

# **Supplementary Committee Agenda**



**Epping Forest  
District Council**

---

## **Area Planning Subcommittee West Wednesday, 23rd October, 2013**

**Place:** Council Chamber, Civic Offices, High Street, Epping

**Time:** 7.30 pm

**Democratic Services:** Mark Jenkins - The Office of the Chief Executive  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk) Tel:  
01992 564607

---

### **7. DEVELOPMENT CONTROL (Pages 3 - 20)**

(Director of Planning and Economic Development) To consider the planning application set out in the attached schedule – Item 1 EPF/1784/13 Knollys Nursery, Pick Hill, Waltham Abbey, Essex EN9 3LF

#### Background Papers

(i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are summarised on the schedule.

(ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which consideration is to be given to the enforcement of planning control.

This page is intentionally left blank

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1784/13
<b>SITE ADDRESS:</b>	Knollys Nursery Pick Hill Waltham Abbey Essex EN9 3LF
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey Paternoster
<b>APPLICANT:</b>	Waltham Abbey Developments Moat and Hill Partnerships
<b>DESCRIPTION OF PROPOSAL:</b>	Outline application (with appearance, landscaping layout and scale reserved) for redevelopment of site to provide 105 residential units, 80% affordable, associated parking access road, amenity areas and community facility with shop. Access to be determined.
<b>RECOMMENDED DECISION:</b>	Refuse Permission

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

[http://planpub.eppingforestdc.gov.uk/AnitellM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=553090](http://planpub.eppingforestdc.gov.uk/AnitellM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=553090)

***The following report replaces that in the main agenda and has been prepared for committee following the submission of a revised site layout plan and application form in relation to this proposal. Essentially the row of dwellings (5 double blocks) located on the part of the site on the crest of a hill on the south east corner have been removed in order to attempt to address landscaping concerns (received 14/10/13). Members are therefore respectfully requested to be mindful of changes to the “Topography and Character” section of the report as revised consultation responses have been received from the Council’s Trees Section. This document is essentially a track changes report and reference to the originally prepared report will also be necessary. The revised scheme has the potential to have further knock-on effects to any approved scheme such as the final mix of properties provided but Officers are mindful that this is an outline application; essentially an attempt to agree the principle of development.. Furthermore the Local Planning Authority will endeavour to act positively and proactively with applicants at pre-application stage, during the course of any application and following the Council decision. In this spirit every effort has been made to ensure these late revisions are presented before Members for consideration, although there has not been time for external consultation on the changes. The recommendation, remains the same as set out in the original report.***

**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 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.

*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, 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 evident. 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 in July 2012.

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

### **Description of Proposal:**

This is a revised application for development of this site following the refusal of consent for a similar scheme at the January meeting of the Area Plans West Sub-committee. The original application was for the following development;

*“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”.*

The revised scheme proposes the following;

*“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”.*

The key difference with the previous scheme is the removal of the extra care facility. This enables an increase in landscaping within the site. The late submitted revised layout plan also removes dwellings from the highest part of the site and has altered the dwelling mix, but the proposal still includes 80% affordable housing.

### **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.

### **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:** Objection. As per our recent response to the issues and options document in which we advised that we would only wish to see small scale development for Waltham Abbey we believe this development is intrinsically too large for Waltham Abbey. Objections were also raised that the site was in the Green Belt and on the northern part of the town where Green Belt development is indefensible.

### **NEIGHBOURS**

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:** Letters objecting to the proposal have been received from the following addresses: Waltham Abbey Residents Association (with petition signed by approximately 300 local residents), Essex Area Ramblers, Friends of Epping Forest, 1, 2, 4, 7, 13, 39, 47, 67 Amesbury, 11, 14 (x2) Brookside, 118 Crooked Mile, 12, 21 Paternoster Close, 25, 55 Paternoster Hill, 12a (x2), 40 Harries Court, 2 Mile Close, 2a, 21, 23 (x3), 24, 30, 31, 35, 36, 48, 49, 50, 51 (x2), 53, 61, 63 (x2), 65, 67, 69 (x4), 73, Pick Hill, 15, 20, 22 (x2), 24 Oxleys Road, 28 Albion Park, 3 Barns Court, 30 Maple Springs, 31 Conybury Close, 33, 37 (x2), 39, 47 (x3), Princesfield Road, 28 Woollard

Street, 85 Homefield Street (x2), 19 Takeley Close, 1 Broadgate (x2), 31 Edward Court, 4 Upshire Road, Savills (Pickfield Nursery), 33 Margaret Street; The Elms Pick Hill; Various petitions containing several duplicates of individual letters and with duplicate addresses.

