

committee agenda



**Epping Forest
District Council**

***District Development Management Committee
Wednesday, 4th November, 2015***

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

**Council Chamber, Civic Offices, High Street, Epping
on Wednesday, 4th November, 2015
at 7.30 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

Gary Woodhall
The Directorate of Governance
Tel: 01992 564470
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors B Sandler (Chairman), B Rolfe (Vice-Chairman), A Boyce, H Brady, R Butler, J Hart, R Jennings, S Jones, H Kauffman, J Knapman, Y Knight, A Mitchell MBE, G Mohindra, C C Pond and J M Whitehouse

SUBSTITUTE NOMINATION DEADLINE:

16:00

1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Senior Democratic Services Officer will read the following announcement:

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

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

This may infringe your human and data protection rights and if you wish to avoid this

then you should move to the upper public gallery.

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

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

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

3. APOLOGIES FOR ABSENCE

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

4. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23 JULY 2002)

(Director of Governance) To report the appointment of any substitute members for the meeting.

5. DECLARATIONS OF INTEREST

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

6. MINUTES (Pages 7 - 24)

To confirm the minutes of the last meeting of the Committee held on 5 August 2015.

7. EPF/1629/15 - SIXTEEN STRING JACK, COPPICE ROW, THEYDON BOIS (Pages 25 - 42)

(Director of Governance) To consider the attached report for the demolition of the existing Public House and associated buildings and the erection of eleven residential apartments with parking and communal gardens (DEV-011-2015/16).

8. EPF/1162/15 - KNOLLY'S NURSERY, PICK HILL, WALTHAM ABBEY (Pages 43 - 66)

(Director of Governance) To consider the attached report regarding the demolition of existing structures and redevelopment to provide 79 residential units (including 63 affordable housing units), an associated Children's Day Nursery, new access and roundabout and associated parking and landscaping (DEV-012-2015/16).

9. EPF/1703/15 - VARIOUS SITES AT MAIN ENTRANCES TO EPPING FOREST (Pages 67 - 78)

(Director of Governance) To consider the attached report for advertisement consent for the erection of 11 free standing gateway signs across 9 sites and 3 visitor hub signs across 3 sites (DEV-013-2015/16).

10. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 24 of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda

of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

11. EXCLUSION OF PUBLIC AND PRESS

Exclusion

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

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

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

Confidential Items Commencement

Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers

Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

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

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and members of the Subcommittee. A map showing the venue will be attached to the agenda.

Can I speak?

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

Who can speak?

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

What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes and if you are not present by the time your item is considered, the Subcommittee will determine the application in your absence.

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

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

How are the applications considered?

The Subcommittee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers presentations. The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

Further Information?

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

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Management Committee **Date:** 5 August 2015

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.50 pm

Members Present: B Sandler (Chairman), B Rolfe (Vice-Chairman), A Boyce, H Brady, R Butler, R Jennings, S Jones, H Kauffman, J Knapman, Y Knight, A Mitchell MBE, G Mohindra, C C Pond, J M Whitehouse and A Patel

Other Councillors: K Angold-Stephens, J Lea and D Wixley

Apologies: J Hart

Officers Present: N Richardson (Assistant Director (Development Management)), P Pledger (Assistant Director (Housing Property)), S Tautz (Democratic Services Manager) and G J Woodhall (Senior Democratic Services Officer)

16. WEBCASTING INTRODUCTION

The Democratic Services Officer reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

17. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Committee, in relation to the determination of applications for planning permission. The Committee noted the advice provided for the public and speakers in attendance at Council Planning Committee meetings.

18. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23 JULY 2002)

The Committee noted the following substitutions for this meeting:

- (i) Councillor Patel for Councillor Hart.

19. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor G Mohindra declared an interest in the following items of the agenda, by virtue of being the Chairman of the local Conservative Party for which the Anderson Group, who would be undertaking the construction if these schemes were granted planning permission, was a donor of funds. The Councillor had determined that his interest was not pecuniary and would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/2516/14 Foster Street Farm, Foster Street;

- EPF/2517/14 Land at Harlow Gateway South, London Road (A414); and
- EPF/2518/14 C J Pryor, Cecil House, Foster Street.

20. MINUTES

Resolved:

- (1) That the minutes of the meeting held on 10 June 2015 be taken as read and signed by the Chairman as a correct record.

21. EPF/3005/14 - BARKERS FARM, MOUNT END ROAD, THEYDON MOUNT

The Assistant Director of Governance (Development Management) presented a report for the change of use of a former farm office and dairy building and barn to create one live/work unit at Barkers Farm in Mount End Road, Theydon Mount. The proposal also included the infilling of an undercroft area to form a living room. The front elevation would be enclosed by glazed bi-fold doors.

The Assistant Director informed the Committee that this application was originally considered by Area Plans Sub-Committee East on 15 April 2015. A motion to refuse the application on the grounds that it would compromise the openness of the Green Belt and was not a sustainable location for residential development was lost; the Planning Officer's recommendation to approve the application was then agreed. However, five members had invoked the minority reference rules within the Constitution to refer the application to this Committee for a final decision. This application was considered at the last meeting of the Committee, and it was deferred pending the receipt of further legal advice concerning paragraph 90 of the National Planning Policy Framework. This advice had now been received from Counsel and distributed separately to the members of the Committee.

The Assistant Director stated that the application site was situated on the east side of Mount End Road, and was within the Metropolitan Green Belt. The site comprised a substantial two-storey brick building originally constructed as a dairy building and farm office. A single-storey wing extended to the rear and extended up to a substantial modern barn, which was now divided into four units. The site also included a large tarmac-surfaced area and a grassed area south of the former dairy and barn.

The Assistant Director highlighted that the site had a history of planning permission being refused and a subsequent appeal dismissed on the grounds there was no evidence of agricultural need for the proposed dwelling. Since the publication of the National Planning Policy Framework, the issue of agricultural need was no longer relevant and there was a different planning policy context by which to determine this application.

The Assistant Director referenced paragraph 90 of the National Planning Policy Framework, which made clear that the re-use of buildings in the Green Belt was not inappropriate provided the buildings were of a permanent and substantial construction, the new use preserved the openness of the Green Belt, and did not conflict with the purposes of including land in the Green Belt. In relation to this, Officers had concluded that the proposal was not inappropriate development in the Green Belt, would not cause undue harm, and therefore had complied with the relevant planning policies.

The Committee noted the summary of representations received in relation to the application. Two letters had been received objecting to the application, of which one

was from the Parish Council; both objections were opposed to the establishment of a dwelling on this site. The Committee heard from the applicant before proceeding to debate the application.

Some Members of the Committee were disappointed that planning permission was now liable to be granted given the previous history of retrospective planning applications at this site. However, the Committee acknowledged that, given the advice received from Counsel, there were no grounds for refusal of this application.

Resolved:

(1) That planning application EPF/3005/14 at Barkers Farm, Mount End Road in Theydon Mount be granted planning permission subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
2. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Site Plan, 09-189/01, 09-189/02, 09-189/03, 09-189/04, 09-189/05, 09-189/06.
3. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions, roof enlargements or outbuildings generally permitted by virtue of Classes 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.
4. The premises shall be used solely for mixed use comprising use for purposes within Use Classes C3, B1(b), B1(c) and B8, and for no other purpose (including any other purpose in Use Class B1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended)), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.
5. No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.

22. EPF/2516/14 - FOSTER STREET FARM, FOSTER STREET

The Assistant Director of Governance (Development Control) presented a report regarding the redevelopment of the site at Foster Street Farm in Foster Street to provide 9 residential units together with associated car parking, open space, refuse and recycling facilities. This was an enabling development for the linked applications EPF/2517/14 and EPF/2518/14, as the approval of the two residential schemes would financially support the relocation of C J Pryor to an expanded site at Harlow Gateway South.

The Assistant Director reported that the proposal sought permission for two 3-bedroomed, five 4-bedroomed and two 5-bedroomed properties to be erected. The dwellings would all be two-storeys in height, and although the original plans had included three-storey dwellings these had been amended to lower the height of the buildings. A pair of semi-detached dwellings and a single dwelling would front Foster Street, with a linear development of detached dwellings to the rear of these. A small pond would be sited in the south east of the site and the site access would be relocated to allow for better visibility.

Planning Officers had concluded that the proposed development would not result in any greater harm to the openness of the Green Belt and would not cause any significantly greater impact on the character and appearance of this rural area. There would be no perceptible increase in vehicle movements and the relocation of the access road would improve highway safety. The loss of amenity to existing properties would not be excessive, and there were some amenity benefits to the local area from this development. Adequate parking and private amenity space had been provided, and the small scale of the proposed development was sufficient in respect of sustainability. The proposal complied with the National Planning Policy Framework and the relevant Local Plan policies, and was therefore recommended for approval.

The Assistant Director added that this application, along with the two linked applications, was originally considered by Area Plans Sub-Committee East at its meeting on 13 May 2015. However, all three applications were referred directly to this Committee without discussion. This application had been deferred by the Committee at its previous meeting to enable proper consultation to be undertaken as the submitted plans had been amended by the Applicant following the publication of the agenda.

The Assistant Director informed the Committee that a High Court ruling had been received following publication of the agenda, which required 50% of the units to be allocated for affordable housing on the site. The application had not included any provision for affordable housing, and if this application had been dealt with at the previous meeting then this ruling would not have applied. However, the Council did not have to comply with this ruling if it felt that very special circumstances existed.

The Committee noted the summary of representations. Twelve letters in support of the application had been received, including the local Member of Parliament for Harlow and six employees of C J Pryor; eleven letters of objection had been received, including North Weald Bassett Parish Council who had submitted a further letter of objection following sight of the amended plans. Harlow District Council had no objection to the development. The Committee heard from an Objector, the Parish Council and the Applicant's Agent, before proceeding to debate the application.

Some members of the Committee felt that the application should be refused permission to comply with the High Court ruling, as no affordable housing was being proposed as part of the development. Although it was regrettable that the application had been delayed, and the High Court ruling was now in force, there had not been any very special circumstances demonstrated to negate the need to provide affordable housing. The Assistant Director stated that the Applicant had argued against the provision of affordable housing as the scheme would not then be economically viable to financially support the proposed re-location of the business; the Council had employed external consultants to examine the application, who had agreed with the economic viability argument put forward by the Applicant.

Other members of the Committee felt that this was a permissible development on a previously developed, brownfield site. The Assistant Director reminded the Committee that the Government had removed any requirement for a policy on the density of developments, and that the provision of private amenity areas and parking spaces were to be considered instead.

Resolved:

(1) That planning application EPF/2516/14 at Foster Street Farm, Foster Street be granted planning permission, subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
2. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1457_0090 A, 139/PL/01A, 139/01/SS/02A, 139/01/SS/01A, 139/PD/04/01, 139/PD/04/02, 139/PD/03/02, 139/PD/03/04, and 062/PD/05/01A.
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 details of 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.
5. The development shall be carried out in accordance with the flood risk assessment (Stomor Civil Engineering Consultants, Ref ST2331/FRA-1408-Foster Street Revision 0, August 2014) and drainage strategy submitted with the application, unless otherwise agreed in writing with the Local Planning Authority.
6. 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 and installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garages 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.
8. 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 or outbuildings generally permitted by virtue of Class A, B or E of

Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

9. The recommendations within the Phase 1 Habitat Survey dated April 2014, submitted by DF Clark Bionomique Ltd, as stated within section 1, Summary, items i - ix concerning birds, great crested newts, bats and recommendations for future lighting and landscaping, shall be followed.

10. 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 the implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

11. Prior to the commencement of development, including any ground works or demolition, details of a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for the following clear of the highway:

- safe access into the site;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development; and
- wheel and underbody washing facilities.

