury, 12A, 37 Harries Court, 20 Oxley Road, Oakland’s Farm, 39 Princefield Road, 21 Paternoster Close, 4 Maple Springs, 15 Oxley’s Road, 73 Paternoster Hill, 85 Homefield, 25 Paternoster Hill, 37 Princefield Road, 42 Paternoster Close, 118 Crooked Mile, 28 Albion Park, Loughton, 40 Harries Court.

Owing to the volume of responses and the detail it is necessary to provide a summary of correspondence received. The issues of concern are as follows:

- The development is on Green Belt land and is contrary to the purposes of maintaining a Green Belt, in that it will result in encroachment into the countryside and will result in urban sprawl. This area should be preserved for future generations. Concern that this could result in more Green Belt developments in the area. No special circumstances exist. This is

Green Belt land; our Green Belt land. The Government has reiterated its commitment to protecting Green belt land. The gain in working towards housing targets does not justify the loss of Green Belt land.

- The proposal will result in the development of a large amount of social housing in an already deprived area putting further pressure on facilities.
- The proposal will put further pressure on the already poor local public transport system.
- The schools in the district are at full capacity and already over subscribed.
- Impact on the nearby public footpath.
- Concern about the potential impact on flora and fauna and the wildlife the site contains.
- Concern that there may be protected species such as Great Crested Newts and Bats at the site. Bats are regularly spotted along the back lane at the site.
- There are major land drainage problems at the top of Pick Hill and this will exacerbate the problem. Concern about flooding.
- Increase in traffic in the general vicinity and this proposal will exacerbate an already serious issue. Pick Hill is a single track and not suitable to take an increase in vehicle movements. The access to the site is not suitable for an increase in traffic. Increase in parking problems in the wider vicinity.
- The proposed development, in a natural valley, is in contradiction with the site's rural character and contrary to the Council's Settlement Edge Landscape Sensitivity Study (SELSS) as part of the Issues and Options consultation which records the landscape sensitivity of most of the site as "high" and includes a "sensitive historic landscape-with pre 18th Century fields". The site forms a natural boundary with the built area of Waltham Abbey.
- This is a poor location for the development. "Sweeteners" have been added to make the proposal more acceptable.
- Impact on the amenity of residents and loss of wildlife from near our homes. Impact on the biodiversity of the area.
- Impact of noise, dust and pollution on local residents.
- There would be a need for a major upgrade of the infrastructure of the town and the site is some distance from the main town centre. Waltham Abbey is at capacity and the nearest hospital is in Harlow. Increased pressure on already over burdened facilities.
- Previous planning applications have been turned down at the site including the recent submission.
- Increased danger to pedestrians using the road network in the vicinity of the site.
- The works could cause subsidence on nearby properties.
- My belief is that the verge way belongs to the Corporation of London.
- Concern that the removal of the glasshouses will cause land contamination.
- This proposal is premature in light of the issues and options consultation.
- Impact on water pressure in the area.
- This would reduce the supply of horticultural produce which is encouraged in this area.
- The town centre is already witnessing shops closing down, why build more houses?
- Impact on values of our properties.
- Waltham Abbey will become over congested.
- Not enough police to serve the area.
- The sewage system could not cope with more development and we are concerned about potential flooding issues.
- Concern that the site is contaminated and has been allowed to fall into a dilapidated state to justify such a proposal.
- Concern about impacts on the Lea Valley Glasshouse industry and the access to employment opportunities it provides.

Support: King Harold Business and Enterprise Academy, Epping Forest College Childcare Department, 8 Joyce Court, 61A Monkswood Avenue, 12 Parish Way, Rosemead Pynest Green Lane, 9 Merlin Close, 60 62 Greenfield Street, 9, 25 42 Mallion Court, 25 Mason's Way, 47 Cullings Court, 23 Poplar Shaw, 19 Sun Street, Bonks Hill House Sawbridgeworth, 35 Congrieve

Road, 2 Catalin Court, 74 Greenwich Way, 4 Kestrel Road, 33 Gayness Hill Road Woodford Green, 46 Forest Lane Chigwell, 58 Heycroft Drive Braintree, 28 Stoneyshotts, 60 Cavell Road Cheshunt, 13 Orpington Gardens, 32 Brooker Road, 12 Poplar Shaw, Cobmead, 65 Farm Hill Road, Beechview Nursery, 35 Fuller's Close, 83 Romeland, Rose Cottage Pynest Green Lane, 1 Mead Court, 3 The Barns Breech Barn Lane, 10 Newteswell Drive, 79 High Street, 16 Breechfield Walk, Highfields Two Chimneys Wellington Hill, 18 Second Avenue, 16 Ryecroft Harlow, 30 Milton Court, 101A Honey Lane, 17 Sudicups, 35 South Weald Drive, 47 Highland Road, 1 Loughton Court, 31 Abbots Drive, 23 Marle Garden, 37 Old Oaks, 71 Paternoster Hill, 22 Buxton Road, 29 Marguerita Close, 47 Pick Hill, 11A Love lane Woodford Green, 6 Cannon Mews, 2 Foxton Road Hoddesdon, 33 Ridgeways, 45 Highbridge Street, 87A Monkswood Avenue, 78 Knights Way Brentwood, 10 Windsor Woods, 35 Harold Crescent, 16 Willingale Close, 7 Walton Gardens, 7 Burrows Chase, 17 Cooper Avenue Walthamstow, 6 Peregrine Road, 30 Queens Drive, 31 Edward Court, 59 Homefield, 199 Honey Lane, 25 North Street Nazeing, 12 Princefield Road, 42 Crooked Mile, 10 Poplar Shaw, 4 Cascade Road, 171 Coppermill Lane, 5 Halfhide, 55 Tudor Way, 17 19 Stanford Court, 139 Howard Court, 11 manor Road, Flat 2 11 Sun Street, 23 Deer Park Road, 10 Stoneyshotts, 274 Roundhills, 8 Elizabeth Close Nazeing, 27 Croft Road, 131 Broomstick Hall Road, 63 Romelands, 114 Theresa Gardens, 2 Bernard Grove, 22 Buxton Road, 40 Hayward Court, 19 Plantagenet Place, 68 Paternoster Hill, 27 Falcon Close, 28 Geddington Close, 30 Springwood Cheshunt.

On this occasion a high volume of letters of support have been received for the proposal to develop the Knolly's Nursery site. The issues raised can be summarised as follows;

- The Sunshine Nursery and Pre School Centre offer an invaluable service locally and it is imperative that this continues and without it many parents would be unable to return to work. The Local Planning Authority should do all it can to support local families. There is already a shortfall in nursery space in Waltham Abbey and to lose this facility would be a disaster.
- The closure of the nursery will result in a loss of jobs to employees with as many as 25 people being made out of work.
- I feel new affordable housing is vital so that local children can stay in the area in houses they can afford.
- New housing will help the town to regenerate and may help reverse the trend of local shops and businesses closing down.
- The new housing will provide local families with a greater choice in terms of setting up home.
- The development will provide much needed jobs in the area.
- We do not want to see Waltham Abbey over-developed but the plans seem reasonable in terms of layout providing a suitable mixture.
- There is a massive need for affordable housing in Waltham Abbey.
- The scheme will come with road network improvements.
- The proposed development will provide much needed open space.
- The scheme is a high quality design.
- The development will help the further regeneration of the town.

