

AREA PLANS SUB-COMMITTEE 'WEST'

25 March 2015

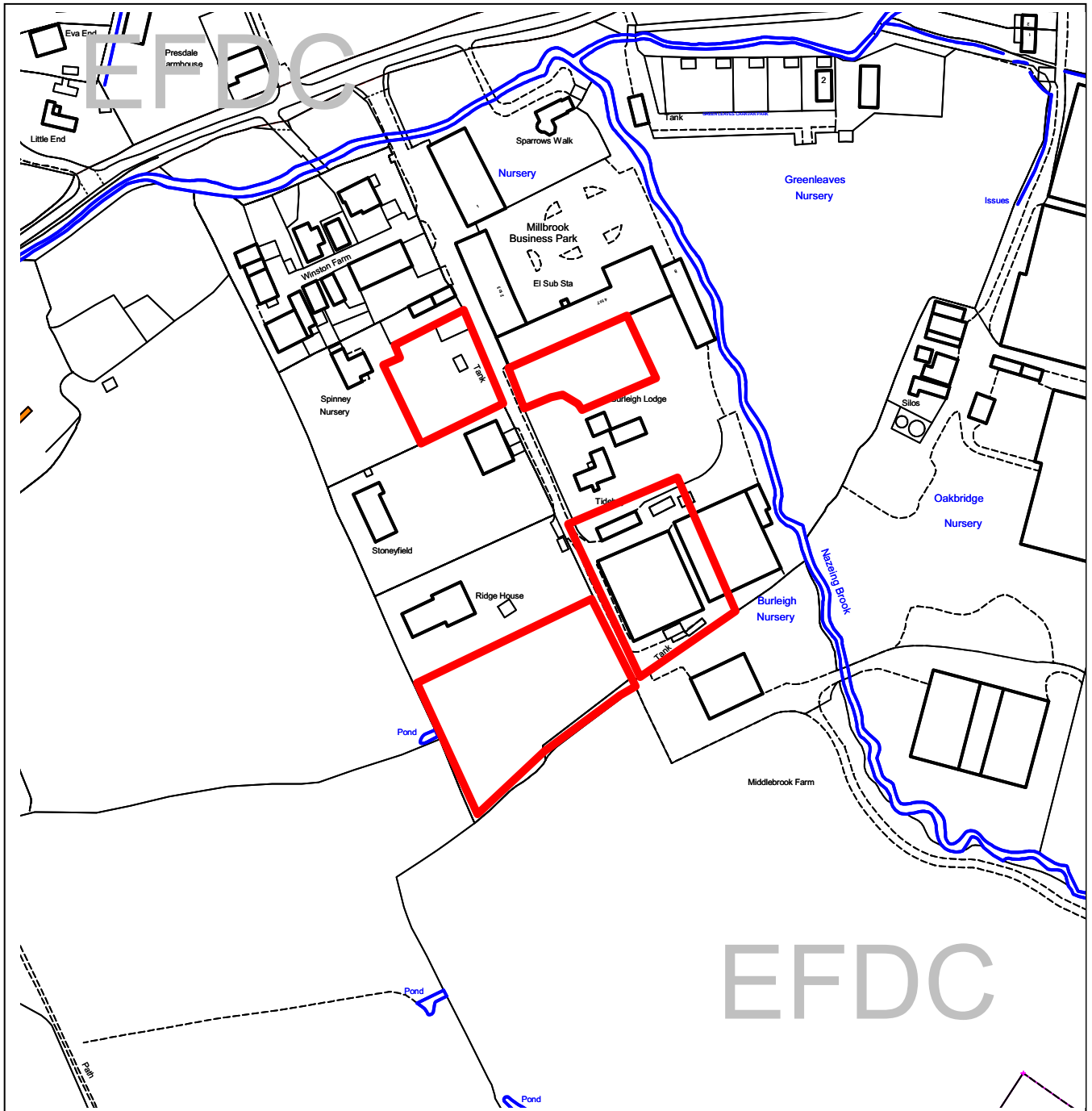
INDEX OF PLANNING APPLICATIONS

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/0204/14	Land off Hoe Lane (nr Burleigh Nursery/Ridge House Nursery/Spinney Nursery Nazeing	Refuse Permission	24



