

committee agenda



Epping Forest District Council

District Development Control Committee Tuesday, 5th July, 2005

Place: Civic Offices, High Street, Epping

Room: Council Chamber

Time: 7.30 pm

Democratic Services Officer: Simon Hill, Research and Democratic Services
Tel: 01992 564249 Email: shill@eppingforestdc.gov.uk

Members:

Councillors Mrs A Grigg (Chairman), Mrs M Boatman (Vice-Chairman), Mrs D Borton, M Colling, Mrs R Gadsby, D Kelly, A Lee, F Maclaine, L Martin, Mrs P Richardson, B Sandler, Mrs P Smith, Ms S Stavrou and K Wright

A BRIEFING WILL BE HELD FOR THE CHAIRMAN, VICE-CHAIRMAN AND GROUP SPOKESPERSONS OF THE-COMMITTEE, AT 6.30 P.M. IN COMMITTEE ROOM 1 PRIOR TO THE MEETING

1. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING COMMITTEES (Pages 5 - 6)

General advice to people attending the meeting is attached.

2. MINUTES (Pages 7 - 14)

To confirm the minutes of the last meeting of the Committee held on 26 April 2005 (attached)

3. APOLOGIES FOR ABSENCE

4. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

(Head of Research and Democratic Services) To report the appointment of any substitute members for the meeting.

5. DECLARATIONS OF INTEREST

(Head of Research and Democratic Services) To declare interests in any item on this agenda.

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

7. PLANNING APPLICATION EPF/422/05 - THE STABLES, LIPPITTS HILL, HIGH BEACH, WALTHAM ABBEY (Pages 15 - 26)

(Head of Planning and Economic Development) To consider the attached report.

8. ST JOHNS SCHOOL, EPPING - PLANNING APPLICATION FOR NEW SECONDARY SCHOOL AND RESIDENTIAL DEVELOPMENT (EPF/1400/04) (Pages 27 - 42)

(Head of Planning and Economic Development) To consider the attached report.

9. EXCLUSION OF PUBLIC AND PRESS

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the paragraph(s) of Part 1 of Schedule 12A of the Act indicated:

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

To resolve that the press and public be excluded from the meeting during the consideration of the following items which are confidential under Section 100(A)(2) of the Local Government Act 1972:

Agenda Item No	Subject
Nil	Nil

Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.

- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

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Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and members of the Subcommittee. A map showing the venue will be attached to the agenda.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak, you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes and if you are not present by the time your item is considered, the Subcommittee will determine the application in your absence.

Can I give the Councillors more information about my application or my objection?

Yes you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website www.eppingforesdc.gov.uk. Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

How are the applications considered?

The Subcommittee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers presentations. The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

Further Information?

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

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EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control Committee **Date:** 26 April 2005

Place: Civic Offices, High Street, Epping **Time:** 7.30 - 9.25 pm

Members Present: Mrs A Grigg (Chairman), Mrs D Borton, Mrs P Brooks, M Colling, Mrs J Davis, A Lee, F Maclaine, J Markham, P McMillan, B Sandler, Mrs P Smith, Ms S Stavrou and K Wright

Other

Councillors: M Heavens and J Knapman

Apologies: L Martin

Officers Present: B Land (Assistant Head of Planning and Economic Development), A Hall (Head of Housing Services), C Neilan (Arboriculturalist, Planning Services), T Carne (Public Relations and Marketing Officer), G Woodhall (Democratic Services Assistant) and S G Hill (Senior Democratic Services Officer)

32. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING COMMITTEES

The Committee noted general advice to people attending the meeting. The Chairman introduced officers present at the meeting.

33. MINUTES

Resolved:

That the minutes of the last meeting of the Committee held on 1 March 2005 be taken as read and signed by the chairman as a correct record.

34. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Committee was advised that Councillor P McMillan was substituting for Councillor R Gadsby at this meeting.

35. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs A Grigg declared a personal interest in agenda item 7 (St Johns School, Tower Road, Epping - Planning Application EPF/1400/04 for a new Secondary School and Residential Development) by virtue of being an employee of Essex County Council until 27 April 2005. The Councillor declared that she did not consider her interest in this matter as prejudicial as it was proposed that the item would be for noting only and subject to further report of officer. The Councillor indicated that she would remain in the meeting during the item.

(b) Pursuant to the Council's Code of Member Conduct, Councillor P Smith declared a personal interest in agenda item 7 (St Johns School, Tower Road, Epping

- Planning Application EPF/1400/04 for a new Secondary School and Residential Development) by virtue of her daughter being a pupil at the school. The Councillor declared that her interest was not prejudicial and indicated that she would remain in the meeting during consideration of the item.

36. ORDER OF BUSINESS

Resolved:

That Item 7 (St Johns School, Tower Road, Epping - Planning Application EPF/1400/04 for a new Secondary School and Residential Development) be brought forward as the next item of business.

37. ST JOHNS SCHOOL, TOWER ROAD, EPPING - PLANNING APPLICATION EPF/1400/04 FOR A NEW SECONDARY SCHOOL AND RESIDENTIAL DEVELOPMENT

The Committee received a report of the Assistant Head of Planning Services in relation to a report on the proposed redevelopment at St Johns School application. The report brought forward a number of issues of principle on which the Planning Officers wished members to give guidance.

However, following concerns expressed from outside the Council about the possible fettering of the Committee on the subsequent consideration of the full planning application, the Planning Officer withdrew from the agenda all requests for decisions.

The Planning Officer informed the Committee that there was an option to debate the issues tonight and refer the application to full Council for determination. This would mean that those who spoke on the matter would have to declare an interest at Council and withdraw from the decision-making process. This was not considered to be a satisfactory course of action.

It was the Officers intention:

(a) To advise the applicants how to revise their application to reflect one of their 4 options since the Council could not determine an application submitted with 4 options. The applicants would need to decide which option to seek a formal decision on.

(b) to continue to advise the applicants that the development as a whole is contrary to policy placing the onus upon them:

(i) to demonstrate that the need for a new school warrants setting aside Green Belt policy and that the only viable option for a new school is building in the Green Belt.

(ii) to show that there are very special circumstances to justify building houses in the Green Belt

(iii) to justify anything less than the Council's policy of 30% of affordable housing.

(b) To advise the applicant that if one particular party formed the Government following the General Election that there was a commitment to providing funding for school rebuilding or refurbishment.

The Committee noted the report and accepted that there should be no debate on the matter pending the consideration of the full planning application.

Resolved:

That the oral report of the Assistant Head of Planning and Economic Development be noted.

38. AFFORDABLE HOUSING PROVISION ON LARGE DEVELOPMENTS

The Committee noted that under Planning Policy Guidance (PPG) 3: Housing and ODPM Circular 6/98, local authorities were able to negotiate an appropriate amount of affordable housing on large development sites, subject to there being sufficient housing need, evidenced by a Housing Needs Survey.

At present, the Government's threshold for local authority districts outside London, above which affordable housing could be sought, was developments of 25 properties or more, or on land in excess of 1 hectare, whichever was the lowest. However, the Government was currently consulting on a proposal to reduce the threshold to 15 properties or more, or on land in excess of 0.5 hectares.

Following the completion of the Council's first Housing Needs Survey in 1999, the Council had increased the amount of affordable housing it sought on large sites from 20% to 30%. As a result of the subsequent Housing Needs Survey carried out in 2003, the Council was proposing, through the Alterations to the Local Plan, to increase the amount of affordable housing sought to 40%, where social housing grant was available (from the Council or the Housing Corporation).

The Committee noted that for social housing grant to be available from the Housing Corporation, the developer had to provide free land for the affordable housing. The Committee noted other Council proposals relating to proportions and mix of affordable housing; thresholds of size and number of units to which the new policy would apply including proposals for rural areas which would form part of the re-deposited Local Plan alteration.

In September 1999, the former Development and Housing Committees had re-affirmed the Council's policy that, based on the evidence of the Housing Needs Survey 1999, "affordable housing" in the Epping Forest District meant "subsidised housing for rent" only.