Issues and Considerations:

There are a number of issues to consider with regards to this development, and a large number of consultees responses to assess, chief among these is; The principle of this development having regard to national and local planning policy, the supply of housing/affordable housing in the district, the site's location in the Metropolitan Green Belt, the characteristics of the development, potential impact on the landscape/trees/hedgerows/vegetation, access to the site, the existing habitat and the comments of all consultees.

This is the third application to this site in the last three years; the previous applications having been refused at Area Plans West Committee. No appeal was lodged against the previous decisions. For ease of reference the second application was refused for the following reasons;

1. The proposal represents inappropriate development in the Metropolitan Green Belt which by definition is harmful to the objectives of including land in the Green Belt and is therefore at odds with Government advice contained in the NPPF and policy GB2A of the adopted Local Plan and Alterations. This includes the development of housing and community facility within the boundaries of the Green Belt for which no very special circumstances sufficient to outweigh the very significant harm to the openness of the area and any other harm have been demonstrated.
2. The site is considered to be unsustainable in respect of proximity to shops, services and facilities in Waltham Abbey such that the town would continue to sprawl eastwards with residential properties further detached from these services and future occupants and users of the community facility are likely to resort to the use of private motor cars. Therefore the proposal is contrary to policies CP1, CP3, ST1, ST2 and ST3 of the adopted Local Plan and Alterations and national guidance in the NPPF.
3. The setting for the proposal is in an identified area of high overall landscape sensitivity to change; while the proposal makes space for internal landscaping a development of the scale proposed could not be integrated successfully into the landscape context and as such would have a detrimental impact on its landscape character. As a result of the nature of the location, including its openness to views, the removal of existing vegetation and the ineffectiveness of screen planting, the development would also have an adverse visual impact on the appearance of this area of sensitive landscape and on the Waltham Abbey settlement edge. As a result the proposal is incompatible with Local Plan and Alterations policies LL1 and LL2.

Principle of the Development

Notwithstanding historical horticulture uses at part of the site and the remnants of some glasshouse structures and a dwelling in its western section this is a greenfield site within the boundaries of the Metropolitan Green Belt and not brownfield. In any case the appropriateness of a brownfield redevelopment as per paragraph 89 of the NPPF is only such when the proposed development would not have a materially greater impact on the open character of the Green Belt. Clearly any redevelopment for a housing scheme would have a significantly greater impact. The proposed scheme is therefore an inappropriate development in the Green Belt and as Paragraph 87 of the NPPF outlines should not be approved, save for in very special circumstances. This is recognised in the Planning Statement submitted by Jones Lang LaSalle and a case for special circumstances has been put forward. These are as follows;

1. The need to release Green Belt land to meet housing need;
2. The need for affordable housing; and,
3. The need for educational facilities in the district.

Green Belt Release to Meet Housing Need

It is firstly stated in the submission that this scheme will not seriously offend the purposes of maintaining a Green Belt as recorded in Paragraph 80 of the NPPF. However such a development will clearly represent an encroachment into the countryside and it is also arguable that the continued spread of this town eastward will result in urban sprawl.

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development. In order to meet this requirement the Council is awaiting a decision on

what its Objectively Assessed Housing Need (OAHN) will be and this will be based on an updated Strategic Market Housing Assessment (SHMA). At that point the Council should be able to determine if it has a five year supply of sites. The applicant states that the Local Planning Authority cannot demonstrate the required supply of sites but it is currently the case that the OAHN target has not been agreed so the five year supply cannot be calculated.

Furthermore the documentation supporting this submission makes misleading statements about the official standing of the July 2012 Issues and Options consultation (Community Choices) and the May 2012 Strategic Land Availability Assessment (SLAA). Neither of these documents represents any policy position of the Council. The purpose of the document and its associated consultation exercise (July to October 2012) was to encourage feedback on (i) whether all the planning issues had been identified; (ii) the options proposed to address the issues; and (iii) suggestions for additional issues and options. Similarly, paragraph 1.7a of the SLAA states (in bold) that the SLAA does not allocate land for development or indicate that the Council would support its development. The assessment merely highlights the potential of land for development against agreed criteria and is not, and is not intended to be, a proxy for a site allocations document within the Local Plan. Therefore this site has only been broadly mooted as a potential site for housing, in theory, along with countless other sites in the district.

The housing policies of the Local Plan are however now effectively out of date as a five year supply of sites to meet need cannot be clearly demonstrated. Housing applications should therefore be considered in the context of the presumption in favour of sustainable development (Paragraph 50 NPPF). This application would go some way to meeting future housing need and a significant proportion of affordable housing can be considered a positive attribute of some material weight. Indeed the Council's Director of Housing is in support of this application from a purely affordable housing provision viewpoint stating "*this proposal is strongly supported from an affordable housing point of view as it would make a significant contribution to meeting the need for affordable homes in the District for which there is a very high demand*".

A Day Care Nursery would be provided on the site as Sunshine Nursery has to vacate their current location at King Harold School. The submission makes the case that there is a need for such facilities within the town and there is no doubt that this business wishes to continue in operation. Whilst this case has previously been made, and there is evidently some support for the continued work of the nursery, this is clearly a further inappropriate development in the Green Belt. When judged as an individual element such a development would be inappropriate and when considered as part of an overall scheme deemed inappropriate, this makes the proposed development no more acceptable.

It is stated that the relocation of the nursery represents a "very special circumstance". The Council has consistently taken the position that a nursery, or any community facility, does not have to be met on this site. In 2013 the Officer's Report recorded the following;

"The town centre has a number of vacant units, individual vacant dwellings are often used as day care nurseries and other schools exist which may accept the nursery as tenants. Indeed Green Belt policy permits the reuse of agricultural buildings, such as barns, to alternative uses. When judged as a planning decision the plight of the nursery does not amount to a special circumstance. Officers have formed the view that the relocation of the nursery to the site may be desirable but this is true of many forms of land use and does not justify the release of Green Belt land on this scale. No evidence of any formal agreement has been provided, and if Members accept the issue as a determining very special circumstance, the relocation of the nursery would have to be agreed by way of a legal agreement entered into by the applicant and the day-care nursery business, if indeed a suitable agreement could be achieved".

Whilst there is sympathy for the plight of this nursery it is a long established planning principle that personal circumstances are rarely material and must be clearly relevant to the proposal. Members

may feel that the provision of this facility helps to “tip the balance” in favour of approval but it is not considered that the continued service provided by the nursery has to be met on this site.

Balancing Exercise

Weighing in favour of the granting of consent is the provision of housing, including much needed affordable housing, and a Day Care Nursery to serve the needs of the town. This is the case for very special circumstances put forward by the applicant.

Weighing against the granting of consent is the clear in principle inappropriateness of this scheme in Green Belt terms and the substantial visual presence that would result within the Metropolitan Green Belt and surrounding countryside. Notwithstanding comments in the Supporting Statement this is a Greenfield site, within a rural setting, with a narrow rural road (Pick Hill) providing a defensible Green Belt boundary.

There is clear policy guidance on the issue of unmet housing need v Green Belt inappropriateness. Central Government, through the National Planning Policy Guidance (NPPG) Document at Paragraph 34 and Government Statements released in July 2013 and January 2014, has provided clear direction on this issue. This states that “Unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development on a site within the Green Belt”. It is not therefore considered that the issue of unmet need, if proven to be the case, would constitute a very special circumstance sufficient to outweigh the harm to the open character of the Green Belt which would clearly result in this instance. In line with the NPPF, the Council is reviewing Green Belt boundaries and accepts that some Green Belt land will have to be released to meet future development needs – but this should be done through the Local Plan review process which looks at the entire district rather than on an individual settlement or site basis. The danger of piecemeal development in the Green Belt is potentially more deleterious than sites brought forward in a structured manner through a Local Plan process. This is a common position being adopted by Local Planning Authorities up and down the country.

