



***District Development Management Committee
Wednesday, 8th June, 2016***

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

**Council Chamber, Civic Offices, High Street, Epping
on Wednesday, 8th June, 2016
at 7.30 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

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

Members:

Councillors B Sandler (Chairman), B Rolfe (Vice-Chairman), A Boyce, H Brady, R Butler, G Chambers, S Heap, R Jennings, S Jones, S Kane, H Kauffman, J Knapman, A Mitchell, C C Pond and J M Whitehouse

SUBSTITUTE NOMINATION DEADLINE:

16:00

1. WEBCASTING INTRODUCTION

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

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

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

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

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

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

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

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

3. APOLOGIES FOR ABSENCE

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

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

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

5. DECLARATIONS OF INTEREST

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

6. MINUTES

To confirm the minutes of the last meeting of the Committee held on 20 April 2016.

7. EPF/0152/16 SHOTTENTONS FARM, PECK LANE, NAZEING (Pages 7 - 22)

(Director of Governance) To consider the attached report for an Outline application for the erection of 12 x 1 bedroom accommodation units in two blocks for occupation by horticultural workers (DEV-001-2016/17).

8. EPF/0119/16 16 TOWER ROAD, EPPING (Pages 23 - 30)

(Director of Governance) To consider the attached report for the conversion of 2 bed bungalow into 5 bedroom house incorporating single storey rear extension (DEV-002-2016/17).

9. EPF/2899/15 CHIGWELL PRIMARY SCHOOL, HIGH ROAD, CHIGWELL (Pages 31 - 52)

(Director of Governance) To consider the attached report for the major refurbishment of Chigwell Primary Academy (reserved matters) and enabling residential development (outline) comprising 36 no. detached residential properties together with associated off-street parking, dedicated parking court for existing residents, garden space, new vehicular accesses from High Road (A113) and Vicarage Lane, external landscaping and associated development.

10. EPF/0232/16 ABRIDGE GOLF AND COUNTRY CLUB, EPPING LANE, STAPLEFORD TAWNEY (Pages 53 - 66)

(Director of Governance) To consider the attached report for an environmental

enhancement scheme embracing hydrology, conservation and access allied to an enabling development (fourteen detached houses) to ensure delivery.

11. EPF/0883/16 13 CHURCHFIELDS, EPPING (Pages 67 - 72)

(Director of Governance) To consider the attached report for the erection of front and rear dormer windows as part of a loft conversion (DEV-005-2016/17).

12. ANY OTHER BUSINESS

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

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

13. EXCLUSION OF PUBLIC AND PRESS

Exclusion

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

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

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

Confidential Items Commencement

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

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

Background Papers

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

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

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

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

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

When and where is the meeting?

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

Can I speak?

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

Who can speak?

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

What can I say?

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

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

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

How are the applications considered?

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

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

Further Information?

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

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Report to District Development Management Committee

***Report Reference: DEV-001-2016/17.
Date of meeting: 8 June 2016.***



**Epping Forest
District Council**

Subject: Planning Application EPF/0152/16 – Shottentons Farm, Peck Hill, Nazeing, Waltham Abbey, EN9 2NY – Outline application for the erection of 12 x 1 bedroom accommodation units in two blocks for occupation by horticultural workers

Responsible Officer: Nigel Richardson 01992 564110.

Democratic Services: Gary Woodhall 01992 564470.

Recommendation:

That the Committee considers the recommendation of Area West Planning Sub-Committee to grant planning permission for the above development subject to the following conditions:

- 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.**
- 2. a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
(i) Landscaping.
b) The reserved matters shall be carried out as approved.
c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.**
- 3. The occupation of the accommodation units hereby approved shall be limited to a person solely or mainly working in the locality in agriculture or in forestry.**
- 4. 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.**
- 5. 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.**

- 6. 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.**
- 7. No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.**
- 8. 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.**
- 9. No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.**
- 10. All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.**

Report Detail:

1. This application is before District Development Management Committee since it is contrary to the development plan and is being recommended for the grant of planning permission. To confirm, it is an outline planning application with matters of access, appearance, layout and scale to be considered at this stage. The remaining "reserved matter" to be subsequently agreed through a further submission would be Landscaping.

2. The application was reported by Officers to the Area Plans West Sub-Committee on 13 April 2016 with a recommendation that planning permission be refused. Following a discussion at the meeting, members of the committee resolved to recommend approval for the application.

3. Despite it being in conflict with the development plan, Area Plans West considered that the need for such accommodation in Nazeing for horticultural workers was sufficient to constitute the very special circumstances required to clearly outweigh harm to the Green Belt and any other planning harm that may result from the development. Members also considered that the land drainage issue identified as a reason for refusal by officers could be overcome through the use of planning conditions.

4. Despite the recommendation to grant planning permission from the Area Plans West Sub-Committee, Officers consider that the applicant has failed to demonstrate an essential need for the new horticultural units to be located on a previously undeveloped site within the Green Belt.

5. In accordance with advice that was received from the Environment Agency, officers also consider that a non mains foul drainage system within an area with a public sewer system has not been justified by the applicant.

Conclusion

6. Despite officers recommending refusal, Members of the Area Plans West Sub-Committee recommend that planning permission is granted for the application. Should members of the District Development Management Committee resolve to grant planning permission it is recommended that it is subject to the suggested conditions above.

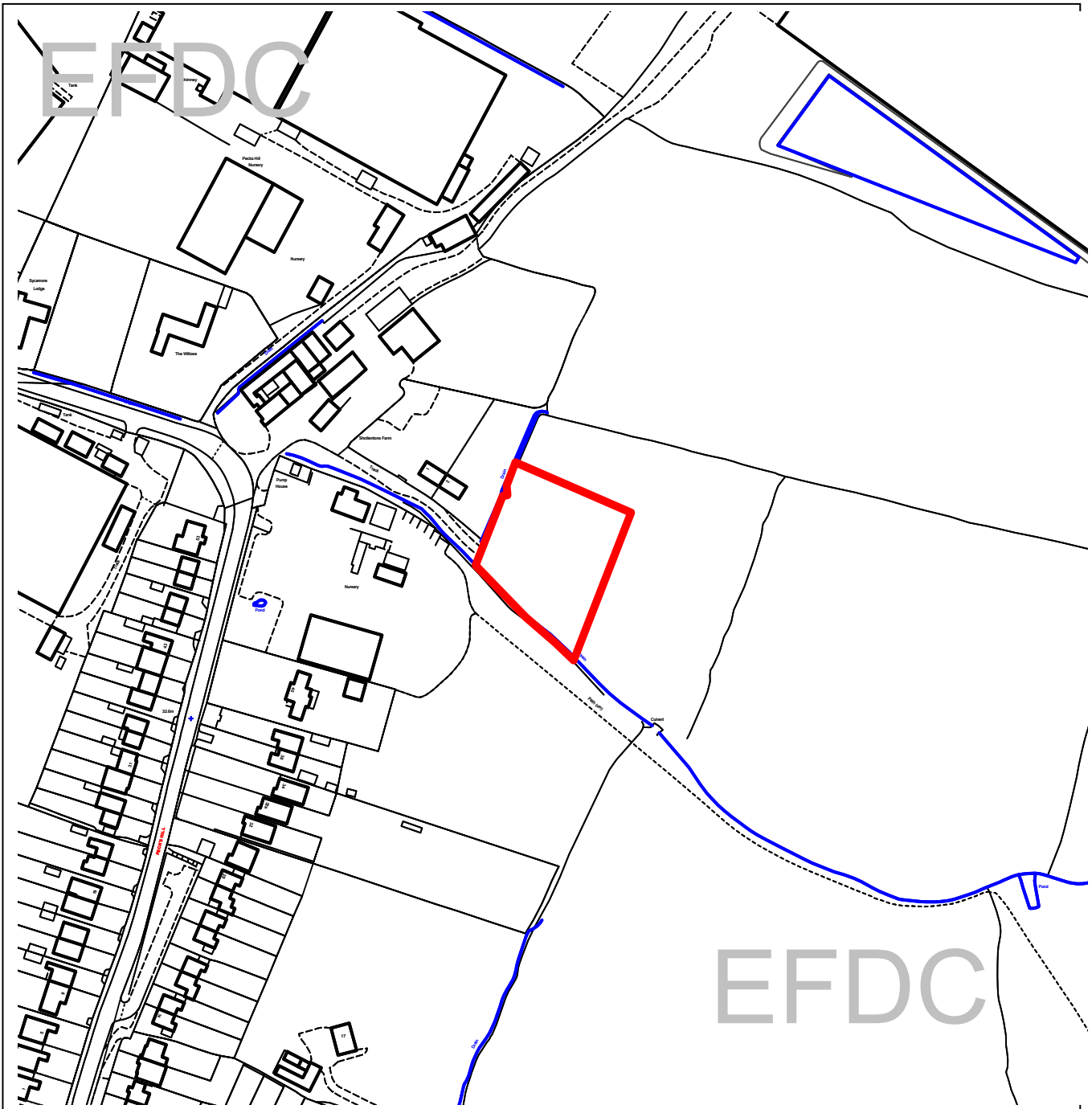
7. The Officer's report to Area Plans Sub-Committee West meeting of 13 April 2016 is reproduced below.

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Epping Forest District Council

Agenda Item Number



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Application Number:	EPF/0152/16
Site Name:	Shottentons Farm, Pecks Hill, Nazeing, EN9 2NY
Scale of Plot:	1/2500

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Report Item No: 2

APPLICATION No:	EPF/0152/16
SITE ADDRESS:	Shottentons Farm Pecks Hill Nazeing Essex EN9 2NY
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr J Colletti
DESCRIPTION OF PROPOSAL:	Erection of 12 x 1 bedroom accommodation units in two blocks for occupation by horticultural workers.
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=582033

REASON FOR REFUSAL

- 1 The proposal constitutes inappropriate development in the Green Belt and is therefore by definition harmful to its openness and to the purposes of including land within it. The circumstances of this proposal do not amount to very special circumstances which clearly outweigh the identified harm and it has not been demonstrated that the dwelling is essential in this part of the Green Belt. Furthermore the total floor area exceeds 150sqm and therefore the proposal is contrary to policies GB2A, GB7A and GB17A of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.
- 2 The proposal involves the use of a non-mains foul drainage system in a publically sewered area but no justification has been provided for this method of sewage disposal. The proposal is therefore contrary to policy U3B of the Adopted Local Plan and Alterations, with the objectives of the National Planning Policy Framework and with the guidance contained within the National Planning Practice Guidance

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

Description of site

The application site is a 0.22Ha area of land located just off Pecks Hill, to the south east of Shottentons Farm, which is located within the relatively rural area of Nazeing. Whilst there

are a large number of glass houses to the north and a farm complex to the south, currently the site is an open field which has not previously been developed. Access to the site is from a private track which comes off the transition between Pecks Hill and Sedge Green. The application site is located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

Description of proposal

The proposed development is to erect 12 x 1 bedroom units in two blocks for occupation by horticultural workers on the nearby nursery.

Relevant History

There is much history on the main farm complex including various applications for glasshouses and other agricultural buildings. However on the application site in question there is no relevant planning history.

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
H2A – Previously developed land
H3A – Housing density
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL11 – Landscaping schemes
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
GB2A – Development in the Green Belt
GB7A – Conspicuous Development
GB17A – Agricultural, Horticultural and Forestry Workers Dwellings
U3B – Sustainable drainage systems

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

Consultation Carried Out and Summary of Representations Received

4 Neighbours consulted and Site Notice displayed – NO COMMENTS RECEIVED

NAZEING PARISH COUNCIL – NO OBJECTION – A member of the public commented on the application – would prefer nursery workers to live in this type of accommodation rather than caravans. No objection providing that there is a condition that the accommodation is for nursery workers only.

No objection but if permission is granted it be subject to the following conditions:

- The accommodation is only used for agricultural workers employed by the nursery

- An agricultural tie be placed on the property
- Should the nursery no longer be in existence then the permission would cease.

Issues and considerations

The main issues to consider when assessing this application are the potential impacts on the Green Belt, the living conditions of the neighbours, sustainability issues, the character and appearance of the area, parking and access, tree and landscape issues, land drainage, land contamination and affordable housing.

Principle of development within the Green Belt

The National Planning Policy Framework (NPPF, CLG, 2012) attaches great importance to the protection of the Green Belts and states that new residential units are inappropriate development in the Green Belt and should not be approved unless very special circumstances can be demonstrated which **clearly** outweighs the harm and any other harm caused.

When assessing applications within the Green Belt, Paragraph 88 of the NPPF also requires that:

‘Substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of its inappropriateness and any other harm is clearly outweighed by other considerations’.

There are various exceptions to inappropriate development in the Green Belt as outlined through paragraphs 89 and 90 of the NPPF, however the proposal in question does not comply with any of these given exceptions.