The approved Statement shall be adhered to throughout the construction period.

12. Prior to first occupation of the development the developer shall implement and retain in perpetuity the access arrangements for the proposed development, as shown in principle on Stomor drawing no.ST-2331-03-D, to include but not limited to:

- 2.4m x 120m visibility splays.

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

14. All turning heads required for refuse and fire tender use shall comply with the dimensions within the Essex Design Guide for a Size 3 Turning Head.

15. The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

16. The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.

17. 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.]

18. 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.]

19. 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.]

20. 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.

21. 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 condition immediately above (no. 20).

22. 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.

23. EPF/2517/14 - LAND AT HARLOW GATEWAY SOUTH, LONDON ROAD (A414)

The Assistant Director of Governance (Development Management) presented a report on the proposed redevelopment of Land at Harlow Gateway South on London Road (A414) for B1 (Business) and B8 (Storage & Distribution) purposes by C J Pryor Limited. This application was linked to planning applications EPF/2516/14 and EPF/2518/14, as the approval of the two residential schemes would financially support the relocation of C J Pryor to an expanded site at Harlow Gateway South.

The Assistant Director reported that consent for the change of use of the site was being sought to allow C J Pryor to relocate from their existing two sites in Foster Street. The proposal included the erection of a two-storey office building, a warehouse style shed, an electrical sub-station and a pump station. The majority of the site would provide parking for staff as well as plant and machinery. There would also be storage space for recycling skips, and a large wash down and fuelling station within the centre of the site. The site would be served by the existing access point from the A414, albeit by a new road system. The company had stated that they were expanding and that the existing Foster Street sites were inappropriate for this expansion.

Planning Officers had concluded that the site was not previously developed land, and that the proposal was inappropriate development which would be harmful to the openness of the Green Belt. Furthermore, the bulk and visual impact of the proposed development would be detrimental to the character and appearance of the rural, edge-of-settlement location that was Foster Street. The desire of C J Pryor to locate from their existing sites to facilitate an expansion of their business, and the economic benefits arising, was not considered to be very special circumstances which would outweigh the substantial harm to the Green Belt from this development. The application did not comply with the National Planning Policy Framework or the relevant Local Plan policies, and therefore the application was recommended for refusal. Given the current designation of the site as undeveloped Green Belt, it was felt that there was not any way forward for this proposed development.

The Assistant Director added that this application, along with the two linked and enabling applications, were originally considered by Area Plans Sub-Committee East at its meeting on 13 May 2015. However, all three applications were referred directly to this Committee without discussion. This application had been deferred by the Committee at its previous meeting to enable proper consultation to be undertaken as the submitted plans had been amended by the Applicant following the publication of the agenda.

The Committee noted the summary of representations. Twelve letters in support of the application had been received, including the local Member of Parliament for Harlow and six employees of C J Pryor; thirteen letters of objection had been received, including Harlow District Council and North Weald Bassett Parish Council, who had submitted a further letter of objection following sight of the amended plans. The Committee heard from an Objector, the Parish Council and the Applicant's Agent, before proceeding to debate the application.

The Committee had concerns about possible in-filling at this site in the future, with the northern side of the site developed and the southern side left empty. It was also commented that Harlow had been designed with designated industrial areas for industrial buildings, and designated residential areas for housing. The proposed development should be within an industrial area within Harlow, and the Gateway area should not have industrial buildings within it. The development, if permitted, would obscure nearby woodland.

Resolved:

(1) That planning application EPF/2517/14 for Land at Harlow Gateway South in London Road (A414) be refused permission for the following reasons:

1. The application site was located within the Metropolitan Green Belt and the proposed development would constitute inappropriate development harmful to the openness of the Green Belt. No very special

circumstances existed that clearly outweighed the harm from the development and therefore the proposal was contrary to the guidance contained within the National Planning Policy Framework and policies CP2 and GB2A of the adopted Local Plan and Alterations.

2. The proposed development, due to the bulk, scale and nature of the works, would result in a detrimental impact on the character and appearance of this rural edge of settlement location, contrary to the guidance contained within the National Planning Policy Framework and policies CP1, CP2, LL2 and LL3 of the adopted Local Plan and Alterations.

24. EPF/2518/14 - C J PRYOR, CECIL HOUSE, FOSTER STREET

The Assistant Director of Governance (Development Management) presented a report regarding the redevelopment the site containing Cecil House in Foster Street to provide 65 residential units together with associated car parking, open space, and refuse and recycling facilities. This application was linked to planning applications EPF/2516/14 and EPF/2517/14, as the approval of the two residential schemes would financially support the relocation of C J Pryor to an expanded site at Harlow Gateway South.

The Assistant Director reported that the application proposed a mixture of two, three, four and five bedroomed properties, which would be two storeys in height. The original plans for some of the units to be three storeys had been amended to lower the height of these buildings. The development would be laid out around a road which would form the spine of the development, and would circulate around the site with a small mews in the south eastern corner.

Planning Officers had concluded that the scale and intensity of the proposed development, and the encroachment into a previously undeveloped area, would constitute inappropriate development which was harmful to the Green Belt. Furthermore, an additional 65 dwellings in this small hamlet would constitute unsustainable development, which would detrimentally impact on the character and appearance of this rural area. The development also failed to provide any affordable housing, contrary to the Council's policy obligations. The proposed expansion of C J Pryor, which this development would enable, was not considered very special circumstances which would outweigh the substantial harm from this development. The application failed to comply with the National Planning Policy Framework and the relevant Local Plan policies, and therefore this application had been recommended for refusal. A revised application for residential development of a lower density on the previously developed land within the eastern half of the site, which also provided an affordable housing element, could be considered a possible way forward for this proposal.

The Assistant Director added that this application, along with the two linked applications, were originally considered by Area Plans Sub-Committee East at its meeting on 13 May 2015. However, all three applications were referred directly to this Committee without discussion. This application had been deferred by the Committee at its previous meeting to enable proper consultation to be undertaken as the submitted plans had been amended by the Applicant following the publication of the agenda.

The Committee noted the summary of representations. Twelve letters in support of the application had been received, including the local Member of Parliament for Harlow and six employees of C J Pryor; sixteen letters of objection had been received, including North Weald Bassett Parish Council, four of whom had submitted

a further letter of objection following sight of the amended plans. Harlow District Council had no objection to the development. The Committee heard from an Objector, the Parish Council and the Applicant's Agent before proceeding to debate the application.

Members of the Committee acknowledged that the new Local plan would require more houses to be built in the District to meet the demand for housing, but this application had not presented any very special circumstances to justify the development. If it had been a stand-alone development then an element of affordable housing would have been required as well. The Committee felt that it was over development in the Green Belt and agreed with the Officers concerning the possible way forward.

Resolved:

(1) That planning application EPF/2518/14 at Cecil House in Foster Street be refused planning permission for the following reasons:

1. The application site was located within the Metropolitan Green Belt and the proposed development would constitute inappropriate development harmful to the openness of the Green Belt. No very special circumstances existed that clearly outweighed the harm from the development and therefore the proposal was contrary to the guidance contained within the National Planning Policy Framework and CP2 and GB2A of the adopted Local Plan and Alterations.

2. The proposed development, due to the scale, density and location of the proposed housing, would fail to conserve and enhance the character and appearance of this rural area, contrary to the guidance contained within the National Planning Policy Framework and policies CP1, CP2 and LL2 of the adopted Local Plan and Alterations.

3. The proposed development failed to make provision for affordable housing in line with the Council's affordable housing requirements. The proposed development was not considered to constitute 'enabling development' and therefore the application was contrary to the guidance contained within the National Planning Policy Framework and policies H5A, H6A and H7A of the adopted Local Plan and Alterations.

4. The proposal would result in an unsustainable form of development outside the existing urban area that was not well served by public transport or local services and would therefore result in an increase in vehicle commuting contrary to the guidance contained within the National Planning Policy Framework and policies CP1, CP3, CP6, CP9 and ST1 of the adopted Local Plan and Alterations.

25. EPF/1007/15 - LAND AND GARAGES OFF BURTON ROAD, DEBDEN

The Assistant Director of Governance (Development Management) presented a report regarding the redevelopment of land and garages off Burton Road in Debden to provide 51 affordable dwellings with 28 parking spaces.

The Assistant Director reported that the application site comprised land on the south-eastern side of Burton Road, between Torrington Gardens and Torrington Drive. It currently contained garages at either end, separated by a grassed amenity area which included a right of way between Burton Road and Torrington Drive. The site

backed on to the gardens of the maisonettes in Torrington Drive, and there was a large public car park opposite the site.

The Assistant Director stated that the application proposed 17 houses and 34 flats in two blocks fronting Burton Road. This was a revised application following the refusal of planning permission by Area Plans Sub-Committee South in January 2015. This application had reduced the height of the houses by approximately 400mm and the two flat blocks by 1.1m; this had been achieved by cutting into the land nearest Burton Road to achieve a level surface to build on. In addition, the number of flats to be provided had been reduced by one, and the number of parking spaces increased by one. 15 of the houses would be part single-storey, part three-storey three bedroomed units forming a terrace. These would have a roof terrace that looked out towards Burton Road and a screen wall at the rear to obstruct all views towards the gardens of the maisonettes in Torrington Drive. The two remaining houses would form a pair of semi-detached two-bedroomed houses. Each house would have a private driveway for vehicle parking. The flats would take the form of two four-storey buildings either side of the footpath linking Burton Road with Torrington Drive, and would consist of 11 one-bedroomed dwellings and 23 two-bedroomed dwellings. A total of 11 parking spaces would be provided for the flats. The application was also accompanied by a signed Unilateral Undertaking to make a financial contribution of £16,720 towards healthcare provision in the locality, as advised by NHS England.

The Assistant Director added that the Council had only received the comments from Essex County Council the day before the meeting concerning flood risk assessments and the application of sustainable drainage systems. The result of urgent discussions with the County Council had been the agreement to replace condition 5 listed in the report with four new conditions, which the Assistant Director outlined for the benefit of the Committee.

Planning Officers had concluded that the proposal had properly addressed the reasons for refusal of the previous application and would secure much needed affordable housing in a highly sustainable location without causing excessive harm. It was considered that appropriate off-street parking provision had been proposed, and while it was recognised there was a wider parking issue in the locality, it was not a matter on which to decide this application. It was felt that the proposal complied with relevant planning policy and was recommended for approval.

The Committee noted the summary of representations. There had been 14 letters of objection to the scheme received (one of which was a late representation received after the agenda had been published), including from Loughton Town Council, in addition to 48 identical letters of objection from local businesses in The Broadway and a petition with 133 signatures objecting to the proposed scheme. There were no letters of support, and four 'neutral' letters received, which included one from NHS England requesting a financial contribution of £16,720 for local healthcare services. The Committee also heard statements from an objector, the Loughton Town Council who requested that the application be deferred for a site visit, and the Applicant, East Thames Housing Association.

A local Member for Loughton Broadway was of the opinion that the design of the houses was unsightly and inappropriate for this location. The effect on other residents in the area was grave as the blocks of flats would dwarf the residents in Torrington Drive. If this application was approved then the houses and flats could be quickly sold off under the new Government guidelines concerning the Right-To-Buy for Housing Association Tenants. The Member suggested that this application be refused, on the same grounds as the previous application that the proposal would have an overbearing relationship with neighbouring land to the detriment of the visual

amenities of the locality, and that the way forward for the site be as before, that is to reduce the height of the blocks of flats to three storeys. The Member added that he would also support a site visit by the Committee.