Ultimately a balancing exercise must be carried out between the clear Green Belt policy issues with this scheme, the guidance on the issue of housing need in Green Belt districts provided by Central Government, and whether this site is appropriate to meet housing need, including a significant element of affordable housing, and the Day Care facility. The development has some positive attributes and has been reduced since the original submission with the more sensitive high section of the site remaining free from development. However it is recommended to Members when a balancing exercise is carried out the balance falls in favour of refusal in this case. Members may feel this is a suitable site to head off future housing need.

Details of the Proposed Development

The Site

Previously concern has been expressed about the sustainability of this site, and that has been a consistent reason to refuse consent. Strategic issues with the continued spreading of Waltham Abbey eastwards have been highlighted as an unsuitable way for this settlement to grow. The 2013 report recorded the following analysis;

“Waltham Abbey is a historic market town of about 20,000 residents. The town centre is a Conservation Area but as a local centre it has struggled in recent times to maintain its vitality and viability. Development from the 1950’s has spread the town eastwards such that quite a percentage of the population live some distance from the town centre and are therefore less likely to use it. As a result the town centre is in a declining state and the area around scores high on deprivation indicators. The Roundhills, Ninefields and Upshire estates have all extended the town

very significantly to the east leaving the original town centre (Sun Street/Market Square) inconveniently located at the western edge of the town. The post WW2 estates have only local centres with a very limited range of services, and public transport in the town is limited in service. Knolly's Nursery (WAL-D) from a strategic point of view would continue the trend of the town spreading eastwards. Further piecemeal development on the eastern edge, like this proposal, simply compounds this problem. Other sites (WAL-A, WAL-G, WAL-F) notwithstanding development limitations which may exist are strategically better placed. Further representations from Dr Wickham carries out a critique of these sites and identifies issues with delivery. However the Issues and Options document does not relate any serious concerns with regards to deliverability and it must be concluded that such sites, or part of such sites, could be developed to meet the longer term housing needs of the district. It is therefore considered that more suitable sites exist from a strategic viewpoint if Green Belt land is to be released for housing in Waltham Abbey. The release of this site such a distance from the town centre would constitute an unsustainable form of development contrary to local policy and the general sustainable aims underpinning national guidance in the NPPF.

In response to this the applicant has provided more details which makes the case that the site is not unsustainable and as such suitable. This includes details of shops and schools near the site and the fact that the town centre and the Tesco Superstore are 1.5 miles from the site. It is recognised by Officers that to a certain degree the issue of sustainability is abstract and that a counter argument can be made. The NPPF recognises three strands to sustainability, economic, social and environmental and it can be difficult to equitably marry the three. However development which continues to spread the town eastward away from a declining town centre and its core facilities such as major foodstores, retail outlets, and leisure facilities can be considered illogical. This position is strengthened by the fact that the site will contain 80% affordable housing and potentially some residents will not have access to a private car although such a development may require dependence on one to reach local facilities. This could not be considered environmentally or socially sustainable. The counter argument presented by the applicant has been taken into consideration but Officers are of the view that the original position adopted, that the further spreading of development eastwards is unsuitable can be substantiated. This is particularly the case when other more suitable sites exist for the development of housing in the town. It is considered the second reason to refuse consent has not been overcome”.

As recorded above the sustainability of any site can be difficult to determine and with this scheme there are some sustainability attributes. An arguable case could certainly be made that this scheme is socially and economically sustainable. Furthermore because of its heavily unbalanced nature, it is very difficult to identify suitable sites for new development in Waltham Abbey, and consequently any new development is unlikely to be ideally located for access to the town centre and its services. This is a balanced case with regards to sustainability but the recommendation to Members is that this site would be an unsustainable way to extend the town and would result in urban sprawl.

Topography and Character

The application was previously refused owing to the adverse impact on the character of the landscape at what is a sensitive location. During pre-application negotiations the Council suggested removing built form from the crest of the hill as a potential way to address this concern. This scheme has indeed removed physical development from the upper sections of the site and replaced it with an area of open space.

Whilst The Landscape Officer is still of the view that previous concerns have not adequately addressed this issue it is considered that, on balance, the development can be justified from a landscape viewpoint.

At pre app stage the Landscape Section commented that *'they would expect as a minimum for the TPO'd trees within the site to be retained'*; and that *'a tree constraints plan should be used as a guide to any proposed layout of the site.'* It is therefore disappointing that the applicant has completely ignored this request and seeks to fell the majority of the TPO'd trees including several graded as 'B' quality (using BS5837:2012). With a site of this size it should have been possible to have worked around the retention of these trees, especially considering the fact that they are generally clustered together. The applicant proposes to replace the TPO'd trees (total 12, not 10 as stated by the applicant) with oaks, all to be planted in the open space to the top of the site. It is considered that there is scope for the planting of some of these trees at the entrance to the site i.e. closer to where the existing trees are – in doing this it will assist in the greening of the main entrance to the site. Whilst the loss of the preserved trees is not ideal, given the proposed replacements, their loss in itself is not considered sufficient to warrant refusal of a scheme of this significance.

However there is no objection to the scheme. Conditions agreeing landscaping and tree protection are necessary. Within a S106 – phased landscaping details and detail of management of open space – i.e. what is it to be used for; by whom; how will this be achieved (both in the short and long term). And, who will manage the site; what qualifies them as being suitable to manage this open space. (Has the applicant approached EFDC Countrycare / City of London (Open Spaces) or is it intended that the land will be managed by EFDC Grounds Maintenance – if any of these are to be involved the Council would be expecting their agreement and input to the proposals). Such details can be agreed as part of the Open Space Management Plan in the S106 Agreement.

In respect of the development timetable, The Council would expect to see the open space fenced and not used for any development activities – this is to minimise the impact on this area. Additionally, the Council would like to see the ecological enhancements and tree planting in this area to be undertaken whilst the development is ongoing i.e. not left to the end of development. The native boundary should also not be left to the end of the development. These details can further be agreed as part of the Legal Agreement.

Ecology

The Countrycare Section of the Council are content that issues with regards to nesting birds and potential protected species on site could be dealt with by an appropriate condition agreeing ecological surveys. Previous submissions indicated the potential presence of nesting birds and the Countrycare Section of the Council also believe there is the potential for reptiles to be located at the site.

Access to the Site

Previously it was considered that access to the site was acceptable and not a reason to withhold consent with the same roundabout access as now proposed. Once again Essex County Council Highways has advised that the scheme is suitable from this perspective. Measures to ensure that the development proceeds with a suitable road network within the site and that adequate parking is provided can be agreed by a suitable Legal Agreement and conditions.

Design and Layout

The proposed layout is considered acceptable and makes adequate provision for parking, the amenity of future occupants, preserved trees and general landscaping. Private amenity space is more than adequate. Suitably worded conditions could guard the future private amenity of residents to a reasonable level.

The plans do include some parking to the front of dwellings, however this is interspersed with front garden areas, communal green space and there are some parking courts. Generally the parking

layout is considered adequate. The area of public amenity space is deemed suitable for the development; its deliverability and maintenance can be secured by way of the necessary S106 Agreement.