The Committee also considered the key findings of the last Housing Needs Survey that the District's housing market excluded many families and single person households who were currently seeking access to local housing. Any household with an income below £30,000 to £48,000 per annum (depending on location within the District) struggled financially to access the smallest, acceptable quality units in the local housing market, i.e. one bed flats and around 99% of new households forming in the next year would have incomes below £35,000.

Around 5,512 households planned to leave Epping Forest in the next five years citing the single most common reason for moving outside the District as being lack of affordable housing locally (39%).

665 new affordable properties per annum were required over the next five years to meet both the current and anticipated housing need over that period. Only 63 such properties were planned in 2005/06.

In order to maximise the amount of affordable housing that could be provided on development sites, social housing grant (SHG) was required from either the Housing Corporation or the local authority. The Housing Corporation made funding allocations to housing associations based on investment themes set by the Regional Housing Board and identified by the Regional Housing Strategy via a bidding process with funding being provided to the developments that required the lowest grant per property overall, within the Regional Housing Board's main investment themes.

Another way to reduce the overall grant requirement for a development was for some of the properties to be provided as shared ownership, since less grant was required.

However, there are three main drawbacks to shared ownership:

- (a) The monthly costs are significantly higher than for a fully rented housing association property;
- (b) It excluded many people on the Housing Register, so the affordable housing provided did not target those in most need; and
- (c) Once a shared owner purchased sufficient shares to own the property outright (subject to mortgage), the property was effectively lost from the affordable housing stock.

The Committee were asked to consider the Housing Corporation's increasing desire to see some element of shared ownership within affordable housing schemes on large sites, in addition to the benefits to those applicants wishing to enter home ownership but unable to do so because of high property prices.

It was proposed that a policy be adopted of generally seeking a proportion of the affordable housing on large sites as shared ownership and that, bearing in mind the increasing numbers of applicants on the Housing Register, generally, shared ownership properties should represent no more than 25% of the overall affordable housing provided on each site. It was also proposed that Head of Housing Services be given flexibility to negotiate different ratios of rented housing to shared ownership within this policy framework to have regard to the Housing Needs Survey, characteristics of different developments, and the maximising of the overall provision of affordable housing on any development. The Committee were also asked to include provisions relating to the Governments "Homebuy" consultations within the policy framework.

The Committee were of the view that the proposals were important and would provide a framework within which officers could negotiate the maximum numbers of affordable dwellings particularly in relation to rural areas and should be endorsed.

Resolved:

- (1) That, for the future affordable provision on large development sites where the tenure has not already been negotiated and subject to it representing no more than 25% of the overall affordable housing provided by the development, an element of shared ownership be sought (or New Build Homebuy, if introduced); and
- (2) That, in order to enable the Council to be responsive to maximising the overall provision of affordable housing on developments when undertaking negotiations, and to have regard to the findings of the Housing Needs Survey, the Head of Housing Services be authorised to negotiate

different ratios of rented housing to shared ownership on large development sites within this policy framework.

39. POSSIBLE REVOCATION OF PLANNING PERMISSION - 237, FENCEPIECE ROAD, CHIGWELL

The Committee noted that at its meeting on 5 January 2005, Area Plans Subcommittee A had considered a report on a planning application for a two storey side extension at no.239, Fencepiece Road, Chigwell.

At that meeting the applicant had claimed that the side extension to their property would remain 500mm from the side boundary (instead of the normal 1metre) but argued in justification that their neighbour at no.237 had been granted permission for the same in January 2004, there being a total of only 1metre between the two properties.

The file for no.237 appeared to indicate that the Council had been persuaded in that case that the applicant owned the full 1m between the properties and permission had been granted on that basis. The submissions of the applicant for no.239, therefore, appeared to throw doubt upon the veracity of the statements about ownership and about the basis upon which permission had been given and consequently the committee asked officers to investigate the possibility of revoking the permission for no.237.

Planning permission for the two storey extension at no.239 was refused on the basis that the extension would be closer to the boundary than 1metre and result in a cramped appearance and a terracing effect.

The committee were informed that since revocation carried the likelihood of compensation, it fell to this committee to determine any action.

Officers had visited the site and taken measurements. The position of the boundary is not obvious on the ground due to overgrown boundary planting and forecourt paving of no.239, but it had been established that the boundary was not equi-distant between the two garages but equates to 700mm from the side wall of the garage. This suggested that an existing approval granted in 1990 had been based upon correct information and that the information submitted by the applicant at no.239 was not quite correct, in that his extension would have projected to within 300mm of the boundary line and not 500mm as he was claiming.

Revocation Orders removed or revoked a permission earlier granted and had to be confirmed by the Secretary of State before coming into effect. Compensation was also payable for any loss or damage attributable to the Revocation Order and consequently it was only used in exceptional circumstances where a decision was judged to be 'grossly wrong' and damaging 'to the wider public interest'

The Committee considered whether the Council should pursue revocation in these circumstances. They considered that in this instance the permission as granted did not result in a feature that would impact upon the wider public awareness and did not justify the use of revocation order powers.

Resolved:

That no further action be taken in this matter.

40. TREE PRESERVATION ORDER APPLICATIONS IN RESPECT OF SUBSIDENCE - REPORT

The Committee considered proposals for the introduction of a proforma of information requirements and a protocol for dealing with applications in respect of subsidence related damage by preserved trees, which had been under development over the past year.

The aim of the documents was to allow officers to take a consistent approach to handling applications for felling trees in respect of allegations of subsidence, to allow Members to be sure that all such applications had been carefully scrutinised and that the evidence was of a consistent standard.

The protocol set out how information submitted would be assessed and the key criteria that needed to be satisfied so that clear recommendations could be made to the relevant Planning Committee. Information required included sufficient information to discount other potential causes, information to allow the seriousness of the damage to the property to be assessed; taken together these determine whether an application is valid. The protocol includes the offer to inspect properties pre-registration of applications; this may allow for precise advice to be given as to the information required in particular cases, or provide sufficient information to determine applications based on the particular circumstances.

Since January 2004, based on advice from Head of Legal and Admin, the Head of Planning Services had taken the view that applications supplied with inadequate information such that no reasonable decision could be given in 8 weeks other than refusal were invalid and would not be dealt with. Of those applications received since that time 2 (both in respect of the same tree) were determined following a site visit; one had been agreed to be exempt based on the poor condition of the tree and several had been withdrawn. Several others, however, are outstanding and subject to appeal for non-determination.

The appeals for non-determination were effectively to test the Council's stance and require the Office of the Deputy Prime Minister to give guidance and thus additional advice on evidential requirements. This advice was outstanding.

At present, however, insurance companies were proving unwilling to present the supporting data that was being requested. They also disputed the legality of the Council's position whereby applications lacking sufficient supporting data are being rejected as invalid.

The risks of the approach taken by the Council, at least until new advice was given, was that the Council may be liable for compensation for events which happened in the interim.

It was noted however, that if the Council were to refuse applications on the basis that the evidence was weak, this would lead to more appeals but additionally there would still be a potential for compensation against the Council as a result of the Secretary of State's decision.

The Committee welcomed the new proposals and additionally suggested the officer further examine whether claims against the Council could be underwritten by insurance. They suggested that it should also be made clear that applicants should seek their own specialist advice and be asked to indicate within the proforma the remediation they were seeking. Officer undertook to research the insurance issue

and report back to members via the Members Bulletin and that the amendments required to the documents would be undertaken.

The Committee endorsed the proposals on this basis.

Resolved:

(1) That the protocol, "Handling applications in respect of Preserved Trees and Subsidence" and the proforma, "Information to be provided for subsidence – related TPO applications" be approved subject to the following amendments suggested at the meeting:

(a) Clarification of the proforma to seek an indication of the remedy the applicant is seeking;

(b) Amending the protocol to indicate the necessity of applicants obtaining specialist advice; and

(c) Substituting the word 'may' for 'will' in paragraph 3 of the protocol;

(2) That the protocol and proforma should both continue to be developed in line with legislative developments, subsequent advice or appeal results;

(3) That applications which are not supported by adequate information as defined in the protocol should be rejected as invalid; and

(4) That the Head of Planning and Economic Development ascertain the possibility of underwriting the Council's liability for claims and publish details in the Members Bulletin.