**Owing to the volume of detailed responses 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.
- Concern that the site is contaminated and has been allowed to fall into a dilapidated state to justify such a proposal.

**Support:** Letters in support of the proposal have been received from the following addresses: 12, 18 Princesfield Road; 2 (x3), 4 (x3), 6, 8 Kestrel Road; 16, 131 Broomstick Hall Road; 13, 54 Honey Lane; 5 (x2), 42 Halfhides; 9, 42 Mallion Court (x3); 68 (x2), 71 Paternoster Hill, 10, 16 Windsor Wood; 69 (x2), 74 Greenwich Way, 1 Loughton Court, 1 Mead Court, 10 Cannon Mews, 11 Paternoster Close, 124 Osprey Road, 16 Bramley Shaw, 17 Sudicamps Court, 2 Bernard Grove, 2 Hawk Close, 2 Margherita Road, 20 Eastbrook Road, 20 Marle Gardens, 21 Caneland Court (x2), 21 Gant Court, 23 Denny Avenue, 25 Lea Valley House, Stoney Bridge Drive (x2), 26 Elm Close, 31 Abbots Drive, 31 Farthingale Court, Peregrine Road, 32 Brooker Road (x2), 32 Wren Drive, 35 Harold Crescent, 35 South Weald Drive, 37 Old Oaks, 47 Highland Road, 49 Shaftesbury Road, 53 Marle Gardens, 59 Holmeffield, 6 Lamplighters Close, 6 Peregrine Road (x2), 6 Roundhills, 66 Monkswood Avenue, 7 Acacia Court, Lamplighters Close, 8 Kestrel Road, 87a Monkswood Avenue (x2), 9 Hayden Road (x2), 9 Howse Road, Meridian Park, 9 Merlin Close, 2 Nightingales, Aimes Green; Wheatsheaf Cottage, 39 Cambridge Road, Wadesmill, Herts; 18 Meadowcroft, High Lane, Stansted; 11 St Andrew's Road, Clacton-on-Sea; 12 Parish Way, Harlow; 16 West Side, Turnford, Herts; 28 Sanville Gardens, Stanstead Abbots; 3 Varney Close, Cheshunt; 32 Elm Road, Bishop Stortford; 33 Ridgeways, Church Langley (x2); Redwell Court, Eleanor Way, Waltham Cross;

**On this occasion a high volume of letters of support have been received for the proposal to develop the Knolly's Nursery site. The reasons given for support are summarised below:**

- 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 nursery is in the process of preparing plans for a holiday club which would be a great benefit for parents.

### **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 second application to develop in the space of a year; the previous application having been refused at Area Plans West Committee. No appeal was lodged against the previous decision. For ease of reference the first 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, an extra care unit and health centre/pharmacy 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 health 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 indicative plan submitted with the application indicates a lack of parking with regards to current adopted standards for the extra care unit, health centre and pharmacy/convenience store, overlooking issues from upper floor units in block 90-93 and 94-97, and a general loss of trees and hedgerows. As such the applicant has failed to demonstrate that the site can be developed for the number of units envisaged and meet adopted standards for parking and amenity and provide meaningful landscaping. The proposal is therefore considered to amount to overdevelopment of the site contrary to policies CP3, DBE2, LL10, LL11, and ST6 of the adopted Local Plan and Alterations.

4 The proposal fails to show a sensitive appreciation to the fact it would be on the settlement edge in that it does not provide extensive landscaping to soften its impact on its surrounding and the nature of the proposal would not allow for significant landscaping. The proposal is therefore contrary to Policy LL3 of the adopted Local Plan and Alterations in that it fails to respect the character of the landscape or make meaningful provision for landscape enhancement.

5 The proposed development fails to indicate adequately how the site could be developed in this way whilst ensuring that preserved trees on site could be retained contrary to Policy LL10 of the adopted Local Plan and Alterations.

This previous decision represents a material consideration of considerable weight and one matter of debate is whether these previous reasons to refuse consent have been overcome with this new scheme. It is acknowledged that the policy position nationally should also be factored into any recommendation to committee.

#### Principle of the Development

As with the previous application this scheme is supported by a Planning Statement by Dr Robert Wickham of Howard Sharp and Partners and a Design and Access Statement by LM Associates. Letters have also been received by LM Associates rebutting previous reasons to refuse consent and outlining the case for exceptional circumstances. Again there is no dispute from the applicants that the proposed development is located on Metropolitan Green Belt land and as such, owing to its characteristics, represents inappropriate development. Local Plan policy GB2A clearly outlines that in such instances a case for "very special circumstances" must be made. This is once more recognised in Dr Wickham's submission. It is useful to use the points made in this document as a template for the "very special circumstances" case and to address the points contained therein.