The starting point for this assessment therefore is that the development is inappropriate in the Green Belt. However paragraph 55 states that:

*Local Planning Authorities should avoid new isolated homes within the countryside unless there are special circumstances such as...the **essential** need for a rural worker to live permanently at or near their place of work in the countryside.*

It is therefore important to assess whether or not it is essential for workers to be on or close to the site in this particular case. The applicant submits that the new residential units will be utilised by workers of the nearby horticultural business and that, due to excessive rental prices and lack of availability of other accommodation in the locality there is nowhere else that the low paid workers could reside other than this new unit within the Green Belt. However there is no evidence to suggest that the workers of this nursery are required to reside on the site for the purposes of the business and therefore whilst it is unfortunate that the rents are too expensive for low paid workers to utilise, it does not constitute very special circumstances which could overcome the harm to the openness of the Green Belt that this development would cause. The price and availability of housing in the area is a market issue and does not in itself justify inappropriate development within the Green Belt. Furthermore the provision of new housing should be brought forward through the plan making process of the Local Plan, which seeks to provide housing in a strategic way, considering consultation responses with local residents and the local Parish Council and not through ad hoc developments such as this.

Additionally part (i) of policy GB17A of the Adopted Local Plan states that the Council will only grant planning permission for agricultural dwellings where it is completely satisfied that:

*The dwelling is **essential**, taking into account the nature of the enterprise (eg. Presence or otherwise of livestock) possible reorganisation of the existing labour force, the potential offered by existing residential accommodation on the farm or holding, and the outcome of any approach made to the Council as a housing authority under the Rent (Agriculture) Act 1976.*

It is clear that to comply with part (i) it must be necessary for a worker to live within close proximity to the agricultural unit for it to function efficiently. During the discussion at the pre application meeting and indeed in the statement provided at the pre application stage, it has been made clear that the majority, if not all the workers perform unskilled or low skilled jobs, usually not during unsociable hours and a lot of the processes within the glass house run on an automated system. It therefore cannot be the case that it is essential for a worker to live within close proximity to the site for it to function efficiently. Consequently it is not essential for a dwelling to be sited in this location and the significant harm to the openness of the Green Belt has not been clearly outweighed by this reason.

Furthermore part (iv) of policy GB17A states that:

The total floor space (must) not exceed 150sqm

The proposed residential development comprises an area of 372sqm of new floor space and as such the scale of the development is clearly contrary to this policy requirement. Furthermore the Council has never supported agricultural workers accommodation of this scale within the Green Belt, which is more akin to the provision of a single dwelling rather than 12 individual units.

It is acknowledged that the NPPF promotes sustainable rural businesses and encourages Local Planning Authorities to act proactively when facilitating their viability. The applicant submits that without this development it will not be able to attract and retain the best staff for their horticultural business. Whilst this may be the case, although there is no evidence to substantiate the claim, it does not in any event constitute very special circumstances which clearly outweigh the significant harm to the Green Belt that this development would cause. Furthermore nor will it make its operation unviable, the addition of 12 units for 12 individual workers only constitutes a fraction of the Tomworld workforce and therefore will not ensure its long term viability.

Furthermore part (ii) of policy GB17A states that planning permission may be granted if:

Part (i) is inconclusive (and) there is firm evidence of viability of the agricultural, horticultural or forestry enterprise concerned at the time of the application and of continued viability in the long term

If the argument is being made that the nursery would be unviable if this development is not built then firm evidence has not been provided of its viability at the time of making the application or its continued long term viability. As such it is clearly contrary to part (ii) of policy GB17A.

As mentioned at the beginning of this part of the assessment, Paragraph 88 of the NPPF requires that:

'Substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of its inappropriateness and any other harm is clearly outweighed by other considerations'.

In accordance with this paragraph, the identified harm to the Green Belt is given substantial weight in this assessment, for which there are no very special circumstances.

Need for the housing of horticultural workers

The applicant submits that due to their unaffordability, the existing dwellings in Nazeing which are available for rent are not suitable for the relatively low paid workers to afford. Furthermore the applicant contends that neither it is suitable for workers to reside elsewhere and then commute to the site given the excessive cost of renting and commuting.

Through research conducted on 16th March 2016 on two well-known property search websites, Right-Move and Zoopla it was found that there were five properties available for rent within Nazeing and nearby Roydon Hamlet, all of which are within relative close proximity to Shottentons Farm, these were:

- Wheelers Close, 4 bed house £380 - PW
- Hamlet Hill, Roydon, 3 bed bungalow £311 - PW
- South Nazeing, 3 Bed terrace - £265 - PW
- Old Nazeing Road, 1 bed house - £127 PW
- Nazeing Park, 9 Bed Mansion - £6,923 PW

(All properties found on Right-Move and Zoopla, accessed 16th March 2016)

The applicant has provided further information which was accessed on Right-Move in May 2015 which showed that within Nazeing there were four properties available for rent, these were:

- Bernard Acres, 1 Bed House Share £112 PW
- Nazeing Road, 2 Bed Flat, - £191 PW
- North Street, 5 Bed House - £625 PW
- Nazeing Park, 9 Bed Mansion - £7,500 PW

It is clear that there are indeed properties available within close proximity to the site. However it is questionable as to whether these are genuinely affordable for the horticultural workers.

The applicant contends that:

'EGL workers could only afford properties available for rent at about £450 per month'

This statement is based on the fact that the chief executive of Shelter in a BBC interview stated that:

'The widely accepted test of affordability is that housing costs should take up no more than a third of your income'

However according to Clifton and Co Estate Agents (Clifton and Co website, Accessed 16th March 2016) and Tenant Verify (tenant Verify website, Accessed 16th March 2016) an annual salary of 17,108 (Annual wage of an EGL worker according to the applicant) should be approximately £570 per Month.

When the research of available housing for rent which was conducted by Officers is combined with that of the applicant, it is evident that there have been two properties within relative close proximity to the site which would have been affordable for workers of the nursery based on the lower figure of £450 PM.

The applicant further makes the case that it may be possible for workers to find suitable accommodation further afield, perhaps in nearby Waltham Abbey, the centre of which is approximately a 15 minute bus journey from the site. However the public transport will add further cost, making the housing even less affordable. Through research conducted on 16th March 2016 it was discovered that the 505 bus route runs a relatively frequent service from the centre of Waltham Abbey to the application site and a weekly bus ticket would cost £15 (Trustybus website, Accessed 16th March 2016).

The result of this research is that commuting from Waltham Abbey will not add a significantly higher cost to the workers of the site.

The applicant details that:

‘There are a total of 48 workers at Shottentons Farm at present. Of these 13 are housed on Shottentons Farm in the existing accommodation. Of the remainder 15 are in accommodation on other nurseries in Nazeing/Roydon and the remaining 20 are either renting rooms or in flat shares in Harlow (9, 7 in a house share), Hoddesdon (7, 4 in a single House Share), Edmonton (1), Hatfield (1), Leytonstone (1) and Nazeing (1).’

Whilst some of this accommodation is relatively far from the site and would involve commuting, it has not prevented the employment of workers nor the profitability of the business which by the applicants own admission:

‘The businesses profit is substantial and is also set to increase in proportion to the increase in turnover’

It also raises the question regarding whether the business could potentially increase the wage paid to its workers, which in turn would increase the affordability of accommodation in nearby areas such as Nazeing, Roydon, Harlow and Waltham Abbey. This in turn would alleviate fears that the business may not be able to attract the best workers in the future viability of the business.

The Private sector housing team at the Council are responsible for assisting those in housing need within the District and promoting good relations between tenant and landlords have offered the following comments for the application:

‘The Private Sector Housing Team is concerned with the provision of suitable accommodation on the district that is safe from hazards and fit for purpose. The proposal to provide 12 units of purpose built single storey bedsit accommodation is welcomed as experience indicates that provision of accommodation for horticultural workers on the district generally is poor. These units would provide satisfactory key worker accommodation, each of which is suitable for individual occupancy. There is nothing on the application to suggest that the scheme would cause nuisance or be the cause of justified neighbour complaint’.

Whilst Officers do not disagree that this sort of accommodation is suitable for horticultural workers and that some horticultural workers live in unsatisfactory conditions within the District, there has been no comprehensive study nor evidence submitted to prove this is anything other than anecdotal. Consequently it cannot be proved that there is a certain need

for this development and even less proof that it should be located on a Green field site within the Green Belt, clearly contrary to both National and Local planning policy.

The result of this analysis is that the issues discussed around the need for horticultural workers accommodation does not amount to the very special circumstances required to clearly outweigh the substantial harm to the Green Belt.

Precedent

Throughout this analysis the development has been considered to constitute inappropriate development in the Green Belt, for which there are no very special circumstances which clearly outweigh the harm caused.

Were this development to be granted it would set an undesirable precedent for similar types of application in the district and whilst the Local Planning Authority would retain control over these applications and every site is assessed on its own merits, an approval on this scheme would severely compromise the Councils position and could diminish its ability to resist similar such schemes on the future.

As previously discussed, this type of decision which is contrary to the development plan should not be made through an ad hoc development such as this but through a genuinely plan led process which involves a rigorous consultation period and engagement with the local community and Parish Council.

Sustainability

The site is located close to the main settlement of Nazeing which has access to regular bus routes and various shops and other services. Although it is likely that new residents will utilise a private vehicle, the proximity to Nazeing gives them a genuine choice of transportation and therefore the site can reasonably be described as being within a sustainable location.

Design

The two new blocks will have an eaves height of 2.1m and a ridge height of 4.9m; they will be 31m in length and 6.6m wide. Although the blocks themselves are relatively large, the individual units themselves are small and from a design perspective are of a bulk and mass appropriate to the scale of the development. The single storey aspect will ensure that it will not appear overly prominent in the context of the site. The detailed single storey hipped roof design is what is expected within this relatively rural setting and will read rather like a large barn, albeit with residential features. As a consequence the development respects the character and appearance of the locality and is compliant with National and Local design policy.

Parking and access

The level of parking would be sufficient for this type of accommodation and the proposed access would not cause any harm to the safety or efficiency of the public carriageway given that it utilises an existing access onto the main road. The nearby public right of way runs further south and will not be affected by the development.

Tree and landscape issues

There are trees along the boundary with the property to the west. They form an important screen. It should be possible to ensure that they are not impacted upon by development works however tree reports will be required so as to protect the trees and provide a methodology for any works within their rooting areas.

Land Drainage

The Environment Agency has raised an objection to the application on the basis that:

'It involves the use of a non-mains foul drainage system in a publicly seweraged area but no justification has been provided for this method of foul sewage disposal. We recommend that the application should be refused on this basis

The installation of private sewage treatment facilities within publicly seweraged areas is not normally considered environmentally acceptable because of the greater risk of failures leading to pollution of the water environment compared to public sewerage systems. This objection is supported by government guidance on non-mains drainage in DETR Circular 03/99 which stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.

In this instance the site lies within 100m of a foul sewer and no justification has been provided by the applicant for non-connection to the mains sewerage system'

The DETR Circular 03/99 was withdrawn by the Government in March 2014 and was replaced by the National Planning Practice Guidance (NPPG, CLG, 2014). As a result this circular does not form the basis of the refusal and is instead based on the guidance from the NPPG which states that:

'Applicants should provide sufficient information for the local planning authority to be able to identify the likely impacts on water quality. The information supplied should be proportionate to the nature and scale of development proposed and the level of concern about water quality.'

In this instance, the Council's Land Drainage team have not raised an objection to the application subject to the implementation of various conditions.

Contamination

This field site was historically used for the grazing of the former dairy herd at Shottentons Dairy Farm and so is unlikely to have been treated with potentially contaminating arable farming pesticides and sewage sludge. Although the field containing the site and the surrounding fields have recently undergone hedge grubbing, topsoil stripping and been heavily trafficked and appear to have been used for waste disposal/storage associated with the new horticultural nursery and development works, aerial photography indicates that the part of the field proposed for redevelopment as studio flats has not been impacted. There is, therefore, unlikely to be any significant contamination present on site.

Managed studio flats used by adult employees are not considered a use that is particularly vulnerable to the presence of contamination.

As there is unlikely to be any significant contamination present on site and no sensitive receptors are proposed, it should not be necessary to regulate land contamination risks under the Planning Regime by way of conditions.

Affordable Housing

The development proposes 12 new units on a greenfield site over 0.1Ha, within a settlement of less than 3000 people and consequently there is a requirement for 50% of the development to be for affordable housing as it falls within the threshold as required by H6A of the Local Plan.

Were Members to consider that this application be approved, it would be recommended that a condition is placed on the development to ensure that it may only be used by horticultural workers attached to Shottenton's Farm. Essentially this will restrict its use for what would be for a low paid, low skilled worker which would fulfil a specific need akin to what may be achieved through the provision of affordable housing units. Therefore whilst not strictly in accordance with the requirements of policy H6A, Officers view is that given the circumstances of the development and that a planning condition would ensure that it could only be utilised by horticultural workers, there is no requirement for provision of affordable housing on the site or a contribution in lieu of an approval if given.