CHAIRMAN

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Report to District Development Control Committee

Date of meeting: 5 July 2005

Subject: Planning Application Epf/422/05 – The Stables,
Lippitts Hill, High Beach, Waltham Abbey.

Officer contact for further information: B Land Ext 4211
Committee Secretary: S G Hill Ext 4249



Recommendations/Decisions Required:

That the Committee considers a recommendation of Area Plans Sub-Committee D that outline planning permission be granted for the demolition of stables and associated areas and the erection of two detached dwellings.

Report:

Background.

(Head of Planning and Economic Development). This application has been referred to this committee by Area Plans Sub-committee D with a strong recommendation that planning permission be granted, with voting 6-2 in favour.

The application was reported to the sub –committee on 20th April 2005 with a recommendation that planning permission be refused. A copy of that report is attached as Appendix 1 along with a summary of the representations (Appendix 2) that were reported orally to the committee as they were received after the completion of the report.

Planning Issues

The main issues in determining the application concern whether very special circumstances exist, sufficient to outweigh the harm to the Green Belt that would result from inappropriate development.

The application site is an existing livery stable yard with stabling for 25 horses located on the western side of Lippitts Hill adjacent to the Metropolitan Police Training Camp. The site is set well back from the Road, largely hidden by a thick belt of trees.

When considering the submission Members of the Sub-committee considered that very special circumstances exist because of the proximity of the helicopter landing area at the metropolitan Police Training Ground to the rear, from which there have been an increased number of flights since 9/11, additionally the site is well screened, there will be a reduction in traffic, that will benefit the area and all the existing buildings and hardsurfacing will be removed. Members of the Sub-committee did not consider that approval of this scheme would set a precedent as they did not consider that any other stable sites were in such close proximity to the helicopter landing area.

Whilst officers accept that there is and unusual form of disturbance to the stables that could be harmful to the business, they do not agree that this is sufficient justification

for the erection of two detached dwellings and are concerned that an approval would set a precedent. Members should be aware that there are at least 3 other livery stable establishments located relatively close to this site, at Pipers Farm, Carlton House Stables and Pine Lodge.

Conclusion

Should the Committee be minded to grant permission for the development it is suggested that consideration be given to the imposition of the following planning conditions:

- (1) Submission of details within 3 years.
- (2) Submission of Detailed Drawings.
- (3) Materials of construction to be agreed.
- (4) Contaminated Land Investigation.
- (5) Prior to the first occupation of either of the two dwellings hereby approved the existing stables and ancillary buildings shown on the submitted plans will be completely removed from the site.
- (6) Suitable surfacing to be agreed.
- (7) Details of means of protection of the proposed buildings from external noise shall be submitted and agreed prior to commencement of development.

Nevertheless officers remain of the opinion that the proposal seeks to set aside Green belt policy, to an overly significant extent and may set a dangerous precedent for residential development at stable premises in the locality, the recommendation therefore remains that the application be refused.

Epping Forest District Council
Final Committee Agenda
For Committee meeting on: 20/04/2005
Decision Level: Development Committee and Plans Sub-committee

DC.AID
PCR2/1.8

APPLICATION No: EPF/422/05

Report Item No: 5

SITE ADDRESS: STABLES, LIPPITTS HILL, HIGH BEACH, WALTHAM ABBEY
PARISH: Waltham Abbey

APPLICANT: Mr & Mrs H Budd

DESCRIPTION OF PROPOSAL:

Outline application for the demolition of stables and associated areas; erection of two detached dwellings.

RECOMMENDED DECISION: Refuse

1. The proposed development of two detached dwellings represents new residential development in the Metropolitan Green Belt, where restrictive planning policies apply and there is a presumption against such inappropriate development except in very special circumstances, which are not considered to be applicable in this case. The development is thus contrary to national guidance to policy C2 of the Essex and Southend on Sea replacement Structure Plan and to policy GB2 of the Epping Forest District Adopted Local Plan.

This application is a resubmission of that refused under delegated powers on 21/12/04 (with some additional supporting information) and has been brought to committee at the request of Councillor Syd Stavrou.

Description of Proposal:

This is an outline application, with all matters reserved, for the erection of two detached dwellings. The proposal entails the demolition of existing stables and ancillary buildings totalling about 635sqm floor space and the removal of areas of hardstanding.

Description of Site:

Existing established livery stables, with stabling for 25 horses, located on the western side of Lippitts Hill adjacent to the Metropolitan Police Training Camp. The existing buildings consist of stable blocks of simple wooden design with low pitched felt roof design, together with ancillary buildings, including an open sided storage barn with a higher

roof level. The site is set back from the road, largely hidden behind a thick belt of trees. To the immediate north and not included within the site is a house and training manege within the same ownership.

Relevant History:

EPF/1126 - Hay Barn - Refused but allowed on appeal.
EPF/217/81 - Dwelling - Refused but allowed on appeal.
EPF/217A/81 - Dwelling to be occupied by stable owners - Approved 26/9/83.
EPF/567/84 - Replacement Stables - Approved 23/7/84.
EPF/1312/85 - Retention of 3 stables one quarantine stable and a forge - Approved 12/12/85
EPF/2102/04 - Change of use of stable/tack room to staff rest room including showers and toilets - Approved 6.10.98.
EPF/2102/04 - Demolition of stables and associated areas and erection of 2 detached dwellings - Refused.21.12.04.

Policies Applied:

Structure Plan Policies:

CS4 Sustainable new development.
C2 Green Belt.

Local Plan Policies:

GB2 General restraint in the Green Belt.
DBE4 Development in the Green Belt.
HC5 Development affecting Epping Forest.

Issues and Considerations:

This is a resubmission of an application that was refused under delegated powers at the end of last year, as contrary to Green Belt policy. The application has not changed, however, some additional supporting information has been submitted.

The main issue is whether the proposed development is appropriate within the Metropolitan Green Belt and if not whether there are very special circumstances sufficient to outweigh the harm to the Green Belt that would result from the development.

The applicants and their agent agree with the planning authority that the proposed development is not appropriate in the Green Belt under current guidance. Their argument is that the particular circumstances of this site amount to very special circumstances that outweigh the harm to the Green Belt that would result from the development.

The applicants' case as set out by their agent comprises the following:

The Applicants' Business.

The applicants family have owned the site since 1958 and have run livery stables from here for 28 years. They are experiencing difficulties with the business which are set out fully in their statement but are summarised as: difficulties at a national level, arising from a slow decline in equestrian pursuits, but more importantly and exclusively in terms of this site, the severe impact which activities at the adjoining Metropolitan Police Training Camp has had on the business. There is a history of noise generating activities including dogs and gunshots at the site, but currently the most serious concern is the activity of the police helicopters. Helicopters take off and land on a regular basis immediately behind the application site and fly low over the site. This causes distress to the horses and makes riding and training at the site very unsafe. This concern is illustrated by a number of letters from current and former users of the site, dressage trainers, a vet who regularly visits the site, and local farriers.

Potential Alternative Uses of the Site.

The applicant has considered alternative use of the existing buildings at the site, in accordance with Government and Council Policy which identify that reuse of redundant buildings in the Green Belt may be appropriate. In the applicants opinion there are shortcomings to these alternative uses in terms of the volume of activity that would be generated by them on site and on the adjoining highway network. They concluded that replacing the buildings would be most beneficial from the Green Belt's point of view.

Green Belt

Although the proposed use is inappropriate in the Green Belt, so is the existing livery use. So the proposal replaces one inappropriate use and buildings with another, but with a smaller number of buildings and less site coverage. This will improve the open character of this part of the Green Belt.

Precedent

The location of this site next to the police training centre and the impact that use has on the business is not repeated elsewhere and therefore granting planning permission on this site cannot set a precedent for other sites.

In addition to the above argument set out by the applicants agent the applicants have submitted evidence of the decline of their business, the difficulty of getting staff to work at the site, the need to carry out most work themselves and the impact on their health that this is having. They argue additionally

that this is effectively a "brownfield" site, a much smaller area would be built on, one dwelling would effectively replace the existing residential staff unit that would be removed, potential reuse for B1 or B8 would be removed for all time, the current 100 vehicle movements a day including commercial vehicles, horseboxes, casual visitors etc would be replaced with just the domestic traffic of 2 houses, local amenity would therefore be enhanced, the site is well screened, the site is within a small residential settlement and is an infill plot and there are significant advantages to the Conservators of Epping Forest with the removal of the stables and riding activities.

