

committee agenda



**Epping Forest
District Council**

***District Development Control Committee
Wednesday, 11th February, 2015***

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

**Council Chamber, Civic Offices, High Street, Epping
on Wednesday, 11th February, 2015
at 7.30 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

G. Woodhall, Governance Directorate
Tel: 01992 564470 Email:
democraticservices@eppingforestdc.gov.uk

Members:

Councillors B Sandler (Chairman), B Rolfe (Vice-Chairman), A Boyce, Mrs H Brady, R Butler, K Chana, J Hart, R Jennings, Mrs S Jones, H Kauffman, J Knapman, Ms Y Knight, Mrs J Lea, C C Pond and J M Whitehouse

SUBSTITUTE NOMINATION DEADLINE:

16:00

WEBCASTING/FILMING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.

If you have any queries regarding this, please contact the Democratic Services Officer on 01992 564470.

1. WEBCASTING INTRODUCTION

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

2. The Director of Governance will read the following announcement:

“This meeting will be webcast live to the Internet and will be archived for later viewing. Copies of recordings may be made available on request.

By entering the chamber’s lower seating area you are consenting to becoming part of the webcast.

If you wish to avoid being filmed you should move to the public gallery or speak to the webcasting officer”

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

General advice to persons attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

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

4. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

(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 this agenda.

6. MINUTES OF LAST MEETING (3.12.14) (Pages 7 - 16)

To confirm the minutes of the meeting of the Committee held on 3 December 2014.

7. CHIMES GARDEN CENTRE, OLD NAZEING ROAD, NAZEING - PLANNING APPLICATION EPF/0206/14 (Pages 17 - 42)

(Director of Governance) To consider the attached report in connection with the proposed demolition of an existing garden centre/commercial buildings and the erection of 43 dwellings with associated parking and landscaping, at Chimes Garden Centre, Old Nazeing Road, Nazeing.

8. PINE LODGE RIDING CENTRE, LIPPITTS HILL, WALTHAM ABBEY - PLANNING APPLICATION EPF/2853/14 (Pages 43 - 54)

(Director of Governance) To consider the attached report in connection with the proposed demolition of existing buildings, improvements to existing vehicular access, erection of five detached houses, associated garages and boundary fences and landscaping, at Pine Lodge Riding Centre, Lippitts Hill, Waltham Abbey.

9. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 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.

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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.

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.

Sometimes members of the Council who have a prejudicial interest and would normally withdraw from the meeting might opt to exercise their right to address the meeting on an item and then withdraw.

Such members are required to speak from the public seating area and address the Sub-Committee before leaving.

What can I say?

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

If you are not present by the time your item is considered, the 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.eppingforestdc.gov.uk. Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

How are the applications considered?

The 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'

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control Committee **Date:** 3 December 2014

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.55 pm

Members Present: B Sandler (Chairman), B Rolfe (Vice-Chairman), A Boyce, Mrs H Brady, K Chana, R Jennings, J Knapman, J M Whitehouse, Mrs C P Pond, Ms G Shiell and D Stallan

Other Councillors:

Apologies: R Butler, J Hart, Mrs S Jones, H Kauffman, Ms Y Knight, Mrs J Lea and C C Pond

Officers Present: S Solon (Principal Planning Officer), G J Woodhall (Democratic Services Officer) and J Leither (Democratic Services Assistant)

26. 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.

27. 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 meetings.

28. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Committee noted the following substitutions for this meeting:

- (i) Councillor Stallan for Councillor Hart;
- (ii) Councillor C P Pond for Councillor Kauffman; and
- (iii) Councillor Shiell for Councillor Lea.

29. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

30. MINUTES

Resolved:

(1) That the minutes of the meeting previously circulated held on 8 October 2014 be taken as read and signed by the Chairman as a correct record.

31. EPF/1723/14 - 12 RAVENSMERE, EPPING

The Committee considered an application for a proposed detached annexe building with habitable space on the ground floor and swimming pool in the basement level at 12 Ravensmere in Epping.

The Principal Planning Officer informed the Committee that this application had been considered by Area Plans Sub-Committee East on 15 October 2014, but had been referred to this Committee without recommendation. The Sub-Committee had agreed three additional conditions to be attached to the application, but the Officer recommendation to grant permission had been lost.

The Principal Planning Officer stated that the application site was a detached property located in a cul-de-sac close to Epping town centre. The level of the rear garden was above the ground floor level of the house and was reached by a small set of steps from a small patio area. The application was for the construction of a two-storey outbuilding along the boundary with 11 Ravensmere, with one storey located below ground and containing a swimming pool. The upper storey would contain a guest bedroom, bathroom and gymnasium. The building would be 15.2m long, 4.75m wide and rise 3.5m above ground level at the highest point of the slanting roof. It was intended to excavate the rear garden down to the same level as the rear doors of the house.

The Principal Planning Officer reported that, after the main issues had been considered, Officers had concluded the proposed development was considered to have an acceptable level of impact upon neighbouring properties and would not result in an excessive loss of amenity.

The Principal Planning Officer advised the Committee that the main issues to consider were the impacts of the proposed extension on neighbour amenity, the design and appearance of the proposed extension, the preserved tree adjoining the site, and issues regarding land drainage and the basement construction.

The Committee noted the summary of representations, and that the Town Council had objected to the application on the grounds of the detrimental impact upon the amenity of the neighbouring property and had also commented that the absence of any plan to deal with subterranean drainage was also a concern. The Epping Society and three neighbouring properties had also objected to the application; there were no letters of support for the application.

The Committee heard from an objector, who intimated that the applicant had submitted two further applications for the site, before proceeding to debate the application.

The Principal Planning Officer accepted concerns had been raised about the levels shown on the submitted plans, and it was acknowledged that the submitted ground level plan was inaccurate. However, this did not prevent an informed decision being made by the Committee on the application, as the finished level for the garden would be the same as the patio area and therefore the proposed height of the building could be determined. There were nine conditions attached to the application for approval,

with the last condition requesting the current and proposed ground levels to be provided in writing before the development could begin.

In response to further questions from the Committee, the Principal Planning Officer contended that if the application for the proposed building had been attached to the current house then the impact of the bulk of the building would be higher and Officers would have been less likely to recommend approval; the application before the Committee placed the building in a less sensitive area for the neighbour. It was acknowledged that precise plans of the levels had not been provided, only indicative drawings. However, Officers were satisfied that enough information had been provided to estimate the impact of the proposed building and make a decision regarding planning approval. The Council would require more information to ensure control, and possible enforcement, of the development. The Principal Planning Officer had no details available concerning the two further applications alluded to by the objector by the applicant for the site.

The Committee felt that the proposed ground levels were pertinent to making a decision on the application and there were concerns about making a decision without the full plans available, although it was accepted that the height of the building would be 3 metres regardless of the ground levels. Concerns were expressed about the possible drainage issues with the basement that had been highlighted. The Committee enquired whether the development would be allowed under a General Permitted Development Order.

The Principal Planning Officer responded that the proposed application was of a scale that could not be allowed under Permitted Development Rights: it was near to the boundary of the neighbouring property; had more than one level; and was greater than 2.5 metres in height. It was also highlighted that the method of construction was dealt with by Building Regulations; condition 6 simply dealt with those issues that would impact upon neighbours, such as permitted times of construction. Condition 7 concerned those issues regarding drainage, which had been highlighted by some of the representations, and required the submission of a full hydrological survey before development began.

The Committee still had misgivings about approving the application without the full information being available. It was decided to defer the application pending the receipt of the detail of the levels showing the cross-sections and elevations, as well as the proposed levels of all ground floor slabs within buildings, roadways, access ways and landscaped areas.

Resolved:

(1) That planning application EPF/1723/14 at 12 Ravensmere in Epping be deferred pending the receipt of full information regarding details of levels showing cross-sections and elevations of the levels of the site and the proposed levels of all ground floor slabs in buildings, roadways and access ways, and landscaped areas.

32. ANY OTHER BUSINESS

Resolved:

(1) That, as agreed by Chairman and in accordance with Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules, the following item of urgent business be considered following publication of the agenda:

(a) EPF/0853/14 – Tottenham Hotspur Training Ground, Luxborough Lane in Chigwell.

33. EPF/0853/14 - TOTTENHAM HOTSPUR TRAINING GROUND, LUXBOROUGH LANE, CHIGWELL

The Committee considered an application for the redevelopment of the former Tottenham Hotspur Training Ground with an autistic spectrum disorder school on the eastern side of the site, comprising a 3,800 square metre school building to accommodate up to 128 pupils aged 4 – 19, a mixed use games area, playing fields, 100 parking spaces and a minibus drop-off area. Additionally, the development of 60 dwellings on land to the west of the proposed school to act as an enabling development to facilitate delivery of the school.

The Principal Planning Officer reported that this application had been considered by Area Plans Sub-Committee South on 26 November 2014. The Sub-Committee had recommended the grant of planning permission, subject to the addition of an additional condition concerning street lighting. The application had been referred to the District Development Control Committee for a decision as the proposal was for a major application that contravened the Council's policy concerning the Green Belt. If permission was granted by this Committee then the application would need to be referred to the National planning Casework Unit for the same reason.