Conclusion

The proposed development is inappropriate in the Green Belt which will harm its openness and the reasons of including land within it, for which Officers consider that there are no very special circumstances which clearly outweigh the identified harm or any other harm. It is therefore recommended that planning permission is refused.

Should members feel that there is merit to this application and are minded to recommend approval, it will have to be put before members of the District Development Management Committee for a final decision as it is contrary to Local and National Planning Policy.

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: James Rogers
Direct Line Telephone Number: 01992 564 371

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

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Report to District Development Management Committee



**Epping Forest
District Council**

**Report Reference: DEV-002-2016/17.
Date of meeting: 8 June 2016**

**Subject: Planning application EPF/0119/16 – 16 Tower Road Epping, Essex,
CM16 5EL – Conversion of 2 bed bungalow into 5 bedroom house
incorporating single storey rear extension.**

Responsible Officer: Nigel Richardson (01992 564110)

Democratic Services: Gary Woodhall (01992 564470)

Recommendation:

(1) That planning permission be granted subject to the following conditions:

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.**
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1883-1A, 2A, 3A, 4, 5, 6, 7, 8, 9 Block Plan, Site Location Plan**
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.**

Report:

1. This application was considered by Area Plans Sub Committee East on 11 May 2016 where members voted to approve the application in line with the officer recommendation. 7 votes were in favour and 7 were against and the Chairman used her casting vote to go with the recommendation to grant permission with conditions. After the vote 4 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 grant.

2. The original report is attached in full below for consideration, with the addition of information requested by members of the Sub Committee with regard to the height of the proposed development in relation to adjacent properties.(in bold italics)

This application is before this Committee since the recommendation is for approval contrary to two objections which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))

Description of Site:

The application site is located within the built up area of Epping and contains a bungalow set in a relatively narrow plot with a deep rear garden typical of the surrounding linear properties fronting the highway. The surrounding dwellings are largely two storey in nature. The front boundary is demarcated by a low rise brick wall, small garden area and an area of hard standing. A number of small trees define the common boundaries to no. 14 and 18 but none are TPO'd. One off street car parking space is located to the front with associated drop kerb access.

Description of Proposal.

Planning permission is sought for the conversion of the existing 2 bedroom bungalow to form a 5 bedroom dwelling house.

The proposed development would increase the height of the bungalow from 5.7m to 8.6m at the highest point of the gabled roof. The existing width of 8.05m will remain unaltered. The existing depth of 11.3m will remain largely unaltered. However, a single storey ground floor extension is proposed which projects a further 3m, is full width at 8m and is 3.25m high. The configuration of fenestration to the rear conforms to the existing arrangement of the surrounding two storey dwellings.

The front elevation will incorporate a canopied porch and minor ground floor front addition which measures 0.6m in depth and is the full width of the existing dwelling. As with the rear, the configuration of fenestration conforms to the existing arrangement of the surrounding two storey dwellings.

The gabled roof design and the footprint of the proposed dwelling mirrors that of the neighbours and the dwellings within the immediate locality.

The existing low rise brick wall and small garden area will be removed in order for the existing hardstanding an off street parking area to be extended to accommodate two vehicles.

Relevant History:

No planning history.

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
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas.
DBE9 – Excessive loss of amenity to neighbouring properties
H2A – Previously developed land
ST6 – Vehicle parking

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

Consultation Carried Out and Summary of Representations received:

Neighbourhood consultation letters were sent to no's 11, 13, 14, 14a, 18 and 20 Tower Road and 1, 3, 5 Regent Road.

EPPING SOCIETY - The Epping Society were consulted and consider the proposal to be an overdevelopment of the site and state that *"the bedroom windows will overlook the rear gardens of no.18 and 14. This will result in a loss of amenity for neighbouring properties. The loss of another bungalow from the town's housing stock is regretted."*

PARISH COUNCIL - Parish Council comments refer to:

"The proposal is an overdevelopment of the site which will result in the loss of yet another bungalow. Allowing these conversions will have an adverse effect on the supply of this type of housing, reducing local choice, diversity and the mix of dwelling types of available, contrary to policy H4A, which expressly recommends refusing conversions which would adversely affect the range and mix.

There is a continued demand for this type of property amongst those wishing to live independently without stairs or downsize, so the constant conversion of bungalows is reducing choice."

18 TOWER ROAD - Comments were received from 18 Tower Road highlighting that the *"The architects drawings do not show the building in context to the properties on either side so it is difficult to know the height of the house compared to our own and the exact impact on loss of light/ loss of privacy and overshadowing."* In response a block plan was requested, submitted and a copy sent directly to the no.18. Further comments were received relating to the *"loss of light and privacy as well as overshadowing from the overbearing extension."*

Issues and Considerations:

The main issues that arise from this application relate to the principle of development, the design and impact upon the street scene, residential amenity, parking and the responses of consultees and neighbours.

Principle of Development:

The site is not within the Green Belt or a Conservation Area and a two storey dwelling at this location would be in compliance with local policies. What is proposed is a much more substantial use of land as encouraged by local plan policies H2A and national guidance which also encourages the efficient use of land. Therefore the principle of a two storey dwelling in this position is acceptable as the land currently comfortably accommodates a bungalow which benefits from an adequate footprint. An additional storey to the existing bungalow in this location would potentially conform to the general character of this area.

Design

The dwellings forming Tower Road are predominantly two storey detached and semi detached dwellings of a very similar design, footprint and layout which create a

consistency within the streetscene. Of the many properties forming Tower Road only three are bungalow dwellinghouses namely no.14a, 26 and the subject site. The predominant two storey nature of the surrounding dwellings allows for greater scope in terms of the design in the extension and alterations to the existing bungalow.

The existing hipped roof will be replaced with a first floor addition incorporating a gabled roof structure which is rendered and flush with the existing front elevation and repeated to the rear. This design element is consistent with the adjacent neighbour no.18 and the surrounding two storey dwellings. The configuration of the ground floor fenestration has not been altered and conforms to the design of the existing bungalow. Two windows are proposed at first floor which are identical to the design and positioning of those at ground floor and mirror the first floor windows within the surrounding two storey dwellings for example no's 20, 22, 26 and 28. Two windows are to be retained within the south eastern side elevation at ground floor. No additional windows are proposed at first floor level within the side elevations to the south east and north west.

In terms of alterations to the rear, the proposed single storey rear extension will effectively square off the existing staggered footprint. At full width, the proposed extension will abut the common boundary to no.18 and projects 1.25m forward of the established rear building line of this property. The extension is off-set from the common boundary to no.14 by 1m. The configuration of the fenestration at ground floor has been altered slightly with the removal of a centrally located window. Three windows are proposed within the first floor which mirror the configuration of the surrounding two storey dwellings. The proposed tiled gable roof, painted render finish and upvc double glazed windows match the surrounding two storey dwellings.

The proposed conversion will create a two storey dwelling which is coherent and reflects the established pattern of development in terms of height, footprint, bulk, scale and massing and in this respect cannot be considered as an overdevelopment of the site. Overall the elevational design of the proposal to the front and rear is in harmony with the character and appearance of the host building and the surrounding area. As such the proposal conforms to council policies DBE10.

Additional information which was provided verbally to the sub committee and was requested to be included in the report to DDMC.

The proposed extended dwelling will have a higher ridge height and eaves height than adjacent properties.

No 14 has an eaves height of approximately 4.8 metres and a ridge height of approximately 6.8m.

Number 18 has an eaves height of approx. 4.5m and ridge height of approx. 7.2m.

The proposed enlarged dwelling at number 16 will have eaves an height of 5.5m and ridge height of 8.6 metres (1.8 metres higher than number 14) and will be noticeably taller than both the adjacent buildings.

However this must be viewed in the context of the road which has a variety of house types and sizes and bearing in mind the existing significant difference between the scale of the existing bungalow and the adjacent properties.

Amenity

In general, it must be remembered that an extension can seriously disadvantage a neighbour by being overbearing in size and scale, create a loss of privacy and reducing the level of daylight. It is therefore, necessary to control the scale and form of extensions to ensure neighbours' amenities are protected. The amenity and privacy of neighbours must be considered before undertaking any extension.

Concerns have been raised that the introduction of windows within the first floor rear elevation will result in overlooking to the rear gardens of no's 14 and 18. Where dwellings are located within a compact urban grain such the subject site it is accepted that there is an element of overlooking from first floor rear windows. No rearward projection is proposed at first floor and at this point the proposed development is set back 2.6m from the established rear building line of no.18 and 1.6m from no.14. It is considered that this staggered building line significantly reduces the impact of the proposal upon the residential amenity of neighbouring occupiers and no issues of overlooking will arise over and above that which is currently accepted within this particular type of streetscene and urban grain. In terms of loss of privacy, no overlooking balconies and roof terraces are proposed. Therefore the proposal would not create unacceptable privacy issues.

An objection has been raised due to the over bearing nature of the ground floor extension which would result in a loss of light, privacy and create overshadowing to no.18. The proposed rear extension is limited in terms of height, bulk and massing and is significantly smaller than that which could be achieved using the permitted development rights currently afforded to the bungalow dwelling. It is considered that the limited rearward projection combined with the existing staggered rear building line and existing boundary treatment will reduce the impact of this element of the proposal upon the neighbouring dwellings and would not create and sense of enclosure or result in a loss of amenity.

Overall, the depth of the ground floor extension when taking into account the existing dwelling, its height and its orientation would not result in an unneighbourly and overbearing form for development which would adversely affect the amenity of the occupants of no.14 and 18. As such, the proposal conforms to Policy DBE2, DBE9 of the Local Plan.

Highway and Parking

The existing low rise brick wall and small garden area will be removed in order to extend existing hardstanding and retain one off street parking. At 5m deep the resulting hardstanding will be sufficient to accommodate one vehicle parked vertically. This is considered acceptable and conforms to Policy ST6 of the Local Plan.

Loss of a Bungalow

Whilst the government seeks to ensure a suitable mix of dwellings for the future there is no policy within the NPPF or the adopted Local Plan which seeks to prevent the conversion of bungalows to two storey dwellings. As such there are no policy grounds for refusal.

Conclusion

Therefore the balance of considerations with this proposal would ensure that the

application complies with the guidance contained within the National Planning Policy Framework and Local Plan policies and CP1, CP2, CP3, CP6, CP7, H2A, DBE2, DBE3, DBE9, DBE10 and ST6 the application is now recommended for approval, subject to conditions



Epping Forest District Council

Agenda Item Number



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Application Number:	EPF/0119/16
Site Name:	16 Tower Road, Epping, CM16 5EL
Scale of Plot:	1/1250

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Report to District Development Management Committee



**Epping Forest
District Council**

Report Reference: DEV-003-2016/17

Date of meeting: 8 June 2016

Subject: Planning Application EPF/2899/15 - Major refurbishment of Chigwell Primary Academy (reserved matters) and enabling residential development (outline) comprising 36 no. detached residential properties together with associated off-street parking, dedicated parking court for existing residents, garden space, new vehicular accesses from High Road (A113) and Vicarage Lane, external landscaping and associated development.

Responsible Officer: Nigel Richardson (01992 564110)

Democratic Services: Gary Woodhall (01992 564470)

Recommendation:

(1) That subject to a referral to the National Planning Casework Unit, consent is Granted, subject to the below conditions and by 31 August 2016 the completed legal agreement (Section 106 of the Town and Country Planning Act 1990) that ensures:

A. A satisfactory financial contribution in respect of:-

(a) Off-site Affordable Housing and/or Local Infrastructure; and

(b) Community Public Transport;

B. Planning Conditions as follows:

- 1. The school development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.**
- 2. Details of reserved matters in respect of the residential development as set out below shall be submitted to and approved by the Local Planning Authority within three years from the date of this permission:**
 - i. appearance**
 - ii. landscaping**
 - iii. layout**

The development shall be commenced within two years of the date of the final approval of the said reserved matters.

- 3. The school development hereby permitted will be completed strictly in accordance with the approved drawings nos: r2i-050-001 - 012 inclusive.**

- 4. No construction works above ground level shall take place until samples and documentary and photographic details of the types and colours of the external finishes to the residential development have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.**
- 5. No development shall take place on the residential scheme 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.**
- 6. No development, including works of demolition or site clearance, shall take place on the residential development site 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. 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) for the residential development site 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.**
- 8. A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than, 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.**
- 9. Details of all walls, fences, gates and other means of enclosure to the residential development, including details of measures to separate the car park serving the surrounding area from being accessed from within the development shall be**

submitted for approval by the Local Planning Authority in writing prior to the commencement of the development above ground level, and the development shall be implemented in accordance with such approved details.

