



### NOTICE OF COUNCIL MEETING

You are hereby summoned to a meeting of the EPPING FOREST DISTRICT COUNCIL to be held in the COUNCIL CHAMBER, CIVIC OFFICES, HIGH STREET, EPPING at 7.30 pm on Monday, 23 November 2015 for the purpose of transacting the business set out in the agenda.

A handwritten signature in black ink, appearing to read 'Glen Chipp'.

**Glen Chipp**  
Chief Executive

**Democratic Services  
Officer:**

Council Secretary: Simon Hill  
Tel: 01992 564249 Email:  
[democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

#### 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 Public Relations Officer on 01992 564039.

## BUSINESS

### 1. WEBCASTING INTRODUCTION

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

2. The Assistant Director of Governance and Performance Management will read the following announcement:

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

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

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

### 2. DECLARATIONS OF INTEREST

(Chief Executive) To declare interests in any item on the agenda.

### 3. ANNOUNCEMENTS

(a) **Apologies for Absence**

(b) **Announcements**

(i) To consider any announcements by the Chairman of the Council.

### 4. PLANNING APPLICATION REF EPF/1629/15 - SIXTEEN STRING JACK, COPPICE ROW, THEYDON BOIS (Pages 5 - 24)

To consider the attached report of the District Development Management Committee for the demolition of existing public house and associated buildings and the erection of eleven residential apartments with parking and communal garden which was referred to the Council on 4 November 2015.

### 5. PLANNING APPLICATION REF EPF/1162/15 - KNOLLY'S NURSERY, PICK HILL, WALTHAM ABBEY, ESSEX, EN10 3LF (Pages 25 - 48)

To consider the attached report of the District Development Management Committee for the demolition of existing structures and redevelopment to provide 79 residential units (63 of which are affordable), an associated Children's Day Nursery, new access and roundabout and associated parking and landscaping which was referred to the Council on 4 November 2015.

### 6. EXCLUSION OF PUBLIC AND PRESS

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

Act (as amended) or are confidential under Section 100(A)(2):

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Paragraph Number</b>	<b>Information</b>
Nil	Nil	Nil	

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

**Confidential Items Commencement:** Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

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

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

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

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

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## ***Report to the Council***

**Committee:** District Development Management Committee **Date:** 23 November 2015

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

**Responsible Officer:** Nigel Richardson (01992 564110)

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### **Recommendation(s):**

**(1) That the Council considers the recommendation of the District Development Management Committee that planning permission for the above site be granted subject to the following conditions:-**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:  
14097se-02  
DWG 1482.P001  
DWG 1482.P002  
DWG 1482.P003  
DWG 1482.P004  
DWG 1482.P005  
DWG 1482.P006  
DWG 1482.P007  
DWG 1482.P008  
DWG 1482.P009  
DWG 1482.P010  
DWG 1482.P011  
DWG 1482.P012  
DWG 1482.P013  
DWG 1482.P014**
- 2 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.**
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.**
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.**
- 5 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of**

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

- 6 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 7 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 8 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]
- 9 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]

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

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

- 11 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.

- 12 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.

- 13 The development shall be carried out in accordance with the recommendations set out in the Ecology Appraisal (dated 30th June 2014 and updated on 2nd July 2015) and Bat Survey (dated 29th July 2014 and updated on 15th May 2015) completed by D F Clark Ltd.

- 14 Prior to first occupation of the development the visibility splays and access arrangements, as shown on Stomor drawing no.ST-2387-10-B, shall be provided and retained in perpetuity.**
- 15 Prior to first occupation of the development any redundant vehicle dropped kerb crossings, across the site frontage, shall be reinstated to full height kerbing and footway.**
- 16 Prior to first occupation of the proposed development, the developer shall be responsible for the provision and implementation to each dwelling of the submitted Residential Travel Information Pack for sustainable transport.**
- 17 Prior to first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.**
- 18 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.**
- 19 There shall be no discharge of surface water onto the Highway.**
- 20 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.**
- 21 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.**
- 22 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - 1. The parking of vehicles of site operatives and visitors**
  - 2. Loading and unloading of plant and materials**
  - 3. Storage of plant and materials used in constructing the development**
  - 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate**
  - 5. Measures to control the emission of dust and dirt during construction, including wheel washing.**
  - 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.****
- 23 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.**