The Principal Planning Officer advised that the main issues to consider in determining this application were the need for the Autistic Spectrum Disorder School, the need for the enabling development, the use of Green Belt land for the development including the very special circumstances to be considered, potential contamination of the land at the site following its previous use in the 20th Century as a landfill site, plus highway safety and vehicle parking for the proposed development. Other matters to be considered by the Committee included the provision of affordable housing as part of the development, the flood risk, nature conservation matters, the loss of the current playing fields at the site, the design and appearance of the developments, the impact on the living conditions of neighbouring properties, and additional education and healthcare provision arising from the enabling development.

The Principal Planning Officer informed the Committee that, following consideration of all the issues, Officers had concluded that very special circumstances had been demonstrated which would outweigh the harm inflicted on the Green Belt by this (normally) inappropriate development. In addition, the proposed Autistic Spectrum Disorder (ASD) school was demonstrably necessary to meet the need for the provision of such education in West Essex. There was no other suitable site outside of the Green Belt, and no other suitable site within the Green Belt where the development would be less harmful. It had been concluded that all other matters arising from the proposal were either acceptable or could be properly addressed by planning conditions and the proposed Section 106 agreement. Therefore, the application was recommended for approval with 16 conditions attached.

The Committee noted the summary of representations, which included an objection letter signed by 12 residences in Luxborough Lane, five further objection letters including the Epping Forest Riders Association, Buckhurst Hill Parish Council and Chigwell Parish Council. Four letters in support of the application had been received, including one from Autism Sunday, a campaign group. A further seven comments had been received from organisations such as Essex Police, NHS England and the London Borough Council of Redbridge. The Principal planning Officer appraised the Committee of the comments made by the Riders Association, who had resubmitted

their representations following consideration of the application at Area Plans Sub-Committee, which included requests for further planning conditions to be attached.

The Committee heard from an objector, who highlighted that the access routes to the site were classified as bridleways and footpaths, not B roads, and the applicant's agent, who emphasised the need for an ASD school in West Essex.

A local Ward Member for Passingford had concerns about the site, particularly the access to it via a very narrow by-way. Although this access was long and straight, and covered with tarmac as well, it was used by many horse riders. It was also pointed out that there was the County Council Recycling Centre and the Old Loughtonians Hockey Club at the end of the access. Ideally, there would be a separate thoroughfare provided at the side of the access road for walkers, cyclists and horse riders; however, it was accepted that there was not enough space. The local Member for Passingford implored the Committee to not rescind the by-way status of the access route to the site, and that the bridleway should be kept open. In addition, the new access road should have a 20mph speed limit imposed and constructed of non-slip tarmac to ensure the safety of horse riders. It was also requested that guarantees be sought from the County Council to increase the height of the parapets on the bridge crossing the M25 Motorway.

The Principal Planning Officer stated that the current by-way could only be adopted by Essex Highways and the Council could not insist that it be adopted. Officers would be willing to seek discussions with Essex County Council to implement the measures proposed by the Ward Councillor.

A local Ward Member for Chigwell Village commented that the access was currently a private road with a bridleway and right-of-way running down the middle of it. The plans indicated that the road would be widened, and it was reasonable to expect fewer traffic movements from the school than when the Tottenham Hotspur Football Academy was situated there. The Member agreed with the imposition of a 20mph speed limit, and suggested that if the new access road was regarded as a 'Green Lane' then it would automatically be allocated a 20mph speed limit with accompanying traffic calming measures. The condition regarding street lighting agreed by the Area Planning Sub-Committee was welcomed and it was right to increase the height of the parapets on the motorway bridge. The Member was concerned about the loss of Green Belt land, but acknowledged that this was previously developed land and the key point concerning the application was the enormous problems encountered in providing education for children suffering from Autism; therefore there were clearly special circumstances for this development. The accompanying housing development provided funding to build the proposed school, and there were no dissenting votes when the application was considered by the local Planning Sub-Committee.

The local Member for Chigwell Village, who was also a County Councillor, stated that he could not support the proposed extra funding for the local secondary school within the draft Section 106 agreement. West Hatch Secondary School had been granted Academy status, and therefore it was funded directly by the Government rather than the County Council; any monies so granted would not be used for the benefit of the District. It was proposed (and duly seconded by a local Member for North Weald Bassett) that the Section 106 monies currently proposed for secondary education should be redistributed as follows:

- £120,000 towards the provision of affordable housing within the District;
- £50,000 towards the provision of a mini-bus service across Chigwell; and
- £27,484 towards the provision of secondary education.

The Principal Planning Officer reminded the Committee that the parapets were owned by the Highways Agency, although it was understood that they had undertaken works to increase the height of parapets at another bridge situated close to the Chigwell Riding Trust.

Other members of the Committee felt that the risk to horses and riders at this location was no greater than elsewhere in Chigwell, and it was noted that the plans included widening the road to a width of 5.5 metres. It was accepted that the development could lead to increased traffic movements, which made the enforcement of a 20mph speed limit at this location, along with other traffic calming measures, imperative to ensure the safety of walkers, riders and cyclists.

Resolved:

- (1) That planning permission be granted subject to:
 - (a) The completion, within 3 months, of an agreement under Section 106 of the Town and Country Planning Act 1990 in respect of the following matters:
 1. Contaminated land investigation and remediation across the site.
 2. A financial contribution of £289,179 towards education, comprising £66,701 towards early years and childcare, £194,994 towards primary education, and £27,484 towards secondary education.
 3. A financial contribution of £120,000 towards the provision of affordable housing across the District.
 4. A financial contribution of £50,000 towards the provision of a mini-bus service across Chigwell
 5. A financial contribution of £19,740 towards the capital costs of the NHS for provision of additional healthcare services.
 6. Completion of the improvements to/widening of Luxborough Lane prior to first occupation of the development, in accordance with details previously agreed with the Highway Authority.
 7. Provision and implementation of a Travel Plan for the proposed school and residential scheme to be monitored and reviewed annually, the provision of a Travel Plan Co-ordinator to give advice and the payment of £3,000 monitoring fee for Essex County Council.
 8. Completion of the ASD school development prior to first occupation of the residential component.
 9. To not permit pupils to attend the school who are not diagnosed with Autistic Spectrum Disorder.
 10. The management of the school to become the responsibility of the National Autistic Society.
 11. The submission to the Local Planning Authority for approval details of the management company that will be responsible for the maintenance of roads, public open space and landscaped areas and the establishment of a

management company in accordance with the approved details prior to the first occupation of the development.

- (b) And, 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 following approved drawings numbers, unless otherwise agreed in accordance with the terms of the agreement under S106 of the Town and Country Planning Act 1990 that accompanies this planning permission:

Location and masterplan and levels:

1324_0005 D, 1324_0100 H, 1324_0009 A, 1324_0010 A

NAS School:

1324_0110 F, 1324_0120 F, 1324_0121 F, 1324_0130 E, 1324_0131 E, 1324_0133 E, 1324_0134 E, 1324_0135 E, 1324_0136 E, 1324_0137 E, 1324_0140 D, 1324_0200 D, 1324_0202 C, 1324_0203 C, 1324_0204 C, 1324_0205 C, 1324_0220 D, 1324_0221 D

Housing:

1324_0150 F, 1324_0151 B, 1324_0152 B, 1324_0155 F, 1324_0160 B, 1324_0161 B, 1324_0162 B, 1324_0163 B, 1324_0164 B, 1324_0165 B, 1324_0166 B, 1324_0167 B, 1324_0170 A, 1324_0171 A, 1324_0172 A, 1324_0173 A, 1324_0174 A, 1324_0175 A, 1324_0176 A, 1324_0250 B, 1324_0251 B

Adoptable Road Layout:

ST-2012-37

3. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
4. 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. 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:
 - (i) The parking of vehicles of site operatives and visitors;
 - (ii) Loading and unloading of plant and materials;
 - (iii) Storage of plant and materials used in constructing the development;
 - (iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (v) Measures to control the emission of dust and dirt during construction, including wheel washing; and
 - (vi) A scheme for recycling/disposing of waste resulting from demolition and construction works.
6. 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.
7. 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.
8. The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (Stomor, Ref ST-2012/FRA-1403-Luxborough Lane, March 2014) has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
9. No development 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 in writing by the Planning Authority.
10. The development hereby approved shall be undertaken only in accordance with the mitigation strategy the recommendations of the Bat Survey and Reptile and Amphibian Survey dated 13 March 2014, ref DFCEP 2600
11. 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, approved by Essex County Council.

12. Prior to the occupation of the houses referred to in this condition, the entire length of the rear facing balustrades enclosing the roof terraces of houses at plot numbers 8, 27, 28, 35 and 38 (as indicated on drawing number 1324_0152 B) shall be supplemented by an obscure glazed privacy screen that extends from the top of the balustrade to a height of 1.8m above the floor level of the roof terrace. Thereafter the rear facing balustrades shall be permanently enclosed in that manner.
 13. The first floor rear elevation window in the flat-roofed part of the house at plot 8, as identified on drawing numbers 1324_0152 B and 1324_0175 A, shall be obscure glazed up to a minimum height of 1.8m above the floor level of the room served by the window prior to the occupation of that house and shall thereafter be permanently maintained in that condition.
 14. 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, swimming pools, ponds or outbuildings with foundations 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.
 15. 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 new buildings and extension to any building generally permitted by virtue of Class A of Part 32 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
 16. No street lighting shall be provided along the entire length of Luxborough Lane that is within the application site and within the sites of the school and housing development hereby approved other than in accordance with details previously submitted to and approved in writing by the local Planning Authority.
- (2) That Essex County Council be requested to afford Luxborough Lane 'Green Lane' status, which would entail a 20mph speed limit and traffic calming measures to be installed along its length.