## *The NPPF and Housing Supply*

Work is currently underway to identify the district's 'Objectively Assessed Housing Need' (paragraph 17 of the NPPF), and reports will be presented to Cabinet within the coming months on this issue. Therefore the specific supply of deliverable sites in order to discharge the duty of having a five year housing supply to meet the Objectively Assessed Housing Need is not yet clearly identifiable.

Dr Wickham's figure suggests the Local Planning Authority does not have an identifiable supply required by the NPPF and indeed that the supply is as little as 2 years of identifiable sites. However there are inaccuracies in the generated figures. The "modest" supply of 1273 units recorded is as of April 2012 and permissions have been granted since then. Dr Wickham also states that a 15% lapse rate should be factored into the final figure. The 5 year assessments of housing supply prepared by the Council already incorporate an assumed 10% non-build rate, to take account of any sites which might not come forward as expected. The NPPF advocates a 5% or 20% "extra" supply only where Local Planning Authorities have a history of under supply whereas this Authority has a record of meeting and even slightly exceeding the former East of England figure.

The target figure of 9,995 quoted in the submission is not this Authority's housing target or even its objectively assessed housing need. The Local Planning Authority is currently progressing towards an objectively assessment, which will lead to a housing target in line with what the NPPF and the draft online guidance requires. Factored into any decision will be information which was not available at the time of the Issues and Options consultation. This includes new evidence coming forward which will help assess Objectively Assessed Housing Need – new population forecasting which takes into account detailed Census 2011 data which was only released early 2013 and new household projections, and an updated Strategic Housing Market Assessment, all of which will be discussed by Cabinet in the coming months. None of that information was available at the time of the Issues and Options consultation so the consultation options cannot be used as housing targets as is being done here. The fact is that the Local Authority is progressing as required in order to identify the target. The figure generated by Dr Wickham is therefore not accepted.

The supply of deliverable sites for housing in this district is therefore not considered a very special circumstance. Even if there were an absence of a five year supply, this would not necessarily be a special circumstance for Green Belt purposes. Such a position is supported by the Ministerial Statement of Brandon Lewis of 03/07/13, which is a material planning consideration, and which stated

*"The secretary of state wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the Green Belt".*

It is acknowledged that other special circumstances have been put forward but in relation to a figure generated by the applicant which does not appear to have a solid foundation and when taken in the context of the Ministerial Statement outlining the Secretary of State's position on such matters a very special circumstance does not exist in this instance. The Local Planning Authority is striving to discharge its duty in terms of housing supply through the plan making process and considers this the most suitable way of achieving sustainable development objectives also required by the NPPF.

## *The Need For Affordable Housing Locally*

As with the previous application this scheme would bring forward much needed affordable homes in this district. It is noted that some residents have registered their support for this element of the scheme and indeed the Director of Housing at the Council also supports the scheme, strictly from an affordable housing standpoint and notwithstanding other material considerations such as the Green Belt location of Knolly's Nursery. This aspect of the scheme was given detailed consideration previously and it is worth stating that previously Green Belt land was built upon in order to meet the affordable housing shortfall that does exist in the district. Most notably this included The White Lodge, Sewardstone Road (119 dwellings, community uses and shop), and Jennikings, Manor Road, Chigwell (68 residential units). Officers in their recommendation to Members rebutted affordable housing as a very special circumstance for the following reason;

*“Recently approved schemes came with other positive, sustainable attributes including being previously developed land and well served by public transport and accessible local facilities within walking distance. Also the lack of affordable housing is a district wide issue, and indeed beyond the district, and it is not unique to the Knolly's Nursery site, nor to Waltham Abbey. As stated the need for affordable housing has been cited in a number of locations around the district and the Local Planning Authority has been proactive in meeting the shortfall as indicated by the examples above. However it is not considered that this in itself amounts to a very special circumstance. The desire to increase the level of district wide affordable housing is recognised but this must be balanced against the potential harm to the Green Belt and the purposes of maintaining a Green Belt. Therefore although this issue is recognised as a material planning consideration it must be viewed in the context of all other related considerations.*