1. At their meeting on 4 November 2015, the District Development Management Committee (DDMC) considered a planning application for the redevelopment of a vacant public house site at Sixteen String Jack, Coppice Row, Theydon Bois. The application had been forwarded to DDMC with a recommendation to refuse planning permission by Area Plans Sub-Committee East. After the motion to refuse was lost and the Chairman's casting vote resulted in the motion to grant planning permission subject to the conditions above being carried, four members of the Committee referred the matter by minority reference to the Council in accordance with Non Executive Operation Standing Order 13.

2. The report made to the DDMC is reproduced in full below, which included the initial report to Area Plans Sub-Committee East on 14 October 2015. It will be presented to the Council by the Assistant Director of Development Management. A site plan has also been included. The Council are requested to consider the recommendation of the DDMC accordingly.

### **Original Report to DDMC**

That planning permission is refused for the following reasons:

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

### **Report Detail**

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

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

Officer's considered that this proposal has overcome the previous reasons for refusal relating to an earlier application (further detail below). Officer's also brought to Area Plans Sub-Committee East attention a very recent appeal decision at 47A Theydon Park Road, Theydon Bois, which was

decided after the agenda report was prepared and therefore was verbally reported at the meeting. The applicant's agent was also made aware of this decision, prior to the meeting taking place.

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

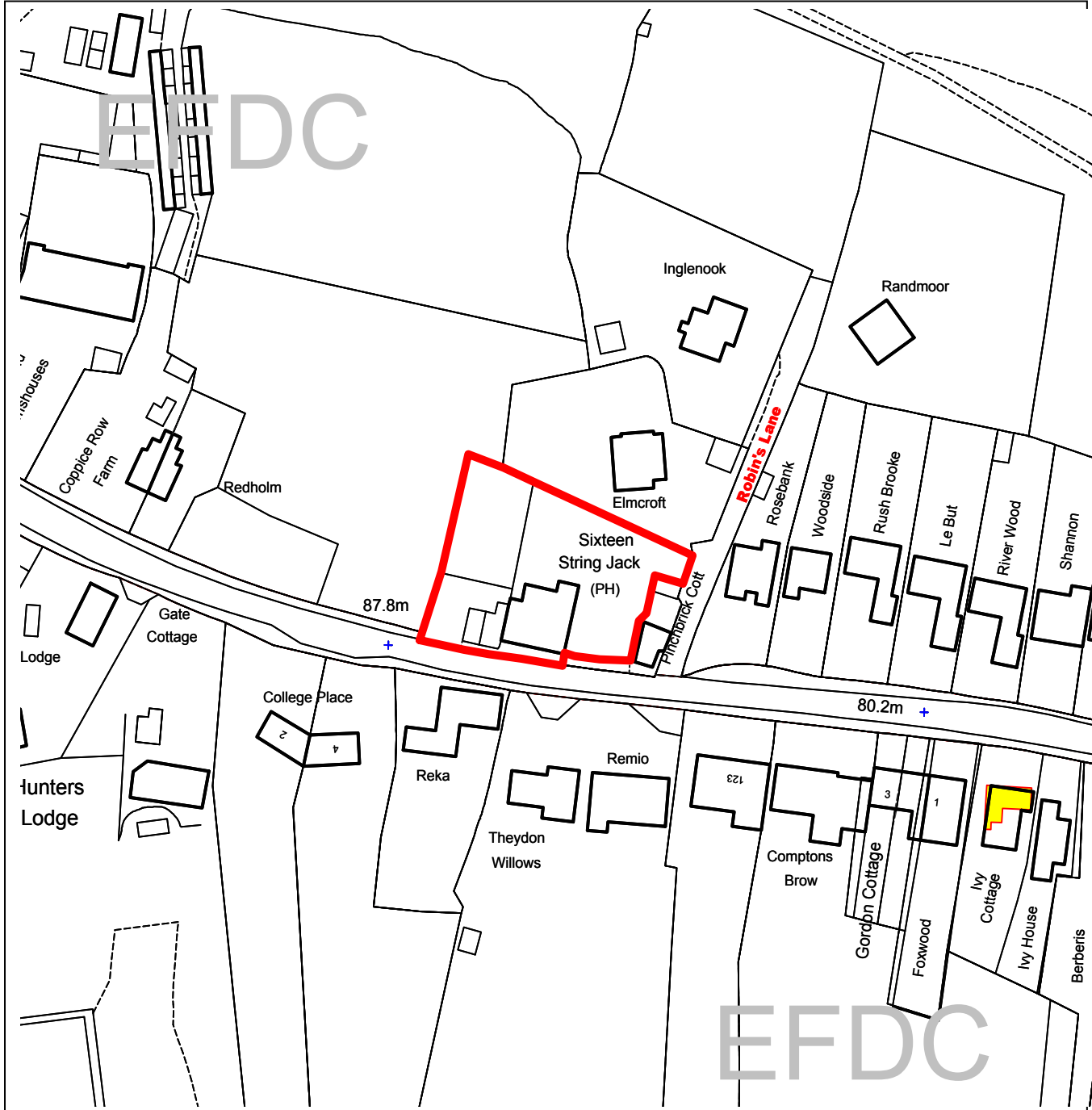
The applicants themselves referred to an appeal decision made in 2006 for the conversion and redevelopment of Wansfell College, Piercing Hill, Theydon Bois to 20 flats and which had 26 parking spaces. It was brought to their attention that the ratio of 1.3 spaces per flat was considered then to be sustainable.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