CHAIRMAN

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Report to District Development Control Committee

Date of meeting: 11 February 2015

Subject: Planning Application EPF/0206/14 Chimes Garden Centre, Old Nazeing Road - Demolition of existing garden centre/commercial buildings and erection of 43 dwellings with associated parking and landscaping

Officer contact for further information: Mrs. J. Shingler (01992 564106)

Democratic Services Officer: G. Woodhall (01992 564470)

Recommendation:

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 legal agreement and subject to conditions.

The proposed legal agreement is to:

- **Secure the provision of a £1 million contribution towards the provision of affordable housing off site,**
- **To purchase the Total Garage Site in Nazeing, from the Parish Council at a price of £750 000, to fully implement the existing planning consent for 6 houses at the site, and to offer those houses for sale to local residents of the District at a 10% below market value, and**
- **to provide a contribution of £141, 530 towards secondary School Provision and £32,702 towards school transport (both index linked to April 2014 costs)**

The suggested 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: 11048-P001J, P002H, P003A, A001, E001, P101, P102, P103, P104, P105, P106, P107, P108, P109, P110, P111, P112, P113, P114, P115, P116, P117A, P118.
- (3) No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.

- (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 shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.
- (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) No bonfires shall be permitted on site throughout the demolition and construction phase of the development.
 - (10) 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, to be approved by Essex County Council.
 - (11) The vehicular turning facilities, as shown in principle on drawing no.11048 P001 Rev G, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose
 - (12) The vehicle parking for the site shall be in accordance with the Parking Standards Sept. 2009.
 - (13) The carriageway(s) of the proposed estate road(s) 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(s). 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
 - (14) No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - A site investigation scheme, based on the Desktop Study Report (Herts & Essex Site Investigations, Report no. 10983, dated November 2013), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
 - Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.
 - (15) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation

shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

- (16) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- (17) 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.
- (18) The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed flood risk assessment (Michael Thomas Consultancy LLP, Ref: 1333 – FRA Rev C, dated February 2014) has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- (19) The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (Michael Thomas Consultancy LLP, Ref: 1333 – FRA Rev C, dated February 2014) and the compensatory flood storage measures detailed within. 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.
- (20) No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside the River Lee shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The schemes shall include:
 - Details of any proposed planting scheme (this should be native species only).
 - Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term.

- Details of any proposed footpaths, fencing, lighting etc.
- (21) No development shall take place until a detailed method statement for removing or the long-term management/control of Japanese Knotweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include measures that will be used to prevent the spread of Japanese Knotweed during any operations (e.g. mowing, strimming or soil movement). It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.
 - (22) No development or preliminary groundworks can commence until an archaeological desk-based assessment and bore hole survey has been undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority. A mitigation strategy detailing a palaeo-environmental sampling programme shall be submitted to the local planning authority following the completion of this work.
 - (23) No development or preliminary groundworks can commence on those areas containing archaeological or palaeo-environmental deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.
 - (24) The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.
 - (25) Prior to any works on site including site clearance full details of the means of ensuring the protection and successful translocation of reptiles from the site shall be submitted to and agreed in writing by the Local Planning Authority. The details should follow the recommendations set out in the submitted Reptile and Amphibian Survey Report No ASW/BDG/051/17/2013 August 2013 and should include timings. Details of the receptor site and how the receptor site is to be managed to ensure the long term survival of the translocated population must also be submitted, and approved in writing. The works shall be carried out in accordance with the approved details.
 - (26) Prior to commencement of development details of means to encourage biodiversity within the site shall be submitted to and agreed in writing by the Local Planning Authority. This may include the provision of bird and bat boxes, log piles and appropriate native planting.

Report Detail

This planning application was considered by the Area Planning Sub-Committee West on 28 January 2015. At that meeting members considered that the proposed development would result in significant improvements to the character and visual amenity of the area and would help meet current housing need on previously developed land in a relatively sustainable location. They considered that the benefits of the proposal in removing a currently problematic and unsightly site, were sufficient to outweigh the harm to the openness of the Green belt that would result from the development

In addition the Committee considered that suitable conditions could be imposed to ensure that the dwellings would not be at risk of flooding and that the development would not increase the risk of flooding elsewhere and that therefore the development was acceptable in flooding terms.

Whilst recognising that the council normally seeks to provide on site affordable housing they considered that the package of benefits towards the provision of both affordable and low cost housing within the District was appropriate and sufficient to overcome the normal on site requirement.

As a result of these deliberations the Sub Committee voted to grant planning permission for the development and the application is therefore referred to The DDCC since the proposal is a major development that is contrary to Local Plan policy. 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.

Whilst the Director of Communities maintains his objection to the proposal on the grounds that there is no on site provision of affordable housing, given the support for the development from the Sub Committee, he has entered into further discussions with the applicant with regard to the proposed legal agreement, in an attempt to secure the housing at the Total Garage Site as “affordable” housing rather than market housing. The outcome of these discussions will be reported verbally at committee.

The Director of Governance maintains the recommendation that planning permission should be refused and an appropriately updated version of the original report to the Area Sub-Committee (incorporating additional neighbour responses that were reported to the Sub Committee and addressing issues raised at committee) is set out below.

APPLICATION No: EPF/0206/14

SITE ADDRESS: Chimes Garden Centre Old Nazeing Road Broxbourne Essex EN10 6RJ

PARISH: Nazeing

WARD: Lower Nazeing

APPLICANT: BDG Partners Ltd

DESCRIPTION OF PROPOSAL: Demolition of existing garden centre/commercial buildings and erection of 43 dwellings with associated parking and landscaping

RECOMMENDED DECISION: Refuse Permission
REASONS FOR REFUSAL:

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

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:

The application site is approximately 2.5 hectares in area, roughly in the shape of two triangles. The northern triangle is predominantly hard surfaces and contains a number of buildings including a glasshouse; the southern triangle is open scrubland. The site is located to the south of the residential area comprising Riverside Avenue and Great Meadow. The northern boundary of the site is bounded by flank garden boundaries of residential properties. The short western boundary is the River Lee Navigation and to the south and east is open land. The site is accessed from Old Nazeing Road. In addition there is currently a gated access from the end of Great Meadow.

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

Description of Proposal:

The proposal is to remove all the existing buildings and hard standing from the site and to redevelop the whole of the site with 43 two and two and a half storey detached and semi detached houses in a simple layout around a central estate road accessed via the existing access from Old Nazeing Road. 13 different house types are

proposed. All are fairly standard pitched roofed design of traditional materials and proportions and all include garaging and on plot parking.

The dwellings include 2 x 3 bed, 22 x 4 bed, 9 x 5 bed, 9 x 6 bed and 1x 8 bed units. The largest detached property, which is to be located on Plot 19 backing on to the river, has a width of 21 metres, total depth of 18m and a main ridge height of 9.6m and includes a detached double garage with space for accommodation above. This is shown to be a 3 bed property. The 8 bed unit is located on Plot 14 in the centre of the site.

Relevant History:

The site has a long and complex planning History. An area of land to the immediate east of the site, which was at one time known as Nazebourne Poultry Farm was included within the same planning file as the application site and the planning history is therefore quite difficult to separate out. In summary

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

It is important at this stage to recognise that there were in 1971, and are in 2013, two separate planning units on the area encompassed by the Planning File (PL000430). One is known as Chimes Garden Centre and the other was Nazebourne Poultry Farm. These two planning units are clearly and separately identified in the Planning Files in the individual applications and their associated plans. Chimes is the subject of the current application and the Nazebourne Poultry Farm site which had a number of buildings and non conforming uses has been purchased by the LVRPA, cleared and returned to grass.

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

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

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

The garden centre closed in about 1999.

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

The following applications were received in this time:

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

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

In December 2006 enforcement investigations commenced into building works in two of the garden centre buildings and the new uses of the site which were A1, B1, B2 and B8, and some Sui Generis uses. In 2007 a number of small buildings were erected on the site, large scale fencing erected and an area of hardstanding re-laid with a glasshouse being erected. The enforcement investigation concluded that there had been a change of use and operational development which required planning permission.

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

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

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

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

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

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

Nazebourne Poultry Farm (which lies adjacent to the application site has been subject to the following applications and events:

1989 - EPF/0911/89 - Continued use of building for A1 and A3 - refused
1989 - EPF/0912/89 - Buildings for use as B1 and B8 - refused
1989 - EPF/0913/89 - Buildings for use as A1 - Refused

1990 - EPF/0229/90 - Buildings for B1 & B8 - granted & Section 106 Agreement to remove all buildings and uses by 2004

1990 - EPF/0230/90 - Buildings for B1 & B8 – granted with conditions and subject to legal agreement

1990 - EPF/0231/90 - Buildings for A1 - granted with conditions and subject to legal agreement

2005/6 - site cleared in accordance with the Section 106 agreement, some businesses decamped onto the separate planning unit at Chimes without consent.