The proposed new dwellings are of a scale similar to the existing pattern of development. The overall massing would not result in a cramped form of development. The streetscape submitted would not look out of place and would blend relatively well with the existing built form in the vicinity. It is not considered the proposal would impact excessively on the amenities of nearby residents. The array of house designs provide a fairly standard mix for such a development and the agreement of high quality materials, including fencing and hardstanding etc should ensure a good finish appropriate to the area.

Land Drainage

Further to a series of emails and a revised drainage strategy sent by Structa Consultants, sent in response to an Essex County Council SUDS team objection, it is now considered that a drainage scheme has been proposed which demonstrates surface water management is achievable in principle, without causing flooding on-site or elsewhere. The SUDS team are therefore content to recommend approval subject to a number of conditions agreeing a detailed drainage strategy. This approach has the general agreement of the EA and the council's internal Land Drainage Team.

Contaminated Land

Due to its former use as a Horticultural Nursery, this site has been identified as a Potentially Contaminated Site. Domestic housing is considered a vulnerable use that is sensitive to the presence of contaminants. Therefore the standard land contamination conditions would be deemed necessary with regards to the proposal but it is not an issue which it is considered could not be appropriately mitigated.

Essex County Council (Education) Comments

Any approved scheme of this nature will require a financial contribution, secured through a Section 106 Agreement, to meet the need for further school places that would be generated by the proposal. The figure that Essex County Council has generated amounts to £288,476 with a further £98,673 if nursery places are subsequently not provided on site. Through a submitted Heads of Terms the applicant has stated that a more reasonable contribution would be circa £60,000 with only demand from market housing counting as the affordable housing element is an existing demand. This is an issue which can be agreed between the parties prior to the signing of any agreement.

Thames Water

Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed on any scheme granted consent, "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed".

NHS Comments

NHS England has also been consulted on this scheme and advise that £25,920 is required to meet the capital cost for the provision of further healthcare facilities which this development would

generate. This requirement appears to meet the tests for Planning Obligation contributions as outlined at Paragraph 204 of the NPPF and can be included in any Legal Agreement on the granting of consent.

Archaeology

An Archaeology report has been submitted as part of the application and whilst little in the way of artefacts was found as part of investigations the report recognises the potential. As such a standard condition agreeing a programme of archaeological work is deemed reasonable and necessary.

Section 106 Agreement

The applicant has submitted a draft Heads of Terms on S106 contributions which will agree; affordable housing and its characteristics, education contributions, the provision and long term maintenance arrangements of the public open space, the provision, completion and management/handover of the children's day nursery delivered on-site, the nursery's construction at a cost of £400,000-500,000 based on current build cost estimates, travel plan measures to promote modal shifts to more sustainable means of transport and any on-site landscaping and pedestrian access routes. As noted above the Council would expect specific details relating to the management of the open space and its protection during works to be agreed as part of the S106.

The above can be secured prior to the issuing of the grant of consent and the proposed contents are deemed necessary to make the development acceptable in planning terms.

Conclusion:

Whilst this submitted scheme undoubtedly has some positive attributes, particularly with regards to affordable housing provision, the position previously maintained that the scheme is clearly inappropriate in the Green Belt and that no very special circumstances sufficient to outweigh the harm still remains relevant. Furthermore the site is considered to be located in an unsustainable location, resulting in the imbalanced spreading of this settlement eastward and away from its historic core and local services. This is considered an unsuitable way to meet housing need in Waltham Abbey. It is considered that previous concerns with regards to the impact on the landscape at this location have been adequately addressed and this reason to refuse consent has been removed. However for the reasons outlined above, and following a careful consideration of all the material issues it is recommended to Members that, on balance, consent is refused for this development.

Way Forward?

There are fundamental disagreements on the development of this site and its suitability for housing. However the scheme has some positive attributes with a significant amount of affordable housing proposed. The view has been taken that the best way to bring sites forward for housing are through the plan making process, as per government advice referred to above. Furthermore the site is considered unsustainable for such a scheme and would result in an unsuitable spread of this settlement eastward. This is the professional view that has been reached and should Members agree with this analysis these fundamental objections cannot be addressed or overcome but may well be worth testing at appeal.

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: Mr Dominic Duffin

Direct Line Telephone Number: (01992) 564336

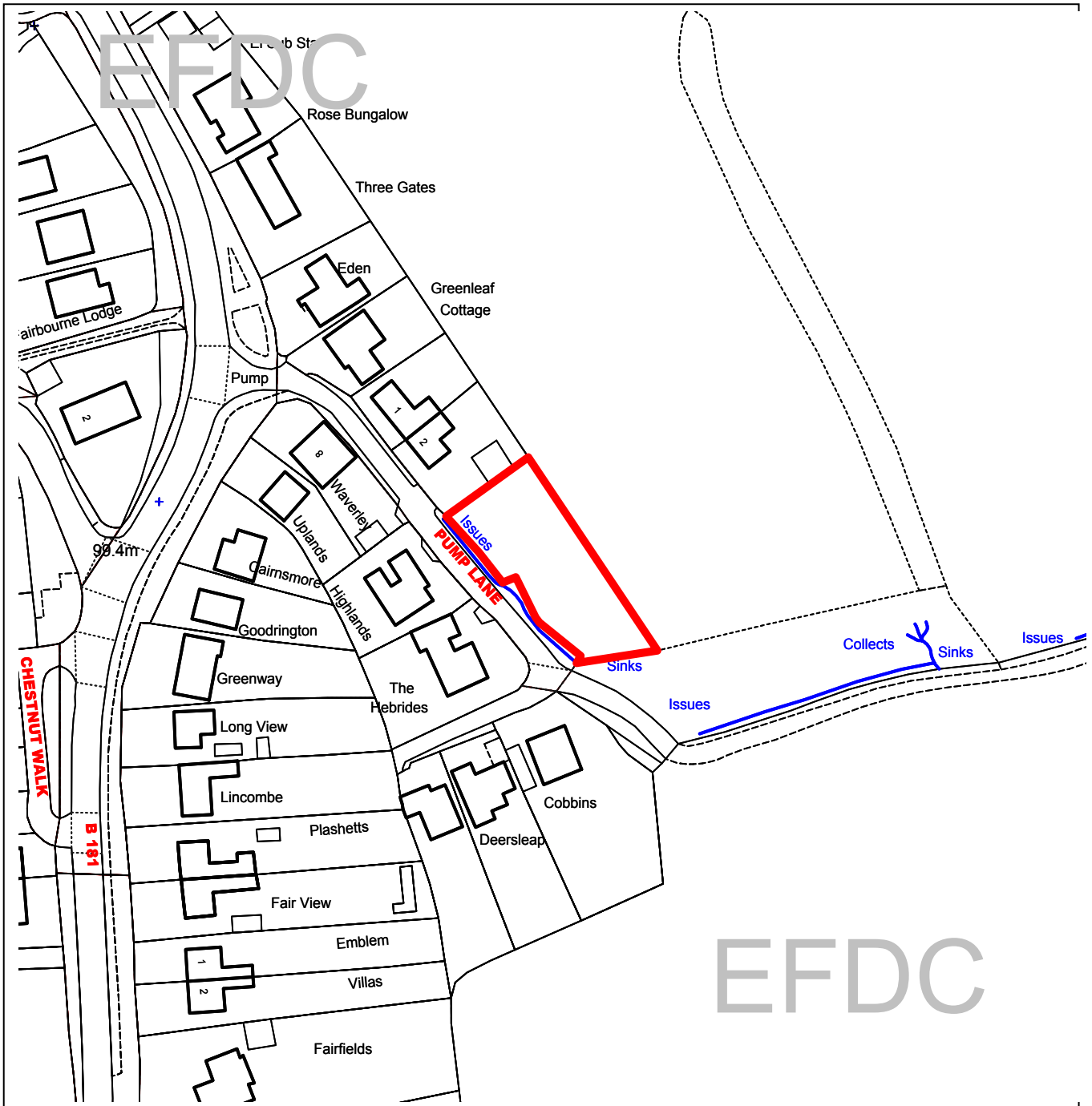
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 3