The original report is attached in full below for consideration.



# Epping Forest District Council

## Agenda Item Number 3



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

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1629/15
<b>SITE ADDRESS:</b>	Sixteen String Jack Coppice Row Theydon Bois Epping Essex CM16 7DS
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr Rory Anderson
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing public house and associated buildings and the erection of eleven residential apartments with parking and communal garden.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=577522](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=577522)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:  
14097se-02  
DWG 1482.P001  
DWG 1482.P002  
DWG 1482.P003  
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DWG 1482.P012  
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DWG 1482.P014
- 2 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
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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]

- 9 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]
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[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]
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- 12 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.
- 13 The development shall be carried out in accordance with the recommendations set out in the Ecology Appraisal (dated 30th June 2014 and updated on 2nd July 2015) and Bat Survey (dated 29th July 2014 and updated on 15th May 2015) completed by D F Clark Ltd.
- 14 Prior to first occupation of the development the visibility splays and access arrangements, as shown on Stomor drawing no.ST-2387-10-B, shall be provided and retained in perpetuity.
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- 18 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
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1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction, including wheel washing.
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 23 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.

*This application is before this Committee since it is an application for major developments, (e.g. developments of significant scale and/or wide concern) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(c)) and since it is an application for residential development consisting of 5 dwellings or more (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(d)) and since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).) and since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))*

**Description of Site:**

The site is the now closed Sixteen String Jack Public House which included an attached cottage. The site, garden areas and car park are currently enclosed by security hoardings.

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

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



### **Description of Proposal:**

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

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

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

### **Relevant History:**

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

The reasons for refusal were:

1. The proposed development will have an overbearing visual impact on the adjacent properties (Pinchbrook Cottage to the east and Elmcroft to the north), such that there will be an excessive loss of residential amenity to the occupants of those properties, contrary to policy DBE9 of the Adopted Local Plan and Alterations.
2. The proposed development whilst not in an isolated location is not sufficiently well related to the local facilities in the area to amount to a suitable location for the proposed low level of parking provision. The development is likely therefore to increase on-street parking in the area to the detriment of highway safety, contrary to policy ST6 of the adopted Local Plan and Alterations.
3. The proposed intensive flatted development, due to its scale and design and level of site coverage is completely out of character with the nature of the surrounding residential area and the street scene, which is characterised by detached properties in large garden plots. In addition it provides an inappropriately hard edge to the boundary of the Green Belt and the edge of the settlement. The development is therefore harmful to the character and amenity of the area and is contrary to policies CP3, CP7, H3A, GB7A and LL3 of the Adopted Local Plan and Alterations.
4. By reason of the site's location beyond the statutory walking distance to a secondary school the proposal will generate an additional cost to the Local Education Authority, Essex County Council, for transporting children to secondary school. However, the proposal does not include any mechanism to meet those additional costs. Since the proposal fails to properly address this matter it is not a sustainable form of development and is consequently contrary to policies CP9(iii) and I1A of the Adopted Local Plan and Alterations, which are consistent with the National Planning Policy Framework.

