

**Report to the District Development  
Management Committee**



**Epping Forest  
District Council**

**Report Reference: EPF/1390/17**

**Date of meeting: 29 November 2017**

**Address: The Lodge, Woolston Hall, Abridge Road, Chigwell IG7 6BX.**

**Subject: Residential infill comprising 12 no. residential dwelling houses with associated off-street parking, garden space and external landscaping.**

**Responsible Officer: Jonathan Doe (01992 564103).**

**Democratic Services: Gary Woodhall (01992 564470).**

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**(1) That planning application EPF/1390/17 at The Lodge, Woolston Hall in Abridge Road, Chigwell be refused permission for the following reasons:**

- 1. The proposed development constitutes inappropriate development detrimental to a fundamental aim of the Green Belt to safeguard the countryside from encroachment. The proposal would have a materially detrimental impact on the openness of the Green Belt contrary to the purposes of including the land in the Green Belt and does not meet any exception to the principle of Green Belt policy. The change of use of landscaped area to housing would be detrimental to visual amenity due to its urbanising effect and would unduly diminish the rural character and openness of the landscape. There are no very special circumstances that outweigh the harm from the development. The proposal is contrary to Policies GB2A; GB7A; CP2 (i), (ii), (iv), and (v); DBE4 (i); and LL1(i), LL2 (i) and (ii) of the adopted Local Plan and Alterations and the provisions of the National Planning Policy Framework.**
- 2. The proposal is not within a sustainable location and would therefore result in a development heavily reliant on private motor vehicles. As such the proposal does not sufficiently meet the measures identified in policy regarding sustainable development and is contrary to Policies CP1 (v) and CP6 and the provisions of the National Planning Policy Framework, particularly at paragraph 96.**
- 3. The proposal would fail to provide any Affordable Housing and as such would be detrimental to public amenity and contrary to Policies H5A, H6A, H7A and H8A of the adopted Local Plan and Alterations and the provisions of the National Planning Policy Framework.**

**Report:**

- 1. This application was considered by the Area Plans South Sub-Committee on 27 September 2017 but has been referred up to this committee for consideration. The Officer's recommendation to refuse planning permission still remains and the minutes of the meeting**

on 27 September 2017 clearly state:

*“Referred to District Development Management Committee to decide the application having regard to a validated viability assessment for the proposal demonstrating what an appropriate contribution towards affordable housing could be, and Officers recommendation.”*

2. Members of that Sub-Committee in referring the application to the District Development Management Committee (DDMC) considered that by 29 November 2017 DDMC meeting, a financial package could be agreed with Officers so that DDMC Members could then determine whether there were sufficient very special circumstances to outweigh Green Belt harm and any other harm. To understand and consider whether the financial package may outweigh the three officer reasons for refusal, the agent has been contacted to submit a validated viability assessment, which in line with the Council's normal process of such matters, be then be assessed by the Council's own affordable housing consultants to review and advise the Council on the validation of the Appraisal. However, they have refused to do so, but instead have made an offer of £372,000 (£31,000 x 12 units, plus index linked from 2012 = £430,300) on a without prejudice basis towards affordable housing delivery, despite asserting that the site is not within a “settlement” and interpreting therefore that policies H6A and H7A are not relevant and thus affordable housing is not required. Officers though consider this is a distinction between population size (threshold being 3,000) rather what is and is not a settlement. Either way, affordable housing is required and a financial contribution through the requirement of policy H7A was accepted by the Planning Inspector as a robust justification for the conversion of a vacant serviced-apartment building to 26 flats that was allowed in appeal in 2012.

3. If, following consideration of the application this Committee decides to grant planning permission, it will be necessary to refer the application to the National Planning Casework Unit in order that the Secretary of State can consider whether to exercise his call-in powers. That is because the proposal amounts to a significant departure from the adopted Local Plan. Members are advised the proposed development is also a significant departure from the Draft Local Plan.