A local Member for Lower Nazeing felt that the new design was good and provided sustainable housing. It was set away from other developments in the area and the number of parking spaces for the flats was not an issue with the large public car park opposite. Most of the Committee knew this area very well, therefore there was no need for a site visit. The Member liked the development and was in favour of it. A local Member for Passingford added that the proposal made good use of under utilised land, which needed to be developed and provide much needed housing for residents of the District. The Member liked the use of solar panels and highlighted that the development was close to a Central Line station. There was no valid reason for a site visit, and the Member would be supporting the application. A local Member for Buckhurst Hill West suggested planting mature trees to provide some screening and reduce the visual impact of the development; the Assistant Director stated that this could be considered.

A local Member for Chigwell Village, who was also the County Councillor for Chigwell and Loughton Broadway, was disappointed that the blocks of flats had been sunk into the ground by 1.1m to reduce their height in the revised application, and was not convinced that the new design was low enough after the previous application was refused by Area Plans Sub-Committee South. The Member felt that the top storey in both blocks of flats should be removed, and that the design should be for 42 units as previously considered.

A local Member for Loughton St John's commented that parking had been raised as a significant issue by the objectors, and there were a lot less parking spaces being provided for this development when compared with the development of the former Sir Winston Churchill Public House. The Assistant Director reiterated that there was a large public car park opposite which offered free parking from 6.00pm until 8.00am, and that the developers of the former Sir Winston Churchill Public House had offered more parking provision than was the case with this application.

A local member for Loughton Roding, who was not a member of the Committee, stated that new issues could be considered by the Committee as a new planning application had been made. Parking issues in the area had been raised by all of the objections received by the Council, and the Member felt that the assessment undertaken by Officers within the report was incorrect. Season tickets were not available to local residents for the public car park nearby, and this development would only contribute to existing parking problems in the area as the proposed off-street parking scheme for Torrington Drive would only be for the residents of the west facing maisonettes. The design of the dwellings was very cramped and the nearest children's play area was some considerable distance away. This application was almost identical to the scheme refused by the Area Planning Sub-Committee South in January 2015, this proposal would not meet the housing needs of local residents, and the applicant should revert to the 42 unit scheme first discussed by the Council Housebuilding Cabinet Committee at its meeting held on 17 April 2014.

A local Member for Grange Hill reminded the Committee that there were approximately 1,400 people on the Council's Housing Waiting List, and it made sense to develop this scheme in Loughton as many applicants for this housing would want to stay in the Loughton area. The Assistant Director provided figures for the room sizes of the units and stated that they met the Homes & Communities Agency design standards; consequently, Officers felt that this was good quality housing.

A local Member for Loughton St Mary's stated that privacy was very important for residents, and this development would overlook the residents in Torrington Drive. The Member also felt that the design was not suitable for the location. Amenity space was also very important for any development, and this particular development was not creating a good environment. When refusing the previous application for this site, Area Planning Sub-Committee South had given the developer a very clear steer regarding what would be acceptable for this site, but the revised application had demonstrated that the Members had been ignored. The Assistant Director added that the development was situated 25 metres away from Torrington Drive, and that each of the houses had garden amenity spaces to the rear.

The local Member for Lower Nazeing reminded the Committee that developments in Church Langley and Old Harlow had very similar designs and these worked very well for their communities. There was ample public transport available in the area with buses and trains and, ultimately, people would move to these dwellings if they so desired. The local Member for Chigwell Village felt that parking should not be debated for this application with the public car park nearby; it was the height of the blocks of flats that was the main issue with this application. The proposed way forward from Area Planning Sub-Committee South had been ignored, the blocks of flats should be reduced in height as previously requested and then the development could be built.

In response to a question regarding a Section 106 Agreement for the Torrington Drive off-street parking scheme, the Assistant Director stated that this had been the subject of a separate planning application for which permission had already been given. The Chairman felt that the District desperately needed Council housing and the application should be supported.

Following the vote by the Committee to grant planning permission for the development, subject to the addition of the four conditions concerning sustainable drainage at the site, five Members of the Committee stood up and requested that the application be referred to the Council for a final decision under the Minority Reference rules within the Constitution (Section 13, Paragraph (1), "Operational Standing Orders – Non-Executive Bodies" refers).

Resolved:

(1) That a report be submitted to the Council recommending planning application EPF/1007/15 for the Land and Garages off Burton Road in Debden be granted planning permission subject to a Unilateral Undertaking in respect of a contribution of £16,720 towards healthcare provision in the locality and the following conditions:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
2. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 612/033/PL01/A, 612/033/PL02/B, 612/033/PL03/B, 612/033/PL04/G, 612/033/PL05/E, 612/033/PL06/J, 612/033/PL07/D, 612/033/PL08/E, 612/033/PL09/F, 612/033/PL10/G, 612/033/PL11/J, 612/033/PL12/B, 612/033/PL13/A, 612/033/PL14/A, 612/033/PL15/A, 612/033/PL16/D, 612/033/PL17/C, 612/033/PL18/D, 612/033/PL19/E and 612/033/PL20/C.
3. The development hereby approved shall be finished in accordance with the details indicated on drawing number 612/033/PL19/E, unless otherwise previously approved in writing by the Local Planning Authority.

4. 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 the implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

5. Prior to commencement of the above development a detailed drainage strategy must be submitted for approval to the local authority. It should be based on principles of sustainable drainage, in line with the approved surface water drainage statement Surface Water Drainage Statement July 2015 v.2 permitted by this planning permission. The detailed drainage scheme should follow mitigation measures detailed within the FRA including:

- Limiting the discharge from the site to 7l/s for all events up to the 1 in 100 year storm plus 30%.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1 in 100 year storm event inclusive of climate change and urban creep.
- Ensuring the appropriate level of treatment for all runoff leaving the site, in line with table 3.3 of the CIRIA SuDS guide.
- Provide information about exceedance routes should be provided to indicate what route flows would take should a feature become blocked and cause surface water flooding.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

6. The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

7. Prior to commencement of the development the applicant must submit a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies.

8. The applicant must keep yearly Maintenance Logs of maintenance which should be carried out in accordance with any approved Maintenance Plan.

9. 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.]

10. 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.]

11. 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.]

12. 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.

13. 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 condition immediately above (no. 12).

14. 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.

15. 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:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Measures to control the emission of dust and dirt during construction, including wheel washing; and
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

16. Prior to first occupation of the development hereby approved, those windows shown to be obscure glazed on drawing numbers 612/033/PL09/F, 612/033/PL10/G and 612/033/PL11/J shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

17. Access to the areas of sedum flat roof system of Block C and Block D, identified on drawing numbers 612/033/PL10/G and 612/033/PL12/B, shall be

for maintenance or emergency purposes only and those areas of flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

18. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any other Order revoking, further amending or re-enacting that Order) no extensions, alterations to external materials, roof additions, porches or outbuildings with a volume in excess of 10 cubic metres generally permitted at dwelling houses by virtue of Classes A, B, D and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

26. ANY OTHER BUSINESS

The Committee noted that there was no other urgent business for consideration.

27. EXCLUSION OF PUBLIC AND PRESS

The Committee noted that there was no business for consideration which necessitated the exclusion of the public and press from the meeting.

CHAIRMAN

Report to the District Development Management Committee

Report Reference: DEV-011-2015/16.
Date of meeting: 4 November 2015



**Epping Forest
District Council**

Subject: Planning Application ref EPF/1629/15 - Sixteen String Jack, Coppice Row, Theydon Bois - Demolition of existing public house and associated buildings and the erection of eleven residential apartments with parking and communal garden.

Responsible Officer: Nigel Richardson (01992 564110).

Democratic Services: Gary Woodhall (01992 564470).

Recommendation(s):

(1) That planning permission be refused for the following reasons:

- 1. The proposed development whilst within walking distance of facilities in the centre of Theydon Bois is not in a main urban area where a high level of accessibility may lead to a demonstrably lower level of average car ownership among the occupants of the proposed flats and therefore there is no justification for a significant reduction in the number of parking spaces required by the adopted parking standards, in addition the proposed spaces are below the standard size required and there are no exceptional circumstances to warrant such a reduction. The development is therefore likely to increase on street parking in the area to the detriment of highway safety, contrary to policy ST6 of the adopted Local Plan and Alterations.**
- 2. The proposed intensive flatted development, due to the scale and design and level of site coverage is completely out of character with the nature of the surrounding residential area and the street scene, which is characterised by detached properties on large garden plots set back from the highway frontage. In addition it provides an inappropriately hard edge to the boundary of the Green Belt and the edge of the settlement and is contrary to policies CP3, CP7, H3A, GB7A, and LL3 of the adopted Local Plan and Alterations.**

Report Detail:

1. This application was considered by Area Plans Sub-Committee East on 14 October 2015 where Members voted to refuse the application (for the reasons outlined above) contrary to the Officer recommendation. 11 votes were in favour of refusal and 4 were against. After this vote, 5 Members of the Sub-Committee stood to exercise their right for a minority reference and to require that no action be taken on the matter until it has been considered by the District Development Management Committee, with the recommendation to refuse.

2. The application was put forward to Area Plans Sub-Committee East with an Officer recommendation for approval as Officers considered that the application made good use of a previously developed site within a built up area, with access to shops, services and transport links, was an acceptable design and provided sufficient parking.

3. Officers considered that this proposal had overcome the previous reasons for refusal relating to an earlier application (further detail below). Officer's also brought to the attention of Area Plans Sub-Committee East a very recent appeal decision at 47A Theydon Park Road, Theydon Bois, which was decided after the agenda report was prepared and therefore was verbally reported at the meeting. The applicant's agent was also made aware of this decision, prior to the meeting taking place.

4. A copy of the appeal decision is appended and the Sub-Committee considered that this was a material consideration in the assessment of planning issues relating to the Sixteen String Jack. Whilst in a different part of the village, there are similarities in that both sites are within walking distance to the centre of the village and the underground station, but he stated in the case of the appeal site that it is not so sustainable a location where a significant reduction in the normal parking spaces is justified and furthermore, the proposed minimum car bay size below the standard is justified as an exception. This reflected therefore in the recommended first reason for refusal.

5. The applicants themselves referred to an appeal decision made in 2006 for the conversion and redevelopment of Wansfell College, Piercing Hill, Theydon Bois to 20 flats and which had 26 parking spaces. It was brought to their attention that the ratio of 1.3 spaces per flat was considered then to be sustainable. However, whilst not discussed at the Sub-Committee meeting, this was when maximum parking standards were adopted, as opposed to the current minimum parking standards and the National Planning Policy Framework has since become national guidance, therefore limiting this appeal decision as a material consideration.

6. The original report is attached in full below for consideration.

**ORIGINAL REPORT TO AREA PLANS SUB-COMMITTEE EAST ON 14
OCTOBER 2015:**

This application is before this Committee since it is an application for major developments, (e.g. developments of significant scale and/or wide concern) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(c)) and since it is an application for residential development consisting of 5 dwellings or more (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(d)) and 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 site is the now closed Sixteen String Jack Public House which included an attached cottage. The site, garden areas and car park are currently enclosed by security hoardings.

The site fronts onto Coppice Row to the south, with the side boundary being open to the Green Belt to the west, the site backs onto Elmcroft a property on Robin's Lane to the north (rear) and has a side access onto Robin's Lane to the east, where the boundary is shared with Pinchbrick Cottage.

This area of Coppice Row slopes downhill towards Theydon Bois main village and has the appearance of a rural lane with narrow pavements. The site forms part of a linear string of development along the highway towards the main village, separated from the village by an area of forest land within the Green Belt. Due to the change in levels, the former beer garden area is at a significantly higher level than the remainder of the site and is part of the designated Green Belt, the remainder of the site, including the site frontage is within the village envelope. The site has existing vehicular accesses onto both Coppice Row and Robin's Lane.

Description of Proposal:

This application is a revision to a previously refused scheme. This application seeks permission to demolish the existing building and clear the site to provide eleven apartments (1x 1-bedroom and 10x 2-bedroom). The development would provide 15 parking spaces and a communal garden area in excess of 350sqm.