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

### **Policies Applied:**

CP1 Achieving Sustainable Development Objectives  
CP2 Protecting the Quality of the Rural and Built Environment  
CP3 New Development  
CP6 Achieving Sustainable Urban Development Patterns

CP7 Urban Form and Quality  
H2A Previously Developed Land  
H3A Housing Density  
H4A Dwelling Mix  
DBE1 Design of New Buildings  
DBE2 Affect on Neighbouring Properties  
DBE3 Design in Urban Areas  
DBE6 Car parking in new development  
DBE7 Public Open Space  
DBE8 Private Amenity Space  
DBE9 Loss of Amenity  
GB7A Conspicuous Development within or beyond the Green Belt  
LL3 Edge of Settlement  
LL10 Adequacy of provision for landscaping provision  
LL11 Landscaping Schemes  
ST1 Location of Development  
ST2 Accessibility of development  
ST4 Road Safety  
ST6 Vehicle Parking  
CF12 Retention of Community Facilities  
I1A Planning Obligations

The National Planning Policy Framework (NPPF).

**Summary of Representations:**

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

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

IN COPPICE ROW:

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

IN ROBIN'S LANE:

ELMCROFT

43 DUKES AVENUE

In addition to the above neighbours, objections were also received from:

THEYDON BOIS ACTION GROUP,  
THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY,  
CITY OF LONDON OPEN SPACES DEPARTMENT.

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

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

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

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

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

THEYDON BOIS PARISH COUNCIL: Strong Objection:

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

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

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

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

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

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

unreported accidents and near misses in this location which have not been considered by the Highways Authority.

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

### **Main Issues:**

The main planning issues are considered to be:

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

#### *Principle of development*

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

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

#### *Design and appearance*

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

Additionally the overall scale of the development has been reduced, not just with the reduction in built form but the design has been altered also. The revised design follows the natural slope of the site creating a far more sympathetic and respectful addition to the streetscene, with the proposal appearing on the Coppice Row frontage as three separate, but attached properties, each one

stepped down from the next acknowledging the slope in the road and strongly drawing on the design principles of the Essex Design Guide. This is a very similar design to the existing situation with the 'cottage' at a higher level to the attached Public House designed to follow the slope in the road.

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

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

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

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

### Neighbouring amenities

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

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

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

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

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

#### Living conditions of future occupiers

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

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

The garden area is approximately 15m by 22 metres which (with the now reduced number of units) more than meets the standard of 25m<sup>2</sup> per flat which is set out in policy. In addition it is well located and landscaped purposefully to provide a useable space. Given the degree of surrounding open space, this is considered acceptable.

#### Highways and parking

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

The concerns of residents are noted, as are the historic incidents raised, however Officers can only assess a scheme against adopted policy and the proposals meet the adopted standards for access, resulting in fewer movements from an improved access.

This revised scheme has 1 parking space per a flat and 4 visitor spaces which is an improvement on the previous scheme which only provided 15 spaces for 13 flats. This is a lower level than suggested within the Essex Parking Standards. However, the scheme is for apartments, where a one space per unit provision is not uncommon. Although the parking has only been increased by 2 spaces (the number of units has also reduced by 2), as stated above this low level of parking provision is not uncommon, is an improvement to the previous scheme and Theydon Bois is fairly sustainable (not a high degree of connectivity as suggested within the Design and Access statement). Theydon Bois provides access to a good range of facilities locally including the tube station, and in this context a lesser provision of one space per unit plus visitor parking, is considered acceptable. Reductions in the number of car parking numbers are permitted by the

Essex Parking Standards and this improved number of spaces is considered acceptable for this location. The main facilities are less than 1.5km away and the site is therefore considered relatively sustainable such that it is expected that many occupiers would consider walking despite the shortcomings with regard to the footpath between the site and the main village facilities.