4. Members therefore may wish to take into consideration whether the financial offer is sufficient, as part of a yet to be drawn up planning obligation legal agreement, to outweigh the officers recommended reasons for refusal.

5. The report to Area Plans Sub Committee South is reproduced below and the Officer's recommendation to refuse planning permission is not considered to be outweighed by the financial offer, which does not outweigh clear green belt harm and lack of provision for affordable housing in this non-sustainable location.

*This application is before this Committee since it has been 'called in' by Councillor Brian Sandler (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

### **Description of Site:**

The site is an open parcel of land to the northwest of The Lodge. The southwestern boundary is an access road to Woolston Manor. The north-eastern boundary is an avenue leading to a leisure complex. To the northwest of the site is a building, a former motel, accommodating flats. The site is off the highway of Abridge Road, between the village of Abridge, to the northeast, and Chigwell, to the southwest.

The site is within the Green Belt.

Trees along the avenue to the northeast are the subject of Tree Preservation Orders. The Lodge is a locally listed building. The northernmost boundary of the site is some 120m from a Listed Building.

### **Description of Proposal:**

Residential infill comprising 12 no. residential dwelling houses with associated off-street parking, garden space and external landscaping.

The houses would be laid out in four terraces each of three houses. The terraces would run north/south, parallel with and facing the vehicular access to Woolston Hall. Each terrace would have its own appearance of though with an overall unity of design to all four. All the houses would have three storeys, an integral garage and four bedrooms.

An amended plan shows an area of communal open space at the southernmost end of the site.

### **Relevant History:**

The site itself has no relevant planning history. However, the site forms part of land put forward in the "call for sites" in the creation of the draft local plan. The site formed part of the proposal for a Roding Garden Village on the wider extent of golf club land.

### **Policies Applied:**

#### *Adopted Local Plan:*

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
CP9	Sustainable Transport
GB2A	Development in the Green Belt
GB7A	Conspicuous Development
HC12	Development Affecting the Setting of Listed Buildings
HC13A	Local List of Buildings
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix

H5A	Provision for Affordable Housing
H6A	Site Thresholds for Affordable Housing
H7A	Levels of Affordable Housing
H8A	Availability of Affordable Housing in Perpetuity
H9A	Lifetime Homes
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE4	Design in the Green Belt
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL1	Rural Landscape
LL2	Inappropriate Rural Development
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
ST1	Location of Development
ST2	Accessibility of Development
ST4	Road Safety
ST6	Vehicle Parking
I1A	Planning Obligations

*NPPF:*

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

*Draft Local Plan:*

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

SP1	Presumption in Favour of Sustainable Development
SP5	Green Belt and District Open Land
SP6	The Natural Environment, Landscape Character and Green Infrastructure
H1	Housing Mix and Accommodation Types
H2	Affordable Housing
T1	Sustainable Transport Choices
DM2	Landscape Character and Ancient Landscapes
DM5	Green Infrastructure: Design of Development
DM7	Heritage Assets
DM9	High Quality Design
DM10	Housing Design and Quality

**Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted: 29

Site notice posted: 16/06/2017

Responses received:

THE LODGE – Support, there are very special circumstances due to the severe shortage of housing in the area.

CHIGWELL RESIDENTS ASSOCIATION – No objection, design in keeping with local

buildings, development in small clusters outside the village meets a view of how future development should be, site considered to be previously developed and infill given within grounds of Woolston Manor.

26 WOOLSTON MANOR – Comment, increased traffic flow, congestion and safety considerations, entrance suitability, foul sewage and drainage appears to be at limit, and general aesthetics of Woolston Manor need to be considered.

CHIGWELL PARISH COUNCIL: The Council supports this application, subject to this proposal including an aspect that would be beneficial towards the Chigwell community, in the form of an appropriate S106 agreement, the particulars of which Chigwell Parish Council should be consulted on, prior to re-submission. Only such an arrangement would legitimise the release of Green Belt land in the furtherance of this project.