Epping Forest District Council

AGENDA ITEM NUMBER 1



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

Application Number:	EPF/0204/14
Site Name:	Land off Hoe Lane (nr Burleigh Nursery/Ridge House Nursery/Spinney Nursery, Nazeing, EN9 2RJ)
Scale of Plot:	1/2500

Report Item No:

APPLICATION No:	EPF/0204/14
SITE ADDRESS:	Land off Hoe Lane (nr Burleigh Nursery/Ridge House Nursery/Spinney Nursery Nazeing Essex EN9 2RJ
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Messrs C Shorter, M Frederick & J Marsetic
DESCRIPTION OF PROPOSAL:	Demolition of nursery glasshouses and commercial sheds and construction of 10 no. detached five bed houses with associated amenity space, off-street parking, vehicle crossovers and landscaping
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=559337

REASON FOR REFUSAL

- 1 The proposal constitutes inappropriate development in the Metropolitan Green Belt for which planning permission should not be granted, save in very special circumstances. In addition to the harm by reason of its inappropriateness, the proposed development would also be detrimental to the open character of the Green Belt in this location and would cause harm to the visual amenity of the area. The applicant has failed to demonstrate that other considerations clearly outweigh that identified harm to the Green Belt and, as such, the proposed development is therefore contrary to Government guidance contained within the National Planning Policy Framework and saved policies GB2A and GB7A of the adopted Local Plan and Alterations.
- 2 The proposed development would result in the provision of ten new residential properties in the Metropolitan Green Belt. Local plan policies indicate that such developments require a provision of 50% affordable housing and no provision has been put forward. The findings of the Applicant's submitted Viability Appraisal which states that the development would be carried out at a loss even before affordable housing is factored into considerations is not accepted. The Council are of the view that the development could be carried out in a way which would provide a reasonable profit and the policy required level of affordable housing in line with Paragraph 173 of the NPPF. Affordable Housing provision is necessary to make this development acceptable in planning terms and in the absence of an agreed level of provision the proposed development is contrary to national policy contained in the NPPF and local plan policies H5A, H6A and H7A.

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 located off Hoe Lane on the outskirts of Nazeing. The enclave of properties includes a mix of residential and commercial uses. The road into the site is private with properties off either side. Towards the front is the Millbrook Business Park with its associated parking area. Winston Kennels is on the opposite side of the road.

The sites for development are located further into the enclave at Spinney Nursery, Ridge House and Burleigh Lodge/Nursery. In the centre of the site is another residential property with associated nursery, Stoneyfield Nursery, which does not form part of the sites for development. The entire site is within the Metropolitan Green Belt and although the local Conservation Area abuts the enclave none of the sites proposed for development are within it. A number of trees are within the immediate area and the Nazeing Brook passes along the front and eastern side of this enclave of properties.

Spinney Nursery

Spinney Nursery is located towards the centre of the enclave on the eastern side and is just to the south of Winston Kennels. The red/blue line site plan submitted includes a fairly generous residential curtilage with a large detached house. Adjacent to the private road are some commercial buildings which have a lawful use for motor repairs and vehicle storage in connection with a vehicle recovery business. The red line site includes part of the garden for Spinney Nursery and an area that is occupied by a number of shipping containers. This part of the site also benefits from a Lawful Development Certificate for commercial use for motor vehicle repairs, ancillary storage and as a base of operations for a vehicle recovery business.

Burleigh Lodge/Nursery

Burleigh Lodge is to the south of the Millbrook Business Park on the eastern side of the private road. The house is served by generous grounds. To the south of the residential curtilage is an area currently occupied by glasshouse structures and a number of ancillary buildings. The glasshouses are in a dilapidated state and some have either collapsed or had sections of glass removed. The existing glasshouses are in a poor state and extend up to the road edge, and are clearly no longer suitable for a horticultural use without extensive renovation or replacement.

A vehicle repairs use is housed in units to the rear of the site and a car restoration business housed in a brick building to the front of the site. The vehicle repairs and other specific buildings within the site benefit from lawful use confirmed by a Certificate of Lawfulness issued in 2009 (EPF/1528/09). The nursery site benefits from a planning permission to demolish the buildings on site and replace them with one large warehouse structure and associated parking facilities (EPF/0087/14).