*A further point is that such an argument does not necessarily make this site “special”. The Local Planning Authority are currently in the process of identifying potential sites for development. This includes a number of sites which from a strategic point of view are much more sustainable and would reduce the sprawl of Waltham Abbey eastward, which is currently prevalent, and locate development closer to the town centre and services. Therefore if a sequential test is undertaken, as identified in local policy CP3, there are better placed, more sustainable, sites within Waltham Abbey to meet this need.*

The supply of affordable homes is an emotive issue and one which needs careful consideration. As stated the Local Authority are in the process of identifying sites for housing and this will include the provision of affordable housing. The plan making process is considered the most sustainable way to do this and the Council will be proactive in ensuring suitable sites are brought forward. This site is not considered particularly suitable to meet the need. Therefore the positive benefits of affordable housing provision are not considered to outweigh the harm to the open character of the Green Belt.

#### *Provision of Community Facility*

The Design and Access Statement and Dr Wickham's Statement both make reference to a health centre and pharmacy in the “community building” as identified on the submitted plans. Previously Officers have formed the view that any need for such a facility does not have to be met on a Green Belt site and as such is inappropriate. This has not been considered a very special circumstance. It is clear from a submission received from NHS Property Services that some preliminary discussions have taken place about moving a doctor's surgery from Maynard Court to the site but nothing has been agreed and any future progression of this would involve the applicant making a business case to the trust. However, as stated, Officers do not believe that any provision justifies encroachment into the Green Belt and a brownfield site would be preferable.

The response also outlines the need for a financial contribution under a Section 106 planning obligation to make the development acceptable in planning terms. This is owing to the increase in the local population and the need to tailor healthcare services accordingly should this element be advanced. The contribution sought is £28,800.

In a more recent development a letter has been received from LM Associates dated 12/09/13 which details negotiations about relocating The Sunshine Childcare Nursery to the site, to the community building. It is stated that the nursery have been given notice to quit its current location at King Harold's School and has been unsuccessful in finding a suitable site. This is an element of any future scheme which has garnered some local support as evidenced in letters received by the Local Planning Authority. As with the case for the health centre/pharmacy, such a development would be inappropriate in a Green Belt location and as such requiring very special circumstances in line with Paragraph 89 of the NPPF. It is worth outlining that the Local Planning Authority endeavours to act in the public interest on all occasions and in this regard the letters of support are noted for consideration. However despite the concerns registered about loss of employment, lack of childcare and mothers having to leave their jobs, a professional judgement must be formed. When judged as an individual element such a development would be inappropriate in its own right and when considered as part of an overall scheme deemed inappropriate, this makes the proposed development no more acceptable. Concerns are noted but they do not amount to very special circumstances and do not justify the overall scheme.

It is stated that the childcare nursery has been unsuccessful in identifying a site for its business i.e. on a brownfield site. In the previous application plans were included for a 50 bed extra care unit as a special circumstance and it was stated that the local need could not be met within the existing settlement of Waltham Abbey. However recently the Local Planning Authority has approved an application for 28 sheltered apartments at the site of the Green Man Public House on Broomstick Hall Road. This demonstrates that brownfield sites do exist for such small scale schemes. The Local Planning Authority is not passing judgement on the attempts to find a suitable site just outlining that suitable sites do exist for small scale schemes which do not involve encroachment into the Green Belt. 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, to ensure that the facility would be provided. No draft of such an agreement has been included in the application.

#### *Planning Gain – Removal of Glasshouses*

The submitted document also cites general improvements at the site with the removal of the glasshouses and associated works situated in the low lying northern part of the site. Impact on the landscape will be discussed in a separate section but it is clearly evident that the majority of the site is actually open pasture land which the Council's Settlement Edge Landscape Sensitivity Study (SELSS) records the landscape sensitivity of most of the site as "high" and includes a "sensitive historic landscape, with pre-18th Century fields". Therefore the general clean up of one corner of what is a site of high aesthetic value could not be considered a special circumstance sufficient to outweigh the harm. There are many disused horticultural nurseries around the district and we cannot accept that this amount to very special circumstances.

#### *New Bus Route*

The continuation of the bus route from Pick Hill into the site is proposed and detailed in the submission as a special circumstance. No evidence of a desire by the provider to operate such a system has been included to substantiate the claim and in any case the provision of such a service would not be considered a special circumstance.