### Landscaping

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

### Other Matters

#### Ecology

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

#### Planning obligations

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

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

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

#### Contaminated Land

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

#### Drainage and Water

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

### Conclusion

After careful consideration of the issues relating to the proposal, those raised during consultation and those raised with the previously refused application Officers consider that on balance, the merits of this revised scheme are sufficient to justify recommending approval and overcome the previous reasons for refusal. Concerns regarding neighbouring amenities and highway matters in particular have been given careful scrutiny and whilst neighbouring impacts would arise, this revised scheme greatly reduces any harm and it is not in the view of Officers sufficient to justify refusal. In terms of highway impacts, Essex County Council has no concerns and has left it for this Authority to consider whether parking is sufficient given the location and the proposal has

increased the number of spaces on the previous refusal. On balance, approval is recommended for a development that would make a meaningful contribution towards new homes in the District in a desirable location where the built form is outside of the Green Belt and changes have been made to reduce any impact on this sensitive site at the Green Belt boundary.

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

***Planning Application Case Officer: Marie-Claire Tovey***

***Direct Line Telephone Number: 01992 574414***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



## ***Report to the Council***

**Committee:** District Development Management Committee

**Date:** 23 November 2015

**Subject:** Planning Application ref EPF/1162/15 - Knolly's Nursery, Pick Hill, Waltham Abbey, Essex, EN10 3LF. Demolition of existing structures and redevelopment to provide 79 residential units (63 of which are affordable), an associated Children's Day Nursery, new access and roundabout and associated parking and landscaping.

**Responsible Officer:** Nigel Richardson (01992 564110)

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### **Recommendation(s):**

(1) That the Council considers the deferment by District Development Management Committee of the decision set out below

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**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 SECTION 106 LEGAL AGREEMENT, to be signed by all parties and completed within 4 months from the date of this meeting and subject to conditions listed below.

The proposed legal agreement is to cover and agree:

- The characteristics of the 63 on-site affordable housing to be agreed by the Council's Director of Communities,
- Education contributions of £288, 476 for primary school contributions to be used within 3 miles of the development,
- The provision, funding and means of the long term management and maintenance arrangements of the public open space,
- The provision, completion and management/handover of the children's day nursery delivered on-site and in the event that the nursery was not constructed and brought into use, a contribution of £98, 673 for early years learning to be used within 3 miles of the development,
- £25,920 to mitigate the cost of additional healthcare requirements generated by the development.

The recommended planning conditions are:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
2. The development hereby permitted will be completed strictly in accordance with the approved drawings No's: 075-001, 002, 100, 101, 102, 103, 200, 201, 202, 203,

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

- 3. No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.**
- 4. No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.**
- 5. A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.**
- 6. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.**
- 7. All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.**

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - Measures to control the emission of dust and dirt during construction, including wheel washing.
  - A scheme for recycling/disposing of waste resulting from demolition and construction works.
9. Prior to first occupation of the development the mini-roundabout access for the proposed development, as shown in principle on Hill drawing no.075-100, dated June 2014, shall be fully implemented.
10. The provision of Real Time Passenger Information, to Essex County Council specification, at the two existing bus stops on Upshire Road/Paternoster Hill in the vicinity of the junction with Pick Hill.
11. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
12. The number of parking spaces and how these are laid out (including dimensions) shall be in accordance with the parking Standards Design and Good Practice Guide Supplementary Planning Guidance Document September 2009 unless otherwise agreed by the Local Planning Authority. This applies to all vehicular parking spaces including disabled requirements together with cycle parking and facilities for powered two wheelers and garages that are considered as parking spaces.
13. The public's rights and ease of passage over public footpath no.31 Waltham Abbey shall be maintained free and unobstructed at all times.
14. There shall be no discharge of surface water onto the Highway.
15. All turning heads required for refuse and fire tender use shall comply with the dimensions within the Essex Design Guide for a Size 3 Turning Head and should form part of the adoptable highway.
16. No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before

commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

17. Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

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

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

- 19. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.**
- 20. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.**
- 21. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.**
- 22. A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.**
- 23. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.**
- 24. Before each phase of development approved by this planning permission, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, should be submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable**

principles as outlined in the approved drainage strategy referenced 3834-DR001. The scheme shall include:

1. Surface water run-off generated by a 1 in 100 year storm event plus 30% climate change critical storm limited to run-off rates in the approved drainage strategy.
  2. Storage that contains the 1 in 100 year event inclusive of climate change.
  3. An appropriate level of treatment for all runoff leaving the site, in accordance with Table 3.3 of the CIRIA SuDS Manual.  
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.
25. The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
26. The development hereby permitted shall not be occupied until submission of maintenance arrangements including who is responsible for different elements of the surface water drainage system. Any maintenance should be carried out in accordance with the maintenance schedule for the lifetime of the development as outlined in the approved drainage strategy 3834-DR001, dated July 2015.
27. The applicant must maintain yearly Maintenance Logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
28. No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.
29. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garages hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions generally permitted by virtue of Class A, B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
31. Before any preparatory demolition or construction works commence on site, full ecological surveys and a mitigation strategy for the site shall be submitted to the

**Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.**

1. At their meeting on 4 November 2015, the District Development Management Committee (DDMC) considered a planning application for the development of Knolly's Nursery, Pick Hill, Waltham Abbey for 79 residential units (63 affordable) and a Children's Day Nursery. The application had been forwarded to DDMC with a recommendation to grant planning permission by Area Plans Sub-Committee West. At DDMC, the specific wording of the affordable housing characteristic had been proposed to include a requirement that a minimum of 60% of the proposed 63 affordable housing units shall be affordable rented and no more than 40% shall be shared ownership, given the proportion of affordable to private housing proposed in this case. After a motion to refuse planning permission was lost, the motion to grant was also lost and before a final decision was taken four members of the Committee referred the matter by minority reference to the Council in accordance with Non Executive Operation Standing Order 13. Members therefore may wish to also consider this revised affordable housing wording as part of the legal agreement recommendation.

2. Four letters of further representations were also brought to the attention of DDCC, which were objections from Green Planet Developments Ltd, 2a Pick Hill, 71 Pick Hill and Waltham Abbey Residents Association (WARA). WARA stated that despite a councillor at Area Plans West meeting commenting that there was no suitable alternative sites for the proposed Children's Day Nursery, their own investigation had revealed that local schools had not been approached and that there was also potentially other alternative facilities in the area, including a recently closed nursery at Rochford Avenue.

3. The report made to the DDMC is reproduced, which included the initial report to Area Plans Sub-Committee West on 19 August 2015. It will be presented to the Council by the Assistant Director of Development Management. A site plan has also been included. The Council are requested to consider the recommendation to DDMC accordingly.

**Original Report Detail:**

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

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

As a result of these deliberations the Sub Committee voted to grant planning permission for the scheme subject to a Legal Agreement securing benefits necessary to make the development

acceptable in planning terms and the application is therefore referred to DDMC since the proposal is a major development that is contrary to Local Plan policy.

Should the District Development Management 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.

