

## AREA PLANS SUB-COMMITTEE 'WEST'

2 July 2014

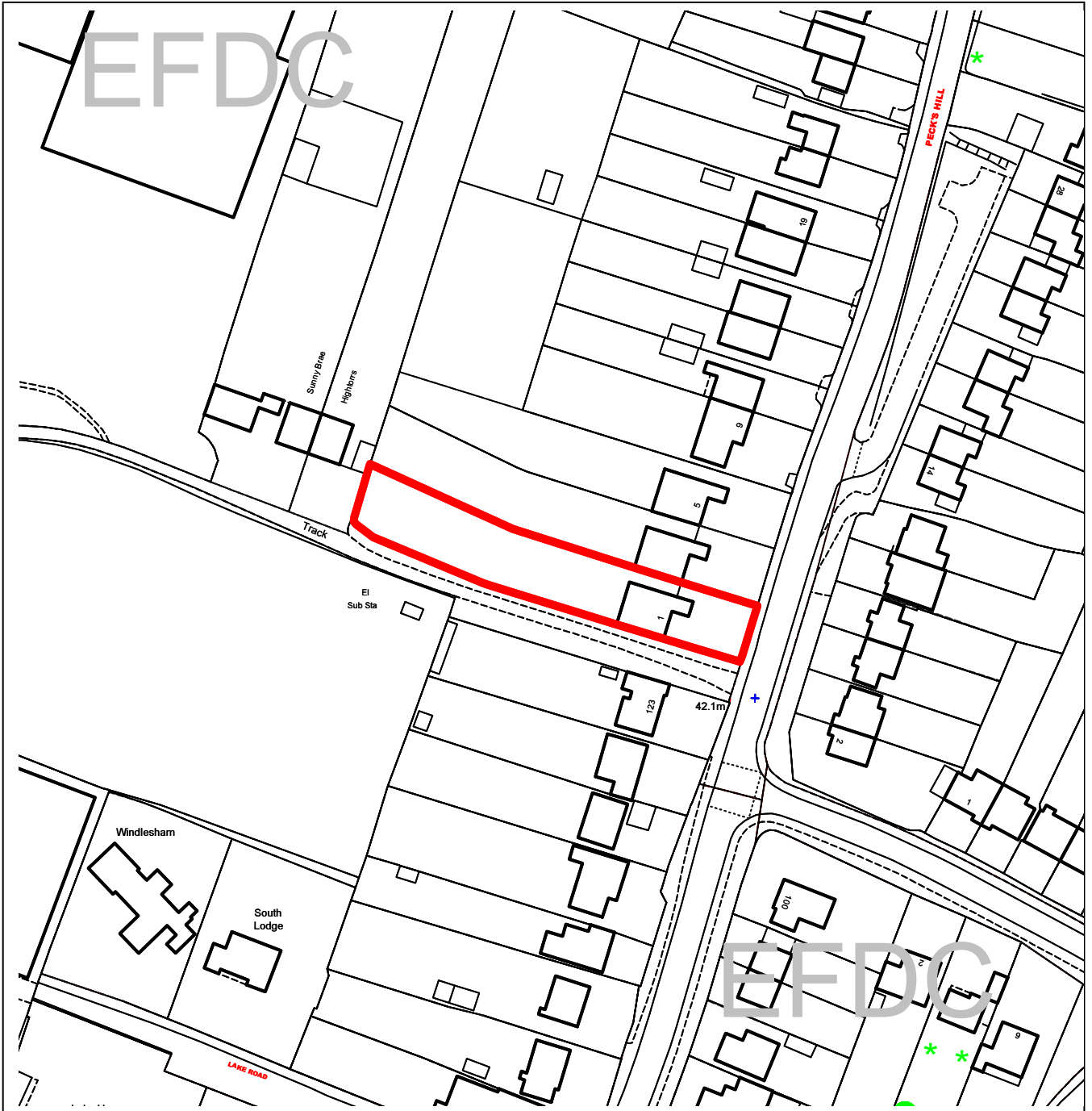
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# Epping Forest District Council

## AGENDA ITEM NUMBER 1



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Application Number:	EPF/0929/14
Site Name:	1 Pecks Hill, Nazeing EN9 2NX
Scale of Plot:	1/1250

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0929/14
<b>SITE ADDRESS:</b>	1 Pecks Hill Nazeing Essex EN9 2NX
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Mr K Downs
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey side extension and first floor rear extension
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=562471](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=562471)

**CONDITIONS & REASONS or REASON FOR REFUSAL**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))*

**Description of Site:**

The application site consists of a detached two storey house located on the western side of Pecks Hill within the built up area of Nazeing. The site is not within the Metropolitan Green Belt, a conservation area, or any other designated area.