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Application Number:	EPF/1128/15
Site Name:	Land Adjacent to No. 2, Pump Lane Epping Upland, Epping, CM16 6PP
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/1288/15
SITE ADDRESS:	Land Adjacent to No. 2 Pump Lane Epping Green Epping Essex CM16 6PP
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr David Malyon
DESCRIPTION OF PROPOSAL:	Construction of 2 new dwellings on land historically used as the garden of No. 2 Pump Lane.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=576574

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 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 10794 A3 01, 04A (received amended on 03/08/15) 10A.
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.
- 5 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets,

woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

- 6 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 7 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 8 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 9 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local

Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

- 10 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 11 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions generally permitted by virtue of Class A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 13 Prior to the commencement of any works which may affect great crested newts, reptiles, birds, badgers and bats (identified during the surveys as having potential to be impacted upon) or their breeding sites or resting places, a detailed mitigation strategy shall be submitted to, and approved in writing, by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.
- 14 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).) and;

since the recommendation is for approval contrary to an objection 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))

Description of Site:

The application site is located down an unmade private road which serves a small number of residential properties. It is currently substantially overgrown and is situated to the south of No2 Pump Lane, a semi detached residential dwelling. The village of Epping Green is excluded from the Green Belt but the site falls just within it, the Green Belt boundary is the north western edge of

the site. There is no access onto the lane from the site at present and it contains a number of trees. To the east of the site are open swathes of arable farmland. A Public Footpath runs along the lower part of the lane.

Description of Proposal:

The applicant seeks consent to construct two residential dwellings within the plot. The houses would be the same design with individual residential curtilages. The houses would be two-storey in height with front and rear gable projections and half dormer windows. Two parking spaces and a garage between each house would provide parking. Access would be onto the private road. The scheme would include front and rear garden areas.

Relevant History:

EPF/0148/89 - Change of use of agricultural land to residential garden land. Refuse permission - 24/02/1989.

Policies Applied:

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment.
GB2A – Development in Green Belt
GB7A – Conspicuous Development
DBE1 – New Buildings
DBE2 – Effect on Neighbouring Properties
DBE4 – Design in the Green Belt
DBE9 – Neighbour Amenity
ST4 – Road Safety
ST6 – Vehicle Parking
LL11 – Landscaping Schemes
RP4 – Contaminated Land
U3A – Catchment Effects
U3B – Sustainable Drainage Systems
NC4 – Protection of Established Habitat
H2A – Previously Developed Land

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.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL: Inappropriate development and an intrusion into the Green Belt. Inappropriate access down an unmade track and the site is liable to flooding. Concern about overlooking of neighbouring properties.

8 neighbours consulted: 8 replies received.

1 PUMP LANE: Objection. Pump Lane is an ancient highway privately maintained and residents collectively act as highways authority. The planning application stated the area of land was 'historically used as a garden'. We have been residents since 1988 and the land when purchased was agricultural land and we checked with the Council at the time and it was not to be incorporated as a garden. It was then agricultural land and still is and as such part of the Green

Belt. Concern that what is proposed is an overdevelopment. The proposed scheme would lead to highways issues and the area is subject to surface water in bad weather.

2 PUMP LANE: Objection. The land is Green Belt and to describe it as garden is a misrepresentation. The land adjacent to No.2 is a valuable wild space. It has been somewhat misrepresented in the photographs contained with the Habitat Survey, which were taken before any new growth occurred. Pump Lane is a narrow unmade road, wholly unsuitable for the traffic and disruption which would be caused during construction. There is little available space for parking without causing significant disruption to residents. The site is not large and the construction of 2x four bedroom properties with driveways and garages is wholly out of proportion. We are concerned that the total volume of water will not be able to drain away in adverse weather conditions. Loss of trees would represent a significant loss of our privacy and even if approved, there should be condition attached which requires this screening to be maintained. There is no proven right of access along the lane.

WAVERLY: Objection. Concern about overlooking of adjoining properties. The site is home to wildlife and their habitat will be disrupted. The proposal will result in the destruction of foliage which will negatively impact on the natural beauty of the lane. An increase in traffic will be detrimental to the lane. Increase in noise and disturbance will be detrimental to amenity.

DEERSLEAP: Objection. We do not accept this is an infill site and will result in the loss of Green Belt land. The development would lead to an increase in traffic along the lane and the new house will be out of keeping with existing development. This section of the lane is prone to flooding and there is a ditch running along the front elevation which takes away any excess water. With the possibility of more land being concreted and paved over this in our opinion will make matters worse and have a adverse effect on neighbouring properties.

THE HEBRIDES: Objection. We believe the proposed development will be an overdevelopment of the site and out of keeping. Previous applications to use the land for garden were refused. Concern about potential impact on habitat at the site. Concern that this scheme will completely take away our privacy and will be out of keeping. Concern Great Crested Newts could be on the site. The proposed development will result in a loss of light to our property. Increase in noise levels, pollution and car usage along the lane. Concern about how foul drainage will be dealt with.

HIGHLANDS: Objection. The entire site was never garden land and is agricultural. The Trees and Landscaping Department has objected to this scheme. The proposal is inappropriate for the area and will have a detrimental impact. The building will be oversized and result in overlooking.

ROPLEY: Objection. Concern that this is Green Belt land and under policy should be kept permanently open. The site is also home to an array of wildlife. Bats are regularly spotted along the lane. The lane is a public footpath enjoyed by walkers and ramblers. The loss of the vegetation will result in dwellings on the lane being overlooked. The new dwellings would increase noise levels and bring more cars onto this rural lane.

26 GREEN CLOSE: Objection. My family and I have a number of objections regarding this application. We have lived in the Village for over 20 years and often use Pump Lane for access to the public footpaths. Pump Lane is a rugged track, full of potholes and certainly not a "road". We can assume that two large residents would mean at least 4 new cars using the track and trying to park. Additionally we are concerned that the quaint style of the Lane would be completely overshadowed by new developments. Currently the land is a wonderful habitat for wildlife as well as a much needed sound barrier from local traffic. Traffic at pick up and drop off times for the local school already makes this bend treacherous and this can only add to the hazardous situation.

Issues and Considerations:

The main issues to consider are the general principle of the development, whether the proposal is appropriate within the Green Belt and issues relating to design and neighbour amenity. The comments of consultees are another material consideration.

Principle of the Development/Green Belt

An application in 1989 to change the use of part of the site to residential was refused consent for Green Belt reasons. The development description describes the land as previously being used as the garden to 2 Pump Lane and this is disputed in a number of correspondences received. The scheme has been put forward as a "limited infill in a village" as per Paragraph 89 of national guidance contained in the NPPF. This recognises such developments as potentially appropriate and if assessed as such it will not matter if the piece of land in question is classified as garden or agricultural. The scheme would be an appropriate Green Belt development.