Ridge House

Ridge Lodge is a residential property with extensive garden on the western side of the road on the opposite side from Burleigh Nursery. Behind Ridge House and Burleigh Nursery are further commercial premises at Middlebrook Farm.

Description of Proposal:

Consent is sought to demolish commercial buildings and replace them with ten detached residential properties. Eight house types are proposed (A-H). B, D and E are variations of a similar design and C, F, G and H are also variations of a similar style. One of house type A would be constructed in the garden area of Burleigh Lodge, to the north of the existing dwelling. One of both house type G and H would be constructed in the garden area/land occupied by shipping containers at Spinney Nursery, to the west of the house. The plans indicate that the commercial units at Spinney Nursery would be demolished.

One example of house types B, C and D would be constructed in the commercial area of Burleigh Nursery. The plans indicate that all commercial uses would be demolished. One of type C and E and two house type F would be constructed in the garden area of Ridge House to the rear of the existing house. All houses would have garages for the parking of vehicles and individual garden areas.

House Type A

Large detached dwelling with a cross wing style and a footprint measuring 19.0m in width and 11.5m deep. The house would have a ridge level measuring 8.4m from the ground and an eaves level of 5.0m. The front and rear of the dwelling would have matching projecting gables. A balcony would project at first floor level on the rear elevation. The proposal also includes dormer windows on the front and rear elevation. A detached double garage with a hipped roof would be located to the front of the house. The house would be served by an entrance drive with a garden area to the rear.

House Type B/D/E

Two storey dwellings with a long two storey range projecting from the front elevation. The houses would have differing ridge levels, 9.8m at the highest point. The main body of the house would have a footprint measuring 12.0m x 7.0m and the front projection would extend for 8.5m from the front elevation. The roof structure would be a mix of gables and hips with integral double garages. Garden areas would be provided to the rear.

House Type C/F/G/H

Two storey dwellings with hipped roof to a height of 9.7m and double garage projecting from the front elevation. The main house would have a footprint measuring 12.7m x 10.0m. The dwellings would be served by private garden areas to the rear and would be accessed off Hoe Lane.

Relevant History:

Spinney Nursery

There is a relatively long history of applications at the site, the most relevant and recent being;

CLD/EPF/2430/03 - Certificate of lawfulness for use of part of nursery for motor vehicle repairs/parts and storage of vehicles and plant for abandoned vehicle recovery service. Lawful - 27/01/2004.

Burleigh Lodge/Nursery

EPF/0444/09 - Certificate of lawful development for existing use of barn as a workshop for the repair and maintenance of all types of commercial vehicles and machinery with associated parking and storage of vehicles within the revised curtilage. (Revised application). Lawful – 21/04/09.

EPF/0083/12 - Demolition of existing glass houses and vehicle workshops and erection of a replacement building to provide modern vehicle workshops and storage units. Refuse Permission - 08/03/2012. Appeal Dismissed – 27/02/13.

EPF/0087/14 - Outline application for proposed replacement of existing warehouse units and removal of glass house remains, with new warehouse building. Grant Permission (With Conditions) - 27/03/2014.

Ridge Lodge

EPF/0953/90 - Outline application for dwelling. Refuse Permission - 24/08/1990.

Policies Applied:

CP1- Achieving Sustainable Development Objectives
CP2 - Protecting the Quality of the Rural and Built Environment
CP3 - New Development
CP4 - Energy Conservation
CP5 - Sustainable Building
CP6 - Achieving Sustainable Urban Development Patterns
CP7 - Urban Form and Quality
CP8 – Sustainable Economic Development
CP9 - Sustainable Transport
GB2A – General Restraint
GB7A – Conspicuous Development
RP4 – Contaminated Land
U2B – Flood Risk Assessment Zones
U3B – Sustainable Drainage Systems
DBE1 – New Buildings
DBE2 – Impact of Buildings on Neighbouring Property
DBE4 – Design and Location of New Buildings within Green Belt
DBE5 – Design and Layout of New Development
DBE6 – Car Parking in New Development
DBE7 – Public Open Space
DBE8 – Private Amenity space
DBE9 – Amenity
H3A - Housing Density
H4A – Dwelling Mix
H5A - Affordable Housing
H6A - Site Thresholds for Affordable Housing
H7A - Levels of Affordable Housing
H8A – Availability of Affordable Housing in Perpetuity
H9A – Lifetime Homes
NC4 – Protection of Established Habitat
LL1 – Rural Landscape
LL2 – Resist Inappropriate Development
LL3 – Edge of Settlement
LL10 – Retention of Trees
LL11 – Landscaping Schemes
ST1 - Location of Development
ST2 - Accessibility of Development

ST4 – Road Safety
ST6 – Vehicle Parking
ST7– Criteria for Assessing Proposals (new development)
I1A – Planning Obligations

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

SUMMARY OF REPRESENTATIONS:

Nazeing Parish Council: No objection.