**Description of Proposal:**

Consent is being sought for the erection of a two storey side extension and a first floor rear extension. The proposed side extension would be 1.9m in width and 13.5m in depth at ground floor level, although would only be 10.1m in depth at first floor. The proposed side extension would introduce a gable ended pitched roof extending beyond the northern roof slope of the main dwelling. The ridge of the proposed extension would run off of the main ridge at a right angle to the same maximum height of 8.1m. The proposed rear extension would measure 4.5m in width and 2.7m in depth and would be built atop the existing single storey rear projection. This would have a gabled ended pitched roof to a ridge height of 6.7m.

### **Relevant History:**

EPF/1478/86 - First floor front extension over garage – approved 12/12/86

EPF/1891/05 - Single storey rear extension – approved/conditions 24/11/05

EPF/1027/12 - Erection of double garage to front – refused 18/07/12 (appeal dismissed 03/12/12)

### **Policies Applied:**

CP2 – Protecting the quality of the rural and built environment

DBE9 – Loss of amenity

DBE10 – Residential extensions

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

### **Consultation Carried Out and Summary of Representations received:**

5 neighbouring properties were consulted. No Site Notice was required.

PARISH COUNCIL – Object to the proposal on the grounds that it is over development of the site and will not enhance the street scene.

3 PECKS HILL – Object as the dwelling has already been extended and further additions would engulf the original house and the definition of the original dwelling would be lost; due to the loss of amenities due to the overbearing and dominant nature of the proposal and loss of light; as it would have an adverse impact on the character of the street scene; and as there is some reference to a 'treatment room' on some of the plans (**this matter has been raised with the applicant and subsequently amended**).

### **Issues and Considerations:**

The main issues of consideration in this instance are the design and impact on neighbouring residents.

#### Design:

The application site is one of three detached two storey dwellings that originally were identical. However a first floor front extension was added to No. 1 in the 1980's. The other properties within Pecks Hill vary greatly in terms of size, appearance and type.

The proposed side extension would alter the overall appearance of this dwelling when viewed within the street scene, however Pecks Hill consists of a wide variety of dwelling types and styles and therefore it is not considered that the alteration to this property would be unduly detrimental to the character and appearance of the street scene.

The extension itself is in keeping with the overall character of the dwelling with a matching gable and identical pitched roof. Whilst the side extension would increase the overall width of the property, this would only be by 1.9m and would continue to retain a 1m step in from the shared boundary with No. 3 Pecks Hill, as required by Local Plan policy DBE10.

The proposed rear extension would be similar to that previously added to the front of the dwelling, with a subordinate gable end with similar roof pitch and detailing as the original house. As such it is not considered that the rear extension would be harmful to the character and appearance of the area.

Objections have been received stating that, combined with the existing extensions on the property, this proposal would constitute overdevelopment of the site. This dwelling has had one single storey rear extension and first floor front extension in the last 30 years, which equate to a lot less than could currently be erected under permitted development. As the site is not located within the Green Belt or a conservation area there is not the level of restriction to extensions that you would see in such designated areas. Nonetheless, the proposed extension would have a floor area of 57m<sup>2</sup>, which equates to a 23% increase on the existing dwelling. When combined with the two existing extensions to the property the level of additions increases to 51% over and above the original dwellinghouse. Whilst this type of calculation would not normally be required for sites such as this, the level of extensions proposed would nonetheless be acceptable (even for most Green Belt sites) and is not considered to constitute an overdevelopment of the site.

#### Neighbours amenities:

This row of three detached dwellings sit in line with one another, although given the topography of the area No. 3 sits on slightly lower ground than No. 1. The proposed side extension would not extend beyond the original rear wall of the houses, and only extends beyond the original front wall at ground floor level. The flank wall of the neighbouring dwelling at No. 3 sits on the shared boundary, however the proposed extension would retain a 1m set back from this boundary. This would ensure that views of the proposed side extension from the neighbour's garden would be largely screened by their own house, and therefore the extension would not appear 'dominant' or 'overbearing' to the neighbouring residents.