The footprint of the proposed apartments would run in an east-west direction along the front of the site towards Coppice Row, with vehicle access generally in the position of that which is existing, but beneath a first floor unit. The footprint would also include a two storey block extending to the rear of the site with the boundary with Elmcroft with parking and bin stores below.

The proposed flats have been designed to have a varied articulation and range of materials and ridge heights.

Relevant History:

EPF/2040/14 - Demolition of existing Public House and associated buildings and erection of thirteen residential apartments with parking and communal garden – Refused.

The reasons for refusal were:

1. The proposed development will have an overbearing visual impact on the adjacent properties (Pinchbrook Cottage to the east and Elmcroft to the north), such that there will be an excessive loss of residential amenity to the occupants of those properties, contrary to policy DBE9 of the Adopted Local Plan and Alterations.
2. The proposed development whilst not in an isolated location is not sufficiently well related to the local facilities in the area to amount to a suitable location for the proposed low level of parking provision. The development is likely therefore to increase on-street parking in the area to the detriment of highway safety, contrary to policy ST6 of the adopted Local Plan and Alterations.
3. The proposed intensive flatted development, due to its scale and design and level of site coverage is completely out of character with the nature of the surrounding residential area and the street scene, which is characterised by detached properties in large garden plots. In addition it provides an inappropriately hard edge to the boundary of the Green Belt and the edge of the settlement. The development is therefore harmful to the character and amenity of the area and is contrary to policies CP3, CP7, H3A, GB7A and LL3 of the Adopted Local Plan and Alterations.
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.

Prior to submission of the refused application, the developer sought pre-application advice from the Council under EF\2014\ENQ\00386. Advice regarding 13 units was generally favourable, providing a good contribution towards housing supply, subject to more detailed information being supplied and an application was encouraged.

Policies Applied:

CP1 Achieving Sustainable Development Objectives
CP2 Protecting the Quality of the Rural and Built Environment
CP3 New Development
CP6 Achieving Sustainable Urban Development Patterns
CP7 Urban Form and Quality
H2A Previously Developed Land
H3A Housing Density
H4A Dwelling Mix
DBE1 Design of New Buildings
DBE2 Affect on Neighbouring Properties
DBE3 Design in Urban Areas
DBE6 Car parking in new development
DBE7 Public Open Space
DBE8 Private Amenity Space

DBE9 Loss of Amenity
GB7A Conspicuous Development within or beyond the Green Belt
LL3 Edge of Settlement
LL10 Adequacy of provision for landscaping provision
LL11 Landscaping Schemes
ST1 Location of Development
ST2 Accessibility of development
ST4 Road Safety
ST6 Vehicle Parking
CF12 Retention of Community Facilities
I1A Planning Obligations

The National Planning Policy Framework (NPPF).

Summary of Representations:

33 neighbouring properties were consulted and a site notice was posted on the security hoarding.

17 objections were received from the following properties/groups raising concerns detailed below:

IN COPPICE ROW:

WEST LODGE, THEYDON WILLOWS, PINCH BROOK COTTAGE, ROSEBANK, 2 COLLEGE PLACE, FOREST EDGE, HUNTERS LODGE, RIVERWOOD, WOODSIDE, REDHOLM, REKA, DENE

IN ROBIN'S LANE:

ELMCROFT

43 DUKES AVENUE

In addition to the above neighbours, objections were also received from:
THEYDON BOIS ACTION GROUP,
THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY,
CITY OF LONDON OPEN SPACES DEPARTMENT.

The issues raised in the representations can be summarised as follows:

Very little change from the previously refused application. The site location is too separated from the main village to be considered sustainable. The proposals would impact on the setting and appearance of the forest and result in a creeping of urbanisation. The design is of poor, bulky design not in keeping with the area. Immediate locality is characterised by large properties in spacious plots generally. Flats in this location are out of character and the density proposed is too high for this rural area. Concerns the proposed number of units would give rise to a greater degree of noise and disturbance to neighbours.

Significant highway concerns in respect of the existing access and that which is proposed. The speed of traffic despite the speed limit in place, narrow nature of the lane, difficulties parking for existing residents and dangers with existing accesses. Concern regarding pedestrian safety and in practice how the proposals would work with visitor, delivery and service parking.

There are a number of suggestions seeking a lesser number of units on site, possibly larger properties in larger plots.

Concern has also been raised with regards to an access on to Robin's Lane which is a private road.

THEYDON BOIS PARISH COUNCIL: Strong Objection:

The Parish Council believes this to be a wholly inappropriate development in this location and wishes to register a very strong objection.

This application is substantially similar to the previously refused application EPF/2040/14. We are therefore surprised and disappointed to see that so little has been done to address the reasons for refusal. Furthermore, we note that the advice given by the Senior Planning Officer that the applicant 'needs to consider some significant changes to the scheme' has been ignored.

The proposed development is located in a sensitive semi-rural location at the settlement edge of Theydon Bois adjacent to SSSI Epping Forest. Normal planning policy (LL3) would dictate that a low density development would be the most appropriate for this location to ensure that its impact on the surrounding area would be minimal. However, this proposal due to its size, bulk and density is completely at odds with this policy and would have an overly dominant impact on the area and street scene.

The proposal also fails to respect its location and the established pattern of development in the road contrary to policy H3A. The scale and design of the proposed development, almost 40 metres wide and some 3 metres higher than the ridge line of the existing Public House, is completely out of character with the surrounding area which is made up of detached properties in large garden plots.

Of deep concern to the Parish Council is the totally inadequate parking provision for 11 apartments. We do not accept the applicant's view that this is a 'highly sustainable' site – it is not. There are no public transport links in this part of the village and due to the narrowness of the road in this location there is no continuous public pavement for pedestrians to walk to the site on the northern side of Coppice Row. This would mean to gain access to the site on foot pedestrians would either have to walk in the road past Pinchbrick Cottage or cross the road from the pavement opposite at a dangerous part of the road close to a blind bend. We would also remind you that Theydon Bois has a dark skies policy and has no street lights. Therefore in the winter months pedestrians would be negotiating the above in the dark! We are therefore strongly of the view that residents in this location would be reliant on cars as a means of transport and can see no justification why the normal policy of two car parking spaces per apartment should be relaxed.

This Council also strongly disagrees with the assessment by Essex Highways regarding highway safety. The Highways Authority has taken the view that the sight lines are an improvement over what they are now and therefore the development is acceptable. They have overlooked the fact that the Public House was built in the 1800's when the only traffic was horse and cart! We maintain that any new building must start by accepting the present and probable future road and traffic conditions and not rely on historic precedent. A minimum requirement in this situation should surely be a full Transport Assessment to consider the safety aspects as indicated in Local Plan Policy ST3. To support this view, local residents have stated that there have been numerous unreported accidents and near misses in this location which have not been considered by the Highways Authority.

In conclusion, this Council is not against the redevelopment of this site, but believes a more acceptable proposal should be sought which better respects its location in the village. We would expect this to be a considerably lower density development with proper parking provision.

Main Issues:

The main planning issues are considered to be:

- Principle of development
- Design and appearance on the street scene
- Impact to neighbouring properties
- Living conditions for future occupiers of the development
- Highways and parking
- Landscaping
- Other matters

Principle of development

The proposed redevelopment of the site would necessitate the loss of the existing public house. The loss of this community facility and business use requires justification and the applicants carried out an appraisal of local facilities and supplied trading summaries as part of the previous application and this was accepted by the Council. Given the applicants have been able to demonstrate that the village is well served by two existing public houses, a vibrant high street with no vacancies and a diverse variety of community clubs and organisations, the loss of a community facility is regrettable but in this instance acceptable.

It is clear from information supplied that the public house does not represent a viable business offering at present and that its location on the edge of the village has meant it is less frequented than other businesses and does not benefit from combined trips as other more central public houses do. On the basis that the loss of the public house for redevelopment is acceptable, redevelopment for residential use is appropriate. Policies contained within the NPPF no longer require other employment generating uses to be considered first. The objective of these policies being to ensure active use of a site to prevent vacant sites remaining for long periods.

Design and appearance

The design of the proposal has been altered since the previous refusal. The proposal still includes a linear form of development along the site frontage, which in part, copies the existing forward location of the public house, attached cottage and adjacent cottage (Pinchbrook). Previously the proposal was, due to its scale, design and level of site coverage considered out of character with the nature of the surrounding residential area and streetscene which is characterised by detached properties in larger garden plots. Additionally it was considered that the previous proposal resulted in an inappropriately hard edge to the boundary of the Green Belt and the edge of the settlement. This revised scheme has reduced the built form on the site (and therefore the site coverage) by reducing in width the two storey element that ran adjacent to the boundary with Elmcroft (from 36.5m to 10m). This is a substantial reduction in the site coverage and considered to result in a far more reasonable, and appropriate for this area, level of site coverage.

Additionally the overall scale of the development has been reduced, not just with the reduction in built form but the design has been altered also. The revised design

follows the natural slope of the site creating a far more sympathetic and respectful addition to the streetscene, with the proposal appearing on the Coppice Row frontage as three separate, but attached properties, each one stepped down from the next acknowledging the slope in the road and strongly drawing on the design principles of the Essex Design Guide. This is a very similar design to the existing situation with the 'cottage' at a higher level to the attached Public House designed to follow the slope in the road.

The layout proposed, as with the previous scheme allows the designated green belt land to remain undeveloped. The west elevation which creates the boundary with the Green Belt has been altered since the previous submission with the rear most section of the west elevation reduced in height by 2.4m which not only reduces the built form but softens the overall appearance. The substantial existing hedge along this western boundary is to be retained, coupled with the proposed communal garden area this will aid the softening of the development creating a gentler transition from built up area to wider Green Belt. Additionally, the proposed buildings would be viewed in the context of the existing ribbon of development in this area therefore due to the proposed revisions would not appear unacceptably prominent or conspicuous when viewed from the Green Belt.

This revised proposal has reduced the number of units from 13 to 11 and as discussed above has reduced the overall built form on the site. The development is still a flatted development on the edge of the settlement but it is now considered to be more appropriate in terms of density for this edge of village location. This is a previously developed site and policy CP7 aims to make the fullest use of previously developed sites. With the previous refusal it was considered that the proposal was too dense, but the reduction both in units and built form is considered a welcome improvement to the scheme.

The layout, as before, has retained the existing open space and the elements on or near the boundaries have been designed with a roof form that pitches away from the neighbours. This is particularly evident at Elmcroft and Pinchbrick Cottage. Impact to neighbouring properties will be explored in more detail below.

This revised layout makes adequate provision for separate refuse and cycle storage in addition to parking areas. Officers are satisfied that the layout adheres to good design principles and would make a good provision of housing within an established settlement, close to a good range of facilities.

Neighbouring amenities

This revised scheme will impact upon a number of existing residential properties including those on the opposite side of Coppice Row; and more significantly to Elmcroft to the rear and Pinchbrick Cottage located between the site and Robin's Lane which are the two properties which border the site and were particularly mentioned within the previous reason for refusal relating to amenity.

The design, as discussed above has been altered since the previous refusal and the large west to east block at the boundary with Elmcroft has been reduced to approximately a third of the size, with a low eaves height to 4.9m, with the roof pitching away from the boundary to a maximum height of 7.4m. This element of the proposal will be set in from the boundary by 1.5m. This part of the revised design is considered to result in an acceptable relationship between Elmcroft and the proposal in terms of loss of amenity. The block closest to the Elmcroft boundary will also be single aspect which will minimise any loss of privacy to this property.

Elmcroft is orientated with the main outlook to the front and rear (east and west), however there is a first floor bedroom in the flank that would look out towards the proposed development. Given this room looks out onto mature vegetation at present, the proposed development would be clearly visible, but this is a reduced scheme to the previous refusal and would allow light and views to this room to remain and Officers consider this revised relationship is acceptable.