The Planning Officers response:

All these issues need to be considered to judge whether they amount to very special circumstances sufficient to outweigh the harm to the Green Belt that would result from the development of two residential units.

It is considered that each of these issues with the exception of the proximity of the police training camp, would equally apply to many other riding establishments in the district. The fact that the business is getting expensive to run and maintain is not unusual nor is the fact that there are a large number of buildings on the site that could be removed. The Green Belt washes over existing buildings throughout the district and Government guidance and local policies allow for the re use of existing buildings in the Green Belt but not the erection of new buildings for inappropriate uses. The suggestion that the proposal simply replaces one inappropriate use with another less damaging inappropriate use is not accepted. Stables have been accepted as one of the few appropriate forms of development that are permitted in the Green Belt, being a small scale facility for open air recreation.

The applicants have argued that the site should not be used for B1 or B8 use as this would increase business traffic in the forest, yet at the same time they argue that the existing use generates up to 100 traffic movements a day including commercial deliveries and horse boxes. It is most unlikely that any business use of the existing low key buildings would result in higher traffic levels or more noise and disturbance. Re use of the existing buildings therefore needs to be properly considered not simply dismissed.

The proximity of the Police Training Camp and Helicopter base is perhaps the main difference between this site and many others in the District, but clearly this is not a recent development, having been there for many years, nor is the use of helicopters, guns and dogs at the site a new development. The applicants have established, consolidated and expanded their business at this site, gaining a house in the 1980s to be close to the horses and staff facilities as recently as 1998 (although this is not a residential unit as has been suggested, but purely a rest room and with a bunk for occasional

overnight use.) They must at each stage have been aware of the potential for noise and disturbance from the adjacent site, and they have managed to continue their business despite this nuisance, until now.

Whilst there is some sympathy with the applicants and for their current predicament with declining health and declining business, and it is accepted that the intense level of noise and disturbance caused by the proximity of the helicopter landing site may not apply to many other sites in the District, it is not considered that other more appropriate development of the site has been fully considered or that therefore the circumstances are sufficient to outweigh the harm to the Green Belt that would result from the inappropriate development of two residential units.

The existing buildings are mainly single storey and low in profile and unobtrusive and appropriate to this green belt location. The creation of two new dwellings and residential curtilages, whilst reducing the amount of built development would be by definition harmful to the Green Belt. Despite the argument that the situation at this site is unique, there are other stables close to the Police training camp, (although not so close to the landing site). It is considered therefore that the redevelopment of this site would set a dangerous precedent for residential development at equestrian sites, which would cause significant harm to the character of the Green Belt.

The loss of an appropriate Green Belt leisure facility is also to be regretted, as the closing of 25 stables here is likely to result in increased pressure in other Green Belt locations for additional stables for the horses that are displaced. There is no evidence that the applicants have attempted to sell the business.

Other issues

Setting aside the in-principle objection to the development on Green Belt grounds, it is considered that 2 dwellings could be sited within the application site and suitably designed with adequate amenity space and parking provision and without harm to the residential amenity of adjacent residents. There are no objections from Highways or from Land Drainage officers. The site may be contaminated, but a condition requiring a survey and subsequent decontamination would cover this.

Given the problem of the noise disturbance from the adjacent Training Camp it could be argued that this is not really an appropriate location for further housing, as the residents will suffer disturbance. The proposal could be argued to be contrary to Policy RP5 which states that the Council will not grant planning consent for sensitive development such as housing which would be subject to either excessive noise from adjoining land uses or traffic, or other forms of nuisance.

However it is accepted that this could be mitigated by sound insulation measures.

Conclusion

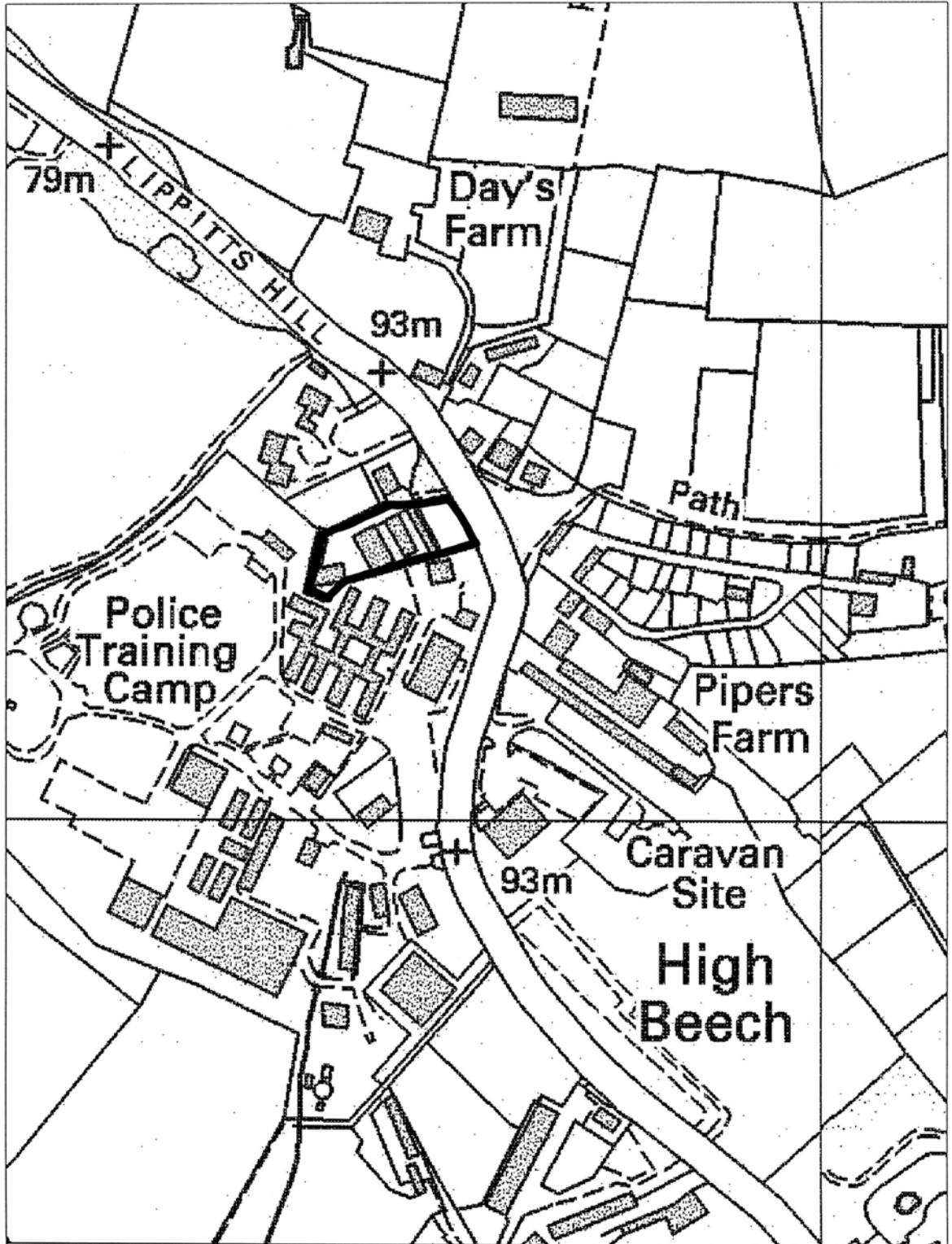
The application is considered to be inappropriate development in the Green Belt. It is not considered that the circumstances put forward are sufficient to outweigh the harm to the Green Belt that would result from the scheme. The proposal is therefore contrary to the policies of the development plan and is recommended for refusal.



SUMMARY OF REPRESENTATIONS:

This report was completed prior to the end of the consultation period on this application. Any additional observations received prior to the Committee will be reported orally.

WALTHAM ABBEY TOWN COUNCIL - No objection.