### **Main Issues and Considerations:**

The main issue with this proposal is considered to be Green Belt policy. Other considerations are Affordable Housing, affect to the setting within the landscape, sustainability, the quality of the design in terms of appearance, highway matters, any affect to heritage assets, any impact to neighbours, and whether the proposal would offer adequate amenity to future occupiers.

Matters which are not considerations are planning obligations (notwithstanding Affordable Housing) since the circumstances are not appropriate for the securing of community benefits. The application documentation states that the applicant is seeking to provide a contribution of £50,000 to Chigwell Parish Council towards the Chigwell Community Bus Service. The agent has written that this will be secured through a legal agreement. However, no legal agreement has been submitted as part of this application to date.

### **Green Belt**

The site is located within the Metropolitan Green Belt, where development is inappropriate unless it benefits from an exception. Those exceptions include: limited infilling within a village 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 purpose of including land within it than the existing development.

The application site is said to be, in the application, former garden land. The site is private land forming part of The Lodge; it is not within the ownership or use of the nearby golf course. The application accordingly argues that the site is previously developed land and represents an infill plot.

However, based on a site visit the site certainly does not have the character of previously developed land. The site is simply an area of short, but not mown, grass. The site appears to be part of the general landscaping leading to a golf club and similar leisure uses located further beyond Abridge Road. This aspect is expanded under the section regarding landscaping below.

Even if the site were accepted to be brownfield land it would also be necessary for the proposal to have no greater impact on the openness of the Green Belt. This is not the case.

The application documentation makes the argument that the site represents an infill plot in that the development would infill between flats to the north, Woolston Manor Apartments, and the house to the south, The Lodge. However, the site cannot be described as limited infilling in a village. The site is of a substantial size and is not in a village. The site is situated within an isolated rural location, distinct from the built up area of Chigwell.

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Given that the NPPF requires a demonstrable five year supply of housing, paragraph 49 of the NPPF is engaged whereby Local plan policies which address the supply of new housing are considered to be out of date. As a result these policies are to be afforded less weight in the decision making process in favour of a greater reliance on the NPPF.

The lack of a five year supply of housing weighs in favour of granting planning permission and is attributed substantial weight in this application but this is wholly insufficient to counterbalance the thrust of Green Belt policy.

#### Affordable Housing

Policy H6A of the Local Plan states that in settlements with a population of 3,000 population or less, the Council will seek affordable housing on developments comprising two or more dwellings on a greenfield site (subject to the site area being 0.1 hectares or larger) or three or more dwellings on a previously developed (i.e. "brownfield") site (subject to the site area being 0.2 hectares or larger). The site has an area of 0.47 hectares.

On such sites, under Policy H7A of the Local Plan, 50% of the total number of dwellings will be sought as affordable housing on either greenfield or brownfield sites.

The applicant's agent contends that the site falls within the settlement of Chigwell and that therefore a threshold of 15 dwellings applies. The contention that the site is within the settlement of Chigwell is not supported by officers; the site is essentially within open countryside.

Policy requires that at least six houses be provided as affordable housing (50% of the overall number of homes), unless it can be demonstrated that such amount of provision would be unviable, in which case the applicant would be need to assess and demonstrate the amount of affordable housing that could be provided.

However, no affordable housing is proposed and no viability assessment has been provided.

It is recommended that with regard to Affordable Housing the application be refused on the basis that the proposal does not include a sufficient amount of affordable housing, and that the applicant has not provided sufficient information or evidence, as required by the National Planning Policy Framework and associated guidance, to demonstrate that it would be unviable to provide any affordable housing on the site.

#### Impact to neighbours

The flats of Woolston Manor Apartments would have an isolation space from the nearest proposed house of some 16m in the form of a car park to the flats. The Lodge would be orientated to the south of the proposed houses and have an isolation space of nearly 20m in the form of an area of communal open space.

Given the isolation spaces in conjunction with the scale, layout and detailed design of the proposed houses, it is considered that no material adverse impact would result to occupiers of neighbouring properties.

#### Sustainability

With regard to sustainable building techniques and energy conservation, no particular feature is apparent. The proposal is contrary to policy CP5.