51 neighbours consulted, Site Notice displayed and press advert in local newspaper.

Objections- 2 replies.

West Essex Ramblers:

The proposed development is for luxury houses and is in no way justifiable as the required very special circumstances do not exist.

Greenleaves:

Inappropriate development in the Green Belt. It is unclear if all the existing commercial uses would cease and as such where is the planning gain? The majority of the development is of residential garden areas. Concern that the immediate area will become overdeveloped. Concern about developing housing estates along Hoe Lane. Commercial traffic will still visit other premises on the lane. Industry and housing should not co-exist together. Concern that Great Crested Newts have been found on or near the site.

Support – 21 replies received.

A standardised response was signed by the occupants of the following properties:

Paddock View, Lodge Hall, Ridge House, Stoneshott Cottage, LNS Nursery, Burleigh Lodge, Unit 12 Middlebrook Farm, Tudor Lodge, Fieldside, Parke Farm, 3 Millbrook Business Park, Shiree Lodge, Winston Farm, Camps Manor, Stoneshott View, Stoneyfield Nursery, Oakley Hall, 39 Hoe Lane, Prospects House, Spinney Nursery, Presdale Farm House.

Hoe Lane is continually blighted by the movement of heavy goods lorries and this proposal would help reduce such movements. The scheme would help provide much needed housing on brownfield sites as required by the Government. The proposed housing is in keeping with the existing pattern of development. This area of Hoe Lane has a small access and is unsuitable for the movement of large vehicles. The road surface of Hoe Lane is badly damaged by the movement of commercial vehicles along it.

Further Individual Comments Added:

Lodge Hall:

Fly tipping is a problem along the lane.

Ridge House:

Hoe Lane needs money spent on it to repair the damaged road surface.

LNS Nursery:

We support this application because of the shortage of housing and the reduction in commercial traffic that will result.

Tudor Lodge:

Traffic on the lane would be reduced.

Fieldside:

Residential is preferable to commercial.

Parke Farm:

A reduction in traffic is a considerable benefit.

3 Millbrook Business Park:

As an owner of a business we do not want to see an increase in commercial traffic.

Shiree Lodge:

Reduction in noise and disturbance from heavy goods vehicles.

Winston Farm:

Residential is preferable to commercial on a country lane.

39 Hoe Lane:

Would prefer to see residential to commercial development.

Presdale Farm House:

Would like to see a reduction in commercial uses on the lane.

Stoneyfield Nursery:

We live on the lane (beside Spinney Nursery) and the change to residential will bring an immense improvement. Concern that all around us horticultural uses have become commercial with associated noise, disturbance, traffic movements and parking concerns. Concern that Hoe Lane was not built to deal with large volumes of commercial traffic and is not served by lighting or a footpath. If this scheme is not approved the proliferation of commercial uses will increase and cause further distress in this mainly residential area. Low density residential is appropriate and would fit in with the general character of the area. The design is appropriate and an approval will reduce the movement of large commercial vehicles along the lane.

Second Letter from Stoneyfield Nursery received 30/01/15: We are immediate neighbours and strongly in favour of this development as it will reduce the amount of commercial/light industrial uses in the immediate vicinity. It should be noted that all of the applicants are long term residents along the road who have three or four generations living in the same house. We do not see how a recommendation to refuse could be rationalised particularly as it is at odds with the recent decision to grant permission for four houses at Winston Farm.

Issues and Considerations:

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

Principle of the Development/Green Belt

The application site and indeed the entire lane is within the Metropolitan Green Belt and Paragraph 89 of the NPPF outlines the types of new buildings deemed appropriate in such locations. A case in support of this application has been submitted as part of the Design and Access Statement by Hertford Planning Services (HPS) and local letters of support also provide justification for approving this scheme. The case for approval will be addressed within this report.