Whilst the application site is located to the south of the neighbouring property, given the location of the proposed side extension it is not considered that this would have an unduly detrimental impact on loss of light to the neighbour's garden, as any light levels affected by the proposed extension would largely already be restricted by the neighbour's own property. Although the proposed side extension may have an impact on the level of light reaching the neighbour's side roof slope, permission cannot be refused due to the neighbours 'intention to install solar panels on this roof slope'.

The proposed rear extension would be 2.7m in depth and located 3m from the shared boundary and is less than what could be erected under permitted development rights. Due to the relatively minor size and location of the rear extension, this would have minimal impact on the neighbour's amenities.

#### Other considerations:

The neighbouring residents raised concerns regarding the reference to a 'treatment room' on the submitted cross sections (although this was not stated on any other plan). This matter was raised with the applicant's Agent who claimed this to be an oversight as there is no longer any commercial business running from the premises, and the plans were subsequently amended removing this reference.

Concerns regarding the installation of a decking area have also been raised within the neighbour's objection letter. This decking area does not form part of the application and therefore is not being assessed here, however the matter has been passed on to Planning Enforcement for them to investigate.

**Conclusions:**

The proposed development would not be detrimental to the character and appearance of the area or to the amenities of neighbouring residents and therefore this application complies with the relevant Local Plan policies and is recommended for approval.

***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: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

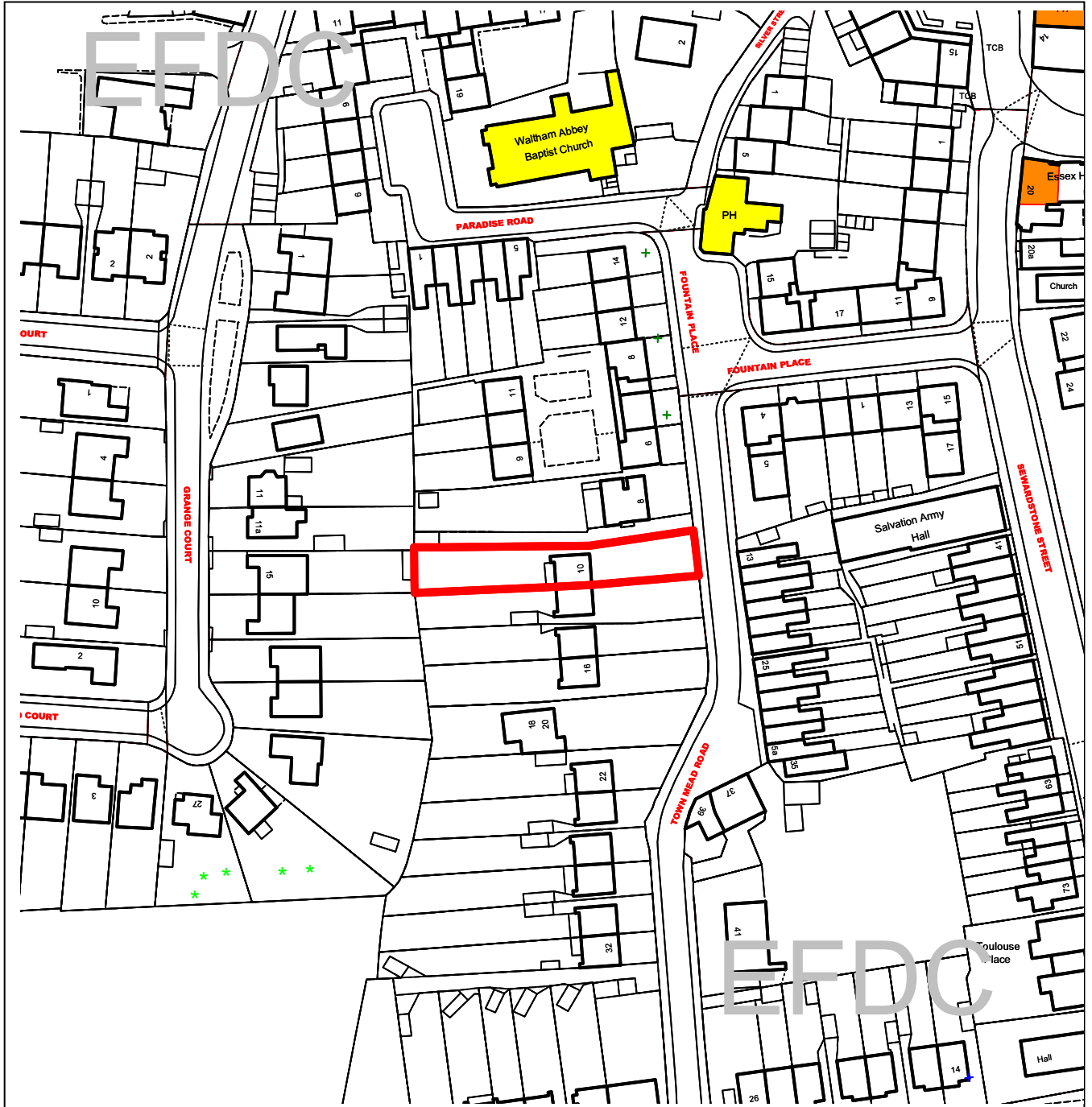
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## AGENDA ITEM NUMBER 2