Due to the revised scheme and particularly the reduction in the length of the development along the rear boundary with Elmcroft, Pinchbrick Cottage will continue to enjoy a good outlook to the rear. Privacy to Pinchbrook Cottage is retained with the nearest window with direct views towards Pinchbrook Cottage some 20m away and therefore only possible far reaching views towards Pinchbrook will be possible. The built form directly adjacent to Pinchbrook Cottage is 2.1m from the side wall and extends 0.3m beyond the main rear wall of Pinchbrook Cottage and therefore it is not considered that the proposal will result in any significant loss of light or outlook to this property.

Policies DBE2 and DBE9 seek to protect neighbouring amenities from excessive adverse impact and previously the committee considered the proposal resulted in an excessive loss of residential amenity. With the revised proposal it is Officer opinion that the scheme has overcome this reason for refusal.

Living conditions of future occupiers

This proposal, as with the previous scheme has been designed around principles outlined in the Essex Design Guide. The proposed units are at right angles to one another or adjacent and this ensures that inter-looking is not a concern between units.

The layout makes adequate provision for refuse and cycle storage. Access to the refuse area is beneath the undercroft of the unit above and would allow refuse services to wheel the refuse bins to the collection vehicle to be emptied. The distance is acceptable to do so, and the likely disruption along Coppice Row while this takes place is noted. However the likely disruption during collection of refuse from the development is unlikely to differ significantly from any disruption that currently takes place.

The garden area is approximately 15m by 22 metres which (with the now reduced number of units) more than meets the standard of 25m² per flat which is set out in policy. In addition it is well located and landscaped purposefully to provide a useable space. Given the degree of surrounding open space, this is considered acceptable.

Highways and parking

As with the previous scheme, Officers at Essex County Council have been consulted on the planning application and have no objections to this revised scheme. As with the previous proposal the developer is improving visibility at the access to the west significantly as part of the scheme. Improvements are also made to visibility to the east but to a lesser extent. The proposed use results in less trip generations than that of a public house, though it is agreed that this is on the basis if it were a more successful enterprise. Therefore the highway authority is satisfied the proposals would not be detrimental to highway safety, capacity or efficiency in this location.

The concerns of residents are noted, as are the historic incidents raised, however

Officers can only assess a scheme against adopted policy and the proposals meet the adopted standards for access, resulting in fewer movements from an improved access.

This revised scheme has 1 parking space per a flat and 4 visitor spaces which is an improvement on the previous scheme which only provided 15 spaces for 13 flats. This is a lower level than suggested within the Essex Parking Standards. However, the scheme is for apartments, where a one space per unit provision is not uncommon. Although the parking has only been increased by 2 spaces (the number of units has also reduced by 2), as stated above this low level of parking provision is not uncommon, is an improvement to the previous scheme and Theydon Bois is fairly sustainable (not a high degree of connectivity as suggested within the Design and Access statement). Theydon Bois provides access to a good range of facilities locally including the tube station, and in this context a lesser provision of one space per unit plus visitor parking, is considered acceptable. Reductions in the number of car parking numbers are permitted by the Essex Parking Standards and this improved number of spaces is considered acceptable for this location. The main facilities are less than 1.5km away and the site is therefore considered relatively sustainable such that it is expected that many occupiers would consider walking despite the shortcomings with regard to the footpath between the site and the main village facilities.

Landscaping

As with the previous application the Tree and Landscape Officer has raised no objection to the proposal subject to conditions requiring a soft and hard landscaping scheme and a tree protection scheme.

Other Matters

Ecology

The Council's Countryside team has assessed the ecological issues relating to the proposals and have raised no concerns.

Planning obligations

The scale of the development is below the threshold for the provision of affordable housing.

Following the previous proposal and decision, pooling restrictions introduced by the CIL (Committee Infrastructure Levy) Regulations 2010 (as amended) from April 2015 have resulted in Essex County Council no longer seeking contributions from developments of this size. Therefore Essex County Council no longer requires an education contribution for this development.

Within the submitted Design and Access statement reference is made to a discussion with the Parish Council regarding a contribution for improvements to changing rooms associated with the swimming pool at Theydon Bois Primary School; however this is not mentioned within the Parish Council objection. As this contribution has not been requested by the Parish Council, School or Essex County Council (as Education Authority) this proposed contribution is not considered necessary, directly related to the proposed development, or fairly reasonably related in scale and kind to the proposed development. Should the developers wish to donate to the Primary School this can happen outside of the scope of a planning application.

Contaminated Land

Due to the former use of the northern part of the site as part of a Farm and Builders Yard prior to 1960 and the presence of onsite Made Ground there is the potential for contaminants to be present. The necessary remediation of contaminated land is recommended to be secured by conditions.

Drainage and Water

In terms of drainage provision, the Council's land drainage team have no concerns subject to conditions. Thames Water have been consulted and have confirmed they have adequate connection capabilities.

Conclusion

After careful consideration of the issues relating to the proposal, those raised during consultation and those raised with the previously refused application Officers consider that on balance, the merits of this revised scheme are sufficient to justify recommending approval and overcome the previous reasons for refusal. Concerns regarding neighbouring amenities and highway matters in particular have been given careful scrutiny and whilst neighbouring impacts would arise, this revised scheme greatly reduces any harm and it is not in the view of Officers sufficient to justify refusal. In terms of highway impacts, Essex County Council has no concerns and has left it for this Authority to consider whether parking is sufficient given the location and the proposal has increased the number of spaces on the previous refusal. On balance, approval is recommended for a development that would make a meaningful contribution towards new homes in the District in a desirable location where the built form is outside of the Green Belt and changes have been made to reduce any impact on this sensitive site at the Green Belt boundary.

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: Marie-Claire Tovey
Direct Line Telephone Number: 01992 574414***

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

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Appeal Decision

Site visit made on 22 September 2015

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 October 2015

Appeal Ref: APP/J1535/W/15/3027904

47A Theydon Park Road, Theydon Bois, Epping, Essex CM16 7LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Sarah Turner against the decision of Epping Forest District Council.
 - The application Ref EPF/0180/15, dated 21 November 2014, was refused by notice dated 18 March 2015.
 - The development proposed is demolition of existing two storey dwellinghouse and construction of a new two storey building, with accommodation in the roof, to provide 5 x 2 bedroom apartments, plus associated car and cycle parking.
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Sarah Turner against Epping Forest District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this case is the effect of the proposed parking arrangements on the efficient operation of Theydon Park Road and the character and appearance of the area.

Reasons

4. Policy ST6 of the Epping Forest District Local Plan 1998 with Alterations 2006 (LP) requires on-site car parking to be provided in accordance with the adopted 2001 standards or successor documents. The current Parking Standards (Essex County Council 2009) require flats or houses with two bedrooms or more to have two parking spaces. This indicates that the proposed development should have 10 spaces. The proposal is for five parking spaces.
5. Paragraph 2.5.1 of the Standards does allow for a relaxation of the requirement in main urban areas having frequent and extensive public transport and cycling and walking links. I recognise that the appeal site is within walking distance of the facilities in the centre of Theydon Bois and the underground station. However, the location does not amount to a main urban area where a high level of accessibility may lead to a demonstrably lower level of average car ownership among occupants of the proposed flats and, in turn,

justify a significant reduction in the number of the parking spaces normally required.

6. Section 3.2 of the Standards advises that the preferred bay size is 5.5m by 2.9m. The proposed spaces would be 5m by 2.5m which is the minimum size set out in the Standards and which should only be used in exceptional circumstances. No such circumstances have been advanced in this case. The area available for parking is confined by site boundaries and a footpath. As such, any cars which are not parked accurately within the minimum sized spaces would likely inhibit the use of the adjoining space. Together with the shortfall in the total number of spaces provided therefore, I consider that the proposal is likely to lead to on-street parking and difficulties for vehicles manoeuvring into and out of the site.
7. Although Theydon Park Road is subject to parking restrictions, they only apply between the hours of 1000 and 1100 and would not prevent on street parking at other times. Whilst the road is not heavily trafficked, it is free flowing and has little on-street car parking. Consequently, the additional on-street parking and conflicting vehicle movements likely to arise from the proposal would lead to a reduction in the efficient operation of Theydon Park Road. The proposal would not, therefore, comply with policy ST6 of the LP.
8. The site is located in an area of mainly detached dwellings set behind reasonably generous front gardens which are enclosed by a mix of planting and low walls. The area, therefore, has a relaxed, suburban character which contributes positively to local distinctiveness.
9. The appeal property is a detached two storey dwelling with an integral garage and parking in the front forecourt. It is, therefore typical of the properties in the area. The proposed building would be positioned slightly further back from the road frontage to allow for the provision of the parking spaces in the forecourt.
10. The proposed parking and access area would take up the greatest part of the area in front of the proposed building. Whilst a narrow area would be retained along the site's northern boundary, much of this would be used to store refuse and recycling bins. The planting area immediately in front of the proposed building would help to soften views of the building itself, but would do little to screen views of the car parking from the street. There would be no space for planting between the car parking area and the front boundary of the site. Therefore, although a condition could be used to secure details of hard and soft landscaping, I consider that proposed site layout provides insufficient space for an effective planting scheme.
11. I recognise that some other properties in the area have extensive areas of hard standing in the front forecourt. However, few have as little planting as would the appeal proposal. Moreover, the other properties appear to be predominately single household dwellings and, therefore, the parking areas are not used as intensively as would be the appeal proposal, particularly given the shortfall in the number of spaces proposed to be provided.
12. Therefore, I find that the proposed parking arrangements would dominate the front of the site and lead to unwelcome on street parking. As a result, the site and adjoining road would take on a stark and urban appearance which would be out of keeping with its surroundings. Consequently, the proposal would

have a harmful effect on the character and appearance of the area. It would conflict with LP policy DBE6 which presumes against residential proposals where car parking dominates the street scene.

Other Matters

13. The appellant has referred to the London Plan and to Transport for London's Public Transport Accessibility Level indicators. However, the appeal site does not fall within the administrative area of the Mayor for London and, therefore, these provisions are not applicable. Reference is also made to the East of England Spatial Strategy. However, this plan is no longer in force.
14. The appellant contends that the Council cannot demonstrate a five year supply of deliverable housing land and therefore, in accordance with paragraph 49 of the National Planning Policy Framework (the Framework), relevant polices for the supply of housing should not be considered up to date. No detailed information on the housing land supply position in the District has been submitted. In any event, the development plan policies on which I have relied are not for the supply of housing and there is no firm evidence to indicate that they are in conflict with the Framework.
15. Whilst the Framework does support sustainable housing development on previously developed land, in this case the proposal conflicts with relevant development plan policies and the concerns set out above outweigh the benefits of the provision of four additional units.
16. My attention has been drawn to an appeal decision for the conversion of an existing house into flats at Greenview (appeal ref APP/J1535/A/13/2207004) which, the appellant argues, sets a precedent for the appeal proposal. The main issue in that scheme concerned affordable housing. Nevertheless, 12 on-site parking spaces were proposed for six two bedroom flats in a location which the appellant considers sustainable. As such, the number of spaces proposed appears to comply with the requirements of LP policy ST6 and the current Parking Standards. Therefore, whilst each proposal must be considered on its merits, I am not persuaded that the Greenview decision supports the amount of parking proposed in this appeal.
17. The appellant has raised concerns regarding the Council's handling of an earlier application (application ref EPF/2751/14) and points out that the application which is the subject of this appeal was recommended for approval by the Council's planning officer. However, I have dealt with the current proposal purely on its planning merits.
18. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