Furthermore, the proposal is not within a sustainable location and would therefore result in a

development heavily reliant on private motor vehicles. Each house would have an integral garage and two parking spaces on a drive leading to the garage. As such the proposal does not sufficiently meet the measures identified in policy regarding sustainable development and would be detrimental to public amenity and contrary to Policies CP1 (v) and CP6 and the provisions of the National Planning Policy Framework, particularly at paragraph 96.

### Design and landscape

The terraces and houses within them would have a very good appearance, albeit with a somewhat urban character.

The Trees and Landscaping Team has been consulted on the application. In response an objection is raised on the grounds that the proposal would have a great visual impact and would unduly diminish the rural character and openness of the landscape and as such would be contrary to policies CP2 (i, ii, iv, v.), LL1 and LL2.

The land does not appear to have been previously developed and historically formed part of the Woolston Hall Estate. It is now part of the Woolston Manor Golf Club and is set over to grass. Aerial photos and historic maps do not show that this field has at any stage been incorporated into the curtilage of The Lodge, and its use appears to have been farmland / pasture / parkland, and is now green space associated with the golf course. The history of the site has been examined with regard to any ground contamination and the relevant team has commented that records indicate that the site formed part of an undeveloped field.

With regard to tree matters, it is acknowledged that there are no trees within the site, and that the submitted tree reports show that trees the subject of Tree Preservation Orders along the driveway are at sufficient distance that they should not be adversely impacted by the proposal.

However, it is the impact on the openness of the landscape that leads the Trees and Landscaping Team to assert that this site is not appropriate for development. Furthermore, to develop this field would set a perilous precedent for the whole extent of agricultural fields between Chigwell and Abridge -it would compromise the openness of the Green Belt and would not safeguard the countryside from encroachment.

Overall the proposal appears intrusive, inappropriate, and detrimental to the appearance and setting of the locality. This view is supported by the Chris Blandford 'Settlement Edge Landscape Sensitivity Study' (Jan 2010) which concludes that this site provides a –

- 'major' contribution to the openness of the greenbelt
- 'moderate' role in checking the unrestricted sprawl of large built up areas – i.e. the landscape setting provides open land between areas of built development.
- 'major' role in preventing neighbouring towns from merging into one another.
- 'moderate' role in assisting in safeguarding the countryside from encroachment to retain the predominant sense of openness.

### Highway matters

The Highway Authority has no comment to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policies ST4 and ST6 of the Local Plan. The Highway Authority comment that the site is well served by the existing access to the Golf Club and the traffic movement from the proposal will be insignificant in highway terms. Consequently the proposal will not be detrimental to highway safety, efficiency or capacity at this location.

*Amenity of future occupiers*

The proposal would offer a high degree of residential amenity to future occupiers.

*Other matters*

No objection is raised with regard to ecological matters.

A Flood Risk Assessment has been provided as part of the application documentation. The Engineering, Drainage and Water Team agree with the findings of the Flood Risk Assessment in principal and no objection is raised to the planning application in principle.

Specialist archaeological advice is that any planning permission should be subject to a condition regarding archaeology.

Gas pipelines are near the site though no objection is raised by the relevant authority.

With regard to heritage assets, the site is considered to be sufficiently distant from them such that there would be no material adverse impact to character.

**Conclusion:**

The proposal is contrary to Green Belt policy and does not represent sustainable development. The proposal would fail to provide the requisite Affordable Housing. The main material consideration that weighs in favour of the development is the absence of a 5 year land supply for housing within the District as a whole. That does not outweigh the degree of harm that would be caused by the proposal therefore no very special circumstances in favour of granting planning permission exist.

Members are advised that given the degree of conflict with adopted planning policy relating to the Green Belt and affordable housing provision, should the Sub-Committee decide planning permission should be granted, it will be necessary to refer the application to the District Development Management Committee to take the final decision on it.

***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: Jonathan Doe  
Direct Line Telephone Number: 01992 564103***

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