In this regard the Council has received and dealt with a large number of such infill developments. Epping Green is clearly a village. In Green Belt terms the infilling of this section of the lane, a continuation of a row of properties, with another row opposite across the lane would have no significant impact on open character. This site could be classed as an infill and is suitable for a limited residential scheme which would make a small but cumulatively valuable contribution to meeting housing need. The principle of redevelopment is therefore considered acceptable.

Design and Layout

The two houses would continue an existing building line on the eastern side of the lane. The buildings would be facsimile copies of each other, two storeys in height with front and rear gable projections. Traditional materials would be used in the finish and in a rural setting the houses would not look out of place. The lane contains a mix of dwelling styles, as does the immediate vicinity. The site would comfortably accommodate two dwellings and there would be sufficient space for parking and private amenity space. Access would be directly onto the lane. The design and layout is considered acceptable.

Amenity

Concern has been expressed that this scheme would result in a material loss of amenity to neighbouring landowners. It is firstly stated that the development will result in overlooking. However the houses will face onto the lane/private road and will form a fairly traditional layout of front elevations facing a road with the other houses. It is not considered there would be serious overlooking.

It is also stated that the applicants may not have a right of access onto the lane. This is essentially a private matter and therefore not something material to this decision.

The houses are set well into the plot and would not appear overbearing. There would be no loss of sunlight or outlook. The scheme would not appear unneighbourly and sufficient gap would be retained to no2 Pump Lane. Generally two dwellings could be constructed on this site which would not infringe on the amenity levels currently enjoyed by neighbouring occupants.

Trees and Landscaping

A revised drawing indicates that trees along the southern boundary can be retained. In light of this, the Trees and Landscaping Section of the Council has no issue with this scheme and are content that the development proceeds with standard tree protection and landscaping conditions attached.

Ecology

An Ecological Survey has been submitted in support of the application. Whilst concern has been expressed by local residents with regards to impact on wildlife at the site, the Council's ecologist is content to recommend the granting of consent subject to the following condition:

“Prior to the commencement of any works which may affect great crested newts, reptiles, birds, badgers and bats (identified during the surveys as having potential to be impacted upon) or their breeding sites or resting places, a detailed mitigation strategy shall be submitted to, and approved in writing, by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.”

Highways/Parking

There is space demonstrated within the site to comfortably park three vehicles for each dwelling which is more than adequate. The Highways Authority at Essex County Council has responded with no objections to this proposal.

Land Drainage

The development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. A Flood Risk Assessment (FRA) is therefore required.

Works are proposed to or within eight metres of an open or piped watercourse therefore Land Drainage consent is required.

The applicant is proposing to dispose of foul sewage by package treatment plant. However, our records show a public foul sewer in Pump Lane which in accordance with PPG4 and Building Regulations Approved Document H is the preferred method of foul sewage disposal. Further details are required and can be agreed by condition.

The applicant is proposing to dispose of surface water by sustainable drainage system/soakaway. The geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. Further details are required and can be agreed by condition

Contaminated Land

Due to the presence of onsite and offsite infilled ponds there is the potential for contaminants to be present on site. Domestic dwellings with gardens are classified as a particularly sensitive proposed use. As remediating worst case conditions should be feasible, it should be possible to deal with land contamination risks by way of condition.

Neighbour Comments

Concern has been expressed that the road is unsuitable for more residential units. As stated the Highways Authority has raised no issue and there appears to be no sound planning grounds to refuse for this reason.

Concern about noise disturbance during the construction phase can be controlled to some degree by a suitable condition.

It is stated that the land can be prone to flooding, however the Land Drainage section of the Council have raised no issue with the scheme subject to suitable conditions.

There is also some concern that this scheme will affect the use of the lane as a local amenity for walkers/ramblers although it is difficult to envisage how this would be the case.

Affordable Housing

As the site is under 0.1 Hectare (circa 0.08) there is no requirement for affordable housing on site or through contributions in line with the relevant local policies.

Conclusion:

The principle of two residential units at this site can be accepted, should members agree that this is an infill plot. There would be no material impact on the amenity of residents and the design is acceptable. It is therefore recommended that consent is granted subject to conditions.

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: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

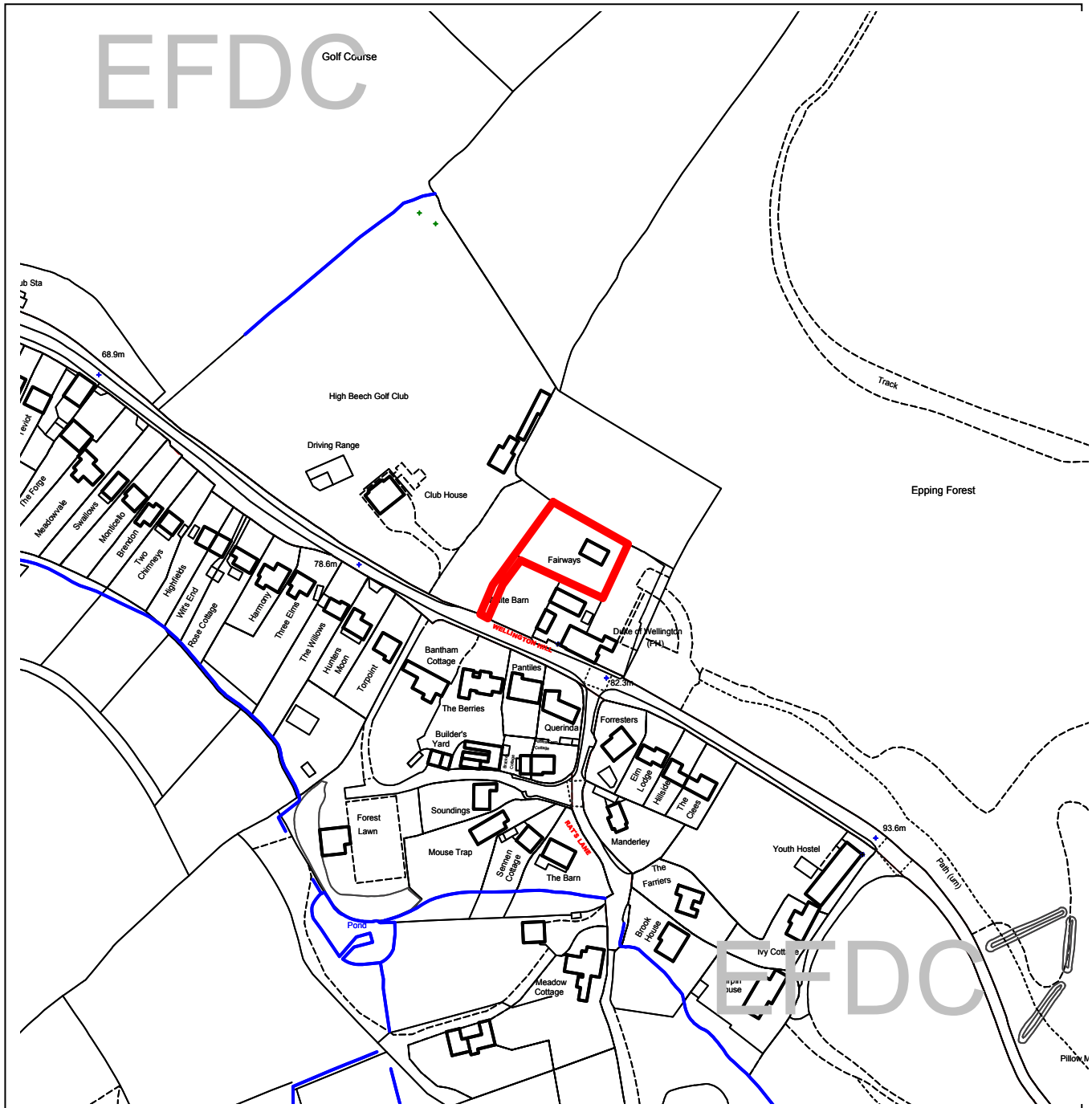
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 4