The site is within the ownership of the LVRP Authority and has been returned to open grassland.

Summary of Representations

The application was advertised in the Local Press, and site notices were erected 29 neighbours were consulted and the following consultation responses were received:

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

Re: Chimes garden centre & business park- EPF/0206/14 Old Nazeing Road, Nazeing, EN10 6JR

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

1. I have seen the residential proposals for the site submitted by the current owners, BDG Partners Ltd, for 43 houses on the 6 acre site.
2. In principle, I agree to a low density, high quality residential development of the Chimes site
3. I would prefer that should residential consent be permitted that no social or affordable housing is built on the site
4. I do not want the Chimes site to continue as a commercial complex, garden centre or industrial premises.
5. That the site entrance into Great Meadow be permanently shut.

In addition the following comments were received:

9 CROWNFIELD, BROXBORNE – support the principle of residential development which would be preferable to the existing marginal industrial and most certainly preferable to enhanced industrial use on the expiry of the current lease..

FROGSCROAK, RIVERSIDE AVENUE - I live adjacent to where the housing estate is proposed. I am concerned that two of the proposed houses will overlook my house, and to ask that if planning permission is granted these two houses are designed to retain as much of my privacy as possible.

7 GREAT MEADOW - Oppose this development. 2nd time we have been sent this with the same threat to open up the gate in Great Meadow and use the land as a commercial site if we do not agree to his proposals. Do not trust this company. Most of the residents in Great Meadow are over 70 and should not be harassed time after time. Old Nazeing Road will not support more cars, could be over 100 vehicles, additional traffic noise.

135 OLD NAZEING ROAD – I want BDG to be fined... I am opposed to any housing.

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

WESTFLEET, RIVERSIDE AVENUE – I do object to residential development, but would rather commercial garden centre industrial premises as the road would not take any more traffic and inconvenience to residents.

PEN Y DRE, RIVERSIDE AVENUE – Object Housing would be more appropriate than commercial development but all forms of development are likely to increase flooding risk to the surrounding properties.

79 OLD NAZEING ROAD – Concern. Outside my property the road narrows down on to the corner to the entrance, if two cars are passing 1 drives up on the pavement. Also sewage and drainage system is inadequate.

27 GREAT MEADOW – Use as a garden centre would be perfectly acceptable. The letter sent to us dated 31st march 2014 from the Director of BDG Partners Ltd makes us feel bullied to agree his proposals or suffer the redevelopment to commercial use on the site. I believe it is time for the council to stop the proposed redevelopment and that the land should only be used a garden centre.

45 OLD NAZEING ROAD – Oppose the development. We do not have the infrastructure to accommodate more residents in the area. Doctors and schools can't cope, traffic in morning rush hour is queuing back a good half mile or more on the Nazeing new Road. Very glad the businesses have stopped as the 10 wheeler vehicles have stopped on our country road.

NAZEING PRIMARY SCHOOL – Letter from the chair of governors raising concern that if all the developments currently proposed around Nazeing are approved the school which already has inadequate space will have to have larger accommodation/additional temporary classrooms to cope. The educational infrastructure costs must be borne in mind.

21 NORTH BARN - agree principle of low density high quality development but would prefer the site to be reinstated as a garden centre with possible addition of a convenience shop/post office as the village shop has been greatly missed since its closure. Nazeing shops are a long walk and bus service is 1 an hour.

77 OLD NAZING ROAD- I have seen the plans do not agree principle of housing on the site, do not agree that affordable housing should not be provided, do not want commercial use on the site and do want the gate into great meadow to be permanently shut. There are already traffic problems, the road can't take any more. There are sewage problems, the area is a natural flood plain and should be left as such. Certain people send out threats that if they do not get their planning permission they will turn it into a commercial venture. No consideration for the people who already live here.

65 OLD NAZEING ROAD – I agree the principle of low density high quality residential and would prefer if residential is permitted, no social or affordable housing is built on the site, I do not want the site to continue as commercial or industrial premises but would be happy to have a garden centre. The gate from Great Meadow should be

permanently shut. I would like to note that while I agree with the proposals I find the letter detailing it all very threatening.

157 OLD NAZEING ROAD – I agree the wording of the standard letter but I also think Lea Valley Regional Park should work with the developer to improve the long neglected site. At present no one visits it.

36 BUTTONDENE CRESCENT – Agree the standard letter although I have no objection to affordable housing. Would like to be sure that the proposed development will not add to potential flooding issues and all ground works hard finishes will be permeable.

ROSEHILL- RIVERSIDE AVE – I do not agree the principle of low density residential development. I support retaining the site as a garden centre/commercial centre, alternatively I would prefer higher density of 15 houses per acre in keeping with government guidelines to increase the number of available homes, thus helping people to buy a home through Help to buy/right to buy and New Buy schemes. A higher density would enable the regional authority to easier achieve targets set by government. Failing to agree the application would not be detrimental to the local area as suggested by BDG. Continued garden centre use would encourage local business to flourish. Increased commercial use and threat of increased HGV traffic is not a sustainable argument for the council to consider, other than to assess local safety and noise issues. Reverting to vehicular access to the site via Great Meadow is in my opinion, scare tactic by BDG partners to encourage support for their initial proposal

26 BUTTONDENE CRESCENT – Disagree with the standard letter. This site is not suitable for the houses requested, we do not have the infrastructure to support them, they are requesting to build on a very high water table. It would put a bigger strain on local roads.

57 OLD NAZEING ROAD – Agree principle of low density residential development do not object to affordable housing on site, do not mind if the site continues as a commercial garden centre or industrial premises. I would like to see the entrance to Great Meadow permanently shut.

THE COTTAGE, MIDDLE STREET - My main concerns are the areas the construction traffic will be travelling through. I live in Middle Street near the Nazeing Golf course and already feel my 200 year old house shake when buses or lorries go past. If construction traffic will be using routes up Middle Street towards Common Road/The Crooked Mile then I will object to this development. The roads are already in a very poor condition with pot holes and more HGV traffic is going to make the situation worse.

THE FALCONS, RIVERSIDE AVENUE - I am in support of this development. The current site is an eyesore and I would much rather see houses.

32 GREAT MEADOW – Concerned about the state of the site, fires, smells, late night noise and dust etc from the businesses that have operated. The gate to Great Meadow was opened and (which they never had been since the bungalows were built in the 70's.) Applicant told people at a meeting that if we agreed housing the gate would be closed but if we opposed the housing the site would remain commercial and he would reserve the right to open and use the gates.

MAGNOLIA HOUSE RIVERSIDE AVENUE – Objection. detrimental impact on residential amenities and on character of area, overdevelopment, noise smell, loss of privacy, overlooking, overshadowing, loss of light, strain on public services, schools and doctors, highway safety issues, inadequate parking and access, flooding concerns, drains can't cope, development likely to increase crime rate. Concerned about endangered species, including Great Crested newts, not being considered.

CRANMORE RIVERSIDE AVENUE – This is a high risk flood zone, the Lea Valley Flood relief system cannot be relied upon to eliminate risk of flooding, approval here would set a dangerous precedent and put pressure on the areas inadequate flood relief system. There is a high water table, there has been 2 feet of water in our garden, and building 43 houses will not help. The land is badly contaminated and could have negative impacts on the environment or cost more than currently projected to clean up and develop. The local roads can not take any more traffic.

BROXBOURNE COUNCIL - The only major concern we have with the proposal is the possibility of future occupiers travelling westwards up onto Station Road as a means of exiting out into the main highway network. The stretch of road leading onto Station Road is one-way and the exit out into Station Road is constrained with limited visibility. We would prefer that occupiers join the main highway network at Nazeing New Road to the east in order to avoid added pressure to the west of the highway network within the boundary of Broxbourne.

PARISH COUNCIL- Kevin Ellerbeck, director of BDG Partners Ltd, the owner of the site attended and outlined his proposals, he referred to a letter which he had previously sent to the clerk and had circulated to some Cllrs. He provided further information in answer to questions from Cllrs and in particular he confirmed that if permission is granted for the development:

1. He is prepared to provide the Parish Council with a sum of not less than £150,000 to be expended in the Parish
2. He will agree to a condition that the entrance/exit from the site to Great Meadow will be permanently closed.

After consideration it was resolved to support the Application but strictly on the basis that conditions are imposed as offered by the Applicant.

LEE VALLEY REGIONAL PARK AUTHORITY - The planning application was considered by the Authority's ULV Regeneration and Planning Committee on 24 April 2014, when it was resolved that:

- 1) Epping Forest District Council be informed that the Authority objects to this application on the following grounds
 - a) The proposed residential use is inappropriate in the Lee Valley Regional Park and the Metropolitan Green Belt
 - b) The likely adverse impacts on landscape form additional built development in an open area of the Park and Metropolitan Green Belt; and
 - c) Incomplete ecological/wildlife surveys

Informative: The site plan includes reference to "access to open space" adjacent to a field owned by the Authority, but in practice this is not publicly accessible.