The proposal does not meet any of the criteria deemed potentially appropriate in the Green Belt, as set out in Paragraph 89 of the NPPF. The only potential indent of the paragraph which could apply is that which recognises the partial or complete redevelopment of brownfield sites as being not inappropriate. However it is difficult to accept that the sites, save for Burleigh Nursery, are brownfield. The glossary to the NPPF specifically removes private garden areas from what constitutes previously developed land and the majority of the scheme is to develop garden land. In any case the policy requires that the new development does not have a materially greater impact on the open character of the Green Belt. As seven of the houses involves the development of land that is unoccupied by buildings it is clear that this test would not be met. It is accepted that the car repair buildings at Burleigh Nursery would be removed but it cannot be accepted that the impact of this development would not be material in Green Belt terms. The proposed development is therefore deemed inappropriate in the Green Belt and therefore reference must be made to Paragraph 87 of the NPPF which requires in such instances a case for very special circumstances. The HPS Statement does outline a case for very special circumstances which must be addressed. The benefits of the development as outlined by neighbours will also be referred to.

Policy Vacuum/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 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.

The Council's Issues and Options consultation document (the first stage of consultation on the new Local Plan), Community Choices, made clear that Green Belt land is likely to 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 whether the proposed development amounts to a sustainable way to meeting 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, such a scenario would justify the proposed development. Clarification has therefore been provided at paragraph 044 of the NPPG that unmet housing 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 houses set on generous

plots and this is not a sustainable way to meet housing need on Green Belt sites since it is an inefficient use of that land, requiring a relatively large land take for each new dwelling.

Removal of Industrial/Commercial Uses

The HPS Statement also outlines how there would be benefits to the visual amenity of the Green Belt through the removal of dilapidated glasshouses and commercial buildings. It appears from the proposed block plan layout (10920-P005-C) that the car repairs building and all buildings on Burleigh Nursery would be removed from site. It is the case that particularly the glasshouse structure is in a poor state of repair. As such the removal of the structures would bring visual benefits. No information is provided as to what would happen to the displaced businesses. Early in 2014 consent was granted for modern warehouse facilities where a strong case was made for the need to regularise the site and provide more practical facilities for its occupants. It is unclear where these businesses would continue to trade or whether this development would result in actual job losses.

Visual benefits can be accepted, however only on the Burleigh Nursery site, and this site benefits from consent for a modern designed building. It is hard to accept that any visual benefits justify the development of garden areas. The development at Ridge House appears to be the construction of four luxury style dwellings in a garden or paddock area. The garden of Burleigh Nursery would accommodate a luxury property. It is assumed that the development at Spinney Nursery involves the demolition of the low set car repairs business and the removal of some shipping containers. However it cannot be accepted that material impact on the open character of the Green Belt would not ensue owing to the material increase in built form across these sites.

HGV Movements/Commercial Units

The development sites form part of an opportunity area "Naz 1" as identified in the 2012 Issues and Options Consultation Document. At the outset of this consultation concern was expressed by the Parish Council about the amount of HGV movements and their damage to the lane. It is also apparent from letters of support that the movement of such vehicles is a concern of residents and business owners along Hoe Lane. Whilst some businesses would be removed from the lane, in truth a large number would remain including around the application site. To the front of Burleigh Nursery is the Millbrook Business Park which contains a large number of business units. To the rear of the nursery Middlebrook Farm has been sub-divided to form commercial units. In close proximity to the site are a number of large working nurseries. Stoneshott Farm is located further east along Hoe Lane, and although currently the subject of a separate planning application for residential development, has a lawful use for commercial purposes. Furthermore the Local Planning Authority within the past year has granted consent for three separate glasshouse developments within close proximity of this site and on Hoe Lane. All would attract movements of large commercial vehicles.

The concerns of residents are noted, however HGV movements are more of an issue progressing east from the site along the lane and this residential development would not seriously alter this existing scenario. Any material difference could only be achieved through the plan making progress with the wider area considered more strategically. Strategic issues such as potential impacts on local schools and services could be factored into the decision making process. Piecemeal redevelopments would not seriously address the wider concern. The lane is home to a large number of businesses in separate ownerships and this is a broader concern that cannot be addressed unless considered as a whole. As stated this is best achieved through the plan making process. It is not therefore considered that any reduction in the movement of large vehicles along Hoe Lane would amount to a very special circumstance that would overcome the clear policy objections that this proposed development creates.