PIN HI, LIPPITTS HILL - Strongly object on the grounds that it will affect not only our property but the surrounding area. Area of outstanding beauty will be transformed into mini housing estate. The reason for this is financial gain, not good enough reason to destroy ambience of the area. Thin end of wedge.



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**Report To District Development Control Committee
5 July 2005
Planning Application Epf/422/05 –
The Stables, Lippitts Hill, High Beach, Waltham Abbey.**

Appendix 2

EPF/422/05

Additional representations received prior to the application being presented to Plans Sub Committee D on 20th April 2005.

CORPORATION OF LONDON – No observations.

WHITE GABLES LIPPITTS HILL – Object. Rural area, this would spoil things dramatically. Loss of privacy, harmful to our peaceful lives. Existing single storey structures are out of eyeshot, new buildings will overlook our property. Green Belt, Contrary to policies. Also as close to the training camp residential is contrary to RP5 The people in question have friends, I am told, on the Council Committee, and so therefore we feel we are probably wasting our time.

PATERNOSTER NORTH RESIDENTS ASSOCIATION – Green Belt. Contrary to the policies of the Local Plan and guidance from the Secretary of State. No very special circumstances to warrant an exception to the presumption against inappropriate development. Permission would weaken the function and purpose of Green belt land. dangerous precedent.

FRIENDS OF EPPING FOREST – Concerned about laxity in applying Green Belt legislation. We oppose the addition of two residential units in a sensitive area where setting precedents is so dangerous.

PIN HI, LIPPITTS HILL – Application has not changed since previous refusal and should be refused in its entirety. Contrary to RP5. Not surprised it has been asked to go to Committee, as the appellants have influential friends and colleagues within the Council and on the Committee. We would ask that the application be directly refused and not submitted to Committee. No special circumstances, which are not repeated elsewhere, there are several other livery yards and private stables that immediately surround and adjoin the police training camp, including my own stables, plus my 15 acre showground used for equestrian events, another business in decline. This will therefore set a precedent for other sites.

TREETOPS, LIPPITTS HILL - This repeated application is a total violation of Green Belt policies, especially RP5. Not suitable for housing because of the proximity of the police training camp and helicopter base. No special circumstances that are not repeated elsewhere, there are several livery and private stables in the area. The proposal would therefore set a precedent for other sites, the ones that no doubt have no objection to this proposal. Not surprised the application is to be submitted to committee as the applicant has influential friends on the council and within the committee that no doubt requested this, as this application will then be granted.

Supporting letters submitted by the applicant prior to the committee of 20th April 2005.

DAYS FARM LIPPITTS HILL – Support the application. For lippitts hill the biggest change over 25 years has been the increase in activities at the police camp. I have campaigned for the cessation of activities. Over the years Mr and Mrs Budd have found it more difficult to run the stable business because of the Police camp

activities. I believe this has made the business unsustainable. Unfair not to grant consent for houses on land that has been made unfit for its present use by the camp. PIPERS FARM, LIPPETTS HILL – Support. Due to the decreasing market for livery stables in the Epping Forest area, there is a growing need for existing yards to diversify and seek new uses for their land. The addition of extra residential properties in Lippitts Hill can only improve the environment for existing residents. DANBURY, LIPPITTS HILL - Full support and no objections. Have lived opposite for 28 years and have seen the decline in the horse trade. The helicopter base behind the premises continues to grow and produces a high level of noise at all hours of the night and day making the running of the yard very difficult. The proposal would reduce traffic in the local area.

DAYS FARM, LIPPITTS HILL – Support the scheme, much more modest than that agreed at Manor Farm Mott Street, previously a livery yard and compares favourably to that of Gardens of Hanbury in Pyenest Green Road. The reduction in traffic on local roads would be welcome. And the proposed houses will be virtually invisible from any viewpoint.

J. CANTLE, FARRIER - I have been shoeing horses at Mr and Mrs Budds livery yard since 1973 and took over the Forge at The Stables about seven years later. Over the years the police camp has become more and more active. Horses coming from outside The Stables become more difficult to shoe due to the level of noise, with no advance warning being given and even some of the horses at livery at the yard have had to be sedated in order to be shod. Makes my job increasingly difficult and dangerous and I am no longer permanently based at The Forge. In my view the police camp has had a detrimental effect on their business, aiding a falling number of liveries at the Stables and highlighting the local and national decline in the horse riding industry.

J.A.ROBERTSON. MASTER FARRIER. I have been shoeing horses in the neighbourhood of the Police Training camp for many years. There has been many times when helicopters have flown over, or adjacent to, the area where I have been shoeing a horse, this puts us at risk. Obviously not an ideal situation for equestrian businesses to be located next to a site which generates unpredictable noise of this nature.

LOUGHTON HEALTH CENTRE – This is to certify that Harold A Budd does indeed have a cardiac condition. As a result of this, he feels that he is unable to take on any extra workload from his business. I will be grateful if you can give this your kindest consideration.

GERALD CHARLES & Co ACCOUNTANTS. Since the unfortunate events that occurred on 11 September 2001 there has been a significant increase in military activity in our clients vicinity. This has had an adverse effect on our clients business to the extent that the business is now barely viable and we have recommended she cease trading before she starts to incur losses.

NEXT MOVE ESTATE AND LAND TRANSFER AGENTS – Write to confirm that we have been unsuccessful in our efforts to date to find a suitable purchaser. We appreciate that we were acting exclusively on a discreet basis due to the sensitivity of your business. Most potential buyers that we approached during 2004 had uncertainties regarding the use of the helicopters on the adjacent land.

Report to the District Development Control Committee



**Epping Forest
District Council**

Date of meeting: 5 July 2005

Subject: St Johns School, Epping – Planning Application for New Secondary School and Residential Development (EPF/1400/04)

**Officer contact for further information: Barry Land
Committee Secretary: Simon Hill Ext 4249**

Decisions Required:

To consider an application for the erection of a new, 6 Form Entry, secondary school; 4 hectares of residential development and open amenity space on the site of St Johns School, Epping.

Report:

Background

1. This planning application was originally submitted in July 2004 when the application included almost 5.5 hectares of residential development, about 3 hectares of which was proposed beyond the built-up area within the Green Belt. The applicants reconsidered their proposals with the help of two meetings chaired by the local Member of Parliament with representatives of the local community. Four options were produced for further consideration and the application has now been formally revised for determination.
2. The current application, illustrated on the plan attached to the end of this report, then, is for:
 - (i) the erection of a new, 6 Form Entry, secondary school on land comprising the western side of the current playing fields. Although this is an outline application, the submitted plans illustrate a two storey structure designed on an X-shaped plan. The school would include retention of sufficient playing fields to cater for a 6FE school, plus hard courts, parking area and landscaped grounds. Of the current holding, 8.23 hectares are being retained as the school site. The main vehicular entrance is proposed in Bury Lane and it is proposed to stop-up Lower Bury Lane preventing vehicular access to Bury Lane;
 - (ii) 4 hectares of residential development located largely on the site of the existing school buildings on the eastern part of the existing site, although 1.44 hectares would spread west of the existing school buildings into part of the existing playing fields that lie within the Green Belt. It is proposed that 10% of the total number of residential units would be provided as affordable housing, the precise mix of which would be agreed later; and
 - (iii) a 1.46 hectare area of open amenity space is proposed between the new school and the new housing providing a landscaped link between Lower Bury

Lane and the Swaines Open Space, transferred to the District Council to ensure public access with a commuted sum for future maintenance.

3. Since the building of a school and residential development within the Green Belt would represent a significant departure from the development plan, if this committee were minded to approve the application it would need to be referred to the Government Office for the East of England (GO-East) for determination as to whether GO-East would 'call-in' the application or allow the Council to make the decision.