Policies Applied:

Local Plan Policies

CP1, Sustainable development objectives
 CP2 Protecting the Quality of the Rural and built environment
 CP3 New Development
 CP6 Achieving sustainable development patterns
 CP7 Urban Form and Quality
 GB2a Development in the Green Belt
 BB10 Development in the Lee Valley Regional Park (LVRP)
 RP3 Water quality
 RP4 Contaminated Land
 H1A Housing provision
 H2A Previously Developed Land
 H3A housing density
 H4A Dwelling Mix
 H5A Provision of affordable housing
 H6A Site thresholds for affordable housing
 H7A levels of affordable housing
 H8A Availability of affordable housing in perpetuity
 H9A Lifetime Homes
 RST24 Design and location of development in the LVRP
 U1 Infrastructure adequacy
 U2A Development in Flood Risk Areas
 U2B Flood Risk assessment Zone
 U3A catchment effects
 U3B Sustainable Drainage Systems
 DBE1 design of new buildings
 DBE2 Effect on neighbouring properties
 DBE3 Design in the Green Belt
 DBE5 Design and layout in new development
 DBE6 Car Parking in new development
 DBE7 Public open space
 DBE8 Private amenity space
 DBE9 Loss of amenity
 LL1 Rural Landscape
 LL2 Inappropriate Rural Development
 LL3 Edge of settlement
 LL7 Planting protection and care of trees
 LL10 Adequacy of provision for landscape retention
 LL12 Landscaping schemes
 ST1 Location of development
 ST2 Accessibility of development
 ST4 Road Safety
 ST6 Vehicle Parking
 I1A Planning Obligations
 I4 Enforcement procedures

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

Issues and Considerations:

Green Belt

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

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

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

The site is previously developed or brownfield land and the main consideration therefore is whether the development proposed would have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

At present some of the uses within the site are not lawful and are the subject of a current enforcement notice, in addition there is an untidy land notice on the site and the applicant has been prosecuted in an effort to secure an improvement to the visual amenity of the area. In assessing the impact of the proposed development we should discount those aspects of the current development that are not lawful and that can be rectified by enforcement action. The northern half of the site however is completely hard surfaced and contains a number of buildings of significant size, which can be used for commercial purposes. (Garden Centre and dog grooming parlour). Redevelopment of this part of the site for housing would be considered appropriate development as it is unlikely that suitably designed housing would have a greater impact on openness than the existing built development. The other half of the site is however at present open in nature, and basically scrubland. The proposed development of this part of the site for residential development as set out in the application is inappropriate development by definition harmful to the Green Belt. The NPPF at Para 88 states "When considering any planning application Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt "very special circumstances" will not exist unless the potential harm to the Green Belt by inappropriateness, and any other harm, is clearly outweighed by other considerations".

The applicants supporting statement argues that the proposed development has a lesser area of building footprint hardstanding and roads than the existing scheme. These figures are not disputed but hardsurfacing and footprint is not equivalent to impact on openness. It is volume and bulk together with the spread of the development that has impact on openness and it is clear that the overall impact of the development is to extend the built form well beyond the current built area such that there is a significant harm to the openness of the Green Belt.

The applicant contends that the development is not inappropriate as the whole of the site is previously developed land and even the south area has previously has buildings and can still be hard surfaced for use as parking in connection with the authorised garden centre use . In addition the contention is that should the alternate view be taken, there are Very Special circumstances sufficient to outweigh the harm.

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

1. *The removal of an adverse commercial facility in a predominantly residential area*

2. *There should be consistency in planning decisions by the LPA. Consent was given by EFDC on the adjacent Greenfield site in the Green Belt for a commercial marina*
3. *The openness of the green belt is enhanced by the application*
4. *There will be an overall reduction in traffic using the site and the surrounding roads; there will also be a substantial positive safety impact on the surrounding Keyzers Estate by the absence of HGV's using the site; and the closure of Great Meadow will increase the amenity value for the residents living in that road.*
5. *The consultations with local residents and with over 100 letters of support, clearly indicate that the amenity advantages to the local residents adjoining the application site and the wider community on the Keyzers Estate, want the residential scheme to be approved to replace the adverse commercial usage for the site that has been a consistent social problem in the local area for many years.*
6. *The failure of the LPA to provide a 5 year housing supply –. Whilst this is not a VSC in its own right, the knock-on effect is. If planning consent on the application site for 43 dwellings is granted, this will reduce by a corresponding figure the net figure required to be achieved in the Council's Objectively Assessed Housing Need (OAHN) target. This will alleviate pressure on other, more vulnerable Greenfield sites in the Green Belt, amounting to Very Special Circumstances.*

In addition the applicant is offering more money towards the provision of off site affordable housing in the district than that which can be required following the viability appraisal and is also offering to buy the Total Garage site in the centre of Nazeing from the Parish Council for more than the market value of the site and to develop the housing on that site for sale to residents of the District at a discount. The applicant does not however agree the conclusions of the viability appraisal and states *"if the resale figures used in the KIFT Report are out by only 5%, then this surplus reduces to zero. In such circumstances, with a zero surplus, we need not provide any affordable housing for our scheme and this would then be within policy. In the light of the above, I do not feel that the KIFT Report can be relied upon. The only way forward would be to appoint a third, independent consultant to effectively act as an Arbitrator, but this is not the route that we would wish to follow as we would wish to "pay our fair share". So therefore, I do not feel that it would be right to neglect a substantial payment for an off-site provision to EFDC, hence our offer of payment in this respect of £1m."*

Whilst it is accepted that the proposal will result in some positive benefits over the existing situation, it is not accepted that this is sufficient to outweigh the harm from the development of the southern part of the site. In addition the extra financing, whilst no doubt welcome, is not in accordance with policy and something that could be repeated elsewhere to achieve none compliant development and therefore can not be regarded as very special circumstances. Acceptance could set a dangerous precedent.

Housing Issues

5-year Supply of Housing

It is firstly stated that owing to the current stage in the preparation of the new Local Plan a policy vacuum exists. It is also stated that Epping Forest District Council cannot demonstrate a 5-year supply of land for housing. It is not necessarily accepted that a policy vacuum exists in that if Local Authorities cannot demonstrate a 5-year supply of housing sites then proposals for housing should be assessed in the context of the presumption in favour of sustainable development (Paragraph 49

NPPF). The Council is currently working towards identifying its Objectively Assessed Housing Need target from which the current supply of sites for housing can be determined. Should the outcome of this process conclude that a 5-year supply does not exist then the refusal of consent of housing schemes on the single issue of having a sufficient, identified, suitable and deliverable supply of housing land would be difficult to defend.

It has been accepted through the Community Choices document that Green Belt land will have to be released to meet future housing need. It is of course much more preferable that this is achieved through the plan making process. The issue is therefore, is the proposed development a sustainable way to meet housing need in the district?

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

Affordable Housing

No affordable housing is proposed on site. The applicant has explained that this is in accordance with the wishes of the local people following consultation:

A viability assessment was submitted and was appraised by the consultants, Kift Consulting, the initial appraisal indicated that the development would provide a surplus of in excess of £3 million but further cost information was submitted by the applicant and following a further appraisal the Consultants have concluded that the scheme as proposed (based on the information provided) has a potential surplus of £913,000 which can be used towards the provision of affordable housing.

Local Plan Policy seeks the provision of affordable housing on “all suitable development sites”. Given that it is clear that the site can be developed in a way that will result in a surplus for affordable housing it is considered that that provision should be made on site. This would require the submission of an alternative scheme with incorporation of suitable sized/designed dwellings, but it is considered that a suitable layout which would not be harmful to the character of the area could be developed.

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

As you are aware, our Local Plan states quite clearly that, in the first instance, applicants should, if at all possible, meet the Council's affordable housing requirements for developments on site (rather than in the form of a financial contribution). Therefore, in view of the large surplus that has been identified by KCL, it is my recommendation that planning permission for the submitted scheme be refused on the grounds of:

(1) *Insufficient affordable housing provision, when it is considered by the Council to be viable to do so; and*

(2) *In view of (1) above, no affordable housing is proposed on-site.*

If the site is considered suitable for development in all other respects, the applicant may want to consider submitting a revised proposal, using the surplus from the development to fund an appropriate amount of on-site affordable rented housing within a redesigned scheme.

The applicant has subsequently offered to provide a total of £1 million for the provision of affordable housing elsewhere and has asked that the additional £87K be counted towards the Very Special Circumstances, this is not an argument that we would wish to see accepted as it would set a precedent for all developments in the District in the future. The problem is that the difficulty in providing affordable housing is not necessarily funding but the shortage of suitable available sites.

The fact that local people do not want affordable housing on the site is not grounds to approve the application contrary to policy. This could be repeated throughout the District with the result that no affordable housing will be achieved, which is not tenable given the high need for such housing.

The Director of Communities reiterates, “ *we do not generally have a problem funding affordable housing, since housing associations can get funding from the HCA - our problem is the lack of available sites*”

Total Garage Site

The applicant has sought through negotiation with the Parish Council to link this proposal to the approved development of 6 small properties on the former Total Garage site at the crossroads in Nazeing, which is owned by the Parish. The intention is that this site which is currently in danger of not being developed and resulting in a significant financial drain on the Parish Council could provide additional relatively low cost housing (albeit not “affordable” in planning terms) in a sustainable location. It may be possible to tie this into a section 106 agreement should the Parish Council be willing to enter into an agreement to sell the site for the stated sum of £750K, (which the applicant states is significantly above its current market value) The agreement would need to include a clause that the approved 6 house development be commenced within 12 months of the grant of planning permission for the Chimes site and that the dwellings are completed before the first occupation of any of the dwellings on the Chimes site. This would ensure that the central Nazeing site is not left undeveloped and an eyesore. In addition the applicant is now willing to offer the developed houses on the Total Site at a 10% discount to residents of the District.