Conclusion

19. For the reasons set out above, the appeal should be dismissed.

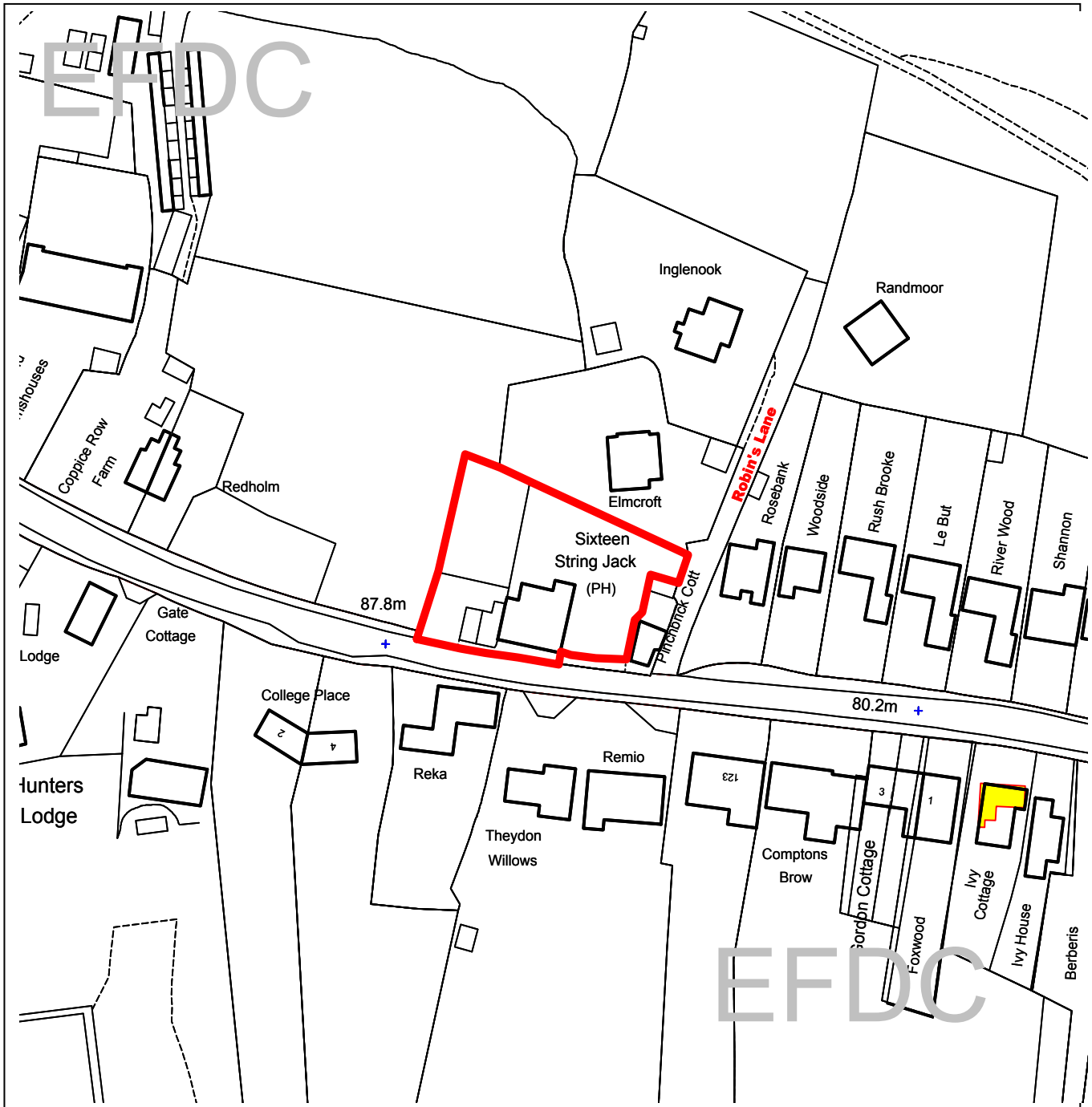
Simon Warder

INSPECTOR



Epping Forest District Council

Agenda Item Number



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Application Number:	EPF/1629/15
Site Name:	Sixteen String Jack, Coppice Row, Theydon Bois, CM16 7DS
Scale of Plot:	1/1250

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Report to the District Development Management Committee

Report Reference: DEV-012-2015/16

Date of meeting: 4 November 2015



**Epping Forest
District Council**

Subject: Planning Application EPF/1162/15 Knolly's Nursery, Pick Hill, Waltham Abbey, Essex, EN10 3LF - 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.

Responsible Officer: Dominic Duffin (01992 564336)

Democratic Services: Gary Woodhall (01992 564470)

Recommendation:

(1) That the Committee considers the recommendation of Area West Planning Sub-Committee to grant planning permission for the above development subject to the applicant first entering into a SECTION 106 LEGAL AGREEMENT, to be signed by all parties and completed within 4 months from the date of this meeting and subject to conditions listed below;

(2) The proposed legal agreement is to cover and agree:

(a) The characteristics of the 63 on-site affordable housing to be agreed by the Council's Director of Communities;

(b) Education contributions of £288, 476 for primary school contributions to be used within 3 miles of the development;

(c) The provision, funding and means of the long term management and maintenance arrangements of the public open space;

(d) The provision, completion and management/handover of the children's day nursery delivered on-site and in the event that the nursery was not constructed and brought into use, a contribution of £98, 673 for early years learning to be used within 3 miles of the development; and

(e) £25,920 to mitigate the cost of additional healthcare requirements generated by the development.

(3) The recommended planning conditions are:

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 No's: 075-001, 002, 100, 101, 102, 103, 200, 201,

202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 220, 300, 301, 302, 400 unless otherwise altered by the below conditions.

- 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, 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.**
- 5. A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.**
- 6. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.**
- 7. 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.**
- 8. 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:

- The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - . The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - . Measures to control the emission of dust and dirt during construction, including wheel washing.
 - A scheme for recycling/disposing of waste resulting from demolition and construction works.
9. Prior to first occupation of the development the mini-roundabout access for the proposed development, as shown in principle on Hill drawing no.075-100, dated June 2014, shall be fully implemented.
10. The provision of Real Time Passenger Information, to Essex County Council specification, at the two existing bus stops on Uphire Road/Paternoster Hill in the vicinity of the junction with Pick Hill.
11. 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.
12. The number of parking spaces and how these are laid out (including dimensions) shall be in accordance with the parking Standards Design and Good Practice Guide Supplementary Planning Guidance Document September 2009 unless otherwise agreed by the Local Planning Authority. This applies to all vehicular parking spaces including disabled requirements together with cycle parking and facilities for powered two wheelers and garages that are considered as parking spaces.
13. The public's rights and ease of passage over public footpath no.31 Waltham Abbey shall be maintained free and unobstructed at all times.
14. There shall be no discharge of surface water onto the Highway.
15. All turning heads required for refuse and fire tender use shall comply with the dimensions within the Essex Design Guide for a Size 3 Turning Head and should form part of the adoptable highway.
16. 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.]

17. 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.]

18. 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.]

19. 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.

20. 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.
21. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
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. 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.
24. Before each phase of development approved by this planning permission, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, should be submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable principles as outlined in the approved drainage strategy referenced 3834-DR001.
25. The scheme shall include:
 1. surface water run-off generated by a 11 storm events up to the 1 in 100 year + 30% climate change critical storm limited to run-off rates in the approved drainage strategy.
 2. Storage that contains the 1 in 100 year event inclusive of climate change.

- 3. An appropriate level of treatment for all runoff leaving the site in accordance with Table 3.3 of the CIRIA SuDS Manual.**
- 26. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.**
- 27. The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.**
- 28. The development hereby permitted shall not be occupied until submission of maintenance arrangements including who is responsible for different elements of the surface water drainage system. Any maintenance should be carried out in accordance with the maintenance schedule for the lifetime of the development as outlined in the approved drainage strategy 3834-DR001, dated July2015.**
- 29. The applicant must maintain yearly Maintenance Logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.**
- 30. No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.**
- 31. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garages 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.**
- 32. 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 of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.**
- 33. 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.**

Report Detail:

1. This planning application was considered by the Area West Planning Sub Committee on 19 August 2015. At that meeting Members considered that the proposed development would bring much needed housing to Waltham Abbey and moreover that this would include a significant proportion of affordable housing. It was considered that the relocation of the day care nursery would result in the continuation of a much needed facility. It was determined that whilst the site was within the Green Belt it contained a number of derelict structures and glasshouses and their removal would bring visual benefits to the overall character of the area.

2. Members concluded that the site was not excessively unsustainable and that their where shop facilities close to Pick Hill. It was also stated that the site was no longer viable as a working nursery and as such another use for the site should be sought. Ultimately it was considered that the positive attributes of the scheme outweighed the concerns with regards to the Green Belt location of the site and issues with sustainability. In effect it was determined that that very special circumstances existed to outweigh the harm.

3. As a result of these deliberations the Sub Committee voted to grant planning permission for the scheme subject to a Legal Agreement securing benefits necessary to make the development acceptable in planning terms and the application is therefore referred to DDMC since the proposal is a major development that is contrary to Local Plan policy.

4. Should the District Development Control Committee also decide planning permission should be granted it will be necessary to refer the application to the National Planning Casework Unit under the Town and Country Planning (Consultation) (England) (Direction) 2009 since the proposal is a departure from the Green Belt policies of the Local Plan and National Planning Policy Framework.

5... The Director of Governance maintains the recommendation that planning permission should be refused because it represents unsustainable development and this is inappropriate development in the Green Belt and therefore harmful, which is not outweighed by the need for housing and the community facility and benefits. The original report below to Area Plans West Committee offers substantiation of this view.

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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 Abbotts 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 Foxtan 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:

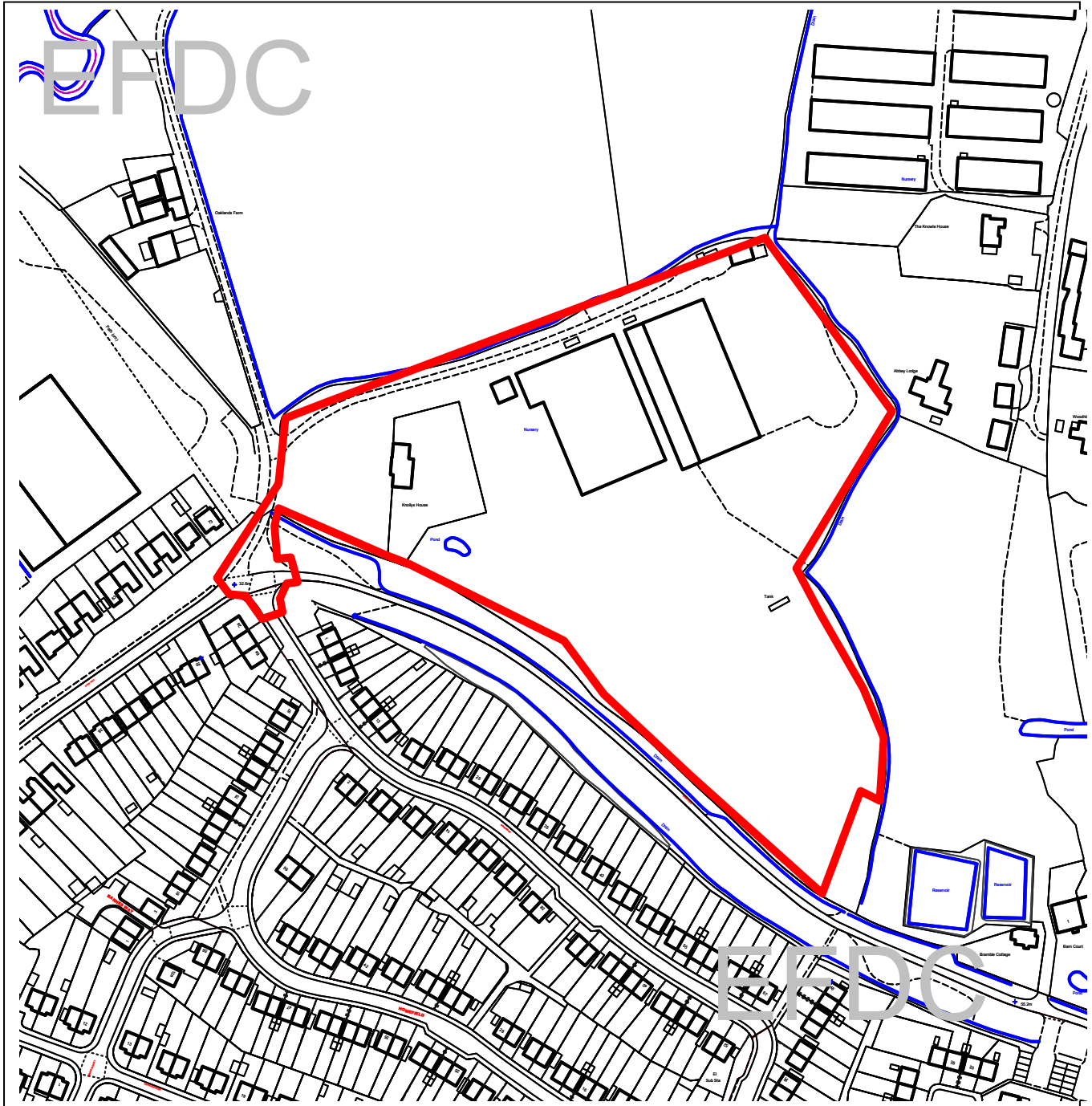
**Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336**