### *Summary of the Case for “Very Special Circumstances”*

In summary it is considered that the Local Planning Authority does lack a five year housing supply. It is also considered that the lack of a five year supply is not clearly a very special circumstance. The district has a shortfall in its affordable housing supply rate but this is not specific to Waltham Abbey or indeed this district. Whilst the need to increase this supply is recognised, this must be balanced against all other material planning considerations. It is not by itself considered a very special circumstance to release Green Belt land. The need for a new childcare nursery facility in the town is also noted but this does not justify development in the Green Belt. The planning gain argument, as discussed above, is not accepted. Therefore, in conclusion, it is not accepted that a very special circumstance case exists to justify the release of Green Belt land at this location.

Most of the arguments put forward could equally be made for almost any site within the Green Belt in this district. Separately and taken in totality they cannot be considered very special or sufficient to outweigh the very real and considerable harm to the openness of the Green Belt and to other harm that would result from the development. It is not considered the in principle Green Belt reason to refuse the scheme has been overcome.

### *Details of the Proposed Development*

#### *The Site*

This application is a resubmission and as such a lot of the previous considerations in terms of the site’s position within Waltham Abbey will not have changed. Previously the strategic position of the site was considered thus;

*“It must be noted that the site is not a “brownfield” site and even the area used for glasshouses is effectively a horticultural (agricultural) use. The site is therefore Greenfield and within the Green Belt and not previously developed land. The application has been made at a time when a new Local Plan is being formulated and sites are being considered for housing. A number of areas have been identified adjacent to Waltham Abbey as being potentially suitable for housing development (pages 153 – 164 Issues and Options consultation document). Similar sites have been identified around other towns and villages in the district, however it must be stressed that not all sites will be suitable for development or indeed need to be developed to meet housing needs over the plan period. It is though, recognised that Green Belt land will have to be released to meet local housing need.*

*Knolly’s Nursery forms a small part of the area marked “WAL-D” on the Waltham Abbey Issues and Options map, one of seven strategic areas. Sites to be brought forward will be identified in the New Year. Having regard to the need to release Green Belt land the site’s suitability must be assessed as part of this application. The potential for change is described thus – “potential for mixed use including residential, commercial and community facility development. However, landscape sensitivity is high and it is adjacent to a conservation area (this does not directly affect Knolly’s). Existing road access is poor: Pick Hill reduces to a single track road at the eastern end.” The Settlement Edge Landscape Sensitivity Study (SELSS), also part of the evidence base, has identified “sensitive historic landscape – pre 18<sup>th</sup> century fields” which encompasses all of the Knolly’s site except for the glasshouses. Therefore there is some sensitivity to change with regards to the site”.*

As previously noted it will be necessary to release sites within the Metropolitan Green Belt for housing and as such the site should be judged in terms of its suitability for a large housing development and in the context of other potentially suitable sites for this purpose in the immediate area.

## *Green Belt Release in Waltham Abbey*

The previous analysis undertaken in relation to this site and its suitability to meet housing need in the district was reported to Members as follows;

*“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.

### *Topography and Character*

The site sits within the Green Belt on the edge of Upshire/Waltham Abbey. It is on a steep incline which flattens out in the area of the existing derelict glass houses and Knolly’s House. The upper slopes of the site are currently grassland with encroaching scrub, and are bordered by common native hedges and trees, with non native species within the garden of Knolly’s House. The previous application was refused in relation to the topography and character of the site. This was on “in principle” grounds and in relation to the fact that it was not adequately demonstrated that preserved trees on site could be catered for. In the period since the recent refusal there have been negotiations between the Trees Section of the Council and the applicants in order to try and address these concerns. Full comments have been received from the Council’s Landscape Officer

in order to ensure an informed decision is made on these aspects of the new scheme and having regard to the revised plan received on 14/10/13.

Various arboricultural reports and tree surveys have been submitted for consideration. It is clear that the newly submitted scheme, on balance, is acceptable in relation to the loss of trees and landscaping that will occur. Officers are content to support the advice given that the previous reason to refuse consent relating to provision for preserved trees has been addressed.

However the overarching concern as previously recorded remains. As previously stated the key concerns here are that this is a sloping site, opening outwards from the town into the wider countryside from the crest of a locally significant ridge. There are visually negative elements in the landscape at this point to the north east of the site in the form of disused buildings, containers etc. but the wider landscape is attractive with a relatively intact network of hedgerows etc. The urban edge is effectively contained as a result of the topography and the extensive network of trees and hedgerows. Essentially the proposal would take the urban area out over the ridge and into the open countryside. This is not a problem that could be addressed by better landscaping; the problem is the nature of the development in the specific context, and also the space available for screen planting. The current version of the proposal has sought to minimise the impact so far as possible within their constraints, by reducing numbers and carefully integrating elements of internal open space. The proposed development has also been removed from the upper part of the site, being the area that would register most strongly in long views. The issue is whether enough has been done.