Whilst this would be welcomed, it is subsidised market housing and not “affordable housing” and does not overcome the need for affordable housing to be provided within the application site.

The offer to buy the garage site from the Parish Council supersedes the earlier offer from the applicant (referred to in the comments from the Parish Council) to give the Parish Council £150K

Flood Risk.

Most of the site lies within the Environment Agency's (EA) Flood Zone 2, the remainder, 6 plots adjacent to the River Lee Navigation, is within Flood Zone 3.

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

At the moment however we do not have an SFRA in place. Therefore each application received for development within Flood Zones 2 and 3 needs to be accompanied by a sequential test. This needs to demonstrate to the satisfaction of the LPA, that there is nowhere else (within an area to be defined by the District) which is at lesser risk of flooding and which is available and deliverable (suitable in planning terms) for a development of the type proposed. Given that most of the land within this District is open Green Belt and is therefore not suitable for housing development, there are relatively few such sites of equivalent size in the District. The Applicant initially submitted a report that indicated that there were no such sites within the Nazeing area, however given the scale of the development and that no argument regarding a specific Local need for this kind of housing development had been put forward, officers considered that a District Wide search was more appropriate. A revised sequential test document was submitted on the 8th of January, which does indicate that no such sites are readily available and deliverable and on balance therefore it is considered the area of the site within Flood Zone 2 meets the sequential test. No justification however has been given for the location of 6 dwellings within that part of the site which is in the Flood Zone 3 (which is the higher risk of flooding) To allow dwellings in this location the development also needs to pass the "Exceptions Test" The NPPF states at Para 102

"If following application of the sequential test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones of lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA if one is available, and
- a site specific FRA must demonstrate that the development will be safe for its lifetime taking into account the vulnerability of its users without increasing flood risk elsewhere, and where possible will reduce flood risk overall.

Both elements of the test will have to be passed for development to be allocated and permitted "

Whilst it is accepted that the submitted Flood Risk Assessment indicates that the development can be safe and will not increase the risk of flooding elsewhere (subject to imposition of conditions) it is not accepted that the development of these 6 houses in Flood Zone 3 (or indeed the development taken as a whole) provides wider sustainability benefits to the community that outweigh the flood risk. On that basis the development fails to accord with the advice within the NPPF and is therefore contrary to National Policy.

The applicant has placed significant emphasis on the Council's Draft Strategic Flood Risk Assessment, and suggested that it should be afforded significant weight, but the URS Report looked at SLAA sites and potential development options identified in the issues and options document, not individual planning applications. The report produced in September 2014 has not been finalised and further work is being undertaken to ensure compliance with national planning policy guidance. As a result the Level 1 Strategic Flood Risk Assessment is being revisited. It therefore cannot be relied upon in the way suggested by the applicant.

Contamination

More than half of the application site (the whole of the southern element of the site and part of the northern element) is a landfill site and therefore there are significant dangers of landfill gases, risk of settlement and soil contamination. The applicant was advised of this and has provided a very low level survey of the site which fails to adequately quantify the risks. The advice of the Contaminated Land officer is that such sites should not normally be developed for housing,

Policy RP4 of the adopted Local Plan states:

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

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

In the absence of detailed information the Council would need to be satisfied that the site could be safely developed before planning permission can be granted. In the worst case scenario this would mean that all the waste would need to be dried out and then removed to a depth of about 6 metres, exported to an alternative landfill site and replaced with clean/screened material soil. This is a major piece of remediation and would need to be carried out by an appropriate "Competent Person", to ensure that there are no adverse environmental impacts from such works. The removal of water from the site has the potential to result in subsidence on adjacent sites as the area contains peat beds and all this needs to be factored into the cost of the development.

The applicant has an estimate from a haulage/recycling company, for the removal of ground water to an authorised disposal site. The proposal would remove approx. 240,000 gallons of water from the site over a 12 week period (pumped into a holding tank and removed) at a cost of £168,000 excluding VAT. A further statement estimates costs for breaking up the existing hard surface and removing the waste itself and for the remediation with clean materials is between £200K, and 250K. and a 12 week timescale has been suggested.

The applicant has concluded on this basis that such worst case scenario works will be feasible and cost effective. Officers have no expertise in this area and the only way to check these figures would be to employ a consultant to verify the method statement and costings. If members should seek to grant consent for the development then the advice is that ideally the suggested method and costings should be checked by a suitably qualified consultant before permission is given and,

in addition, all the standard contaminated land conditions will need to be attached to the planning permission to ensure that risks are minimised.

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

Finally the advice is that whilst technically it may be possible to cover all eventualities it is not good practice to allow residential development on such landfill sites.

Layout and Design

The proposed development of detached and semi detached houses has a logical and attractive layout with 4 small cul-de-sacs off a central spine road, the design of the dwellings is varied creating an interesting streetscene and although the development is not entirely in accord with the Essex Design guide principles it is considered reasonably appropriate to this area, adjacent to relatively low density developments.

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

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

Impact on Neighbouring Amenity

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

Archaeology

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

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

Ecology

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

A bat emergence survey was also carried out and this indicates that there are no bat roosts within the site but that the site and surroundings are used for foraging. Mitigation measures are suggested and can be required by condition should the application be approved.

Highways and Parking

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

The Highways officer from Essex County Council provided the following comments

Further to the receipt of additional information within the amended Transport Statement the applicant has overcome the Highway Authority's previous issues with regard to pedestrian safety into the site.

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

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

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

Education Contribution

As the proposed dwellings are family houses the Education Authority were consulted with regard to the provision of education spaces. The site falls within the priority admissions area for Stewards Academy and it is clear that additional provision will be

needed at that school, in addition the school is in excess of the statutory walking distance from the site and ECC is obliged to provide free transport to the school resulting in a long term cost to the County. The cost is estimated at £3.90 per pupil per day for 195 days per year. It is best practice for the County to seek costs for a 5 year period. As such the County request that should planning permission be granted for the proposal a contribution of £141,530 towards secondary school provision is required together with a sum of £32,702 towards school transport. Both amounts would be index linked to April 2014 costs. This can be required by Section 106 agreement.

The County advises that should the Council be minded to refuse the application the lack of such contribution should be noted as an additional reason for refusal so that it can be taken into account on appeal.

According to forecasts there should be sufficient early years and childcare provision and primary school provision to meet the needs of the development.

Impact on the Lee Valley Park

The LVRPA has objected to the proposal for the reasons set out above. The Green Belt consideration has already been addressed. With regard to the impact on the landscape of the park, there will be some visual intrusion within the southern part of the site, which does impact but it is not considered that this has a significant impact on the use of the park for recreational purposes. The design of the scheme incorporates additional planting and given the existing backdrop of residential development it is not considered that the harm would be so great as to warrant refusal.

The ecological issues have been addressed above.

Sustainability

The site is not particularly well served by local facilities and public transport, the shops in Nazeing are about 1.5km away and there is no secondary school within walking distance, however it is accepted that this is not an isolated location. Ideally sites of this kind should be identified through the Local Plan process to ensure that adequate infrastructure can be factored in and the most sustainable locations developed first.

Conclusion

In conclusion it is considered that the development has some merits, it will provide good quality attractive housing close to the existing residential area of Nazeing. It will remove an existing "problem" site which has had ongoing enforcement issues for many years and it is understood why many letters have been received giving support to the principle of residential development of the site. The applicant is offering to provide a significant contribution toward the provision of affordable housing elsewhere and to purchase another site from the Parish in order to enable the provision of the 6 approved dwellings on that site, with potential benefits to the centre of Nazeing. The design and layout of the scheme is acceptable and there will not be excessive harm to adjacent residential amenity. Whilst no improvements are proposed to the narrow access to the site, there will not be an increase in traffic over that which could be generated by lawful garden centre use. There will be some loss of ecological habitat but measures can be put in place to mitigate this.

However, the development will undoubtedly have a significantly adverse impact on the openness and character of the Green Belt, beyond that which currently exists, and is therefore inappropriate development. It fails to provide much needed, on site, affordable housing when there is no good reason not to provide it, and it is not accepted that the provision of monies to provide such housing elsewhere is appropriate, as alternative sites are not readily available. To accept this argument here would set a dangerous precedent which could seriously undermine the Council's ability to achieve much needed affordable housing in the District. Finally the scheme includes dwellings within Flood Zone 3 contrary to the advice in the NPPF. The application is therefore recommended for refusal.

Although the applicant has offered to enter into a legal agreement to pay the required education contributions, in accordance with the advice from Essex County Council, as no such undertaking is currently in place this needs to be included in the reasons for refusal in order to ensure that if an appeal is lodged the matter is taken into consideration.

Is there a way forward?

It is considered that the redevelopment of the northern part of the site for housing could be acceptable. This would avoid the Flood Zone 3 and most of the landfill site, and would be likely to be acceptable in Green Belt terms. Any scheme proposed should however include an appropriate element of affordable housing. It is accepted that this is not a location where high density housing would be acceptable but it is considered that a suitable development that respects the character of the area could be achieved.