Affordable Housing

Very often with such schemes, a significant amount of affordable housing (often set at 80%) is put forward as a very special circumstance. However, the provision of some of these units for affordable housing is not being put forward by the applicant and the Heads of Terms do not include a financial contribution in lieu of the provision of affordable units either.

There is a significant demand for affordable housing in the District and both local and national policy outlines that, in such circumstances, provision should be made. There is no doubt this site meets the criteria where the Local Planning Authority can require affordable housing. Even with the Government's recent revisions to the threshold for affordable housing contributions, which was updated in December 2014, this scheme would still require an affordable housing provision, since 10 properties are proposed and the gross internal floor area for the proposed scheme (circa 2,800 square metres) is greater than the Government's threshold of 1,000 square metres.

The proposed properties are inappropriate for the provision of affordable housing. In order to achieve affordable housing on site, a re-working of the scheme would be required to either re-design the properties to provide smaller houses, at a much larger density, or where 40% of the site area accommodates affordable housing.

The NPPF, at Paragraph 173, requires that local planning authorities should pay careful attention to scheme viability when considering such issues as affordable housing provision. Any scheme must provide competitive returns to a willing landowner and a willing developer to ensure the development is deliverable.

Although no on-site affordable housing provision has been put forward for this application, a Viability Appraisal has been submitted by the applicants to justify the lack of any affordable housing provision. This suggests that the proposed scheme for ten detached dwellings would not be viable if on-site affordable housing, or a contribution in lieu of on-site provision, had to be provided.

In line with Council policy, the Viability Appraisal has been validated by external consultants appointed by the Council, and a detailed report on their validation has been received. The issue of viability involves debate around issues such as the existing use value, development value, property values, development costs and developer's profit – all of which have been assessed by the Council's own consultants.

Fundamentally, this has revealed that the applicant's Viability Appraisal suggests that the overall Gross Development Value (circa £7.76 million) would be less than the Total Development Costs (circa £10.57 million), even before a developer's profit of 20% (£1.5 million) is added. This suggests that, if undertaken, the development would result in a deficit of around £2.8 million before the developer has taken any profit and, if true, would therefore result in the development being undeliverable.

This therefore begs the question: Why is this development being contemplated, or are the assumptions within the applicant's Viability Appraisal incorrect ?

The Council's Viability Consultants have assessed both the applicant's Viability Appraisal and the required supporting information they have provided. As a result, they have confirmed that, although they are able to validate the applicant's open market sales values used in their Appraisal, and some of the applicant's other assumptions, they cannot validate either the applicant's Existing Use Value (EUV) of the site or many of the applicant's other estimated costs, in particular, their estimated build costs.

Furthermore, based upon the information provided by the applicants; the national guidance that supports the preparation of financial viability appraisals; and the applicant's own assumptions, the Council's consultants are of the opinion that the proposed development, as presented, results in a deficit and therefore does not appear to be viable.

However, as usual under these circumstances, the Council's consultants have generated their own figures using the HCA Development Appraisal Tool (DAT), which is an accepted methodology for undertaking viability appraisals, using their own assumptions where they feel unable to accept the applicant's figures, in order to assess the viability of the proposals.

Having undertaken this exercise, the Council's consultants further advise that, if the scheme were to be re-designed in a way that included affordable homes of a suitable size and construction, and the Building Cost Information Service's (BCIS's) current standard estimated construction costs for the Epping Forest District are used (which are often used by developers and cost consultants, since they provide a good and accepted reference point for current estimated building costs in a specific area), they are of the view that a development on this site would generate a surplus of around £735,000, which would be sufficient to deliver all of the Council's required planning obligations, including the provision of on-site affordable housing provision, and remain financially viable, as well as providing reasonable 20% return / developer's profit.

The Council's 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).

The Director of Communities, who appoints the Council's consultants on behalf of the Development Control Service, has therefore recommended that:

"In view of the potential large surplus that has been identified by the Council's consultants, irrespective of any other planning considerations, planning permission for the submitted scheme should be refused on the grounds of insufficient affordable housing provision, when it is considered by the Council to be viable to provide affordable housing on-site."