The Existing Site

4. The current site occupies approximately 13.69 hectares on the western edge of Epping Town. The existing school buildings are located on the eastern part of the site and the Green Belt boundary closely follows the western edge of the school buildings. The remaining land is laid out as playing fields, though it is clear from site that much of the land is not used extensively. The playing fields are designated as Green Belt. The site is bordered by Bury Lane and Lower Bury Lane to the west, and by the residential areas of Tower Road and Bury Road to the east and south.
5. Since the open areas of the site are laid out as playing fields, it means that there are very few areas of existing tree planting and landscaping and the site is generally level, though slopes a little to the north. However, there is a natural hedgerow with trees and a pond that divides the site in two.
6. Access to the site is currently from Tower Road with a secondary access from Lower Swaines. In fact, the school operates a one-way system through the site such that vehicles enter from Tower Road and leave via Lower Swaines.

Relevant Planning Policies

7. The Development Plan comprises both the Essex Replacement Structure Plan 2001 and the Epping Forest Local Plan 1998. Relevant policies include:

Structure Plan

CS1 – encouraging a range of facilities to support urban areas,
CS2 – safeguard and enhance the character of urban and rural environments,
C1 – no alterations to the boundaries of the green belt,
C2 – limited, appropriate development within the green belt,
NR1 – conserving the landscape of rural areas.

Local Plan

GB2 – limited, appropriate development within the green belt,
H4-6 and Supplementary Planning Guidance – the provision and extent of 'affordable housing',
DBE1 & 2 – design of new development and impact upon surrounding areas,
DBE7 – provision of open space within new residential development,
LL2 – protect the landscape from inappropriate development, and
T17 – traffic implications.

Representations

8. The Council has received 243 individual letters of objection to these proposals. Most were received in relation to the original plans but only if the

revisions led to changed opinions were residents asked to write again. Objections are largely on the following grounds:

- the use of the Green Belt, largely for new housing, but also for a new school building;
- that there is no 'housing supply' need for residential development on this scale;
- the new development would be visually intrusive in open landscape;
- a large, imposing, two-storey school building would be out of character;
- extra traffic from the school and housing will increase noise and pollution;
- additional traffic flows on Bury Lane at peak periods;
- construction traffic on Tower Road and on Bury Lane would be hazardous;
- the use of Lower Bury Lane as an access to the school would be hazardous and anti-social behaviour may result from access to the new open space;
- there would be poor visibility at the new access into the school on Bury Lane;
- the new residential development would detract from the privacy of existing properties in Tower Road and Bury Road; and
- there would be considerable impact upon the landscape and ecology of the area.

9. In addition, a number of residents of Lindsey Street and adjacent roads have written, together with a petition of 16 signatures objecting to the extra traffic a new school in Bury Lane would introduce to the Lindsey Street area.

10. In addition to the individual letters received, representations have also been received from the following:

Epping Town Council – objects as it considers the proposal to build houses in the Green Belt very damaging to Green Belt policies and does not consider that very special circumstances exist, particularly in view of the large envelope of Green Belt needed for the total development and the low percentage of affordable homes. Also object on the basis of loss of playing fields, which is a national concern at this time. Insufficient reasons for their loss. Also object on the basis of very significant increase in traffic during peak periods and at weekends caused by the new school and by the new housing. This should be considered further with a new traffic study undertaken. Although supportive of plans to redevelop St Johns School, the Council felt that the loss of Green Belt was too high a price to pay, compounded by the low percentage of affordable homes meant that the housing would be of little value to existing residents of Epping.

Conservators of Epping Forest – consider that the new school buildings and car parking would remove the open aspect of this part of the Green Belt contrary to policy. More intensive use of the playing fields in the northern part of the site has the potential to adversely affect the wildlife interest of Swaines Green abutting the site. Congestion on Tower Road will not be relieved by replacing the school with housing, and additional traffic, including contract buses, on Bury Lane might be detrimental to the lane. Trees on Bury Lane will be lost for the new access. No alternative access on Bury Lane nor

improvement to the Bury Lane/High Road junction can be achieved without needing forest land. Increase in light pollution likely.

St John's Development Consultation Group – have enlarged upon the general grounds of objection raised by local residents. In addition, they have carried out a detailed critique of the Transport Assessment and conclude that the information submitted is not complete and quality is lacking. Forecasts are lacking and road safety has not been adequately examined. Pedestrian access via Lower Bury Lane is ill-founded. Junction capacities might be inadequate and the proposals lack detail to show compliance with national policy or best practice.

Campaign to Protect Rural Essex – opposed to the loss of the Green Belt which would create a major precedent at a time when there is a major dispute about building on Green Belt land in the area. Fails to meet the Council's normal requirements for affordable housing.

Epping Society – location for new school unacceptable even if special case for building on Green Belt land; housing not acceptable in the Green Belt; additional traffic too great for residential roads; traffic too much for Bury Lane and its junction with High Road; loss of playing fields.

Friends of Epping Forest – future of the forest depends on the protection of the Green Belt and the loss of the Green Belt is unacceptable.

11. Five individual letters of support have been received from nearby residents, plus a letter signed by the 6 Head Teachers of the local Primary Schools in the vicinity supporting the new school proposals since it would enable students to benefit from a 21st century school design and would ensure that parents in the area would have renewed confidence to send their children to the local school, building on the rapid progress the school has made over the past couple of years and bringing stability to the primary school population in the local area.

Planning Issues

12. The major issues raised by this application are:
 - a) the development of a new school in the Green Belt;
 - b) the development of housing to replace the existing school buildings;
 - c) the development of housing in the Green Belt;
 - d) the provision of affordable housing;
 - e) traffic implications; and
 - f) impact upon surrounding residents.
- (a) New School in the Green Belt
13. This proposal seeks to use Green Belt land for the provision of a new school building of two storeys with a floor area of some 12000 sq.metres, plus car park and other hard play areas or courts. Such a proposal does not fall within any of the categories of appropriate development in the Green Belt set out in either Government policy guidance or in development plan policies. It has to be regarded therefore as inappropriate development and, by definition, this is harmful to the Green Belt.

14. Where development in the Green Belt is inappropriate it is then necessary to consider whether any very special circumstances apply and the onus is on the applicant in each case to advance these circumstances. The applicants for St John's School have set out in detail why the current school facilities are below standard and why a refurbishment of the existing school is not viable economically, would not be practical logistically and would not give value for money to the local community since at the end of the process the community would still only have a renovated facility that would still fall short of current educational standards. It would also not be possible, both logistically and financially, to rebuild a new school on the site of the existing complex. The only option left is to build a new school on part of the existing playing fields.
15. Furthermore, the applicants argue, the local community would gain considerably by having a new school, meeting modern educational standards and enabling the continuation of the upgrading of the educational experience and achievements of St Johns School. This would encourage more local families to choose St Johns as the secondary school of their choice and reduce the numbers of children travelling away from Epping for their education. In turn, this would also reduce the vacancies at the school that are filled by children from outside the catchment area who travel to school by car at present.
16. The detailed surveys that have been undertaken of the existing school buildings (constructed largely in the 1960s) indicate that large sums of money would be necessary to repair and refurbish the buildings. Even then, a 'Suitability Survey' indicates that facilities at the school would still fall well below expected levels of access for disabilities and of educational needs. It is accepted that a newly designed school would be the most sensible way of resolving existing difficulties. It is also accepted that to redevelop on the existing site would necessitate closing the school with huge logistical problems.
17. The only practical alternative is to build on land within the Green Belt and it is considered that the arguments for this alternative amount to very special circumstances justifying this development in the Green Belt. There is no doubt that the wider Epping community would benefit from the construction of a new school.
18. It is recognised that to develop on the western part of the site results in a significant reduction in playing fields and this has been highlighted in some of the representations. However, the playing fields retained meet the space requirements for a 6FE secondary school and, in fact, the government's guidelines would query the provision of any more than the standards suggest. There is no doubt that the school is over-provided at present since part of the site has been untended as a wild meadow in recent years.

Residential Development to Replace School Buildings

19. The Green Belt boundary is drawn tightly around the extent of the school buildings so that the 2.56 hectares covered by buildings at present lie within the built-up area. The Local Plan does not allocate this land for any other purpose and so, if surplus to educational needs, the land is available in principle for residential development. Although the housing supply figure within the development plan for the period up to 2011 has already been achieved, the Council accepts that there is a continuing demand for additional

dwelling throughout the district and has chosen not to impose a halt to permissions for new housing as a result.