The Epping Forest District Landscape Character Assessment categorises this area as F1; Holyfield, part of the Ridges and Valleys landscape character type. The general landscape sensitivity to change is suggested to be moderate to high. The suggested landscape planning guidelines for the character area are simple and clear; the first 3 are relevant:

1. Conserve the predominately rural character;
2. Conserve the landscape setting of Waltham Abbey;
3. Ensure that any new development is small scale, responding to historic settlement pattern, landscape setting.

The development fails all 3 tests.

The more detailed Settlement Edge Landscape Sensitivity Study deals with this site as part of the Waltham Abbey area. There is an extensive summary of that document's findings in the submitted landscape sensitivity assessment, which very much follows the district wide approach. Fig. 4.1b, for example, shows the site as being on the wrong side of an existing soft boundary; it is in an area of sensitive historic landscape, (4.4a) and of high sensitivity (4.4b). The summary table at 4.5.2 shows it to be of high sensitivity to change overall. The submitted document carefully records all these, but at 7.4, without any pretext, simply concludes that the modifications to the layout are sufficient such that the development will be acceptable. Officers cannot agree with such conclusions.

In respect of visual impact the lie of the land naturally opens the site to long views, particularly as the land rises to the high point to the south. Essentially the wider visual impact will be that urban Waltham Abbey has started to advance down the hill into the countryside, which is most undesirable. Furthermore the degree of adverse impact would not necessarily be the case with some of the other possible urban extensions to the town.

Since the pre-application consultation what the applicants have made changes to lessen the visual impact. In particular they have given a little more space to the boundaries, have created a spine of internal green space and a green, open area at the top of the site. In the late revision, they have also removed the proposed buildings to the south of that open area, at the highest point of the site

and just where they would have been of the highest adverse visual impact and most visible in long views from the north and north-west. The space for landscaping is adequate on the southern boundary with Pick Hill, certainly for the majority of its length, but not on the other two sides of the triangle. Because of the removal of the considerable internal wooded area the developed area of the site will be opened to views from the North- east, as well as the existing views onto the wider site from the North and North- west. There will therefore remain a degree of adverse visual impact from that direction. Because of the lie of the land, planting of the lower boundaries would have minimal screening impact for the site as a whole. Therefore there is still a visual impact objection, as well as in relation to landscape character. Although it is accepted that this is an indicative layout only, the applicants have failed to show that the number of houses proposed could be successfully integrated into this sensitive landscape.

This is a large, urban extension into highly sensitive countryside that the Trees Section advise should be resisted on principle, on the grounds of its adverse impact on landscape character and the adverse visual impact, under policies LL1 & LL2. Despite the changes there remains a strong reason for refusal - this is a major intrusion outside the existing urban envelope, where clearly only a small scale development could be acceptable from a landscape perspective. The above is a summary of the advice received from the Trees Section and Officers are satisfied that the previous reason to refuse consent on impact on the landscape character of the area is still of concern and can be substantiated.

#### *Ecology Report*

A Habitat Survey has been submitted by Arbtech Ltd. The findings of the report show the potential of birds and the Countryside Section of the Council also believe there is the potential for reptiles to be located at the site. However appropriate conditions could be put in place to ensure that site clearance takes place outside the bird breeding season and that a general duty of care is shown towards wildlife that may be present at the site. Ecology enhancements could also be agreed by condition. Natural England has no objection to this proposal but suggests suitable biodiversity enhancements and as stated this could be agreed by condition.

#### *Access to the Site*

Access to the site has been considered fundamental to the overall scheme and as such the Local Planning Authority requested full details at outline stage. Previously it was considered that access to the site was acceptable and not a reason to withhold consent. As part of this application detailed information has again been provided in the form of a Stage 1 Road Safety Audit and Transport Assessment. 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 detailed design of the proposed development is an issue which is reserved for later consideration. There was concern with the previous submission in terms of layout and that the number of units proposed could be accommodated on site whilst making adequate provision for parking, preserved trees, amenity of future residents and general landscaping.

A revised indicative layout has been submitted and building designs and heights have been included as supplementary information. This indicates a range of styles of dwellings in terms of heights and finishes and the density is reasonable. 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. Moreover the proposed layout has addressed concerns that the amount of development could be reasonably



accommodated on the site. The Local Planning Authority is satisfied with the amount of space relative to built form and that the issue of preserved trees has been adequately taken into account. Gardens are all of a reasonable size and there are no clear concerns with the amenity of future residents.