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Application Number:	EPF/0819/14
Site Name:	10 Townmead Road, Waltham Abbey EN9 1RP
Scale of Plot:	1/1250



**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0819/14
<b>SITE ADDRESS:</b>	10 Townmead Road Waltham Abbey Essex EN9 1RP
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey South West
<b>APPLICANT:</b>	Mr Andy Jones
<b>DESCRIPTION OF PROPOSAL:</b>	Single storey rear extension and part two storey rear extension
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=562099](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=562099)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The proposed new window opening in the flank elevation at first floor level shall be fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council function, Schedule 1, Appendix A.(g)) and;*

*since it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council function, Schedule 1, Appendix A.(f).).*

**Description of Site:**

The application site is located close to the town centre in Waltham Abbey. The house is semi detached and forms one of a row of similar style dwellings. Properties are characterised by relatively long front garden/yard areas. The houses are also served by relatively long rear gardens. The application site is set behind its immediate neighbour to the north and this house (No 8) is

served by a side entry area and has a garage on the common boundary. The adjoining neighbour (No 12) has a small utility block attached to the rear elevation on the common boundary side. A close boarded fence and some screening separates the properties on this boundary.

Description of Proposal:

The applicant seeks consent to extend the dwelling on the rear elevation. The extension would be two storey extending 6.0m on the ground floor from the rear elevation of the dwelling and 1.0m around the corner of the house. This element would have a hipped roof and skylights on either side. The first floor element would extend from the northern side of the building by 3.5m and would be 4.3m wide. This section would have a hipped roof which would tie into the existing hipped roof. A new window would be inserted in the existing northern flank wall at first floor level.

### **Relevant History**

No relevant history.

### **Policies Applied:**

Policy CP2 – Protecting the Quality of the Rural and Built Environment

Policy DBE9 – Loss of Amenity

Policy DBE10 – Design of Residential Extension

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

### **Summary of Representations:**

4 neighbours consulted: 6 replies received.

8 TOWNMEAD ROAD: Objection. The proposed scheme will be very imposing on neighbours and out of character. The extension is larger than the footprint of the house. Concern about existing noise levels emanating from the house. The plans show an extension to No12 which simply isn't there. Concern about precedent and impact on our neighbours at No8. Concern about impact on wildlife in the area.

12 TOWNMEAD ROAD: Objection (2 letters including petition signed by 7 residents of adjoining and nearby properties, No's 8, 12, 16 and 22). Concern about overbearing impact and sense of enclosure that will result. Loss of amenity from our garden area. The built form will be out of character and there is no agreement from us for the applicants to enter our property to complete the construction. Loss of light to the rear of our house and overlooking from the velux windows. Noise and disturbances from the property will only increase. Concern that the plans do not have dimensions.

14 TOWNMEAD ROAD: Objection. Concern about the size of the extension and its impact on No's 8 and 12.

2 WEAVERS WAY: Objection. Overbearing sense of enclosure to 12 Townmead Road. Overshadowing of 8 Townmead Road. Lack of planning precedent for the scale and bulk of the proposal. The proposal will cause an overbearing sense of enclosure to 12 Townmead Road due to the inappropriate scale and mass of the proposed extension. This goes against Planning Policy DBE10 Residential Extensions due to the size of the proposed extension and Policy DBE9 Loss of Amenity due to the negative visual impact of proposal. The velux window positions on the southern elevation will be detrimental to the use of the rear bedroom of 12 Townmead Road

adjoining. The sight line drawn from this rear window of 12 Townmead on drawing MDP.TM/01 is from the centre of the window and is therefore inaccurate. In reality, taking a 45 degree line from the edges of the window as per industry norm, the second storey element and the position of the windows will have a detrimental impact to this habitable room. The current application will cause overshadowing of 8 Townmead Road and will reduce the amenity of the garden space by blocking southern daylight. This contradicts Planning Policy DBE9 Loss of Amenity. I am not against an extension of an appropriate size and detail, however, the second storey element of this proposal and the position of the south facing velux windows is not agreeable. I politely request that the current proposal is brought down to single storey and the window positions altered. The reduction of the proposal to single storey and the repositioning of the 2 velux windows on the southern elevation, preferably to the western elevation, will mitigate the visual impact and prospective noise and light pollution on the neighbouring properties.