10. Prior to the commencement of development, surveys recommended in the Phase 1 Habitat Survey accompanying the application shall be undertaken to determine:
 - i. bat activity, including bat roosts in existing buildings and inspection / emergence survey of trees to be removed
 - ii. breeding bird activity
 - iii. invertebrate survey,
 - iv. great crested newt survey of pond 2
 - v. reptile presence / absence survey
 - vi. hedgerow surveys

Surveys shall be undertaken in accordance with guidelines issued by Natural England or other relevant body and the results submitted and approved by the Local Planning Authority.

11. Notwithstanding conditions 7 - 9 above, in accordance with the Phase 1 Habitat Survey submitted with the application, details of habitat enhancement / restoration measures including (but not limited to) stag beetle piles, insect hotels, aquatic habitats, retaining and planting native species and provision of wildlife movement corridors through gardens shall be submitted to and approved by the Local Planning Authority prior to the commencement of the residential development above ground level. The works shall be fully implemented in strict accordance with the agreed details and an agreed timetable submitted as part of the details.
12. No development on the residential site shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the planning authority.
13. No construction works above ground level shall take place until details of external lighting throughout the development have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
14. No residential 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]

15. 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]
16. 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.
17. 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.
18. A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
19. No works shall take place on the residential development site until a detailed surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved by the Local Planning Authority. The scheme shall include (but not be limited to):

- i. surface water run-off restricted to the 1 in 1 greenfield rate calculated from the area served by the drainage network.
 - ii. Attenuation storage for the 1 in 100 inclusive of climate change storm event
 - iii. Treatment in line with CIRIA SuDS Manual C753
 - iv. Details in regard to drainage proposed at the school
 - v. A drainage plan detailing final exceedance and conveyance routes, location and sizing of storage features, discharge rates and outfalls from the site.
 - vi. phasing details of the said works
- The agreed works shall be fully implemented in accordance with the agreed details.

20. No works shall take place until a scheme to minimise off site flooding caused by surface water run-off and groundwater during construction has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in full accordance with the agreed details.
21. No works above ground shall take place until a Maintenance Plan detailing the maintenance arrangements of the surface water system have been submitted to and approved by the Local Planning Authority. The applicant and any successor in title shall thereafter maintain yearly logs of maintenance made available to the Local Planning Authority on request.
22. The vehicle access to the residential development hereby approved shall be constructed so as to be used as the construction access for the said residential development. Other than during initial site investigation and set up, the existing Vicarage Lane entrance shall not be used for construction traffic or access for staff and shall be closed off for the duration of development by a suitable hoarding or fence to prevent access, and retained in that form for the duration of the work.
23. No development shall take place until the alignment of public rights of way crossing the site, and any variations thereto have been submitted to and approved by the Local Planning Authority. In the event any diversion is approved, no dwelling shall be occupied until an Order securing the diversion of the existing right of way has been confirmed and construction thereof has been completed in accordance with details that have been previously approved by the Local Planning Authority.
24. 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.**
- 25. 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.**
- 26. All material excavated from below ground level shall be removed from the site unless otherwise agreed by the Local Planning Authority.**
- 27. Prior to first occupation of the residential development, visibility splays for each access and footway improvement works shall be fully implemented in accordance with the agreed details and thereafter maintained in perpetuity.**
- 28. Prior to the first occupation of the residential development, the developer shall submit details for the provision and implementation a Residential Travel Information Pack, for approval by the Highway Authority. The plan shall be fully implemented for all occupiers of the development.**
- 29. Any gate, or barrier installed to the Vicarage Lane car park within the residential scheme shall be so installed a minimum of 6 metres from the back edge of the carriageway.**
- 30. Existing public rights of way across the site, on public footpaths 80, 82 and 83 shall be retained at all times during development. In the event a route requires temporary closure, details of an alternative route shall be submitted to and approved by the Local Planning Authority and the alternative route made available before closure takes place.**
- 31. 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 development generally permitted by virtue of Classes A, B, E and F of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.**

REPORT DETAIL:

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

Description of Site:

The application site comprises an area of around 4.76 ha and includes the Chigwell County Primary School (around 1.3ha net) and the former BI Sports Ground fronting High Road and extending on its south side along Vicarage Lane to a point opposite Lingmere Close and to the

north along the full length of the access road serving the school.

The school comprises a mix of single storey buildings dating from the 1930's until the 1960's, a number of temporary classrooms have also been provided on the site in subsequent years. There are three principal school buildings identified as the main block, the old dining hall and the old kitchen block although the kitchen and dining facilities now lie in the main block and the other two buildings are used as teaching areas. Any evidence of buildings on the former sports ground have long since been removed above ground level and the land is given over to largely scrubland other than a vehicle access on Vicarage Lane and the mature tree screens that lie around and within the land.

Access to the school is from High Road to the north along a road that links to the roundabout opposite Grange Farm. The access road also serves the former Beis Shammei School site which extends along the east side of the access road and is currently vacant, although a local agreement means its car park is opened for use by parents dropping off and collecting students from the primary school. Parking also takes place along the access road and there is a small car park just within the school boundary used by staff and day time visitors. Pedestrian access to the school is also available from the west via footpaths linking to Vicarage Lane.

Opposite the site on High Road lie three listed buildings – Hainault House (part of Chigwell School), Proctors and Dickens Cottages and Christies 81 High Road, both residential. To the west

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

Description of Proposal:

The application seeks a mixed consent comprising a full planning permission for the works to the school and an outline permission for the residential redevelopment of the remainder of the site.

The works to the school include limited additional space with extensive remodelling. Extensions to the main block include a small front extension of around 30 sq. metres, a rear extension to the junior toilet facilities of around 10 sq. metres and the enclosure of two open courtyards within the centre of the building. A new canopy is included in the south eastern corner of the building to the foundation classrooms play area. The whole building is refitted including removal of some internal partitions to improve internal circulation and new kitchens.

The old dining hall building, which has significant access difficulties due to raised internal floor levels and has been poorly sub-divided in the past, will be refurbished to provide three principle learning areas. An existing lean-to extension along the flank of the building is replaced by a new flat roof structure which includes a ramped access and new student toilet facilities. A second ramp is also proposed to the main entrance enclosed within a small addition that includes a covered canopy entrance.

Works to the old kitchen block are primarily reordering of the internal layout, replacement windows and an external ramp to the only entrance to the building.

External works in front of the school building include removal of underused grassed areas to increase on site parking from 12 to 16 spaces and provision of a permanent bin store. Other external works include installation of CCTV and external lighting, cycle parking and improved segregation between pedestrian and vehicle routes..

The residential proposals are submitted in outline. The application seeks to secure approval of the amount of development and the access thereto, with all other matters reserved. A parameters plan has been submitted and officers have secured revisions to that plan, resulting in reduction in the number of units proposed from the original 36 to 32 but it should be considered as illustrative in regards to layout, scale, appearance and landscaping.

The plan shows 32 detached dwellings with garaging and off-street parking, all are indicated through the application as being 5/6 bedroom dwellings. Access into the development will be from a single vehicle access point onto High Road located around 70 metres from the Grange Farm roundabout and around 120 metres from the Vicarage Lane junction. A greensward is created generally behind the retained road side tree screen that effectively extends along the whole of the northern and western site boundary and links into existing woodland at the southern end of the site. The key feature within this space is a swale taking the form of a water feature Within the space, accessed from Vicarage Lane is a 10 space car park identified as providing parking for users of High Road properties..

Relevant History:

A number of historic applications may assist in understanding the evolution of the site, particularly in relation to the former sports ground.

Evidence from historic applications suggests that the sports ground was possibly in use into the 1990's. Plans indicate that a pavilion building was located in the north-east corner of the site and that the existing access onto Vicarage Lane provided the sole vehicle access to a small car park. A replacement pavilion received planning permission in 1979/80 (EPF/1716/79).

Proposals to redevelop the site began to emerge in the early 1990's. A series of applications were submitted for dwellings to replace the pavilion and the caretakers bungalow. Other applications included

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

EPF/0646/91 – construction of private hospital

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

EPF/1114/95 – nursing home

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

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

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

A final residential proposal was made with application EPF/2236/03/ This proposed two large detached houses on the north-east corner of the site and included a 60 space carpark immediately west of the school with access from Vicarage Lane;. this was however subsequently refused permission.

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

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

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

Policies Applied:

CP1	Achieving sustainable development objectives
CP2	Quality of Rural and Built Environment
CP3	New development
CP7	Urban Form and Quality
CP9	Sustainable Transport
GB2A	Development in the Green Belt
GB7A	Conspicuous Development
GB16A	Affordable Housing
RP4	Contaminated Land
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
H5A	Provision for Affordable Housing
H6A	Site Threshold for Affordable Housing
H7A	Levels of Affordable Housing
H10A	Lifetime Homes
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE4	Design in the Green Belt
DBE5	Design and layout of new development
DBE6	Car parking in new development
DBE7	Public Open Space
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL3	Edge of Settlement
LL7	Planting, protection and care of trees
LL10	Adequacy of provision for landscape retention
LL11	Landscaping schemes

ST1	Location of development
ST2	Accessibility of development
ST4	Road safety
ST6	Vehicle parking
I1A	Planning Obligations

NPPF The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 135
 Site notice posted: 18 December 2015

Responses received:

OBJECTIONS have been received from occupiers of 101 properties spread over a wide area. A total of 41 of these properties lie within a 400 metre radius of the site and a further 44 lie within a further 400 metres. The objectors are as follows:

Properties within 400m of site:

GREEN LANE, 1, 2, Hunters.
 HIGH ROAD, 54, 56, 58, 60, 62, 64, 65, 75, 77, 81, 85, 99, 105, 107,
 09, 123, 125, Sandon Lodge and 1 Haydens Cottages

LINGMERE CLOSE: 1, 2, 3, 4, 5A,6, 7
 MEADOW WAY: 21, 37, 41, 43, 49, 52, 54, 56
 VICARAGE LANE: Aingarth, Dunton House, Greenaces, Little Orchard

Properties within a further 400m of site:

COURTLAND DRIVE: 16, 18, 20, 22, 24, 28, 30, 36
 DALESIDE GARDENS: 1, 4, 5, 6, 9,15, 17, 19, 22
 HIGH ROAD: 94
 MEADOW WAY: 2, 4, 7, 12, 14, 15, 16, 20
 PARKLANDS CLOSE: 2, 3, 6, 7, 9, 10
 VICARAGE LANE: Daleside, Derwen, Eastwood, Hillside, Oak Lodge House,
 Oaks Farm, Pine Lodge, The Chestnuts, 2, 4, 6 and 7
 Puckeridge Cottages

Others (Chigwell unless identified otherwise):

29 Chigwell Park Drive
 10 Chigwell Rise
 79 Coolgardie Avenue
 16 Claremont Place, Brook Parade
 26 Dickens Rise
 27 Ely Place, Woodford Green
 4 High Elms

10, 12, 33, 35, 53 Lee Grove
42 Millwell Crescent

Objectors have raised the following issues:

- i. Inappropriate development in the Green Belt, contrary to national and local policy where no special circumstances support the development..
- ii. Erosion of the Green Belt's function to prevent urban sprawl having an effect on the character of Chigwell Village
- iii. The proposal would set a dangerous precedent for future development in the Green Belt
- iv. Local finance considerations – refurbishment and new development are not mutually exclusive, other funding sources are available for the refurbishment.
- v. The level of residential development proposed goes beyond what may be required to fund the school refurbishment.
- vi. Traffic congestion caused by the school – existing arrangements are unsatisfactory and should be addressed.
- vii. Additional road junctions may affect traffic movement and safety, particularly the Vicarage Lane entrance. A wider review of traffic implications taking account of the Grange Farm development should have taken place.
- viii. The new entrance to the residential site from High Road may cause further traffic movement issues
- ix. Visual impact on properties in Vicarage Lane and Lingmere Close from loss of open Green Belt views and mass of buildings
- x. Questions are raised about the Tree Survey and the Phase One Habitat Survey. The hedgerows around the site existing trees within should be retained and enhanced.
- xi. Adequacy of existing water infrastructure
- xii. Added pressure of local medical facilities
- xiii. Impact on Conservation Area
- xiv. Objectors have queried whether there is a need for the parking spaces accessed from Vicarage Lane; if this is justified, it should be protected from use by parents at the school.
- xv. Access for construction traffic and disturbance arising therefrom.
- xvi. Potential conflict of interest for the Council in light of benefits from contributions.

IN SUPPORT of the application, the school have organised a small petition and there is one representation in support. The supporter, from 40 ELY PLACE Woodford Green, highlights the need for refurbishment of this school, the lack of other funding for the project, and the need for more housing land. They comment that the quantum of houses is not overly dense, will not dramatically affect local infrastructure and will support local businesses.

The petition simply asks signatories to support the application and contains 35 signatures of which 11 are school staff and 24 are parents/ grandparents.

PARISH COUNCIL: Chigwell Parish Council supports the application as they feel the school is long overdue a refurbishment.