Green Belt Impact

Paragraph 79 of the NPPF states that "the essential characteristics of Green Belts are their openness and their permanence". There can be little doubt that the proposed development would have a detrimental impact on the open character of the Green Belt, largely through the construction of two storey dwellings on currently undeveloped land, which could not be overcome with planning conditions. Openness is a concept relating to an absence of buildings i.e. it is land that is not built upon. The loss of openness is, of itself, contrary to the underlying Green Belt policy objective. Therefore the fact that some screening exists around the site would not render this inappropriate development appropriate. The intrinsic impact on open character cannot be overcome.

Paragraph 80 of the NPPF outlines the five purposes of the Green Belt and point three lists one purpose as being "to assist in safeguarding the countryside from encroachment". As stated it is considered that impact on open character would result and this cannot be overcome. Openness is epitomised by a lack of buildings and not by buildings that are unobtrusive or screened. Notwithstanding the impact on openness and despite some screening this development will be more visually intrusive than the existing land uses. Even the houses on the brownfield section of land (Burleigh Nursery) would be much more prominent from the surrounding countryside. At present the development site at Ridge House is used as a garden area. The construction of four two storey dwellings would result in a much more visually intrusive development. It is therefore considered that as well as an injurious impact on open character, the proposed scheme would also be visually intrusive.

As the foregoing has outlined it is not considered that a case for very special circumstances exists to outweigh the harm to the Green Belt. Impact on open character can be identified. Furthermore the proposed scheme would be visually intrusive and much more prominent than the current land uses of these four sites which collectively make up the development site.

Design

Hoe Lane and the private road have a mix of dwelling styles with a majority of larger detached properties. The use of good quality materials would ensure a satisfactory appearance in terms of finish for all house types.

House type A is a large, fairly imposing structure with front and rear gabled features and dormer windows. Notwithstanding Green Belt concerns the design would not be out of place at this location. Care should be taken to avoid a suburbanising effect but this would not result with this stand-alone property.

House type B/D/E, which would be located at Burleigh Nursery (x2) and Ridge House (x1) are also fairly large dwelling styles. The houses would have a projecting feature which would include a garage/study area, with a bedroom above. The mix of eaves levels and ridge heights adds some character and again the design raises no serious issues.

House type C/F/G/H is more standardised and is a square plan form with projecting garage to the front. The use of good quality material, which could be agreed by condition, should ensure an appropriate appearance.

The layout of the proposed development at Ridge House and Burleigh Nursery is to some degree suburban in nature. However the mix of land uses along this lane is unconventional and it is not considered that the layout would be a serious cause for concern.

Amenity

There is clearly some disturbance from commercial activity for residents along Hoe Lane and this is one of the reasons that any future redevelopment really needs a strategic approach in order to achieve any significant alleviation. It is important however that future residential amenity is suitably safeguarded. The dwellings at Ridge House would have an adequate level of amenity and although there are commercial properties to the rear at Middlebrook Farm sufficient separation distance exists. The dwelling in the garden of Burleigh Nursery would be adjacent to the Millbrook Business Park. There would undoubtedly be some impact on amenity from the general movements to and from the site. However the impact is not considered to be to such a level as to warrant refusal.

It is noted that part of the commercial sites at Burleigh Nursery and Spinney Nursery are outside the red line site plans. However submitted site plans do show the buildings as being removed and planning conditions can be enforced for development within the blue line of the site. The removal of these buildings would be a prerequisite to any residential development. Many comments have been received about the disturbance that is currently experienced by existing residents from the movement of large vehicles in the area and there is an argument as to whether piecemeal residential developments should be encouraged. However this development will not make this particular issue any worse and from this respect the scheme can be justified. The proposed garden sizes are considered adequate.

House type A includes a rear facing balcony but owing to the distance to the proposed boundary with Burleigh Nursery and the fact that a screen could be agreed on the balcony and/or the boundary this is not considered a serious concern. Concern had been expressed that the original

submitted plans had side facing bedroom windows which it would have been necessary to condition as obscure glazed. However amended plans received have reconfigured the internal layout and this has addressed this issue of concern. All side facing windows on the dwellings at first floor level can now be reasonably conditioned as obscure glazed.