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

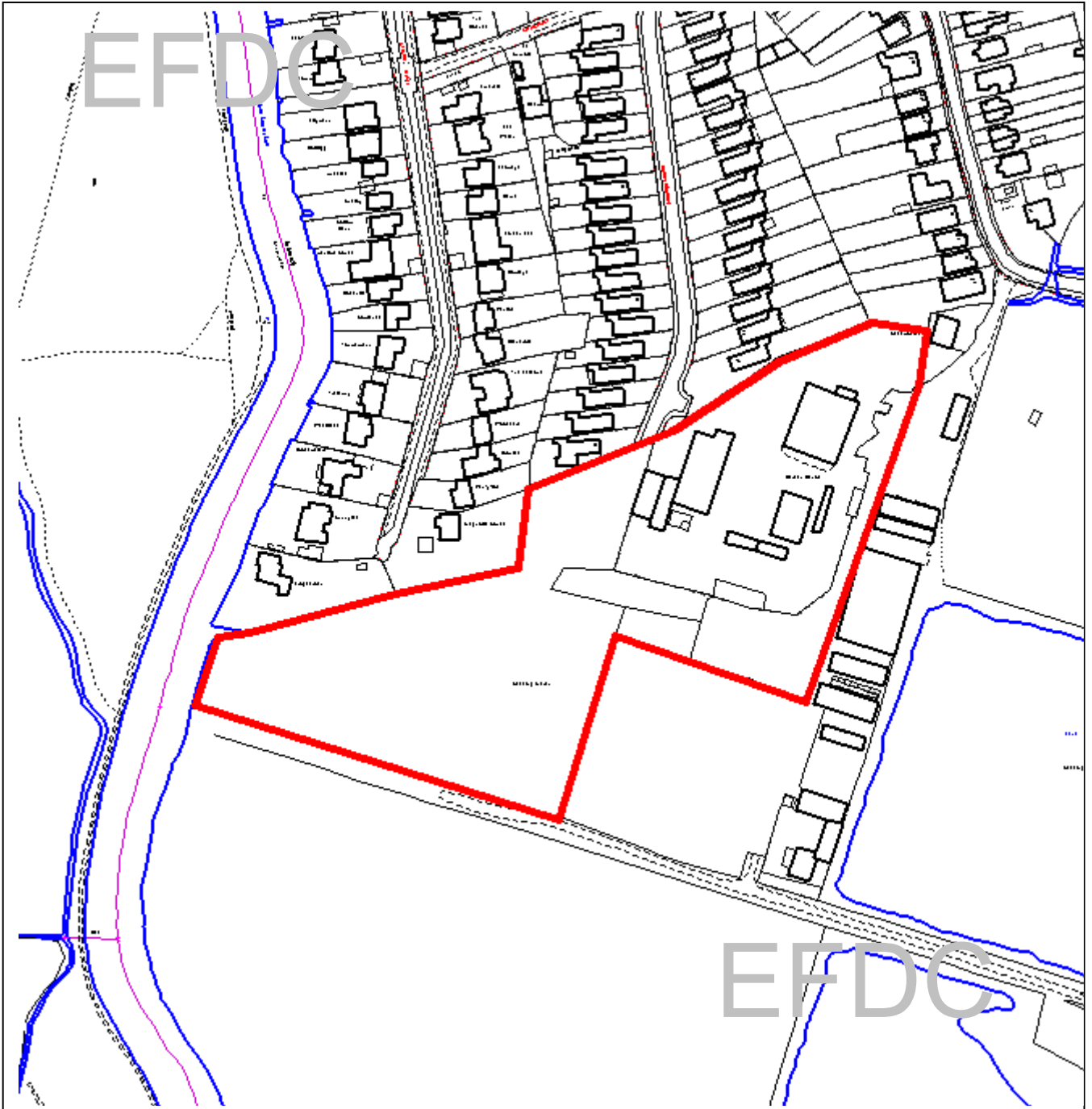
***Planning Application Case Officer: Jill Shingler
Direct Line Telephone Number: 01992 564106***

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



Epping Forest District Council

AGENDA ITEM NUMBER 2



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Application Number:	EPF/0206/14
Site Name:	Chimes Garden Centre, Old Nazeing Road, Broxbourne, EN10 6RJ
Scale of Plot:	1/2500

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Report to District Development Control Committee

Date of meeting: 11th February 2015



**Epping Forest
District Council**

Subject: Planning application EPF/2853/14 Pine Lodge Riding Centre, Lippitts Hill, Waltham Abbey - Demolition of existing buildings, improvements to existing vehicular access, erection of 5 detached houses, associated garages and boundary fences and landscaping

Officer contact for further information: Mrs. J. Shingler (01992 564106)

Democratic Services Officer: G. Woodhall (01992 564470)

Recommendation: That planning permission be 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 drawings nos: 1435/1, 2, 3, 4, 5A, 6, 7, 8, 9, 10, 11, 12 and 3382/1
- (3) No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- (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 shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.
- (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) No bonfires shall be permitted on site throughout the demolition and construction phase of the development.
- (10) 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, to be approved by Essex County Council.
- (11) The remaining stables and outbuildings and the open manege within the blue lined area on drawing number 3382/1 shall not at any time be used for any livery or commercial purpose whatsoever.
- (12) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

- (13) Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- (14) Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- (15) 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 tools. 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.
- (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 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.

Report Detail

This application is before this Committee since it is an application that is submitted by or on behalf of Councillor S. Stavrou (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(j))

Description of Site:

The application site is located on the south western side of Lippitts Hill and comprises an area that is currently a riding centre with stabling and a covered riding arena. To the east of the site lie the residential properties of Springfield farmhouse which is a grade II listed building and Pine Lodge which is within the applicant's ownership. To the south west and north are equestrian facilities in different ownership

Description of Proposal:

The proposal is to remove all the existing buildings (with a volume of 6,907 cubic metres) from the site and to build 5 detached houses and associated garaging. The houses would be in roughly the same location as the existing buildings and the houses would be arranged around a central courtyard, with plots 1, 2 and 3 facing

plots 4 and 5. Plots 1, 2 and 3 are proposed to be 5 bedroom, wide gable fronted 2 storey houses with a master bedroom within the roofspace and plots 4 and 5 are three bedroom cottage style dwellings. 10 garage spaces are proposed, each with a parking space in front so each house effectively has 4 parking spaces and in addition 5 visitor spaces are proposed.

Access is to be taken via an existing access track to the east of the main access to the farmhouse and Pine Lodge.

Relevant History:

The site has a long history of stable and equestrian use. The steel framed building for horse exercise use was originally approved in 1969 under ref WHX/0157/69A and the use has been operating since that date.

Summary of Representations:

5 Neighbouring properties were written to and a site notice was erected. The following comments were received.

CARLTON HOUSE STABLES, LIPPITS HILL – Support the proposals which will enhance the site.

PIPERS FARM, LIPPITTS HILL – The development will improve the area, visually removing asbestos roofed building. The development is well designed and will reduce traffic.

ESSEX AREA RAMBLERS – Object. Totally unacceptable in the Green Belt, wholly out of character with the area, which is noted for horse riding. If granted it would encourage others, thereby altering the special ambience of High Beech. Infilling of the worst kind. Will lead to increased traffic.

FRIENDS OF EPPING FOREST – Opposed to additional housing on the edges of the forest which is a site of acknowledged scientific importance – additional traffic in the forest harmful, noise and light and air pollution and damage to verges. Incomers tend to illuminate their buildings and gardens which is detrimental to invertebrate and bird life and unsympathetic to the forest landscape. Manicured verges can result in loss of native fauna. If the decline in horsekeeping results in a rash of residential development there are significant implications, every field shelter and tack room is a potential development opportunity.

PINE LODGE, HIGHER CHILCOTT FARM, DULVERTON, SOMERSET. Former owner of Springfield Farm which was sold to Mrs Stavrou in 1987. Object, the entrance has no planning permission and is dangerous. There are underground springs leading to a pond and the land is boggy and unsuitable for housing.

CAMPAIGN FOR PRESERVATION OF RURAL ESSEX – No objection to the redevelopment at Pine Lodge as such, although any increase in district add to demands on services, water, sewerage, schools, doctors etc. More cars can mean traffic jams and pollution. The rural ambience in this area is changing, there can be a problem of light pollution, thought needs to be given to security lighting etc. There are springs on the site and water continually seeps from them, in winter roads can be icy.

CONSERVATION OFFICER -. The site stands adjacent to the grade II listed Springfield Farmhouse. The proposed demolition of the stables and indoor riding

school will enhance the setting of the farmhouse. The replacement buildings utilise traditional materials and forms, improving the appearance of the site.

As the listed farmhouse will retain its large garden and green screening is proposed along the boundary, I do not believe the proposed development will have a detrimental impact on the significance of the farmhouse or its setting, in accordance with policy HC12 of our Local Plan and Alterations (1998 and 2006).

HIGHWAYS OFFICER - The proposed development will generate significantly less vehicle movements and will reduce the movement of larger vehicles to the site to the benefit of all highway users.

ENGINEERING, DRAINAGE AND WATER TEAM – No objection subject to conditions.