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



Epping Forest District Council

Agenda Item Number



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

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Report to the District Development Management Committee



**Epping Forest
District Council**

Report Reference: DEV-013-2015/16
Date of meeting: 4 November 2015

Subject: Planning Application A/EPF/1703/15 – Various sites at main entrances to Epping Forest – Advertisement consent for the erection of 11 no. free standing gateway signs across 9 sites and 3 no. visitor hub signs across 3 sites

Responsible Officer: Graham Courtney (01992 564228).

Democratic Services: Gary Woodhall (01992 564470).

Recommendation:

- (1) That consent is granted subject to the following conditions:
1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
 2. The development hereby permitted will be completed strictly in accordance with the approved Location Plans and the drawings and details contained within the Epping Forest Gateways Proposal document dated July 2015.

Report:

1. In accordance within its terms of reference, this application is put direct to the District Development Management Committee for determination since it is development affecting more than one Area Plans Committee (in this case, Area Committees South and West).

Planning Issues

2. The application has been made by the Conservators of Epping Forest for new signs that are part of the 'Branching-Out Project', which is a Heritage Lottery Funded project. The aims of this project are to make the Forest "*more recognisable, welcoming and accessible*".

3. Over the past five years the Conservators of Epping Forest have successfully delivered almost the entire project by making numerous improvements to the Forest and, in partnership with ECC, have worked to reduce the speed limits on Forest roads (as part of the Forest Transport Strategy).

4. This application has been submitted alongside similar planning submissions to the London Borough of Waltham Forest, the London Borough of Redbridge and the London Borough of Newham. Whilst there does not appear to have been a decision made by Waltham Forest Council at the time of producing this report the planning applications submitted to Redbridge Council and Newham Council have both been granted advertisement consent.

Description of Site

5. The application site consists of various entrance points around Epping Forest. Within Epping Forest District these points are as follows:

Gateway Signs:

- Junction of Epping High Road and Hemnall Street, Epping (Bell Common) – **1 x medium sign**
- Point of where Upshire Road becomes Horseshoe Hill, Waltham Abbey (Sergeants Green) – **1 x small sign**
- Close to The Volunteer public house on Honey Lane, west of the junction with Woodgreen Road, Waltham Abbey (Honey Lane Plain) – **1 x large sign (formed of 2 x medium signs)**
- On the Green in Coppice Row, Theydon Bois (Theydon Green) – **1 x small sign**
- At the entrance to Loughton on Goldings Hill, north of the junction with Baldwins Hill, Loughton – **1 x large sign (formed of 2 x medium signs)**
- Junction of Avey Lane and Manor Road, High Beach, Waltham Abbey – **1 x small sign**
- Point on Mott Street southwest of the junction with Avey Lane, High Beach, Waltham Abbey – **1 x small sign**
- Junction of Earls Path, Shaftsbury, Forest Road and Smarts Lane, Loughton – **1 x small sign**
- Junction of Bury Road and Hornbeam Lane, Sewardstonebury, Waltham Abbey – **1 x small sign**

Hub Signs:

- Entrance to car park at Connaught Waters, off Rangers Road, Loughton – **1 x hub sign**
- Entrance to car park on Manor Road, High Beach, Waltham Abbey – **1 x hub sign**
- Entrance to car park on Pauls Nursery Road, High Beach, Waltham Abbey – **1 x hub sign**

6. The sites are all located within the Metropolitan Green Belt on Epping Forest owned land.

Description of Proposal

7. Consent is being sought for the erection of a total of fourteen non-illuminated signs consisting of small, medium and large gateway signs and visitor hub signs. Several of the proposed signs would replace existing signage.

8. The small gateway sign would measure a total height of 1.9m and a maximum width of 831mm.

9. The medium gateway sign would measure a total height of 2.38m and a maximum width of 1039mm.

10. The large gateway sign would measure the same as the medium sign (2.38m height and 1039mm width) however would be formed from two signs, one on either side of the road.

11. The hub signs would measure the same as the small gateway signs (1.9m height and 831mm width).

Relevant History:

12. None relevant to this application.

Policies Applied

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
GB2A – Development in the Green Belt
GB7A – Conspicuous development
HC5 – Epping Forest
DBE13 – Advertisements
RST1 – Recreational, sporting and tourist facilities
ST4 – Road safety

13. 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

14. Given the various locations of the proposed signs no residents were directly consulted, however Site Notices were displayed in the vicinity of each location between 7 and 14 August 2015.

WALTHAM ABBEY TOWN COUNCIL – No objection.

EPPING FOREST TOWN COUNCIL – No objection in principle, but feel the sign is disproportionately large at this location and would request a small gateway sign, rather than medium.

LOUGHTON TOWN COUNCIL – Object to the design of the proposed signs as they were considered totally unsuitable and a potential distraction for motorists. Whilst recognising the merits of the Walter Spradbery design, members considered the use of trees on signs within the Forest somewhat superfluous.

THEYDON BOIS PARISH COUNCIL – Object as the proposed signs are totally inappropriate and somewhat garish, and they distract from the natural beauty of the surroundings which needs no further advertisement. We also believe that metal signs will be prone to theft as has been the case as with many metal road signs in the area.

EPPING SOCIETY – Object as the material of the signs would not stand up to misuse and damage and feel that the proposed Hemnall Street sign would obstruct sight lines and result in a danger to road safety.

THEYDON BOIS ACTION GROUP – Object due to the scale, materials and design of the signs and consider that these would not respect their settings.

THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY – Object as the proposed sign in Coppice Row is over large and ‘gaudy’ and excessively dominant, detracting from the openness of the village green. The sign is likely to be targeted by metal thieves and it is considered that the existing wooden signage is perfectly adequate.

LOUGHTON RESIDENTS ASSOCIATION – Object as the signs are unacceptable due to the scale, shape, material and garish colour and since the proposed materials have a tendency to crock or shatter when bent or hit.

BUCKHURST HILL RESIDENTS SOCIETY – Object to the design of the proposed signs and consider that any new signage should be redesigned in line with the existing signage. Also concerned about highway safety due to the wording of the signage.

Issues and Considerations

15. Paragraph 67 of the National Planning Policy Framework states that *“advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”*.

16. With regards to amenity considerations, the recently published National Planning Practice Guidance (NPPG) states *“in practice, ‘amenity’ is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement. So, in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features”*.

17. With respect of public safety concerns, the NPPG states that *“all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. There are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline”*.

18. The NPPG also provides the following list of advertisements which may cause danger to road users:

- (a) *Those which obstruct or impair sight-lines at corners, bends or at a junction, or at any point of access to a highway;*
- (b) *Those which, because of their size or siting, would obstruct or confuse a road-user’s view, or reduce the clarity or effectiveness of a traffic sign or signal, or would be likely to distract road-users because of their unusual nature;*
- (c) *Those which effectively leave insufficient clearance above any part of the highway, or insufficient lateral clearance for vehicles on the carriageway;*
- (d) *Those externally or internally illuminated signs including those utilising light emitting diode technology;*

- (e) *Those which incorporate moving or apparently moving elements in their display, or successive individual advertisements which do not display the whole message;*
- (f) *Those requiring close study (such as Public Information Panels), which are situated so that people looking at them would be insufficiently protected from passing vehicles; or those advertisements sited on narrow footpaths where they may interfere with safe passage by causing pedestrians to step into the road;*
- (g) *Those which resemble traffic signs; and*
- (h) *Those which embody directional or other traffic elements and which need special scrutiny because of possible resemblance to, or confusion with, traffic signs.*

Reason for Proposed Development

19. The aim of the proposed gateway and visitor hub signs is to give visitors a sense of arrival to Epping Forest, which is an important recreational, tourist and ecological facility, and to remind drivers to be more aware of the forest environment.

20. Epping Forest is part of the City of London's Open Spaces department. In July 2013 a report was presented to the Open Spaces Committee, which outlined the need to undertake an identity project to develop a consistent look across the numerous City of London managed Open Spaces. It was decided that the main design had begun to look dated, since it is more than 25 years old, and there was a lack of uniformity across the organisation caused by different Officers interpretations of the design over time.

21. It is stated by the applicant that the management of the Forest has often been confused with other opens spaces or parks funded by local authorities and the City of London felt that the lack of a strong identity was a missed opportunity for proactively communicating its work in protecting and maintaining green spaces for the people of London and beyond.

22. In November 2013 the new visual identity for Open Spaces was approved by the Open Spaces Committee. This new identity reinforces that Epping Forest is a charitable trust that rely on charitable donations, grant aid and donor funding to maintain the Forest.

23. It is stated by the applicant that the City of London Corporation is currently making further budget reductions of some £20.84 million. Epping Forest's £4.5 million operating budget has already fallen by 12.5% to 2015, and will reduce by a further 10% to 2018; despite statutory and operational liabilities increasing. The City's private investment fund remains the main source of income but the City of London considers that promoting the Forest, and its charitable status, is vital for the Forest's future.

24. The submitted supporting statement for the proposed development provides the following justification for the principle of the proposed signage:

The gateways are part of a larger 'layered' approach to interpretation which presents a consistent visual identity to our visitors.

The gateways welcome people across the threshold into the Forest, announce your arrival in a special place and reinforce the Conservators stewardship of the Forest. Following entrance to the wider Forest, a visitor

arrives at what we refer to as a visitor 'hub'. Signs which announce the arrival at one of these hubs, for example High Beach, are a scaled down version of the gateway sign. This gives a visitor the reassurance that they have arrived at their intended location when visiting a site for the first time. These hub signs have been included in the application for information but it is the Conservators understanding that no planning consent is required.

Once at the intended destination, the next signs a visitor come across will be an orientation/interpretation panel which orientates/educates the visitor about that area. Further interpretation panels might be found when journeying around the site, again smaller and at a lower height than the first panel. Although not within the existing gateway budget, the Conservators intend to roll out the application of the new identity to all Forest furniture (benches, way mark posts, waste bins, etc.) to ensure continuity with the major signage.