3 HEAMINGTON CLOSE (CAMBRIDGESHIRE): Objection. Having reviewed these plans with a close relative of the adjacent occupiers, I am shocked that this extension has even been proposed. If this were approved, it would adversely affect neighbouring occupiers, causing significant loss of light and a visual obstruction in great excess of the current building form. The neighbours' use and enjoyment of the land will be adversely affected, tantamount to causing a private nuisance under the law of tort. There has been no consultation with neighbours and a bullish approach to the application, showing a total lack of consideration for the character of the street and the adverse impact this extension would have on neighbouring properties.

4 NIGHTINGALE WAY: Objection. Overbearing sense of enclosure on no. 12 Townmead Road. Loss of amenity space to no.8 Townmead Road. The 2 storey element of the extension projects approximately 4.5m from the existing building line and the single storey even further. The 2 storey element will be visible from the neighbouring window despite the half hearted attempt of a sight line from the architect. In addition to this the amenity space to the rear of no. 8 Townmead Road will be greatly overpowered by the proposed extension. The 2 storey part of the extension will give the garden space of no 8 a huge sense of enclosure which is not felt at present as the buildings are adjacent to each other. The 2 storey part of the proposal directly blocks the sunlight to the ground floor (it is only a bungalow) and amenity space of no. 12 Townmead Road. The extension is to the South of the neighbouring property and will have a huge negative impact on the quality of living they experience at present as the building already steps back from the bungalow.

TOWN COUNCIL: Objection. Due to boundary issues and loss of access to rear of property.

### **Issues and Considerations:**

The main issues relate to design and amenity whilst taking into account the comments of consultees.

#### Design

The application is to extend the rear elevation of the dwelling and for a scheme of this nature it has received a more than usual level of objection, even from property addresses outside the district. A number of objections have raised concern about the issue of precedent and that what is proposed will be imposing and harmful to the streetscene. With regards to precedent; every planning decision must be reached on the merits of the case. Although a Local Planning Authority can consider the cumulative effect of similar decisions the possibility of precedent should not lead to a refusal if there are other good planning reasons for allowing a development. In truth what is proposed here is a fairly typical rear extension to a dwelling, albeit with a deeper than standard ground floor. From a design perspective the roof of the ground floor element is hipped and the first floor section is of a conventional design with the roof hipped to tie into the existing roof. Such a finish is acceptable and the use of matching materials would ensure a satisfactory appearance. In

terms of impact on the streetscene; the extension would be set some 20.0m from the road and is located to the rear. Any impact would be marginal.

6.0m is quite deep for a single storey rear extension but as stated the hipped roof would result in a suitable appearance. Changes to the Prior Approval process which came into force in 2013 now permit 6.0m deep extensions to semi detached houses in certain circumstances. If there are objections from neighbours the Local Planning Authority must form a view of whether there is an excessive impact on the amenity of neighbours in making a judgement. The breadth of any analysis is narrowed to this single issue. It could therefore be inferred that the guidance from Central Government is that there should be no considerations with regards to design for an extension of this size and that 6.0m is a reasonable depth from a design perspective. It is the case that this proposal forms part of a planning application but it is not considered that the overall design raises issues of concern. The first floor element reduces the overall expanse of roof of the ground floor element of the extension. Generally the design of the extension is acceptable.

### Amenity

An amended plan has been received to confirm that the depth of the first floor of the extension is 3.5m from the existing rear wall.