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.

The parking spaces meet the required standards with regards to adequate size. The provision is adequate at this site bearing in mind the high volume of affordable housing. The parking provision for the community building and A1 unit is also considered adequate.

A plot in the south east corner of the site has been separated from the development but included within the site plan. This plot is not referred to in the key but appears to be the four bedroom house listed in section 11 (residential units) of the application form. There are no strong reasons to refuse such a layout. The City of London Corporation states that access to this plot appears to be over forest land. Ownership of land is not a planning matter but these comments are noted.

The layout is, however, not for determination here and it is accepted that the applicant has shown that the amount of development proposed could be satisfactorily accommodated within the site in terms of amenity space and parking provision and residential amenity.

#### Land Drainage

The applicant has submitted details with regards to flood risk as part of this outline application. Comments have been received from both the Council's internal Land Drainage Section and the Environment Agency (EA). The Council's Land Drainage Section indicates a need for a condition to secure a Flood Risk Assessment (FRA) prior to the commencement of the development. As the works are proposed within eight metres of a watercourse, Land Drainage Consent would also be required. A condition with regards to foul drainage disposal is also deemed necessary. Ultimately no land drainage objections to the proposal are being made.

As with the previous application the EA has queried the absence of a full Flood Risk Assessment and Preliminary Risk Assessment (Contaminated Land) as part of the application pack. Officers have previously formed the view that such information is disproportionate for an outline application where an applicant is attempting to agree the principle of a development without fully committing in terms of expenditure. The streamlining of the outline planning process and Government attempts through the NPPF to encourage front loading of the system with pre-application meetings are, in the view of Officers, attempts to ensure that the right development is brought forward "without delay". It is considered that when agreeing the principle of this scheme, which is outside designated floodzones, the information required is excessively onerous. It is recognised that a Flood Risk Assessment should be submitted to address any issues with regards to flooding which may be generated by the development of this site. If the details are submitted and are not adequate then the proposed development cannot proceed. On a site of this size and density it is considered that the Flood Risk Assessment is only necessary at the reserved matters stage. This is also true of contamination risk. Traditionally the Local Planning Authority requires the details as part of a condition. This is deemed a reasonable approach to an outline application and in line with Government aims to kick-start economic growth and allow developers to "test the water" without very significant research and expense.

#### Contaminated Land

A Land Contamination Statement has been included with the submission. 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 Section 106, 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 £265,863. This is subject to change as the final layout and dwelling mix would be the subject of a reserved matters application. The Design and Access Statement notes that a contribution towards education would be required.

#### Thames Water

Thames Water suggests conditions in relation to a study of impact on the water supply in the vicinity of the site and with regards to any piling at the site.

#### Section 106 Agreement

The Design and Access Statement includes a section on S106 contributions. The provisions for affordable housing would be necessary to render the development acceptable in planning terms. These provisions have been considered by the Housing Section of the Council and seem reasonable. Such contributions could be further agreed and detailed if outline consent was granted.

Further details of the scheme such as the agreement of education contributions, the new community facilities provision, the cost of any highway works, health care contributions, the provision of amenity land within the site and the Council's legal costs can also be agreed as part of the agreement. A full list of suitable Heads of Terms could be established between the applicant and the Local Planning Authority if necessary.

#### **Conclusion:**

The proposed scheme follows a recent refusal of consent to develop the site which was refused permission for 5 reasons. Late revisions have been received to the resubmission removing built form from the south east upper corner of the site. This proposal has overcome two of these reasons – that relating to preserved trees and that relating to the layout.

The applicants have acknowledged in their submissions that as the site is within the Metropolitan Green Belt, and as such is inappropriate development, a case for "very special circumstances" is needed. The case put forward by the applicants and addressed in this report is not accepted to amount to very special circumstances. Therefore this previous reason to refuse the scheme is still considered justifiable. Furthermore the eastward spread of the town away from its historic core is still considered a concern and a further reason to refuse consent which can be substantiated. The Local Planning Authority would still hold the position that the proposed scheme would have an adverse impact on the landscape in an area which has been identified as being highly sensitive to change, even with regards to the later revised submission removing built form. It is therefore considered that previous concerns highlighted are still pertinent with this scheme and as such three of the previous reasons to refuse consent are still deemed a concern. It is noted the applicant has tried to present a more suitable proposition and the Local Planning Authority has been positive and proactive in discussing amendments, however it is considered that fundamental issues with the scheme exist that cannot be easily overcome. Consequently two planning applications and pre application discussions have addressed the development of this site. The

position adopted by the Council is that the site is unsuitable for such a development. In this regard it is Officers' view that no clear way forward exists given the fundamental Green Belt issue. It is the recommendation from Officers that the application should be refused planning permission.