Main Issues and Considerations:

Consideration of this application should be undertaken in stages, firstly assessing issues that affect the principle of the developments proposed and secondly dealing with any matters of

detail that are relevant at this stage. These considerations should have regard to the dual nature of the application, a full application in respect of the school and an outline application for the residential element.

Thus, officers consider the essential matters of principle relate to the application of Green Belt policy, the principle of development proposed including the constraints thereto, and local finance considerations.

Matters of detail for consideration at this stage include highways and traffic issues, design and amenity issues with the school proposals, in relation to the residential development, housing density and local amenity concerns, landscape and tree issues and heritage and conservation issues.

Green Belt considerations:

It is not necessary to set out Green Belt policy in great detail, Members are familiar with the broad provisions of the NPPF in this regard and with policy GB2A in the Local Plan. In summary, the NPPF sets out that new buildings should be regarded as inappropriate in the Green Belt, is by definition harmful to the Green Belt, and should not be approved except in very special circumstances. Such very special circumstances will not exist unless harm to the Green Belt *'is clearly outweighed by other considerations'*. (NPPF - para 88). The applicants case is that the residential element of the proposals is required to fund the school refurbishment, causes limited harm and therefore meets the test in the NPPF to constitute very special circumstances.

There is little dispute that the school buildings are in urgent need of refurbishment. Some of the buildings are in poor condition raising concerns on a number of grounds including the safety to users. The layout and form is evidently outdated and not fit for modern educational needs. Officers have been advised that recent Ofsted inspections have been highly critical of the standard of accommodation being offered. Previous efforts to build a replacement school have been unsuccessful and conditions have continued to deteriorate as a result.

The works required are extensive and include structural renovations, elements of new build, remodelling of almost all internal areas and substantial external resurfacing and related works. Estimates of the costs of the works of around £4million are broadly accepted. It has been submitted that other funding sources would not support such a level of investment for refurbishment. The school would be unlikely to qualify for most national funding schemes which often rely on deprivation indices to determine priorities and the local area would be unlikely to ever meet such criteria. The Education Authority have not disputed the arguments in respect of available funding

Notwithstanding any debate over the relative merits of refurbishment or the building of a new school (see below), officers are satisfied that benefits to the school community now and in the future arising from upgrading of the existing accommodation to meet current and future educational needs are considerable. Officers are further satisfied that these works can only be funded through development acting as a cross subsidy. As the alternative would be the continued decline of the accommodation and potentially long term parts of the school being incapable of use if other public funding does not become available, officers conclude that the benefits to the school could be described as very special circumstances justifying development in the Green Belt.

It is still necessary to consider the level of harm the development may cause to the Green Belt and determine whether this outweighs the very special circumstances. The NPPF identifies some of the key objectives of the Green Belt to be to check the unrestricted sprawl of built up areas, to safeguard the openness of the countryside and to preserve setting and character. These criteria should be judged against the specific local character.

While the site lies outside the extent of the primary settlement, there is built development on the north side of High Road extending along at least 75% of the site frontage. Further, the areas of existing built development on the Beis Shammei site immediately to the east would in all circumstances meet the requirements of previously developed land for the purposes of assessing its potential for future redevelopment. The proposal for the application site is set significantly back from the High Road frontage with landscape enhancement works incorporated providing limited views of the built development. In the context of its setting on High Road therefore the site could be seen as related primarily to the local built environment rather than as open countryside.

The rear part of the site on the Vicarage Lane frontage is less developed but in this area existing trees and boundary screening are more dense and will be retained more completely and such that the existing character can be seen as being retained.

It is your officers view therefore that the overall level of harm arising to the Green Belt does not outweigh the very special circumstances supporting development.

Development principles:

The works to the school raise few issues in respect of the principle of development. It has been argued in consultation responses that the cost of refurbishment may not be that different to the cost of building a new school. However, a high pressure gas main runs along the length of the school access road and development on this and adjoining land has been constrained over a number of years by the presence of this and other infrastructure. The Health & Safety Executive (HSE) offers standing advice to local planning authorities on development in close proximity to infrastructure that may constitute a hazard and this establishes a hierarchy of uses that may be vulnerable. Education uses are amongst the most at risk uses and the HSE advises against development of a new school in this location on safety grounds.

In terms of housing development, sites will be identified for residential development through the Local Plan process. In compiling the required evidence base, the revised Strategic Housing Market Assessment (SHMA), which covers the Housing Market Area of Epping Forest, East Herts, Harlow and Uttlesford has been accepted as of October 2015. The SHMA suggests a total figure of 11,300 new homes as the Objectively Assessed Housing Need (OAHN) for Epping Forest District Council over the Local Plan period 2011-2033.

The SHMA gives a figure for the OAHN of the District and for the rest of the SHMA area, but the Local Plan housing requirement will not necessarily be the same as the OAHN. This is because the Council has to do further work considering factors such as capacity in terms of strategic constraints, other evidence base information, the Council's policy aspirations and also how to apportion the need over the Housing Market Area, i.e. between Epping Forest, East Herts, Harlow and Uttlesford. It will be the decision of members of the four authorities to discuss this apportionment through the Duty to Co-operate.

Consequently whilst the Council does have a supply of housing sites (through extant

permissions) it cannot be assessed whether this is sufficient to amount to a five year supply as required by the NPPF. This is due to the fact that the Council does not yet have an adopted housing requirement and as a result it cannot be calculated. Therefore whilst the Council concedes that it cannot demonstrate a five year supply of housing sites as required by the NPPF, this does not necessarily mean that it does not exist.

Given that the NPPF requires a demonstrable five year supply of housing, paragraph 49 of the NPPF is engaged whereby Local Plan policies which address the supply of new housing are considered to be out of date. As a result these policies are to be afforded less weight in the decision making process in favour of a greater reliance on the NPPF. The lack of a five year supply of housing therefore weighs in favour of granting planning permission and is attributed substantial weight in this application.

Policy H3A seeks to ensure the level of development is commensurate with local services and facilities, recognising that higher densities should be focussed in more accessible urban locations. The proposals in fact achieve a very low density of 18 dwellings per hectare, below what the policy considers the most appropriate form of development. However, these are larger dwellings and by other measures (such as habitable rooms), and having regard to the fact this is an enabling development, the overall level of development is not considered inappropriate.

Affordable Housing:

The development exceeds the threshold in policy H6A whereby provision of affordable housing is required Policy H7A would seek in this location that 40% of the accommodation be affordable. The applicants have acknowledged the contents of these policies and are advocating a financial contribution to enable such accommodation to be provided off site.

Strict application of the current policy would suggest that the affordable element should be provided on site and in normal circumstances, officers would defend this approach and indeed it is the requirement on this planning application by the Council's DIRECTOR OF COMMUNITIES, following receipt of the report from the Council's consultants, KCL, who OBJECTS and states the following:-

KCL has concluded that, based on the submitted information, the national guidance that supports the approach to financial viability and assumptions KCL has made, KCL is of the opinion that the scheme, as submitted, would generate a surplus of around £17,772,954 which, clearly, could be used to support a good level of affordable housing on-site.

However, KCL have drawn attention to the fact that the scheme, as currently designed to provide executive style 5 and 6 bed houses, is not suitable for the delivery of on-site affordable housing, as the proposed properties are too large. Therefore the scheme will need to be re-designed to accommodate on-site provision.

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

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

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

If the site is considered suitable for development in all other respects, the applicant may want to consider submitting a revised proposal, using the surplus from the development to fund an appropriate amount of on-site affordable rented housing within a redesigned scheme. The amount of on-site affordable housing should be policy compliant (40%), with the affordable mix reflecting the market mix or, if this is unviable, comprise a development with either less than 40% affordable housing and/or a different mix of affordable housing to the market housing (which would need to be discussed with, and agreed by, the Council), backed up with two (further) financial appraisals demonstrating:

(1) That the residual value for a policy compliant scheme (40%) would be negative; and

(2) That the residual value for their proposed "viable" scheme, with less affordable housing than compliant, amounts to zero.

THE APPLICANTS AGENT on the other hand states the following:-

The Council's policy is clear that in seeking affordable housing from qualifying sites at least 40% of the total number of units to be affordable. The scheme is for 32 dwellings. Our original discussions with the Parish council made it clear that the parish would not accept any more than 35 dwellings on this site. Therefore the suggestion of another 39 being achievable is misplaced. Our scheme is now for 32 owing to the need to provide adequate surface water attenuation. 40% would require 13 on site provision. It is common ground that offsite contribution is acceptable as RPs would not seek to acquire the properties on site. We are therefore proposing to provide a contribution towards the construction of 13 homes from our revised surplus and have assumed a construction cost £125,000.00 per dwelling equating to £1,625,000.00 towards affordable housing and £600,000.00 towards new connecting bus service under the control of Chigwell Parish Council. Accordingly I have amended the original heads of terms.

This offer is greater than was accepted by the Planning Committee on the development adjacent the site at Land at Chigwell Grange, High Road, Chigwell Grange where £1.2m towards affordable housing was accepted for a scheme of a greater number of dwellings.

The applicant notes the suggested surplus of £3.2m within our report but a £1m contingency is being held to account for professional fees in the build of the school works and protection from uncertainty within the infrastructure costs and housing market.

There clearly are conflicting financial assessments on the amount of financial affordable housing contribution required and as it stands at the time the report is being prepared, the applicants offer is **£1,625,000.00 towards affordable housing and £600,000.00 towards new connecting bus service**. Any changes to the sum of this financial provision and requirement will be verbally reported at the meeting by the presenting officer as negotiations are still on-going.

In respect of the issue of on-site provision of affordable housing, a number of mitigating factors are relevant, however.

The residential element of the development is included as an enabling development to support the primary objective of delivering the improvements to the school, as such a relatively low

density of development is proposed, and as set out elsewhere, that low level of development allows extensive area of the existing landscape to be retained and seeks to limit the impact on surrounding properties. A scheme that includes affordable housing on the site will affect the viability of the development and

has two potential outcomes; firstly that the development will not be deliverable, or secondly that the density of the private element will need to be increased to produce similar outcomes particularly in respect of the school refurbishment costs, in turn resulting in more built footprint and more activity.

The residential proposals include only 5 and 6 bedroom dwellings. All local housing information shows clearly that the demand for affordable housing in the District is almost exclusively for smaller house types up to 3 bedrooms. Thus, to take the 405 of units on site (13 units) would leave the Council with units it would be unlikely to fully utilise these in the short to medium term. A financial contribution evidently allows the Council to better target resources to local need.

The applicant has also cited development at Grange Farm which was granted permission with an off site affordable housing contribution on grounds that the site is remote from local services. This original permission for this site predates the current policy adopted in the 2006 Local Plan Alterations and while it should be noted, it is not considered directly relevant.

Local finance considerations:

Section 70 of the Town & Country Planning Act 1990 (as amended) requires that local planning authorities have regard to a local financial consideration as far as it is material. A local finance consideration is defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy or similar.

National Planning Guidance further states that a 'local finance consideration' is material if it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other Government body.

The applicants have proposed a financial contribution through a section 106 agreement to fund the provision of not only off site affordable housing, but also provision of additional transport infrastructure and support for a new connecting bus service in the Chigwell Parish area. Negotiations on the detail of the level of contribution were still ongoing at the completion of this report and supplementary information will be supplied to Members when these negotiations conclude.

Members will note that the issue of congestion in and around the school is of significant concern to local residents. This in part can be attributed to the lack of local transport infrastructure linking the school to the village centre and to other connecting public transport facilities. This can be seen as a contributor to the issues raised by residents. While some parents will always use their cars for reasons of distance, accessibility etc, the provision of alternative means of travel to and from school will introduce greater choice and will enable positive measures to discourage car use to be introduced by the school and local authorities. Further, improved local public transport will provide choice for residents of the new development.

Officers conclude that the contributions meet the tests for such contributions in that they are fair and reasonable to the scale of the development, directly relate to the development and are

necessary.

Highways and traffic issues:

The residential development proposes a single point of vehicle access to serve the new units and the outline element of the application seeks approval of the location of this s part of any consent. In this regard, Essex County Council as Highway Authority have commented as under:

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

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

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

The secondary access to the 10 space car park in Vicarage lane is a direct replacement for an existing, albeit currently unused, vehicle crossing. This access serves only 10 parking spaces and will not provide direct vehicle access into the main body of the development and no concerns arise in highway or amenity terms.

The most significant highway issue in the area remains drop off and pick up for the school however. The school proposals do show improved daytime parking facilities within the site but these will not address the wider issues. As discussed above, contributions will allow alternative solutions to be developed locally in order to seek to promote alternatives and / or to improve traffic control but this is a longer term solution. The proposal does not propose any substantive increase in the school population and in the short term it is difficult to argue that the proposal results in any further deterioration in local conditions.

It should be noted that two public rights of way cross the site accessed from Vicarage Lane. The northern route, which is used as a primary route of access to and from the school, is shown retained in its current position. The southern route is indicated as being realigned and this has been queried by the highway authority. This is a matter of detail and can be adequately dealt with at details stage.