A number of letters highlight concerns about impact on the amenity of adjoining neighbours. It is firstly stated that the extension will be overbearing and imposing when viewed from the adjoining properties. With regards to the northern neighbour (No 8) the first floor of the extension would be set from the common boundary by at least 2.0m and this would reduce any overbearing impact. Furthermore the property is served by a garage on the common boundary and the main body of the house is set forward of the rear elevation of the application site. This would further reduce the impact. As stated, gardens along this row of properties are fairly generous so the extension would not be excessively imposing or result in an enclosure of space. With regards to the adjoining neighbour (No12), the first floor extension is also set approximately 2.0m from the common boundary. The extension would not breach a 450 line when drawn from the centre of the adjoining first floor habitable room window. One objector states that the line should be taken from the nearside edge of the window. Any such measurements are generally not considered scientific but rather to provide general guidance for making a judgement call. In this case it is not considered that an extension at first floor level set 2.0m from the boundary would unduly impact on the amenity of adjoining residents or result in an excessive loss of light to the window.

It is considered that the extension retains a reasonable gap to No8 such that there would be no serious loss of light to windows on this dwelling. The newly proposed side facing window at first floor level could be reasonably conditioned as obscure glazed. In relation to No12 the single storey element would project for 6.0m along the common boundary, which is quite deep from an amenity viewpoint. The submitted plans do indicate a 2.0m deep extension projecting along the boundary and this is queried by some objectors. It is the case that the extension is not as wide as that shown on the submitted plan. However there is a small 2.0m deep utility block which projects at the common boundary. This extension to No12 would reduce the perceived depth of the proposed single storey to 4.0m. Furthermore there is an existing fence and some screening adjacent to the utility extension. The roof of the single storey section hips away from the boundary. Under these circumstances it is not considered that what is proposed would excessively impact on amenity. A set of doors serving the living area at the rear of the house would already be overshadowed to some degree and the proposed extension would not excessively accentuate this existing scenario. The garden area is also quite deep so the single storey element would not be excessively overbearing.

Rooflights are proposed in the hip sections on each side of the single storey roof. These are a high set feature in a vaulted style roof and as such will not result in the overlooking of adjacent properties. Planning policy tends to guard against the overlooking from first floor side facing windows.

### Further Comments

Objection has been raised to the footprint size of the extension relative to the existing house. Although the extension has a large footprint there are no policies which support this as a reason for refusal. When judged on the relevant design and amenity policies this proposal is deemed acceptable.

The Town Council has expressed concern about boundary issues in their reason for objecting and it is safe to assume this relates to concerns about impact on neighbours. This issue has been addressed in the main text of this report.

The Town Council has also raised concern about the loss of access to the rear of the property. Extensions to the side of semi detached dwellings are very common in this district and such a concern can only be afforded very limited weight as it enjoys no policy support.

### **Conclusion:**

The proposed extension to this dwelling is considered acceptable in relation to the relevant Local Plan policies. The concerns of neighbours and the Town Council are noted and carefully considered, but the design is acceptable and impact on the amenity of neighbouring residents would not be excessive. It is therefore recommended that this application is approved subject to relevant conditions.