Finally, all our recent publications (leaflets, posters and newsletters) have been redesigned to match the new identity along with staff uniform and vehicle livery. This layered approach to interpretation provides a repetition of the corporate identity at each step in a visitor journey.

25. The chosen image for the proposed signage is the work of Walter E Spradbery, who was a local artist that lived near and used the Forest as inspiration for his work. He undertook work on the 'Beyond the City' travel campaign commissioned by the Underground Electric Railways Company Ltd (predecessor of Transport for London) in the early 20th century. It is stated that earlier design revisions with new images and abstract designs were rejected under scrutiny that the images would date quickly and not be understood by the visiting public. However it was decided by the Open Spaces Committee that the chosen image is a good representation of the Forest for visitors and it will still look fitting in 20+ years.

Design

26. Several objections have been received from local councils and resident groups with regards to the overall design of the proposed signs. Within these representations there are comments that "*members considered the use of trees on signs within the Forest somewhat superfluous*" (Loughton Town Council) and "*the proposed signs are totally inappropriate and somewhat garish*" (Theydon Bois Parish Council), with comparisons to 'motorway signage' and comments on the colours chosen.

27. This is more an issue of taste, but the use of trees on the signs is a logical decision given the key feature of Epping Forest (being a forest) and whilst alternative colours were explored, including signs in greens, orange and plum, consent to reproduce Spradbery's work was granted by the London Transport Museum (the copyright holders) on the basis that neither the colour or image are altered or modified. Furthermore, whilst some people may consider the colour of the signs 'garish' (which is matter of personal taste) the signs are required to stand out against the backdrop of the Forest, so colours that 'blend in' would not meet the needs of the City of London.

28. The shape of the proposed signs, with the single curved edge, has been chosen to reflect the new Open Spaces identity. The existing signs, which are to be removed and replaced at several of the application sites, are significantly larger than the proposed signs. The medium signs at 2.38m tall are over half a metre shorter than the 3.2m tall existing signs. The small signs proposed are 25% smaller than the

medium signs and have a surface area of just over 1.6m² and stand marginally taller than the height of an average man. It is stated that *“the proposed new signs have been designed smaller and make better use of overall space by offering a warm visual greeting to our visitors and incorporating larger text”*.

29. Two of the proposed gateway signs would be located within conservation areas. Whilst the new signage would be less in keeping with the character and appearance of the district than the existing signs the proposed new signs nonetheless do not raise any objections from the Council’s Conservation Team since they *“feature well thought out design and are made with long lasting materials”*.

30. The design of the signs has gone through a lengthy decision process and there is clear reasoning behind the final choice. Whilst the final design may not be to everybody’s taste it is not considered that the proposed signage would be detrimental or out of keeping with the local characteristics of the areas in which they would be located and the new signage would be to a scale similar to, or smaller than, the existing signage which it replaces. Furthermore these signs are similar to the recent new signage implemented by the Lee Valley Regional Park Authority across the LVRP.

Proposed Materials

31. The proposed new signage would be constructed of vitreous enamel (VE), which was chosen since it was the only material which offered a 15 year guarantee against weathering, fading or graffiti. The signs would be a sealed unit and therefore should not suffer from internal rusting, and it is stated that these signs are able to withstand the normal wear and tear of the outdoor environment. VE has been used for numerous urban city centre applications including Transport for London’s ‘Legible London’ campaign, new London Underground signage, London Borough of Camden outdoor interpretation signs, and City of London public information signs.

32. Whilst it is considered that the existing signs are more in keeping with the rural area these are wooden signs with a significantly shorter shelf life. Furthermore there are increasing health and safety concerns regarding the existing signage due to the inevitable splintering of the wooden signs if/when struck, which can be dangerous to vehicles and pedestrians and cause detritus on the road. The use of VE signs would be more hardwearing and safer from a highways point of view.

33. Concerns have been raised that the new metal signs may be the target of ‘metal thieves’. Whilst this is not a valid planning consideration the signs are a sealed unit and as such they have no scrap value.

Highway Safety

34. To improve the environment of Epping Forest the City of London has worked with ECC to reduce the speed limit on Forest roads to a maximum of 40mph. The proposed signage is another attempt to remind drivers to be more aware of the forest environment, being alert for visitors, cattle, etc., and therefore to encourage people to drive accordingly.

35. The final design, location and fabrication method is the result of several months’ work in consultation with the Highways Team at ECC. The signs are specifically designed to catch a driver’s eye and be bold enough to communicate the intended information however are accepted as not being distracting. The design ensures that the text is at a similar height to that found on highway signs and the font

size meets with highway legibility standards. The signs are non-illuminated and are not reflective and the VE surface material has been confirmed as suitable in terms of glare caused by headlight reflection when night driving.

36. Previous design concepts for the signs included the use of materials such as oak, which whilst more suitable to the environment are considered to be an increased risk to vehicular traffic due to the potential for signs to fragment if impacted, thus potentially causing damage to other road users.

37. A detailed risk assessment survey of each proposed sign location was commissioned to ensure that there was no significant increased risk to drivers as a result of installing the new signs. This has been assessed by ECC and as a result the Highway Authority has raised no objection to the proposal.

38. A comment has been received from Buckhurst Hill Residents Society stating that they are “*unhappy with the phrase ‘thank you for driving carefully’ which suggests that having left the forest you do not need to continue driving carefully*”. In response to this the applicant has stated that:

‘Please drive carefully’ or ‘Reduce your speed’ highway signage can be seen in many towns and villages, for example at the entrance to Stewardstonebury in Epping Forest District Council. The Conservators understand that the gateway signs are not highway signs and adding instruction to drivers on the face would be inappropriate. However, the rear of the sign offers the opportunity to be grateful to those who have obeyed the new speed limit. The phrase ‘thank you for driving carefully’ is intended only to encourage adherence to the new slower limitations, and responsible driver behaviour within the Forest, not encourage irresponsible driving outside of Forest boundaries.

Other Considerations

39. The budget for the proposed signs is part of the Heritage Lottery Funded ‘Branching Out’ project. The project budget is ring-fenced and can only be used to deliver the commitments made by the City of London as part of that project. The gateways and site interpretation are the final deliverables to complete the project.

40. The gateway signs are a key component of both the ‘Branching Out’ Lottery bid and the Epping Forest Transport Strategy. The signage was designed to reinforce many of the achievements of ‘Branching Out’ and is the most significant visual expression of the changes to the Forest that have been ushered by this Project. There are no other immediate funding sources to update Forest signage and the City of London considers that the loss of this significant visual component would be detrimental to the project. To avoid wasting resources it is claimed that existing signs in good condition will be re-used elsewhere within the City of London Corporation departments.

41. This planning application has been submitted alongside applications to the London Borough of Waltham Forest, London Borough of Redbridge and London Borough of Newham. Whilst there does not appear to have been a decision made by Waltham Forest Council at the time of producing this report the planning applications submitted to Redbridge Council and Newham Council have both been granted advertisement consent.

Conclusion

42. Whilst the agreed final design of the proposed new advertisements may not be to everybody's taste, these have been the subject to much negotiation and consultation and have been agreed by the relevant Open Spaces Committee. The size, location, design and materials have been specifically designed to appropriately advertise the Forest and assist in directing/informing visitors whilst not being harmful to highway safety or the character and appearance of the area.

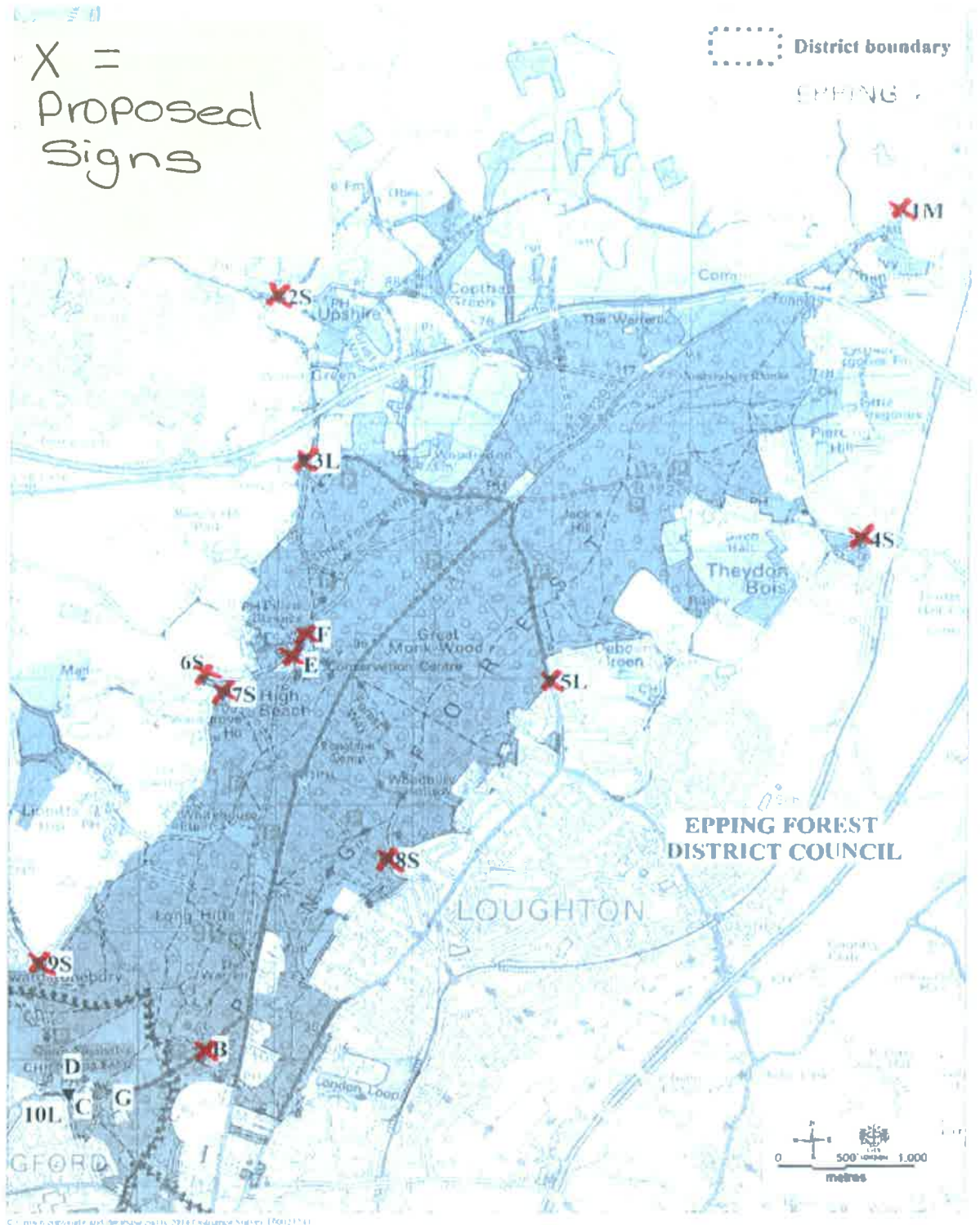
43. A refusal can only be made on grounds of harm to amenity and/or public safety. The coinciding applications submitted to the London Borough of Redbridge and London Borough of Newham have both been granted advertising consent and it is not considered that the signs proposed within Epping Forest District would be detrimental to the amenities of the area or public safety. The purpose of the new signage is to provide a single unified identity to Epping Forest and as such the provision of the new signs within Redbridge and Newham but not within Epping Forest would not meet the needs of the City of London. However, officers consider on their own merit for Epping Forest District area, the proposal complies with the guidance contained within the NPPF, NPPG and the relevant Local Plan policies. The application is recommended for approval.

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Epping Forest District Council

Agenda Item Number



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Application Number:	EPF/1703/15
Site Name:	Various Locations Epping Forest Gateway
Scale of Plot:	

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