***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:***

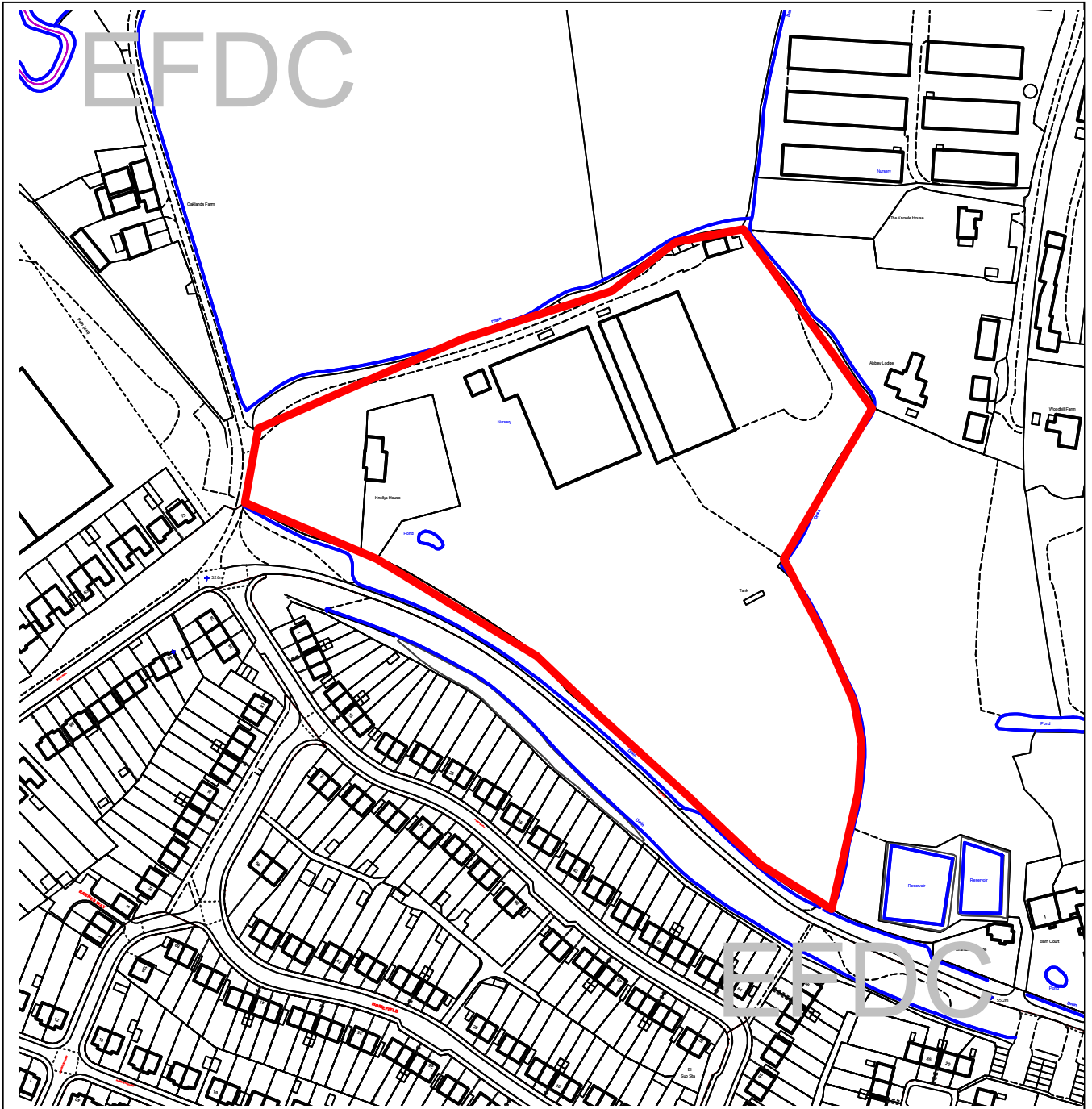
***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

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



# Epping Forest District Council

## Area Planning Sub-Committee West



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

<b>Agenda Item Number:</b>	<b>1</b>
Application Number:	EPF/1784/13
Site Name:	Knollys Nursery, Pick Hill Waltham Abbey, EN9 3LF
Scale of Plot:	1/2500