***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:***

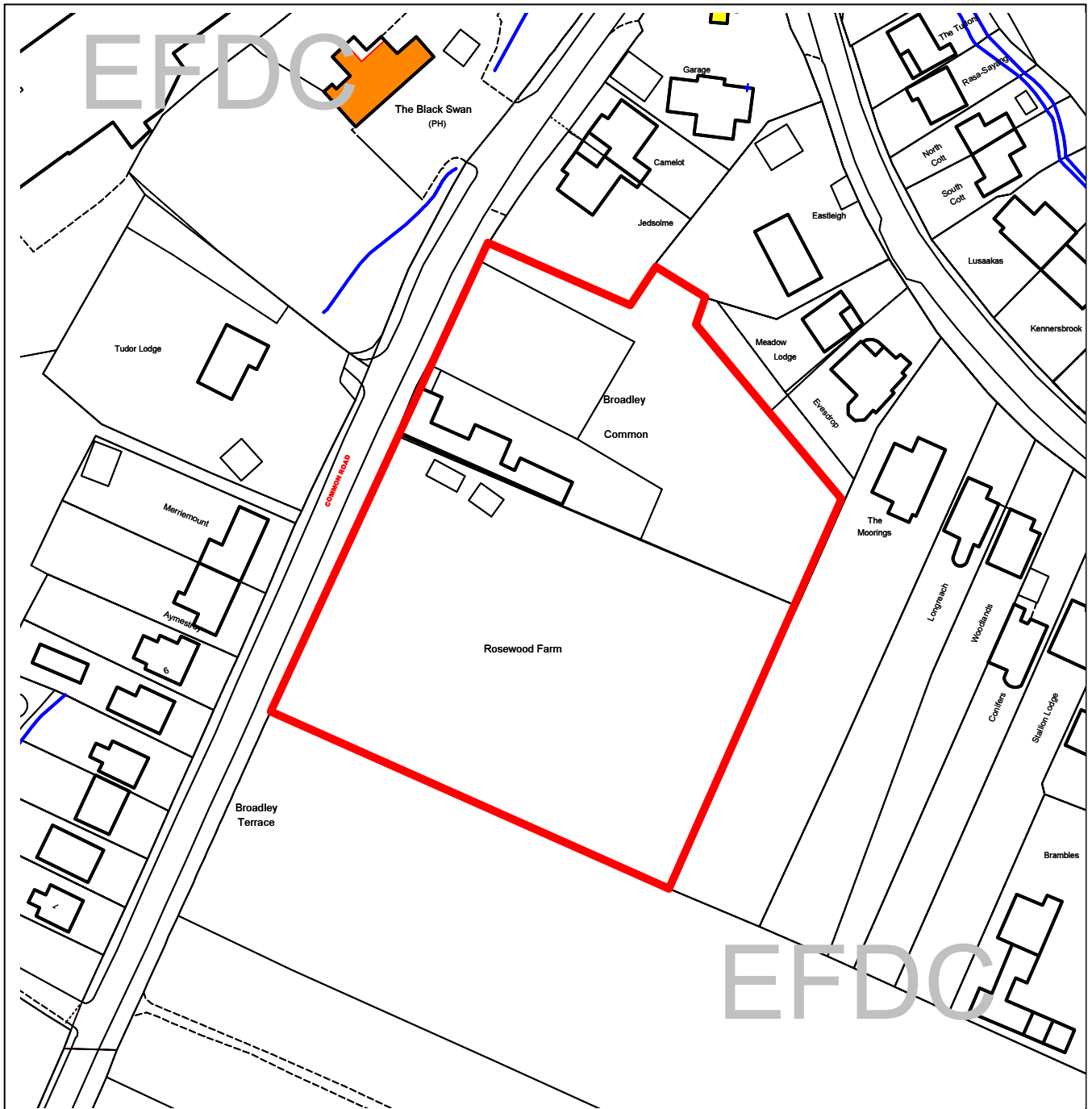
***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 3



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Application Number:	EPF/0205/14
Site Name:	Rosewood Farm, Common Road Broadley Common, EN9 2DF
Scale of Plot:	1/1250

### Report Item No: 3

<b>APPLICATION No:</b>	EPF/0205/14
<b>SITE ADDRESS:</b>	Rosewood Farm Common Road Broadley Common Roydon Essex EN9 2DF
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	First Choice Software Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing commercial stables and construction of 26 no. 2-bed, 9 no. 3-bed and 4 no. 4-bed houses (39 dwellings in total, including 12 affordable homes), with associated new access, off-street parking, amenity space, play area and landscaping
<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/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=559338](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=559338)

### REASON FOR REFUSAL

- 1 The site is within the area identified in the Epping Forest District Local Plan as Metropolitan Green Belt. Most of the site is now previously developed land (brownfield). The proposed dwelling houses are materially greater in size and scale than that of the buildings that they are proposed to replace particularly in relation to their bulk, massing and height and the developed area extends on to currently undeveloped open land. The proposal would therefore result in undue intensification of built development at the site that would unduly diminish the rural character and the openness of the green belt and thus not accord with the aims and objectives of including land within the green belt. No adequate very special circumstances have been demonstrated by the applicant to outweigh the significant harm of the development to the Green Belt. The proposal is contrary to policies CP2, GB2A and GB7A of the Adopted Local Plan and Alterations and the National Planning Policy Framework.
- 2 The proposed development would harm the historical significance of this part of the Nazeing and South Roydon Conservation Area. In particular, the proposal is at odds with the established pattern of development in Broadley Common and would introduce a cul-de-sac, which is suburban in character, into a rural hamlet setting. For these reasons, the proposal would not preserve or enhance this part of the conservation area contrary to policies HC6 and HC7 of the Local Plan and Alterations and the National Planning Policy Framework.
- 3 The design of the proposed development is considered to be inappropriate within the conservation area. In particular, the confused composition of the elevations, due to the use of a wide variety of architectural forms, detailing and materials, results in

a design lacking in cohesion. In addition, the projecting gables which span different architectural forms appear contrived as they do not reflect a traditional pattern of development. For these reasons, the proposal would not preserve or enhance this part of the conservation area contrary to policies HC6 and HC7 of the Local Plan and Alterations and the National Planning Policy Framework.