School – design and amenity:

The alterations propose limited external changes to the existing buildings, none of which are listed or of particular architectural merit. The site is remote from surrounding properties and no local amenity concerns arise.

Housing - design and amenity:

Consideration of these issues must have regard to the outline nature of the development. There

is sufficient clarity in the proposals however to reasonably assess general amenity. The development will be largely screened from surrounding residential properties through retention of much of the existing hedgerow around the site boundary. Where this is at its weakest, particularly in the corner of the site at the road junction and at the new access, there is scope for further landscape enhancement within the new area of public open space. Indicative drawings suggest the dwellings will be primarily two storey with some accommodation in roofs, but no dwelling is located within 15 metres of the High Road or Vicarage lane boundaries. Officers consider therefore that in physical terms, development has little direct impact on surrounding residents.

It is further considered that development also has limited general amenity impact. The low density will not give rise to undue noise or general activity and issues around vehicle access and traffic meet the highway authority requirements, as set out above.

Residents have commented on issues of loss of open views across Green Belt land and this is an inevitable consequence of allowing development in such a location. Officers have had regard to the wider amenity value of the land in question, which largely takes the form of poorly maintained scrubland of substantially lesser quality as Green Belt than much of the land in the surrounding area and beyond, and considered this in the context of the scheme as a whole and the guidance in the NPPF which would apply a test of significant and demonstrable harm. Officers conclude that the level of harm in this regard would be insufficient to support refusal on this ground.

Landscape and trees:

The works to the school are acceptable in terms of their impact on the natural landscape. Three individual trees and a group are required to be removed to accommodate the additional parking spaces but this is acceptable in the overall context.

The residential element seeks to retain the majority the boundary trees and hedging, trees around the northern public right of way and an area of woodland at the southern end of the site (part of a Natural England Priority Habitat (Deciduous Woodland)). All of these elements are welcomed. As the application is submitted in outline, there remain many issues around tree protection and landscape improvement that would be the subject of proper consideration at details stage.

Natural England has not objected to the application. An extended Phase 1 Habitat Survey accompanies the application and recommends further surveys in respect of bats, reptiles and hedgerows amongst others. These issues can be adequately addressed by conditions.

Heritage and conservation:

The site abuts the edge of the Chigwell Village Conservation Area, and it is noted that the buildings opposite on High Road are all listed. Officers have had regard to the impact of the development on both the conservation area and listed buildings and do not consider either are materially affected.

Other matters:

The County Council advise that the site is located adjacent to the Roman and medieval road and opposite the medieval core of Chigwell. It is possible therefore that archaeological deposits

relating to this may be affected by the development and a condition is therefore recommended to enable a programme of archaeological investigation to be undertaken.

The application is accompanied by a Flood Risk Assessment which includes a number of measures which promote the use of sustainable drainage systems. Subject to conditions, these measures are agreed by the Lead Local Flood Authority.

A Phase 1 Desk study for contamination has identified potentially contaminative uses on the residential land in the past which warrants further site investigation. This report has been accepted and suitable conditions are therefore recommended.

Conclusion:

Numerous attempts have been made to secure improvements to the primary school. A combination of rising costs, a historic lack of resources and investment and local constraints have frustrated a number of schemes. The end result is that the school is failing to meet the current and future needs of the community it seeks to serve. Options for grant funding are limited in any event, but the school is unlikely to succeed in securing such funding when assessed against other schools operating in harsher local economic environments. This leaves little option other than to cross subsidise the improvements with enabling development. Officers are satisfied therefore that the wider benefits of securing the improvements to the school constitute very special circumstances that would support development contrary to usual Green Belt policy which are not outweighed by any harm to the openness and character of the wider Green Belt.

Members may wish to note that this approach is consistent with a decision taken by this Committee on application EPF/0853/14 on the former Tottenham Hotspur FC training ground site whereby an enabling residential development was permitted on Green Belt land to support development of a new specialist school.

As to the details of the development, such as they are for the outline element, the residential proposals represent a low density development recognising that the site is clearly constrained by the need to protect much of the historic landscape around its boundaries. As a result, direct impact on the surrounding area is minimal, either from the indicative siting of buildings or the level of activity that such a scale of development would generate. The Highway Authority is satisfied that the position and design of the access is safe and that the development will not increase vehicular activity on the local road network to an unacceptable level. The application is not able in the short term to provide a solution to the primary highway concern in the area, the dropping off and collecting of children from the school, but it does provide an opportunity for this to be further addressed by way of local transport improvements. Applying NPPF guidance, the development can be seen as sustainable and while it does impact on the local area, this does not significantly and demonstrably outweigh that impact.

Arguments in relation to the provision of affordable housing are very finely balanced. Officers have taken particular account of the significant benefits of securing the upgrade of the school and the limited impact the level of development ultimately has on the adjoining landscape and wider area which may be affected if a higher level of density is required to deliver the other benefits. As such an off site contribution is justified in the particular circumstances of this application.

Accordingly, the application is recommended for approval, subject to successful conclusion on

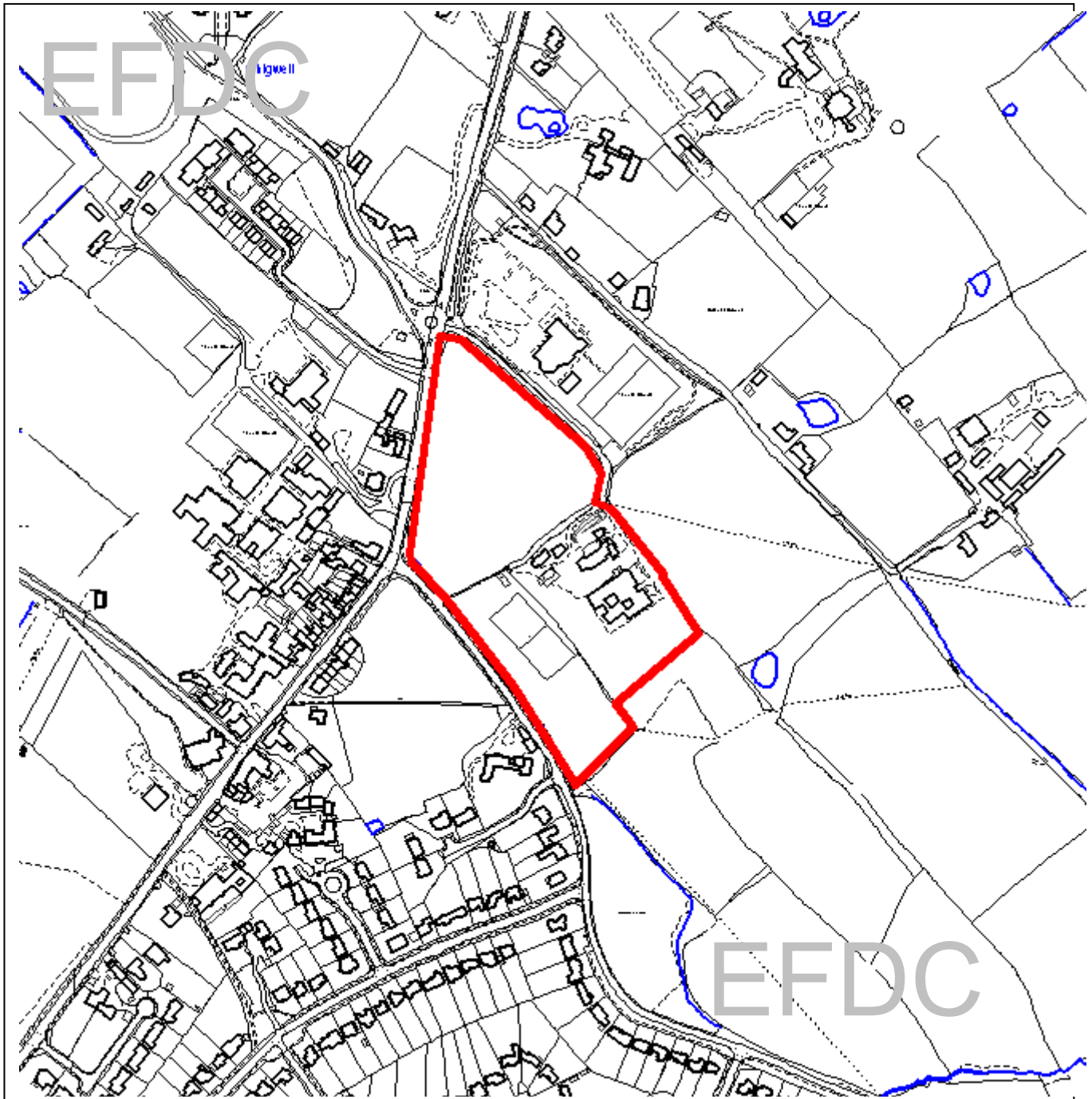
negotiations on the appropriate level of financial contribution and the subsequent completion of a legal agreement dealing with this contribution. Members will note that conditions primarily relate to the residential element. A detailed schedule of the phasing of the school works is intended to be included as part of the legal agreement and most matters are adequately dealt with therein.

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



Epping Forest District Council

Agenda Item Number



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Application Number:	EPF/2899/15
Site Name:	Chigwell County Primary School, High Road, Chigwell, IG7 6DW
Scale of Plot:	1/5000

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Report to District Development Management Committee

Report Reference: DEV-004-2016/17
Date of meeting: 8 June 2016



**Epping Forest
District Council**

Subject: Planning Application re: EPF/0232/16 – Abridge Golf and Country Club, Epping Lane, Stapleford Tawney – Environmental enhancement scheme embracing hydrology, conservation and access allied to enabling development (fourteen detached houses) to ensure delivery.

Responsible Officer: Nigel Richardson (01992 564110)

Democratic Services: Gary Woodhall (01992 564470)

Recommendation(s):

- (1) That planning permission be refused for the following reasons:
1. The site lies within the Metropolitan Green Belt. The proposed development, more specifically its associated enabling development, is inappropriate in the Green Belt and, by definition, harmful. It fails to protect the openness of the Green Belt and encroaches into the countryside to a significantly greater degree than existing structures on site. The details accompanying the application do not amount to very special circumstances sufficient to outweigh the harm to the Green Belt that would result from the development. The proposal is therefore contrary to policies GB2A and GB7A of the Adopted Local Plan and Alterations and the aims and objectives of the National Planning Policy Framework.
 2. The proposal would fail to provide any Affordable Housing and as such would be detrimental to public amenity and contrary to Policies H5A, H6A, H7A and H8A of the adopted Local Plan and Alterations and the provisions of the National Planning Policy Framework.
 3. By reason of the scale and position of the proposed housing development and nature of the junction alterations the development would be detrimental to the visual amenities of the surrounding area and harmful to the character and appearance of this rural location, contrary to policies DBE4, LL1, LL2 and LL10 of the Adopted Local Plan and Alterations and the aims and objectives of the National Planning Policy Framework
 4. By reason of their siting in a location that is poorly served by public transport and remote from goods, services and employment opportunities, the occupants of the proposed dwellings would be over dependent on private motor vehicles. Consequently, the enabling component of the proposed development is unsustainable, contrary to

Local Plan and Alterations policies CP3 and ST1, which are consistent with the policies of the National Planning Policy Framework.

REPORT DETAIL:

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

Description of Site:

The application site is that of a golf and country club some mile and a half from Abridge as the crow flies. The site is within land bounded by the highways of Hobbs Cross Road to the west, Epping Lane to the south, and Mount Road to the east. The M25 motorway is to the north and adjoins a portion of the site boundary. The site has its main vehicular access, leading to the club house, off Epping Lane. There is a secondary vehicular access just serving a maintenance building. The site has an area of 100 hectares.

In very general terms the site slopes down, in a concave slope, from north to south. Beyond the southern boundary of the site the ground falls at a shallower slope towards the River Roding. Land to the west and to the east is generally flatter than the application site. Brookhouse Brook, a tributary of the Roding, adjoins the westernmost boundary of the site.

The site adjoins the curtilage of a Listed Building, Skinners Farmhouse. Near the south-western corner of the site is another Listed Building, Brook Farmhouse. To the north, on the far side of the M25, are the grounds of a Grade I Listed Building, Hill Hall, and associated Conservation Area.

The site is within the Metropolitan Green Belt.

A public footpath runs across the south-eastern corner of the site.

Description of Proposal:

In the broadest terms there are two elements to the proposal;

- (1) engineering operations to improve drainage and,
- (2) the erection of fourteen houses.

Other proposals include the erection of a maintenance shed, a machinery building would be relocated and its own vehicular access created. The existing vehicular access would be retained and junction improvement would be undertaken at this access. A “green roof” would be added to the club house.

Engineering Operations

The engineering operations are to create lakes and ponds which would act as reservoirs. No spoil would be taken off site and accordingly the excavations, for the water bodies, would be accompanied by ground re-modelling earthworks elsewhere on the site. An all weather buggy track would be created and a boardwalk provided for the public footpath across the site.