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Application Number:	EPF/1298/15
Site Name:	Fairways, Wellington Hill Waltham Abbey, IG10 4AH
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/1298/15
SITE ADDRESS:	Fairways Wellington Hill Waltham Abbey Essex IG10 4AH
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Mr & Mrs D Bales
DESCRIPTION OF PROPOSAL:	Replacement of mobile home and associated development with bungalow.
RECOMMENDED DECISION:	Refuse Permission

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=576614

REASON FOR REFUSAL

- 1 Due to the size of the proposed bungalow in comparison to the existing permanent structures on site the proposed development would have a greater impact on the openness of the Green Belt. Therefore this would constitute inappropriate development that is, by definition, harmful to the openness of the Green Belt. These are insufficient very special circumstances to clearly outweigh the harm from this inappropriate development and therefore the proposal is contrary to the guidance contained within the National Planning Policy Framework and policies CP2 and GB2A of the adopted Local Plan and Alterations.

This application is before this Committee since it has been 'called in' by Councillor Stavrou (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(h))

Description of Site:

The application site comprises a 0.1 hectare parcel of land to the rear of the Duke of Wellington public house. The application site has lawful consent for the stationing of a residential caravan and there is currently a double unit style, pitched roof mobile home on site measuring 11m x 6.5m. This is located atop an 18m x 7m concrete slab and has a brick skirt and two sets of concrete steps. To the front of the mobile home is a timber decked area with wooden balustrade and the site also contains various other permanent and temporary structures including a storage container, a derelict caravan and a small storage shed.

Description of Proposal:

Consent is being sought for the erection of a three bed single storey bungalow in place of the existing mobile home. The proposed bungalow would measure 17.3m in width and 8.2m in depth with an additional 2.7m front projection. The proposed bungalow would have a hip ended pitched roof to a ridge height of 5m and the front projection would be gable ended with a lower ridge height of 4.7m. The proposed bungalow would have a gross external floor area of 159m².

The proposed development would entail the removal of the existing mobile home along with all other permanent and temporary structures. The existing access from Wellington Hill would be retained and a parking/turning area provided within the site.

Relevant History:

There is a long history to the wider Duke of Wellington site, which is within the ownership of the applicant, however the only relevant history to the application site is the following:

CLD/EPF/2291/06 – Certificate of lawfulness for existing use of siting of a residential caravan – lawful 18/01/07

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP4 – Energy conservation
CP5 – Sustainable building
GB2A – Development in the Green Belt
H2A – Previously developed land
DBE4 – Design in the Green Belt
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL11 – Landscaping scheme
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
RP4 – Contaminated land

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:

7 neighbouring properties were consulted and a Site Notice was displayed on 26/06/15.

PARISH COUNCIL – Object. Committee had no objection to the mobile home being replaced with one of comparable size but considered the development to be inappropriate in the Green Belt.

Issues and Considerations:

The key considerations in this application are the impact on the Green Belt, with regards to the overall impact on the surrounding area, sustainability, and in terms of highway safety and parking provision.

Green Belt:

Previously developed land?

The application site is a parcel of land to the rear of the Duke of Wellington public house that benefits from a lawful use for the stationing of a residential mobile home, which was confirmed by a certificate of lawful use in 2007. The submitted Planning Statement puts forward that *“the effect of the certificate of lawfulness granted in 2007 is to make it lawful to station a mobile home on the application site permanently. It is therefore a ‘permanent structure’”*.

The definition of previously developed land, as laid out within Annex 2 of the National Planning Policy Framework reads:

Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreational grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

The definition of a caravan, as laid out within Part 1 of the Caravan Sites and Control of Development Act (1960), reads:

“Caravan” means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted.

By their very nature mobile homes (caravans) are temporary buildings and therefore do not constitute ‘permanent structures’ as referred to above. Therefore the presence of a mobile home on a site, regardless of whether it can be stationed on the site permanently or not, would not make this previously developed land.

Nonetheless, with regards to this particular site there are some permanent structures on the site as well as the temporary mobile home. This includes the existing storage shed, a large concrete slab (which the mobile home sits atop of), the brick steps attached to the existing mobile home, and the existing decking and balustrade. These particular features of the site are ‘permanent structures’ and due to their presence in relation to the lawful residential use of the site it is considered that this site would meet the definition of ‘previously developed land’.

The National Planning Policy Framework states that the erection of new buildings within the Green Belt constitutes inappropriate development however provides a number of exceptions to this. The list of exceptions includes *“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”*.

The key consideration with regards to this exception is whether the proposed development would *“have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”*. The submitted Planning Statement puts forward that the existing 11m x 6.5m mobile home currently on site could be replaced by a mobile home measuring a maximum size of 20m x 6.8m without requiring planning consent (which strengthens the above

case that a mobile home, even if permitted to remain on a site permanently, does not constitute a permanent structure), and that the proposed bungalow (159m²) would be just 17% over and above the size of the maximum sized mobile home permitted on this site (136m²). In addition it is stated that the development would also involve the removal of a 15m² container, a 13.5m² storage shed and the 12m² derelict caravan. With these structures included in the calculations the proposed development would be 15.74m² smaller than the cumulative maximum possible size of structures that could be on site.

Despite the above claims it is not considered that all the above stated structures should be considered when calculating the additional impact on the openness of the Green Belt. Notwithstanding whether permitted to be stationed permanently or not, the existing (or maximum sized) mobile home, derelict touring caravan and container are not permanent buildings and therefore cannot be taken into account when determining the 'impact on the openness of the Green Belt'. When discounting these structures the proposed bungalow would result in an approximate 813% increase over and above the size of the existing permanent structures on the site (the storage shed, concrete slab, brick steps and decking area). This would therefore clearly have a "*greater impact on the openness of the Green Belt*" and would constitute inappropriate development that is, by definition, harmful to the openness of the Green Belt.

Limited infill?

The other case put forward within the submitted Planning Statement is that the proposed development would constitute 'limited infilling in a village', which would meet another exception to inappropriate development as stated within the National Planning Policy Framework. It is stated by the applicant that "*the proposed bungalow, by being sited between the northern extent of the existing mobile home and the approved guest accommodation building adjacent to the pub, would constitute 'limited infilling in a village' and would therefore be an appropriate development for this reason also*".

It is disputed that the proposed development would constitute 'limited infilling'. Whilst it could be queried as to whether the small, predominantly residential, enclave consisting of Wellington Hill, Rats Lane and part of Pynest Green Lane constitutes a 'village' (despite the reference within the submission to this enclave being "*the village of High Beech*"), the bigger concern in this instance is regarding the location of the proposed development. Whilst appeal decisions have concluded that a site does not need to be 'enclosed on all sides' by development in order to constitute an infill it nonetheless would need to follow some pattern of development and be located within the envelope of an existing village to meet this exception.