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

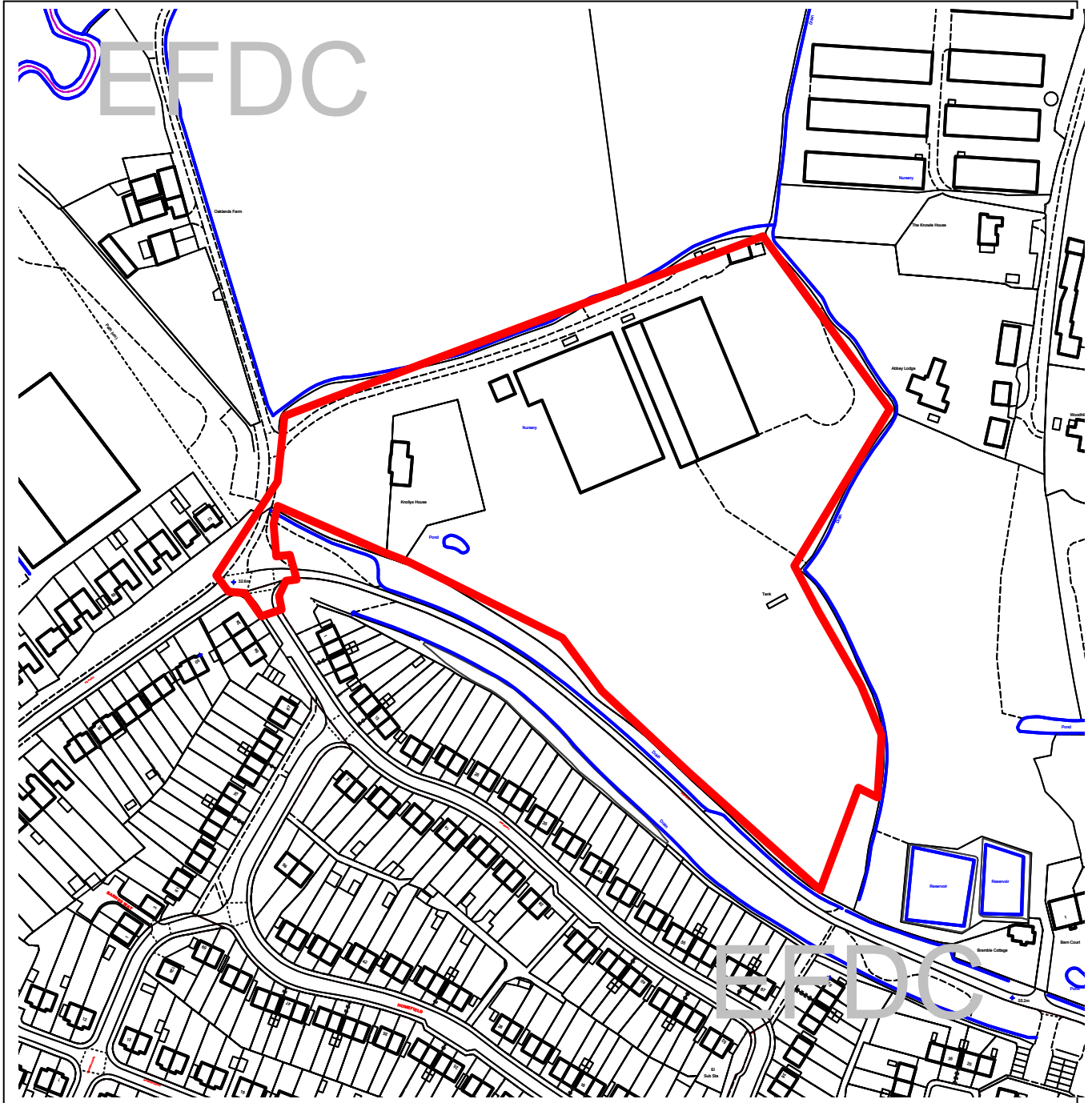
The original report is attached in full below for consideration.





# Epping Forest District Council

## Agenda Item Number 2



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

**Report Item No: 2**

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

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=576055](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=576055)

**REASON FOR REFUSAL**

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

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

**Description of Site:**

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

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

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

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

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

### **Description of Proposal:**

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

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

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

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

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

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

## This Scheme

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

The proposed dwellings would have the following mix;

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

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

## **Relevant History:**

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

Refuse permission - 06/08/2003.

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

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

## **Policies Applied:**

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

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

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

### **SUMMARY OF REPRESENTATIONS:**

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

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

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

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

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

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

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

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

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

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

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

### **Issues and Considerations:**

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

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

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

#### Principle of the Development

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

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

#### *Green Belt Release to Meet Housing Need*

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

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



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

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

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

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

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

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

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

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

### *Balancing Exercise*

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

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

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

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

### Details of the Proposed Development

#### *The Site*

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

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

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

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

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

#### Topography and Character

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

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

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

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

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

### *Ecology*

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

### Access to the Site

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

### Design and Layout

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

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

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

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

#### Land Drainage

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

#### Contaminated Land

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

#### Essex County Council (Education) Comments

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

#### Thames Water

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

#### NHS Comments

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

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

### Archaeology

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

### Section 106 Agreement

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

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

### **Conclusion:**

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

### Way Forward?

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

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

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

**or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**

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