

Report to District Development Control Committee

Date of meeting: 11 February 2015



**Epping Forest
District Council**

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

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

Democratic Services Officer: G. Woodhall (01992 564470)

Recommendation:

That the Committee considers the recommendation of Area West Planning Sub-Committee to grant planning permission for the above development subject to the applicant first entering into a legal agreement and subject to conditions.

The proposed legal agreement is to:

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

The suggested conditions are:

- (1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- (2) The development hereby permitted will be completed strictly in accordance with the approved drawings no's: 11048-P001J, P002H, P003A, A001, E001, P101, P102, P103, P104, P105, P106, P107, P108, P109, P110, P111, P112, P113, P114, P115, P116, P117A, P118.
- (3) No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.

- (4) No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- (5) A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- (6) No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.
- (7) All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- (8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Measures to control the emission of dust and dirt during construction, including wheel washing.

- A scheme for recycling/disposing of waste resulting from demolition and construction works.
- (9) No bonfires shall be permitted on site throughout the demolition and construction phase of the development.
- (10) Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, to be approved by Essex County Council.
- (11) The vehicular turning facilities, as shown in principle on drawing no.11048 P001 Rev G, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose
- (12) The vehicle parking for the site shall be in accordance with the Parking Standards Sept. 2009.
- (13) The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling
- (14) No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- A site investigation scheme, based on the Desktop Study Report (Herts & Essex Site Investigations, Report no. 10983, dated November 2013), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
 - Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.
- (15) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation

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

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

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

Report Detail

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

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

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

As a result of these deliberations the Sub Committee voted to grant planning permission for the development and the application is therefore referred to

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

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

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

APPLICATION No: EPF/0206/14

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

PARISH: Nazeing

WARD: Lower Nazeing

APPLICANT: BDG Partners Ltd

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

RECOMMENDED DECISION: Refuse Permission

REASONS FOR REFUSAL:

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

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

Description of Site:

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

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

Description of Proposal:

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

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

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

Relevant History:

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

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

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

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

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

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

The garden centre closed in about 1999.

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

The following applications were received in this time:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2005/6 - site cleared in accordance with the Section 106 agreement, some businesses decamped onto the separate planning unit at Chimes without consent. The site is within the ownership of the LVRP Authority and has been returned to open grassland.

Summary of Representations

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

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

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

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

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

In addition the following comments were received:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policies Applied:

Local Plan Policies

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

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

Issues and Considerations:

Green Belt

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

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

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

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

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

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

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

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

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

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

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

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

Housing Issues

5-year Supply of Housing

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

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

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

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

Affordable Housing

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

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

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

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

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

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

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

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

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

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

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

Total Garage Site

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

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

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

Flood Risk.

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

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

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

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

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

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

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

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

Contamination

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

Policy RP4 of the adopted Local Plan states:

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

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

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

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

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

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

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

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

Layout and Design

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

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

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

Impact on Neighbouring Amenity

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

Archaeology

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

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

Ecology

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

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

Highways and Parking

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

The Highways officer from Essex County Council provided the following comments

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

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

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

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

Education Contribution

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

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

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

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

Impact on the Lee Valley Park

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

The ecological issues have been addressed above.

Sustainability

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

Conclusion

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

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

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

Is there a way forward?

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

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

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

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