Storage/irrigation ponds 1 and 4 would be at the southwest corner of the site, to the north of Epping Lane and to the east of Theydon Mount Kennels. These ponds would involve extensive removal of vegetation but a belt of planting would be created between Epping Lane and reservoir 1 and between Theydon Mount Kennels and the western end of reservoir 1 and reservoir 4 to the north of this.

Storage/irrigation pond 2 would be to the northeast of pond 4. Excavation of pond 2 would involve extensive clearance of existing vegetation though this pond would be set within the site, some way from its boundaries. Pond 2 would have a centre some 250m north of Epping Lane and some 300m east of Hobbs Cross Road.

Pond 3 would have a centre some 150m north of Epping Lane and 250m northwest of Skinners Farmhouse.

Ponds 5, 6 and 8 would be significantly smaller ponds to the west of pond 2. Pond 8 would be formed by alterations to an existing pond to the west of the position of the northern end of pond 2.

Pond 7 would be a small pond to the north of Theydon Mount Kennels. To the south of the position of pond 7 is an existing pond that would remain.

Pond 9 is an existing pond, which would be modified, and is almost in the centre of the site, to the east of the position of pond 2.

Three smaller ponds, ponds 10, 11 and 12, would be created to the west of Skinners farm and two smaller ponds would be created at the eastern end of the site. The ponds at the eastern end would be approximately 150m north of Epping Lane and 200m west of Mount Road.

Ponds 13 and 14 would be at the eastern end of the site. Pond 13 is annotated to be a wetland habitat area and the public footpath across the site would cut across part of the northern extent of pond 13.

Pond 16 would be some 150m west of the junction of Epping Lane with Mount Road. Pond 15 is an existing pond north of the position of pond 16.

In addition to the creation of water bodies, ecological enhancements at the site would include bat boxes, bird boxes, compost areas (an egg-laying habitat for grass snakes), hibernacula (shelters to provide habitat for hibernating creatures), and existing ponds would be cleared of invasive species.

The purpose of the water bodies would be to harvest water to reduce peak flows downstream; improve water quality; and, remove the need for mains water to be used for irrigation in summer.

Fourteen Houses

Fourteen four-bedroom two-storey detached houses form part of the application. These would be set near the existing vehicular access to the club house. The access would be upgraded and two spurs from the roadway to the club house would serve the proposed houses. Four houses would be set along the western spur and ten houses along the eastern spur. The rear elevations of the houses would face south, towards Epping Lane. a landscaped belt would be set between the rear gardens and Epping Lane.

Three house types, designs would be used for the fourteen houses. House type 1 would have a side to side gable roof, a two-storey front gable end bay and a double garage linked by its roof to the house. House type 2 would have a side gable roof and a two-storey front bay with an asymmetric roof, an integral double garage and a front balcony, off the main bedroom, with views to the golf course to the north. House type 3 would have a main side gable roof and a two-storey front bay with gable end and a canopy within the corner formed by the main front elevation and the front bay.

Other Proposals

The existing public footpath across the eastern part of the site would be enhanced by boardwalks over wet areas and interpretation boards erected.

Two w.c.s for disabled persons use would be created along the course. A buggy track would be created to the course that would facilitate use by disabled golfers.

There would be a new junction created at the existing vehicular access, including vegetation/hedgerow clearance, to create an enhanced junction for use both by the golf course, as the main vehicular entrance, and the proposed houses. A new junction would be created some 200m west of the existing vehicular access to serve the maintenance area.

The maintenance area would consist of a compound 45m by 60m in extent. The compound would be enclosed by fencing and gates and would contain storage bays, a parking area for 9 cars and a storage building with conjoined workshop. The storage shed would be 35m long by 26m wide. The workshop element would be 15m long by 9m wide. This built form would have a maximum height of 6.7m and have the appearance of a standard modern agricultural building.

Waste water from the proposed houses would be treated by a sustainable process involving a reed bed fed by waste water. The reed bed would be to the west of the maintenance area, to the north of pond 1.

The application documentation refers to a junior golf academy and making the course more readily available for pay and play.

Relevant History:

No relevant planning applications. The following pre-application enquiries are relevant however:

EF\2014\ENQ\01460 - Environmental enhancement scheme embracing hydrology, conservation and access allied to enabling development to ensure delivery. Officers advised the enabling residential development is inappropriate development in the Green Belt and that while the benefits for the management of surface water drainage arising from the proposed engineering operations are material considerations they are limited and do not outweigh the harm that would be caused by the enabling development. On that basis Officers concluded that while there is no objection to the engineering operations, they cannot amount to very special circumstances in favour of the enabling development.

EF\2016\ENQ\00216 - Request for a screening opinion regarding engineering operations to improve drainage, ecology and open access with fourteen houses as enabling development in connection with the Environmental Impact Assessment Regulations. Officers concluded the development as a whole is not EIA development

and consequently there is no need for an Environmental Statement to be included with this application.

Policies Applied:

Epping Forest District Local Plan and Alterations

CP1 – Achieving Sustainable Development Object
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP6 – Achieving Sustainable Urban Development Patterns
CP7 – Urban Form and Quality
GB2A – Development in the Green Belt
GB7A – Conspicuous Development
HC1 – Scheduled Monuments and Other Archaeological Sites
HC6 – Character, Appearance and Setting of Conservation Areas
HC12 – Development affecting the setting of Listed Buildings
RP3 – Water Quality
H3A – Housing Density
H4A – Dwelling Mix
H5A – Provision for Affordable Housing
H6A – Site Thresholds for Affordable Housing
H7A – Levels of Affordable Housing
H8A – Availability of Affordable Housing in Perpetuity
H9A – Lifetime Homes
RST18 – Pay and Play/Simple Golf Courses
RST19 – Design, Layout and Landscaping of Golf Courses
RST20 – New Buildings for Golf Courses
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE4 – Design in the Green Belt
DBE6 – Car Parking in New Development
DBE8 – Private Amenity Space
DBE9 – Loss of Amenity
LL1 – Rural Landscape
LL2 – Inappropriate Rural Development
LL10 – Provision for Landscape Retention
LL11 – Landscaping Scheme
ST1 – Location of Development
ST4 – Road Safety
ST6 – Vehicle Parking
I1A – Planning Obligations

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Summary of Representations:

THEYDON MOUNT PARISH COUNCIL: Theydon Mount Parish Council strongly objects to this proposal with its purpose to create dwellings in the Green Belt. There is no objection in principle to ground remodelling and land drainage, nor to the provision of bird boxes or bat boxes, but proposed dwellings are unacceptable.

Theydon Garnon Parish Council and Lambourne Parish Council were consulted but no reply has been received.

17 Neighbours consulted and a site notices erected:

135 letters of SUPPORT, most of a pro forma nature with a signature and address added, have been received.

Summary of support: flood alleviation would help reduce flooding, water for irrigation, cleaning of polluted water from M25, wildlife enhancement, environment preservation and enhancement, development to enable club to be 'all inclusive' by providing a junior academy and disabled facilities, 14 houses to fund the project although within the Green Belt the benefits to the area far outweigh this issue.

1 letter of OBJECTION has been received.

THEYDON BOIS ACTION GROUP: Summary of strong objection: 'trojan horse' to build detached houses on virgin Green Belt land, contrary to chapter 9 of NPPF as well as policies GB2A and GB7A of the Local Plan, no very special circumstances, location along a very rural medieval lane is unsustainable and would rely on use of motor car, highly visible from public view points along the Roding valley and planting would not mitigate this urban development, inappropriate in the Green Belt, if as claimed drainage problems caused by 4th carriageway of M25 then matter be taken up with Highways Agency.

Issues and Considerations:

The main issue that arises with this application is whether there are public benefits of sufficient weight or merit to overcome a principle of new housing development in the Green Belt being inappropriate.

A secondary issue is Affordable Housing provision. Other considerations are whether the appearance of the houses would be acceptable, impact to heritage assets, highway considerations, whether the houses would offer sufficient residential amenity, and whether the proposals, particularly with regard to the relocation of the maintenance building, would materially affect neighbours.

Green Belt

The engineering operations at the golf course, the creation of water bodies and other changes to the course, would maintain the openness of the Green Belt and are acceptable in principle. However, an integral part of the proposal is the erection of fourteen houses in the Green Belt. Officers are given to understand that the houses would be necessary to fund the engineering works to create the sustainable drainage.

Policy GB2A of the Local Plan and Alterations states that planning permission will not be granted for the construction of new buildings unless it is appropriate in that it is a form of development listed in the policy. The proposed housing would not meet any circumstance listed and would therefore be inappropriate development in the Green Belt.

The National Planning Policy Framework (NPPF) states, at paragraph 87, that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The argument presented by the applicant's agent is that the public benefits represent

very special circumstances. The wider ranging benefits presented in the application will therefore be considered below.

Flood risk alleviation

A planning statement, submitted with the application, refers to storm water flowing off the M25 to a watercourse that flows through the golf course. It is stated that runoff has increased significantly since the widening of the M25. The proposals would enable the harvest of water: reducing peak flows downstream; improve water quality; and, provide water for irrigation in summer.

The proposed water bodies would create a scheme of sustainable drainage. Storm water would be stored after heavy rainfall and released at a controlled rate or used for irrigation. It is argued that this would benefit properties in Abridge and further afield downstream along the Roding valley.

As the Lead Local Flood Authority (LLFA) Essex County Council provides advice on Sustainable Drainage Systems (SuDS). Essex County Council has been the statutory consultee on surface water since April 2015. ECC, Flood and Water Management has written to state that the LLFA position is that it does not object to the granting of planning permission.

The Environment Agency was consulted on the application and initially objected (9 March 2016) on the basis that there was insufficient information on the treatment of effluent. Further information was submitted and the Environment Agency removed its objection (4 May 2016).

The Engineering, Drainage and Water Team is sceptical of the consultants assumptions relating to the surface water run off from the M25. The applicants/their consultants should take this up with Highways England. The application appears to overstate the “benefits” that addressing this run off will bring to the wider vicinity, including the impact on areas downstream, which by and large are within the River Roding natural floodplain. However, this does not detract from the positive improvements to surface water management, albeit these are only likely to be of significance to the site itself as any tangible benefits in the vicinity have not as yet been sufficiently detailed/proven.

Moreover, if it is true that additional surface run-off from the M25 is causing drainage problems on the golf course, that is a private matter between the Applicant and Highways England. Guidance to LPA’s makes clear that the planning system does not exist to further the private interests of any party therefore the private concerns of the Applicant are only relevant to the extent that they are also matters of public interest. That is not demonstrated by this application.

In the absence of any positive endorsement of the scheme, it would seem that the benefit of flood risk alleviation is uncertain and very likely to be confined to the application site. It is therefore concluded that the benefits in terms of managing surface water drainage and reducing flood risk are not of an order that clearly outweighs the harm that would be caused by the enabling residential development.

Enhancing the natural environment

In addition to the creation of the water bodies, which would have ecological benefits in themselves, a number of ecological improvement works would be undertaken as

part of the proposals. These would include wild flower seeding, management of existing woodland, clearing invasive species, installation of bird and bat boxes, and creation of habitats for grass snakes and great crested newts, protected species identified as being present on the site. Pipistrelle bats have also been identified on the site and the creation of water bodies would assist this protected species by encouraging insects, a food source for the bats.

The Council's Countrycare Manager has recommended that the decision be to accept with conditions.

The ecological benefits are therefore recognised, however, they are not of an order that is sufficient to outweigh harm caused by the enabling residential development.

Other

A planning statement, submitted as part of the application, refers to the re-modelling of the golf course as part of the proposals enabling creation of a buggy track, to assist disabled people, and a junior golf academy. No objection is raised to those relatively minor and secondary components of the overall proposal.

Sport England is supportive of the principle of the proposals. Such support is recognised and understood as relating to the potential improvements to an existing sporting facility. But this does not outweigh in this case the in principle harm to the Green Belt and the visual amenities of the locality.

Affordable Housing Provision

Under Policy H6A of the Council's Local Plan, in settlements with a population of 3,000 population or less, the Council will seek affordable housing on developments comprising 2 or more dwellings on a greenfield site (subject to the site area being 0.1Ha or larger) or 3 or more dwellings on a previously developed (i.e. "brownfield") site (subject to the site area being 0.2Ha or larger).

On such sites, under Policy H7A of the Local Plan, 50% of the total number of dwellings will be sought as affordable housing on either greenfield or brownfield sites (or 33% where there is a total of only 3 dwellings).

Since this proposal is for a development on a greenfield site, in excess of 0.1Ha, in Stapleford Tawney- which is a settlement with a population of less than 3,000 - the applicant should provide at least 50% of the overall number of homes as affordable housing, unless it can be demonstrated that such amount of provision would be unviable, in which case the applicant would be need to assess and demonstrate the amount of affordable housing that could be provided.