Highway Safety and Parking

The Highway Authority has no objections to this proposal. The accessway off of Hoe Lane is private and consequently the Highway Authority has no control over it. The proposal will not generate significant amounts of traffic over what the lawful commercial/industrial use could have, and it would have the benefit of reducing HGV movements to the site. The access onto Hoe Lane has appropriate visibility and geometry and the proposal will not be detrimental to highway safety or efficiency as a result.

Environment Agency/Land Drainage

The development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. A Flood Risk Assessment (FRA) is therefore required. The applicant is proposing to dispose of surface water by a sustainable drainage system. Further details are required. The applicant has not provided a proposal to dispose of foul sewage. Further details are required for the disposal of foul sewage and this can be agreed by condition.

The Environment Agency has requested a Flood Risk Assessment prior to any approval being issued. However this site is in Floodzone 1 which has a low probability of flooding and requiring the details by a condition of approval is sufficient.

Trees and Landscaping

Tree reports have been submitted with this proposal which demonstrate that the majority of the trees can be safely retained. As such they will provide good screening and maturity to garden areas. There is no objection to this element of the scheme subject to the submission of a tree protection plan and details of hard and soft landscaping.

Ecology

A condition requiring a Great Crested Newt Survey would be necessary on any approved scheme as the submitted Ecology Assessment suggests that part of the site is most likely occupied by the species. Should the survey reveal the presence of any Great Crested Newts then a detailed mitigation strategy must be submitted in accordance with any guidelines available from Natural England (or other relevant body) and submitted to the Council for approval.

Contaminated Land

Owing to previous and existing uses of the site the standard land contamination conditions would be necessary on any approved scheme.

Section 106 Heads of Terms

A Heads of Terms for a Section 106 Agreement to agree development contributions has been submitted. It is noted that the proposed education contributions (£88,897) are much higher than what Essex County Council has requested (£36,510) but the details of the contribution could be agreed on the grant of permission or prior to the determination of any subsequent appeal. It is considered an education contribution is necessary to make this development acceptable in planning terms.

The Heads of Terms makes reference to contributions for waste management and green infrastructure but there are no details how this figure is arrived at. The Council has no adopted Community Infrastructure Levy (CIL) with a set figure for contributions. Therefore there is no mechanism to validly request such a contribution.

Conclusion:

The proposed scheme is considered an inappropriate development in a Green Belt location for which a case for very special circumstances is required. It is not considered that such a case exists. Furthermore impact on the open character of the Green Belt would be materially greater should this scheme be developed. Regardless of whether the Council can demonstrate a 5-year supply of housing land it is not considered that the redevelopment of undeveloped land with luxury homes is a sustainable way to meet this need. There would be some visual benefits from the removal of dilapidated structures from the site but this can only be afforded limited weight when judged against the in principle Green Belt objections and the harm to open character/visual amenity which can be demonstrated.

The Council has been advised through external consultants that this development would provide an acceptable profit for developers whilst also providing the required level of affordable housing. The findings of the applicant's consultants, that this scheme would result in a £2.8 deficit before any development profit is even considered and would therefore be unviable, is not accepted.

It is accepted that the removal of some commercial units will reduce the amount of HGV movements along the land and that this is clearly an issue of local concern. However any benefits do not justify this form of development. A large number of businesses would still attract HGV movements and it has been suggested in this report that the matter cannot be addressed with piecemeal developments and requires a more strategic approach through the Local Plan making process.

However for the clear concerns identified above it is recommended that this application is refused consent.

Is There a Way Forward?

The scheme is clearly contrary to national and local Green Belt policy and as stated it is not considered a case for very special circumstances exists. National policy through the NPPF does permit the redevelopment of brownfield sites which do not have a materially greater impact on the Green Belt. Ridge House does not contain any built form which could be used as justification for housing in lieu. In truth Spinney Nursery is only occupied by a small commercial building which would justify potentially one small dwelling of a similar volume in order not to have a materially greater impact and be policy compliant. There would be the added benefit of removing a use which has nuisance potential. A large section of Burleigh Nursery can be classed as brownfield and this site also benefits from an extant permission to redevelop with new commercial units. A number of dilapidated glasshouse structures could also be removed to justify a small housing scheme. However the housing proposed is not suitable as affordable housing and this would need to be considered as part of a resubmission. The foregoing provides an informal potential way forward for a much scaled down, redesigned scheme.

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

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

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