

Report Item No: 2

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

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

http://planpub.eppinforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=576055

REASON FOR REFUSAL

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

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

Description of Site:

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

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

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

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

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

Description of Proposal:

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

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

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

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

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

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

This Scheme

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

The proposed dwellings would have the following mix;

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

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

Relevant History:

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

Refuse permission - 06/08/2003.

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

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

Policies Applied:

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

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

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

SUMMARY OF REPRESENTATIONS:

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

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

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

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

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

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

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

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

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

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

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

Issues and Considerations:

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

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

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

Principle of the Development

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

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

Green Belt Release to Meet Housing Need

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

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

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

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

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

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

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

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

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

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

Balancing Exercise

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

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

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

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

Details of the Proposed Development

The Site

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

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

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

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

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

Topography and Character

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

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

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

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

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

Ecology

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

Access to the Site

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

Design and Layout

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

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

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

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

Land Drainage

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

Contaminated Land

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

Essex County Council (Education) Comments

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

Thames Water

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

NHS Comments

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

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

Archaeology

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

Section 106 Agreement

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

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

Conclusion:

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

Way Forward?

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

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

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

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