Policies Applied:

CP1 - Achieving sustainable development objectives
CP2 - Quality of rural and built environment
CP3 - New development
GB2A - Development in the Green Belt
H2A Previously Developed Land
H3A - Housing density
H4A - Dwelling mix
DBE1 Design of new Buildings
DBE2 - Effect on neighbouring properties
DBE8 - Private amenity space
DBE9 - Loss of amenity
HC12 Development affecting the setting of Listed Buildings
LL2 Inappropriate rural development
LL10 Landscape retention
LL11 Landscaping schemes
ST1 - Location of development
ST4 - Road safety
ST6 - Vehicle parking

The above policies form part of the Councils 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.

Issues and Considerations:

The main issues are whether the development is appropriate in the Green Belt, the design of the development, the impact on the setting of the listed building and on residential amenity, parking and highway safety, sustainability and land drainage matters.

Green Belt:

The site is within the metropolitan Green Belt. The erection of buildings within the Green Belt are considered inappropriate development unless they meet one of the exceptions as laid out within the National Planning Policy Framework (NPPF) or where the harm is clearly outweighed by very special circumstances. These exceptions include the following:

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

The definition of previously developed land is laid out within Annex 2 of the NPPF and reads:

Land which is or was occupied by a permanent structure, including the curtilage of the development land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.

The existing use of the site is for the stabling of horses and associated equestrian purposes and the land is therefore previously developed. Notwithstanding the above designation of the site, the redevelopment of brownfield land is only considered as an exception from inappropriate development if “it would not have a greater impact on the openness of the Green Belt”.

In this instance the existing buildings on the site have a considerable impact on openness. The volume of the buildings is nearly 7000 cubic metres, the proposed buildings have a total volume of about 3,614 cubic metres and as a result of the development there would be a net reduction in built form within the site of over 3300 cubic metres. In addition to this volumetric calculation, the proposed replacement built form does not intrude onto any currently open area of land. Whilst the height to the ridge of the properties proposed for plots 1 2 and 3 is slightly higher than the ridge of the riding school building, as this bulk is broken up into smaller elements it is not considered that there will be a greater visual impact on openness. The gardens around the properties mean that the built development is brought away from the edges of the site. Overall it is therefore considered that there is a significant improvement in the open character of the site as a result of the development. As such the development is not inappropriate in the green belt and no Very Special Circumstances are required to justify the development.

Design and Impact on the Setting of the Listed Building

The design and materials of the houses is considered to be appropriate to this location. Whilst it is unusual to find a small courtyard of detached properties in a location such as this, the site is set way back from the road and is not viewed as part of a street scene. The development is sufficiently separated from the listed building not to compete with it for prominence and the development which removes unsightly utilitarian buildings will generally improve the setting and the visual amenity of the area. A heritage statement was submitted with the application, and the Conservation Officer agrees that the development will enhance the setting of the Historic Building. The layout within the site is considered appropriate, with frontages facing onto the courtyard area and all the properties have ample private amenity space and parking. The development will not have an adverse impact on the amenities of any adjacent residents given the separation from surrounding properties.

Highway issues:

Some concern has been raised that the proposal may result in increased traffic movements in this sensitive location where the roads are narrow and winding. However bearing in mind the authorised use, this is not the case. The existing stables include DIY livery. And there are in addition deliveries of feed and hay and

other traffic movements in connection with the use, in all on average there are about 100 car movements a day plus a minimum of 20 van and lorry movements a week. As such the cessation of the current use is likely to significantly reduce the number of vehicle movements and may even halve the number. The existing access track which is to be utilised is to be improved and the advice from Essex Highways is that the development which will reduce the number of large vehicles accessing the site will be to the benefit of highway users.

The proposed parking within the site is at 400% that is 4 spaces per dwelling and a further 5 visitor spaces are also proposed. This high level is considered appropriate for this location where there is likely to be high car ownership and there is no scope for on street parking for visitors.

Sustainability:

This is not a particularly sustainable location, it is likely that most trips will be by car, but this is not an isolated location, there are a large number of residential properties in the vicinity and the site is close to a pub. In sustainability terms we need also to take into account the existing use, which as is illustrated above results in large numbers of traffic movements to the site and is not therefore particularly sustainable either. The proposal makes good use of this previously developed site and it is not considered that the location is so poor as to warrant the refusal of the application.

Drainage

Concern has been raised that the site contains springs and is boggy. The area of the site is currently hard surfaced, the introduction of more green space to provide the gardens and landscaped areas will help reduce run off from the site. The Land Drainage Team has suggested a number of conditions to ensure that the development does not cause drainage issues. The site is not within a flood risk zone.

Other Issues

Concern has been raised that the development could set a precedent for the many other stable and equestrian developments in the Forest and throughout the District. Each application would need to be considered on its own merits. In this case there are substantial benefits to the Green Belt and the locality from the development and it is not therefore setting an adverse precedent. The change to Green Belt policy brought in by the NPPF enables the development of previously developed land in the Green Belt and applications must be determined in accordance with the guidance in that document.

Conclusion:

In conclusion the proposed development is in accordance with the adopted policies of the Local Plan and Alterations and the NPPF and is therefore recommended for approval.

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

***Planning Application Case Officer: Jill Shingler
Direct Line Telephone Number: 01992 564106***

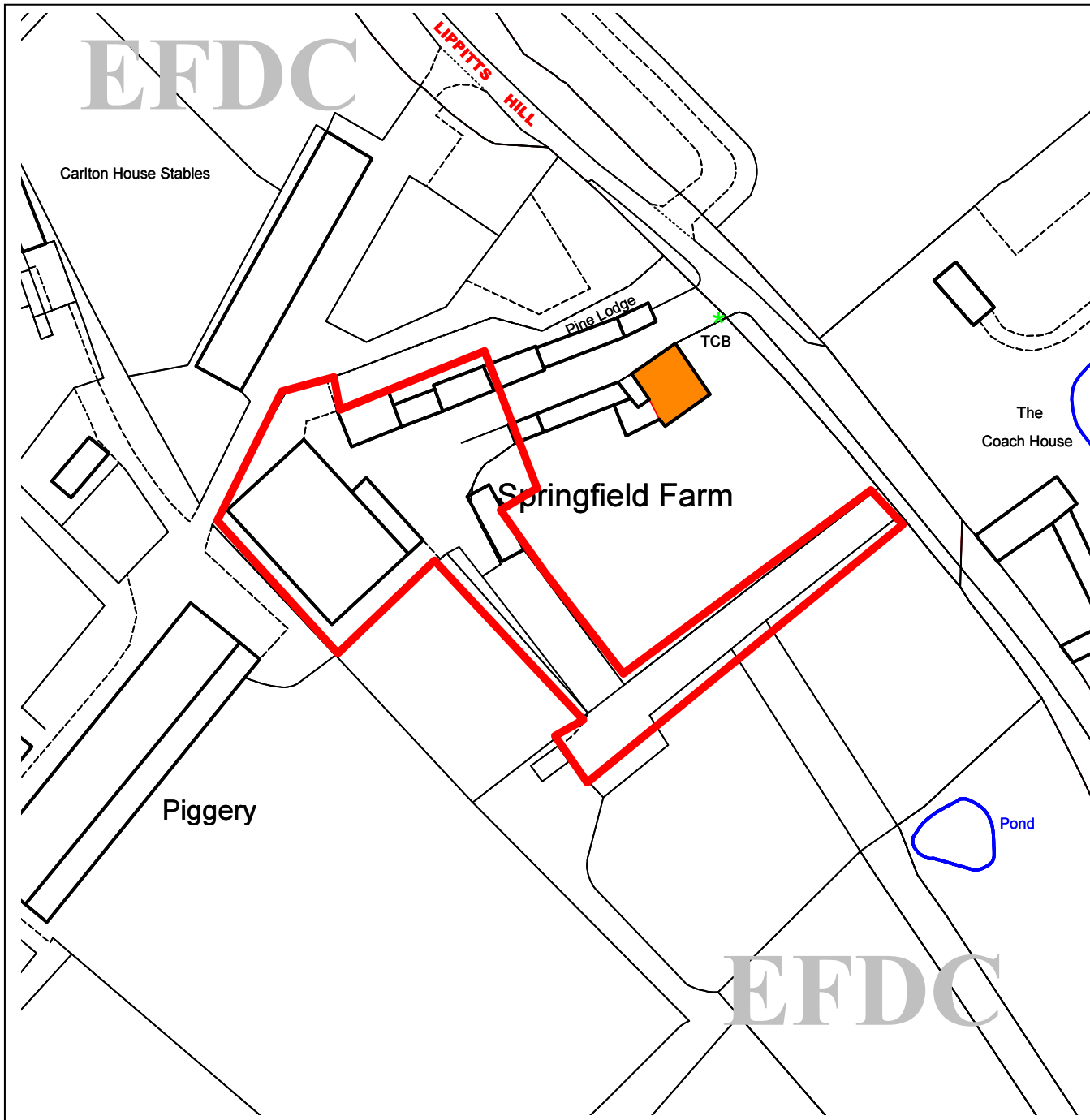
or if no direct contact can be made please email:
contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

AGENDA ITEM NUMBER



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Application Number:	EPF/2853/14
Site Name:	Pine Lodge Riding Centre, Lippitts Hill Waltham Abbey, IG10 4AL
Scale of Plot:	1/1250

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