Examples of this can be seen within several appeal decisions, such as that for an infill development in Spellbrook, Herts which was located in a ribbon development on the edge of a village. In this decision it is stated that "*given the almost continuous pattern of development along the main road, it is reasonable to conclude that the ribbon of development and, consequently, the appeal site, should be regarded as within the village*". Another example was that appeal at Pond House, Matching Green (Ref: EPF/2136/12), which allowed an infill development in this village. Within the Inspector's decision letter it was stated that "*the scheme would be visible from within the village and the wider countryside but I consider it would have a very limited impact on the openness of the Green Belt because, as an infill development, it would be contained within the existing envelope of built development in Matching Green and seen in the context of the existing village development. For the same reason, it would not have a material adverse effect on the purposes of including land within the Green Belt*".

The application site, unlike the above examples, is located to the rear of the existing public house behind the established envelope of this built up enclave. The predominant built development within this area is on the southern side of Wellington Hill with the only built development on the northern side being the existing public house and associated guest accommodation (plus the now lawful

dwelling known as 'White Barn'), and the adjacent golf clubhouse. The application site sits behind this and is more akin to a 'backland development' site and would not continue or 'infill' any existing pattern of development. Therefore it is not considered that this proposal would constitute "*limited infilling in a village*" and therefore this proposal would not fall within this exception to inappropriate development within the Green Belt.

Very special circumstances:

The National Planning Policy Framework makes it clear that inappropriate development is, by definition, harmful to the openness of the Green Belt and "*should not be approved except in very special circumstances*". It also states that "*when considering any planning application, local planning authorities 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*".

The case put forward for the proposed development includes the following factors:

- The existing mobile home located on the site could be replaced with a significantly larger mobile home, measuring 20m x 6.8m, without the need for planning consent.
- The floor area of the proposed bungalow would be 17% larger than the maximum sized mobile home permitted on the site.
- The floor area of the proposed bungalow would be 9% less than the total floor area of the maximum sized mobile home permitted on the site and all other temporary and permanent structures on the site.
- The proposed replacement bungalow would meet the sustainable development objectives (regarding energy conservation and sustainable building) of the National Planning Policy Framework and Local Plan policies CP4 and CP5.
- The proposed new bungalow would be lifetime homes compliant.
- The bungalow is located to the rear of the existing public house and is adjacent to various forms of built development and as such would have little physical impact on the openness of the Green Belt.
- The proposal would retain and add to the existing landscaping of the site that would reinforce the character of the area and add biodiversity.

Although there are doubts about the current level of permanence of the existing mobile home on site due to the existing brick skirt, concrete steps and decking area, theoretically the existing mobile home could be replaced with a larger mobile home without the need for planning consent, provided this does not exceed the maximum size as laid out within the Caravan Act. Nonetheless the mobile home currently on site is not 20m x 6.8m but is a far less imposing 11m x 6.5m in size. When compared to the existing mobile home on the site the proposed new bungalow would result in a 122% increase over and above the size of this existing structure on site.

Should the applicant wish to go through the expense of transporting a larger mobile home onto the site then they are within their rights to do so, however even if this were done the size of the proposed new bungalow would still be 17% larger than this maximum sized mobile home. This is considered to be 'materially larger' than the possible fallback position and as such this is given limited weight in this instance.

Similar to the above, the suggestion that the proposed new bungalow would be smaller in built form than the cumulative floor area of all structures on site is largely based on the 'fallback position' of a larger mobile home being placed on site. Furthermore this also takes into account the removal of other temporary structures including a derelict touring caravan and a temporary container. Neither of these structures have a permanent impact on the openness of the Green Belt and therefore the weight given to their removal is relatively limited.

Visually there would be some benefit to the removal of the temporary mobile home and the ancillary, and in most cases unsightly, structures, however any positive impact with regards to the appearance of the site would be far outweighed by the significantly increased size and permanent nature of the proposed bungalow. Furthermore, as highlighted within the submitted Planning Statement, *“the proposed bungalow would be single storey and the gradient downwards from Wellington Road would enable the bungalow to be tucked slightly into the slope, so that the bungalow would be subservient to the other buildings and largely concealed from view from surrounding viewpoints”*. As such any positive visual benefits would be relatively limited due to the location of the site and lack of public views.

The sustainability of the proposed bungalow is required under the current Building Regulations and whilst a permanent dwelling would clearly be a more sustainable build when compared to a mobile home it is not considered that this matter would clearly outweigh the harm from the significantly larger permanent structure on the site.

There is no requirement for the proposed bungalow to be lifetime homes compliant and whilst this is welcomed it is not considered to be of any significant benefit.

The retention of the existing landscape is a lack of harm rather than any tangible benefit and the provision of additional landscaping would at best assist in the mitigation of the proposed development. Therefore this factor is given limited weight.

Whilst there would be some benefit as a result of the proposed new bungalow it is not considered that, when considered either individually or cumulatively, the above factors would be sufficient enough to clearly outweigh the harm from this inappropriate development. Therefore the proposal would constitute inappropriate development and would be contrary to the guidance contained within the National Planning Policy Framework and Local Plan policies CP2 and GB2A.

Impact on surrounding area:

In isolation the proposed bungalow would be appropriately designed and, given the location of the site, would not be particularly visible from public view. The proposed external materials would be brick and rendered walls with slate tiled roof and red clay ridge tiles and would be in keeping with those used within surrounding properties.

The level of amenity space serving the bungalow would comply with the minimum requirements as set out within the Essex Design Guide and policy DBE8. Given the location of the site and existing lawful residential use there would be no further impact on the amenities of any neighbouring residents.

Sustainability:

Whilst the location of the site is not particularly sustainable the proposed new bungalow would replace an existing residential mobile home and therefore there would be no further impact with regards to sustainable transport.

As highlighted above, the proposed new dwelling would be a more sustainable build than the existing mobile home on the site, as required by the current Building Regulations.

Highways:

The proposed bungalow would utilise the existing access off of Wellington Hill and would provide ample off-street parking provision and turning space within the site. As such there would be no additional highways impact as a result of the scheme.

Conclusion:

Due to the presence of a storage shed, a large concrete slab (which the mobile home sits atop of), brick steps attached to the existing mobile home, and an existing decking and balustrade the site constitutes previously developed land. Whilst there is lawful consent for a residential mobile home to be permanently stationed on the site such a building is by its very nature temporary and therefore, irrespective of how long it is retained on site, the harm to the openness of the Green Belt can only ever be considered temporary. As such the replacement of these cannot be considered when assessing the impact on the openness of the Green Belt (in terms of the principle of the development). Therefore the proposed bungalow would have a significantly greater impact on the openness of the Green Belt than the existing permanent structures on the site and as such would constitute inappropriate development that is, by definition, harmful to the openness of the Green Belt.

Despite the submitted case the proposal would not constitute a 'limited infill' and whilst the proposed development would result in some benefits these would not be sufficient to clearly outweigh the harm from this inappropriate development. As such there are no very special circumstances that clearly outweigh the harm to the Green Belt and therefore the proposal would be contrary to the guidance contained within the National Planning Policy Framework and the Local Plan policies CP2 and GB2A and as such the application is recommended for refusal.

Is there a way forward?

Unless very special circumstances can be brought forward, it is not considered that there is a way forward.

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: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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