No affordable housing is proposed, on the basis that this an "enabling development" with the purpose of generating funding for flood control and other environmental works which it is claimed will create significant benefits for the wider community through flood alleviation. The applicant has expressed the view that it would not be viable to provide any affordable housing as part of the development. However, no Viability Appraisal has been submitted to demonstrate that it would not be viable to provide affordable housing on site.

Because the applicant believes that the proposed development would be unviable with the inclusion of affordable housing, the applicant needs to submit a detailed

Viability Assessment - in an acceptable form and accompanied with supporting documentary evidence – demonstrating that the scheme would become unviable if the level of affordable housing required by the Local Plan were provided.

The generally accepted industry approach taken to the undertaking of Viability Assessments in order to meet the requirements within the National Planning Policy Framework's associated Planning Practice Guidance on Viability is to use an economic appraisal tool, such as the Homes & Communities Agency 's (HCA's) Development Appraisal Tool (DAT), or the Three Dragons Appraisal Tool. Both of these generate a residual value, which can then be compared to the Benchmark Value (i.e. the Existing Use Value) of the development site.

In such circumstances, the Council would need to arrange for the Viability Assessment to be formally validated by its affordable housing consultant, the cost of which the Council would require the applicant to meet.

Alternatively, the Council would be prepared to consider a request from the applicant for the Council to appoint its affordable housing consultant on the basis that the consultant undertakes the required Viability Assessment themselves, jointly on behalf of both the Council and the applicant. If this were the case, the Council would be prepared to be guided by the Viability Assessment, without the need for any further validation. Although the cost to the applicant would be greater than the cost to them of the consultant validating the applicant's own Viability Assessment, it is likely that the cost to the applicant overall would be much lower - since they would not need to incur the cost of appointing their own viability consultant as well. Furthermore, it would remove the possibility of any disagreements between the Council and our consultant and the applicant and their consultant.

The current situation is that the agent has been informed of the cost of carrying out the validation but the agent has indicated that the applicant is not prepared to pay.

What they did submit though was an estate agent estimations and calculations to the effect that the land for the houses could be sold for £7 million. A Magnitude of Cost Estimate has been submitted which balances this figure. Nevertheless, the viability information provided so far is inadequate. Therefore the absence of Affordable Housing forms a reason for refusal.

Visual Amenity

In terms of the impact of the proposals on the landscape, the water bodies would not look out of place and tree screening would occur from nearly all views into the site.

The Trees and Landscape Team has commented that there are few concerns regarding the environmental enhancements proposed. However, there is a strong objection to the enabling development of fourteen houses, and it is this aspect on which the following assessment for landscape is based.

It is acknowledged that the housing would be limited to a small section of the overall site, however, the character and nature of the landscape would be permanently altered which is considered would negatively impact the landscape as a whole.

The EFDC Landscape Character Assessment (Chris Blandford Associates 2010) places this site with the 'Wooded Ridges and Valleys – G2 Theydon Garnon', the land directly to the south falling within 'River Valley – B4 Lower Roding'. G2 key characteristic include -

- *Strongly undulating topography in places as a result of the series of ridges and slopes;*
- *A patchwork of arable and pastoral farmland, often lined with mature hedgerows, containing hedgerow trees;*
- *A network of minor roads crosses the area;*
- *Settlement pattern comprises a series of small, linear, historic hamlets, such as Fiddler's Hamlet.*

The overall character of the area is described as *'adjacent to the road corridors, a patchwork of arable and pastoral fields is lined with mature hedgerows which provide a sense of enclosure within views across the landscape. Settlement pattern is small scale and incorporates several small, linear hamlets and isolated farmstead.*

The sensitive key characteristics and landscape elements within this Landscape Character Area include hedges, hedgerow trees, field trees and historic small-scale settlements. Open views across this area are visually sensitive to potential new development, particularly large-scale or tall vertical elements. As a result of the above factors, overall this Landscape Character Area is considered to have low to moderate sensitivity to change. However, the suggested landscape planning guidelines are to *'ensure that any new development within the farmland is small scale, responding to historic settlement pattern of small scale villages, hamlets and scattered farmsteads, landscape setting and locally distinctive building styles ; maintain characteristic open views across the area.'*

The area contains significant remnants of the original historic landscape. The historic settlement pattern in this area is dispersed, comprising church / hall complexes, manorial centres, individual isolated farmstead, small hamlets, as well as the village of Abridge. This is particularly notable when driving along Epping Lane, and when Epping Lane is viewed from, for example, either the Ongar Road or the public rights of way which lead from the ex Crowthers Nurseries site north east and north west. Epping Lane is a rural, ancient lane running parallel with one of the higher river terraces, as such when viewed from across the valley, it is considered that the whole area has a high visual sensitivity to change – the houses / maintenance building will be visible, and will appear incongruous with the existing buildings along the road, the majority (of not all of which) are located at sites that have historically been developed. Officers consider that the historic sense of the Epping Lane will be detrimentally impacted upon by the highways improvement that will be required. The road side hedges and trees would have developed over the centuries, and to suggest that replanting will take place, whilst welcomed, would not replace the haphazard species mix and form that develop naturally over hundreds of years.

It is therefore concluded that this proposal would have a detrimental impact on the landscape, contrary to Local Plan policies LL1, LL2 and LL10.

Impact to Heritage Assets

The Conservation and Design Team have commented that the development would be within a sensitive context with the site is bounded to the north by the grounds of the Grade I statutory Listed Building, Hill Hall and associated Conservation Area. To the south, along Epping Lane are the two Grade II statutory Listed Buildings, Brook Farmhouse and Skinners Farmhouse.

To establish whether the proposals are acceptable in principle, an assessment of the potential impact on the setting of the heritage assets (most particularly the site of Hill Hall) and measures taken to mitigate this, should have been submitted with the

application. Without this assessment it is not possible for specialist advisors to fully assess the proposals and provide any detailed response.

Specialist archaeological advice has been given as follows, echoing the point made above.

To the immediate north of the development is the nationally important site of Hill Hall, with the former parkland extent forming the boundary with the development. To the south of the Golf Club are a number of cropmark complexes, including a large circular enclosure of probable prehistoric date and field boundaries.

When consulted on the pre-application submission Essex County Council's advice was given that there should be a desk-based assessment of the impact on the historic environment, including identifying the extent of previous disturbance to the site. No archaeological desk-based assessment was submitted with the current planning application, nor has there been any assessment of the potential impact of the proposed development on the designated monuments, most particularly the nationally important site of Hill Hall.

A site visit has established that the visual impact to the area associated with Hill Hall would be almost none. The M25, an embankment on the northern side of the M25 and a line of electricity pylons form a distinct break between the site and the setting of Hill Hall.

Notwithstanding specialist advice, in the opinion of officers sufficient landscaping would be retained around Skinners Farmhouse with the nearest proposed new house some 150m away. Brook Farmhouse is some 150m away from the nearest boundary to the site at which part a storage/irrigation water body is proposed, pond 1, with a margin of proposed planting facing the direction of Brook Farmhouse. Accordingly, it is officers' opinion that any adverse impact to heritage assets should not form a reason for refusal.

Sustainability

By reason of their siting in a location that is poorly served by public transport and remote from goods, services and employment opportunities, the occupants of the proposed dwellings would be over dependent on private motor vehicles. Local Plan policies CP3 and ST1 make clear that the Council requires development to be accessible by existing, committed or planned sustainable means of transport. It also makes clear that proposals for development in unsustainable locations will be refused. That policy position is supported by the National Planning Policy Framework. As discussed above, the benefits of the proposed development are unclear and likely to primarily be for the golf course. There certainly is no wider flooding problem to be solved in the locality that the proposal would deal with. It is therefore concluded there is no planning justification for allowing the proposed enabling development

Other matters

No objection has been raised in relation to highway considerations. The improved and replacement vehicular access would however contribute somewhat to an adverse affect to this rural setting.

The detached four-bedroom houses would offer ample residential amenity. The siting of the houses would make them sufficiently distant from existing properties such that no material adverse impact would result to any neighbour.

The replacement maintenance building would be distanced from Theydon Mount Kennels and from Taw Lodge by the extent of pond 1 and so it is considered that this element of the proposals would result in non material adverse impact to neighbours.

Conclusion:

The proposal involves the erection of fourteen houses in the Green Belt. This is fundamentally contrary to policy and it is considered that the benefits of the proposals as a whole are not sufficient to overcome the principle of new housing in the Green Belt being inappropriate as well as causing clear harm to openness and the rural character and appearance of the locality. It is recommended that planning permission be refused.



Epping Forest District Council

Agenda Item Number



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Application Number:	EPF/0232/16
Site Name:	Abridge Golf and Country Club, Epping Lane, Stapleford Tawney, RM4 1ST
Scale of Plot:	1/12250

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Report to District Development Management Committee



**Epping Forest
District Council**

Report Reference: DEV-005-2016/17

Date of meeting: 8 June 2016

Subject: Planning Application EPF/0883/16 – Erection of front and rear dormer windows as part of a loft conversion at 13 Churchfields, Epping.

Responsible Officer: James Rogers (01992 564110)

Democratic Services: Gary Woodhall (01992 564470)

Recommendation:

- (1) That the committee grant consent subject to the following conditions:
1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
 2. Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

Report:

This application is before this Committee since it has been submitted on behalf of Councillor Chris Whitbread (Pursuant to The Constitution, Part Two, Article 10 (f)).

Description of Site:

1. The application site is located on the residential estate known as Churchfield which is located to the east of Epping High Street, just to the north of Homefield Close. The existing building is a two storey dwelling situated within a relatively small plot. The adjacent neighbour is a similarly designed two storey dwelling within a comparatively sized plot to the application site. Homefield Close is located to the south of the site abutting the rear garden area of no.13. The rear elevation of the closest neighbour on Homefield Close is approximately 20m from the rear elevation of no.13 Churchfield. The application site is not located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

Description of Proposal:

2. The proposed development is for the erection of front and rear dormer windows to the existing roof slope.

Relevant History:

EPF/0666/86 – Erection of 13 dwellings – Approved with permitted development rights removed.

Policies Applied:

CP2 – Protecting the quality of the rural and built environment
DBE9 – Loss of amenity
DBE10 – Design

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

Consultation Carried Out and Summary of Representations Received:

8 Neighbours consulted:

3 Homefield Close – OBJECTION - This house lies directly behind and directly above my property. It is in a very raised position and I believe it would seriously invade our privacy and lower our property value, if *rear dormer windows* are allowed for the loft conversion of 13 Churchfields. We did have tall trees, which we had cut by half when we moved into our property and would not wish them to have to grow as high as the previous owner had them to preserve the privacy.

Epping Town Council – NO OBJECTION

Issues and Considerations:

3. The main issues to consider when assessing this application are the potential impacts on the living conditions of the neighbours and the design of the proposal in relation to the existing building and its setting.

Living Conditions of Neighbours

4. The application property has a very small rear garden which backs immediately onto the rear gardens of the single storey properties on Homefield Close. No.13 is on significantly higher ground than these neighbouring properties however the orientation of no.13 is such that the dormers will face the north western side of the rear garden of no.4 Homefield Close and the side elevation of no.5.

5. Given that the properties on Homefield Close are bungalows, there is potential for overlooking from these rear dormer windows, particularly as the application property is on significantly higher ground. However the dormer windows are relatively discrete in the roof slope, not dissimilar to the existing first floor windows which are currently located on its rear elevation. Furthermore there is a very robust amount of screening on the rear elevation of no.13 to the extent that these neighbours are not visible from the ground or first floor and it similarly the neighbours will not be visible from second floor level.

6. The screening on the shared boundary is nonetheless given relatively little weight in this assessment as it is acknowledged that there is no guarantee that this will remain permanently in position. Notwithstanding that, given the similarity of the rear dormer windows to the existing first floor rear windows and its orientation, not directly into private areas of the neighbours, it is

not considered that there would be significant overlooking, which is the test of relevant policy DBE9.

7. No.3 Homefield Close has raised an objection to the application on the basis that there will be significant overlooking of their property. However the dormer windows will not be orientated towards this neighbour and therefore will not offer any direct views into private areas of this property.

Design

8. The erection of front dormer windows onto this property will not cause any harm to its character or appearance as they are relatively small and well positioned within the existing roof slope. Furthermore there are many other examples of front dormer windows within the street scene and as such there will be no harm to the character or appearance of the street scene.

9. The rear dormer windows are also well positioned in the roof slope and will not be overtly visible from public viewpoints. As a result there will not be any harm to the street scene.

Conclusion:

10. The development will not harm the living conditions of the neighbours and the design will not harm the character or appearance of the existing building or its setting. It complies with relevant local and national planning policy.

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Epping Forest District Council

Agenda Item Number



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Application Number:	EPF/0883/16
Site Name:	13 Churchfields, Epping, Essex, CM16 4RF
Scale of Plot:	1/1250

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