20. There is then no objection in principle to using this land for housing, subject to other matters, such as impact on neighbours and traffic considerations being satisfied.

Residential Development Within the Green Belt

21. Whilst the site of the existing complex lies clear of the Green Belt, this, on its own, is not sufficient to fund the building of the new school. Further residential development is necessary over part of the Green Belt area in order to fully finance the building project. The applicants have estimated that the receipts from 4 hectares of residential land (subject to a 10% affordable housing requirement) are the minimum necessary to fully fund the project. This results in the need to use 1.44 hectares of the Green Belt for housing purposes.
22. As with the school itself, residential development in the Green Belt has to be regarded as inappropriate development, which by definition is harmful to the Green Belt. It is the responsibility of the applicants to identify sufficient very special circumstances to justify setting aside Green Belt policy to this degree.
23. The applicants argue that this is justified on economic grounds. The whole scheme depends upon raising sufficient capital by selling off sufficient land for housing, in this case 4 hectares. The new school cannot be funded in any other way. Central Government has made its allocation for school building up to March 2008 and for Essex secondary schools this amounts to £15.8 million. This sum is to cover the needs of 80 schools and the cost of the St Johns scheme alone is likely to be more than the totality of this funding.
24. In addition, the Government's initiative "Building Schools for the Future" whereby all secondary schools throughout the country are to be renewed over time, has not included Essex to date and it is the 'ambition' to have Essex join the scheme by 2011. Even if this were confirmed the programme would be expected to extend over a further 10 year period with schools in west Essex being lower in priority than elsewhere. Furthermore, Private Finance Initiative (PFI) funding has been examined but this is only available through the "Building Schools for the Future" programme at the present time, and in any event St Johns would be too small to qualify for PFI.
25. The applicants argue, then, that the only realistic way of funding the new school in the short or medium terms, if further generations of pupils in Epping are to avoid not having access to modern facilities for teaching and learning, is through the suggested method of enabling residential development.
26. The submitted scheme includes an element which can be seen as mitigation against developing of Green Belt land for although about 1.4 hectares would be lost to development, the scheme proposes an open wedge of 1.4 hectares of public open space to which there would be public access, secured for the future by its transfer to the district council with a commuted sum for future maintenance. The wedge would be between the new school site and the housing area, and bounded on its western side by the existing hedgerow and wildlife corridor. It is intended that the land would simply be open grassland, but with a footpath network, not only linking the residential areas to the school

east to west, but also providing a link north to south from Lower Bury Lane and Bell Common to Swaines Green and the footpath links beyond.

27. The committee may feel that the need to use part of the Green Belt area of the site for housing is not sufficiently compelling in itself, but the provision of open space with public access tips the balance to justify setting aside Green Belt policy in circumstances so special that an undesirable precedent is not created.

Affordable Housing

28. Although related to the amount of Green Belt land necessary for residential development, the issue of the amount of affordable housing to be required from the development should also be considered in its own right, for, after all, it is a reasonable position of the Council to stand on its current policies and indicate that whatever area of the Green Belt is used for housing, 30% of any housing must be affordable.
29. However, the applicants are asking that the Council's normal policy requirement of 30% affordable housing be relaxed to 10%. The committee will be aware of the need for affordable housing in the district identified in the Housing Needs Survey 2003 and more widely. This established that 665 new affordable properties *per annum* were needed over the following 5 years to meet the current and anticipated housing need over that period. In fact, the number completed has been significantly less while the number of applicants on the Housing Register has doubled over the past 3 years.
30. The committee will also be aware that, at its last meeting, the Council's Cabinet agreed that one of the Council's priority actions is "to take every opportunity to increase the amount of affordable housing in the district in order to contribute to meeting the needs of the local community".
31. The Local Plan Alterations propose increasing the current requirement to 40% because of the outstanding need, but 30% is the currently adopted policy requirement. The applicants argue that less land will be needed for housing (and more given as open space) if the Council were to relax the requirement and, in any event, value should be credited for the provision of a new school as benefiting the community to offset any shortfall in affordable housing provision.
32. The Head of Housing Services is of the view that we should be seeking 30% affordable housing but that a realistic view of the overall community benefits from the development would have to be looked at, but that 10% is too low in any circumstances. He suggests that at least 20% affordable housing should be provided, comprising 15% general housing needs for rent and 5% shared ownership. He advises that, if the affordable housing is to have a chance of attracting funding from the Housing Corporation, the land for the affordable housing would need to be provided free to a housing association, which is now usual in all section 106 Agreement sites.
33. It is true that the amount of affordable housing required from the residential development has a direct impact on the total area of residential development necessary if a finite return has to be achieved to finance the new school. The applicants make it clear that if a larger proportion is required, the area of encroachment into the Green Belt would have to increase or the whole

scheme becomes unviable. In that sense, a greater demand for affordable housing may result in none at all, if the scheme becomes unviable. However, it is unclear whether a stance on this point by the Council would force the County Council to find additional funding, perhaps from the County's own capital programme.

34. The committee will need to decide whether the need for affordable housing is considered to outweigh encroachment into the Green Belt, bearing in mind that the community will be receiving the benefit of a new school and access to open land in addition to only 10% affordable housing.

Traffic Implications

35. The school currently takes all access from Tower Road. This comprises contract transport by bus and coach, pedestrians, staff (86% of whom travel by car) and pupils being dropped off by car (24% travel by this means). [NB. These percentages were obtained from a staff and pupil survey carried out and submitted by the applicants as part of their Transport Assessment.]
36. The proposals are:
- (i) to create a new vehicular entrance from Bury Lane at the point currently occupied by the Lower Bury Lane junction. This access is to serve staff parking, contract transport and visitors to the school but not pupils. There will be no access for pupils at this point nor opportunity for pupils to be dropped-off in Bury Lane;
 - (ii) to close Lower Bury Lane to through traffic and create a turning point close to the present Cricket Club access point. A pedestrian and cycle access into the school would be created here as well; and
 - (iii) to create 3 access points to the new school along its eastern boundary for pedestrians and cyclists through the new residential area and across the open space, and thus maintain access from the residential areas of Epping.
37. The application has been accompanied by a Transport Assessment, which has been independently assessed by Traffic Consultants on behalf of the County Council as Highway Authority, who have agreed the conclusions of the Assessment.
38. The conclusions of the report include:
- (a) that the access onto Bury Lane for the new school is acceptable in both capacity and safety terms so long it is not used for pedestrian access nor any facilities provided for dropping-off pupils at this point.
 - (b) that the new school development would not increase the total numbers of vehicles seeking to gain access to the school since the current scheme seeks no increase in pupil or staff numbers.
 - (c) that the development offers opportunities to promote cycling and other more sustainable travel options leading to a reduction in car-borne staff and pupils.

- (d) that closing Lower Bury Lane will change the pattern of traffic in that area, perhaps creating inconvenience for those residents wishing to travel to the north but balanced by environmental improvement.
 - (e) that there would be no implications for Lindsey Street or elsewhere in Epping.
 - (f) that levels of traffic on Tower Road would reduce in peak periods and certainly benefit from losing the contract transport, even if the residential development catered for up to 200 new homes (160 is a more reasonable figure).
 - (g) that there would be increased traffic using the Bury Lane/High Road roundabout but that it would still operate within its absolute capacity though above the desirable capacity, increasing the average traffic queue from an average of 6 to 9 vehicles during morning peak hours.
39. The Assessment has been criticised for using traffic information gained in March and December 2003 and not more up-to-date and for not projecting future growth or taking account of the possibility of enlarging the school to 7FE. A number of detailed criticisms have also been made by the residents group but the Assessment as a whole has been accepted as reasonable by the independent consultants working for the Highway Authority.
40. There are certainly queries over the use of Lower Bury Lane as one of the pedestrian accesses for the new school. There could be some conflict between pupils walking to school on this route and vehicular traffic from the houses in both Lower Bury Lane and Bury Road and, whilst the applicants emphasise that there is no encouragement given for any pupils to travel by car, car-borne pupils might well be dropped-off here as well. Part of Lower Bury Lane has no pavements.
41. However, the highway authority has suggested that traffic calming measures are introduced in the remaining section of Lower Bury Lane to reduce speeds and make the road safe for shared use by both vehicles and pedestrians.
42. The adverse traffic implications really reduce to two matters: increased inconvenience and possible queuing at the High Road/Bury Lane junction, and whether no encouragement and therefore provision for pupils being brought by car is realistic and may cause safety concerns. These concerns need to be balanced against improved conditions for Tower Road and Lower Swaines and the opportunity to reduce dependency on the private car by improving cycle facilities and by generally encouraging more children from Epping town to choose St Johns as the secondary school of their choice and thus reduce travel out of the town generally.
43. The committee will need to consider whether the apparent shortcomings of the traffic situation are sufficiently concerning to warrant rejecting the scheme as a whole.

Impact on Surrounding Properties

44. The new school building would be some distance from existing houses and a significant, landscaped buffer is proposed between the building and the nearest houses in Lower Bury Lane and Bury Road. It will be a large and

imposing building but set back about 100m from the road at the nearest point, it is not likely to be overly intrusive. The design and appearance of the building can take account of the setting and context and need not appear out of character.

45. The design and layout of the residential development will need to take account of the surrounding dwellings. Much of the Tower Road boundary is heavily treed and little view can be obtained of the Bury Road houses from the playing fields at present. Therefore it should prove possible to accommodate the residential development without detracting from amenities of the surrounding properties.

Other Matters

46. Ecology – An Ecological Study has been undertaken. Whilst part of the site has the appearance of grassland meadow this is because it is unused playing field having been intensively managed in the past and is of little conservation value. The more interesting habitats are the hedgerow across and around the site and the pond within the central hedgerow. These features are being retained.
47. Footpath to Epping Cemetery – Representations have been received emphasising the community benefit of having a footpath access to Epping Cemetery in Bury Lane. The applicants are happy to incorporate such a feature if at all possible. Whilst a footpath/pavement along Bury Lane is not acceptable to the highway authority, since this would provide opportunity for children to be set-down from cars which is discouraged, there is scope to use the footpath links from the residential areas to the east and from Lower Bury Lane, via a footpath around the front of the new school to provide an alternative to walking along the carriageway of Bury Lane. However, this is dependant upon the Conservators agreeing to a footpath link across forest land that forms a verge to the lane.
48. Landscape Assimilation – Although the site appears flat, there is a slight fall from south to north. However, the site is well screened from beyond its boundaries, the Bury Lane frontage having Tree Preservation Orders protecting trees on the highway boundary within the control of the Epping Forest Conservators. However, the proposals include extensive planting in the southern corner of the site to create an attractive setting for the school and to screen the new development from the residential properties in this area.

Conclusions

49. Very special circumstances need to be demonstrated in order to use Green Belt land for the building of the new school. It is considered that the arguments put forward including the need for the work and the lack of practical alternatives comprise the necessary very special circumstances.
50. The site of the existing school buildings can be used for residential development providing other considerations, such as highway concerns, are satisfied.
51. Further very special circumstances need to be demonstrated to use Green Belt land for residential development. The applicants state that without the

proposed 1.44 hectares of land beyond the built-up area boundary the whole scheme becomes unviable. The committee will need to determine whether the consequences for the whole scheme outweigh the normal policies of restraint applied within the Green Belt. The applicants argue that opening up part of the site for public access mitigates the encroachment of the housing into the Green Belt.

52. There is a recognised and unmet need for affordable housing in the district. The proposals do not seek to provide affordable housing to the extent required by the Council's policy but only to the extent of 10% of the total number of dwellings. It is argued that to increase the proportion would spread the housing development further into the Green Belt. This issue involves the balance of the importance of obtaining affordable housing and of minimising loss of the Green Belt.
53. The development has a number of implications for traffic, some improving the present situation and some disbenefits. The particular areas of concern are the use of Lower Bury Lane by both pedestrians and vehicles, though no longer a through road, and increased congestion at the Bury Lane/High Road junction during the morning peak hour, though not to a point beyond the capacity of the junction (based upon the 2003 figures). However, the traffic proposals and their implications are a package and the committee will need to decide if the shortcomings in the package are sufficient to warrant refusing the whole scheme.
54. Other matters have been satisfactorily addressed and do not warrant refusing the application.
55. Should the committee be minded to grant permission to the proposals as submitted, any permission will need to be subject to conditions as attached at appendix 1 and to legal agreements to secure:
 - (a) affordable housing as 10% of the total number of units as general needs housing for rent;
 - (b) the provision with appropriate landscaping and footpaths of 1.46 hectares of open amenity space with subsequent transfer to the Council with an agreed commuted sum for future maintenance;
 - (c) the stopping up of Lower Bury Lane and provision of a turning head and pedestrian/cycle access into the site. The breaking out, removal of highway rights and landscaping that part of Lower Bury Lane made redundant by the stopping up;
 - (d) traffic calming/ management measures in Lower Bury Lane between its junction with High Road and the proposed turning head;
 - (e) the bringing up to current standards two bus stops in the vicinity with shelters, raised kerbs and telematics;
 - (f) the provision of tactile paving at three specified road junctions in the vicinity;
 - (g) a school travel plan;

- (h) a public transport promotion and marketing campaign for the occupiers of the new residential development; and
- (i) a bellmouth priority junction in Bury Lane to provide direct access to the new school to include two kerbed radii and 120m x 4.5m x 120m visibility splays. Also to include yellow-backed side road ahead warning signs on both approaches, 'SLOW' markings before and after each warning sign and centre hazard lines to a minimum width of 150mm for a minimum distance of 100m either side of the new junction.

56. With the necessary conditions and the above matters secured by legal agreement, the committee may consider that permission may be granted. The committee are reminded that should it be minded to grant permission the application will then need to be referred to the Government Office as the next step.

EPF / 1400 / 2004

AMENDED/
~~ADDITIONAL~~ PLAN
RECEIVED ...



Site Area: 8.23Ha

Site for Residential Development
Site Area: 4.0Ha

AREA OF PROPOSED AMENITY SPACE
Proposed area of open amenity space: 1.46Ha

New 6FE Secondary School

DWG NO. 5563 / 04

Stanley Bragg

ARCHITECTS

Epping St Johns School
Site Development Plan

16 MAY 2005

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District Development Control Committee
5 July 2005
EPF/1400/04 – St Johns School, Epping - Appendix 1

Suggested conditions:

1. Submission of details within 3 years and standard time limit for commencement.
2. Development to be carried out in accordance with detailed drawings to be submitted.
3. The extent of the elements of the development and the principles upon which the detailed drawings are to be based are those of the approved drawing numbered 5563/04.
4. No commencement of the residential development shall take place until such time as two or more separate foot/cycle paths to the new school from Tower Road and Lower Swaines via the residential development site have been provided.
5. Foul and surface water drainage details to be agreed.
6. Surface water source control measures shall be carried out prior to occupation in accordance with details which shall have been submitted to and approved by the local planning authority before development commences.
7. The proposed access in Bury Lane shall be for vehicular use only (no pedestrians or cyclists). Use of the access shall be controlled to ensure it is used by staff, visitors and service vehicles, including buses and coaches, only. An access/car park management strategy shall be submitted to and approved by the local planning authority prior to first occupation of the school.
8. The internal layout of the residential development shall be designed in accordance with the highway requirements of the Essex Design Guide for Residential & Mixed Use Areas 1997.
9. Wheel washing equipment to be installed.
10. Retention of existing trees and shrubs.
11. Tree protection measures to be agreed and implemented.
12. Landscaping scheme to be agreed and implemented.
13. The parking facilities for the school shall be submitted to and approved by the local planning authority, shall include parking for the disabled and secure cycle and motorcycle parking and shall be provided in accordance with the approved details prior to first occupation.
14. Materials of construction to be agreed.
15. Details of screen walls and fences to be agreed.

16. Construction work (which includes deliveries and other commercial vehicles to and from the site) shall only take place on site between the hours of 0730 to 1800 Monday to Friday & 0800 and 1300 Saturdays and not at all on Sundays and public holidays.
17. There shall be no external lighting of the school playing fields or hard courts without the prior approval of the local planning authority.