- 4 The proposal would adversely affect the setting of the Black Swan Public House, a Grade II listed building, by eroding the wider open landscape in which the building is experienced and introducing an uncharacteristic pattern and density of development. In addition, the setting of the listed building has not been adequately considered in the application. The proposal is therefore contrary to policy HC12 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.
- 5 The proposed development, and in particular the new dwelling houses of numbers 7, 11 and 17, would by reason of their poor siting set well forward of their adjoining properties, be visually intrusive and overbearing that would be detrimental to the open aspect of the street scene and cause excessive harm to the amenities enjoyed by future adjoining occupiers. The proposal is therefore contrary to policy CP2, DBE1, DBE2 and DBE9 contained within the Adopted Local Plan and the National Planning Policy Framework.
- 6 The proposed development by reason of its inadequate provision of soft landscaping due to the excessive use of hard paving areas within the site and in particular to the front of the new dwelling houses would result in a visually unattractive development that fails to enhance the setting within the site and its wider landscape. The development is therefore contrary to policy LL11 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.
- 7 The proposed new dwellings, in particular those along the southern rear boundary of the site numbered 24-39 fail to provide sufficient functional, usable and private amenity space for future occupiers contrary to the aims and objectives of policy DBE8 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.
- 8 The site is considered to be unsustainable in respect of proximity to shops, services and facilities. The new dwelling houses are not readily accessible by sustainable means of transport or provide safe and convenient access to pedestrian and cyclists. Future residents of the dwellings would therefore be heavily dependent on the use of private cars which is contrary to local policies CP1, CP3, ST1, ST2 and ST3 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.
- 9 The proposed development fails to demonstrate and take into account the principles of energy conservation or how measures of sustainability have been incorporated into the scheme. The development is therefore contrary to policy CP5 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.
- 10 The drainage strategy outlined within the submitted Flood Risk Assessment that identifies the details of surface water methods of disposal are inadequate and is the least sustainable option. The proposed drainage strategy is contrary to policy U3B of the Adopted Local Plan and Alterations and the National Planning Policy Framework.



- 11 The proposal does not accord with the adopted Parking Standards as it does not provide any on-site provision for visitor parking or secured cycle storage. This would lead to inappropriate kerbside parking detrimental to highway safety, contrary to policies ST4, ST6 and DBE6 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.
- 12 The proposal does not accord with the adopted Parking Standards in terms of the layout and positioning of the parking bays. In particular parking bays nos.11-14 and 38-39 along with other parking bays within the site that don't have a 6 metre clearance behind them do not lend themselves well for a vehicle to manoeuvre in and out of the space safely and efficiently. This would result in obstruction and dangerous manoeuvring to the detriment of highway safety contrary to policies ST4 and ST6 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.
- 13 The hard standing area to the front of parking spaces nos.69-73 and 66-68 will encourage vehicles to park over the footway to the detriment of pedestrian safety contrary to policy ST2 and ST4 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.
- 14 The internal footways are all only 1m wide; at least 1 footway should be 2m wide and the others a minimum of 1.5m wide, to avoid pedestrian conflict and pedestrians having to step off the footway to pass each other or a pushchair or wheelchair. The current footways would be detrimental to pedestrian safety contrary to policy ST2, ST4 and DBE5 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.
- 15 The proposed turning heads within the site should be part of the adoptable carriageway of at least 5m in width, and not incorporated into the shared private access width. Currently the turning head does not comply with a Size 3 T-turn as per the Essex Design Guide and would cause problems with refuse and fire tender access contrary to policy ST4 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.
- 16 The proposed open space (play area) amounts to 2% of the net site area which is an inadequate amount in relation to the scale of the proposed development. In addition, the open space is located in an unsatisfactory position tucked away in the corner of the site that has very little public visibility which could potentially lead to safety concerns. The size and position of the open space is therefore contrary to policy ST2, DBE3 and DBE7 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.
- 17 The proposed development is located in a settlement of less than 3,000 inhabitants and given that it is a predominantly Greenfield site, 50% of the new dwelling houses would be expected to be affordable homes. Only the provision of 30% has been proposed in which all of them are for two bedrooms units. The amount and mix of affordable housing is unacceptable and as such is contrary to policies H5A, H6A and H7A of the adopted Local Plan and Alterations and the National Planning Policy Framework.

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

### **Description of Site:**

The application site as outlined in red on drawing No. 10918-P001-A comprises an area of land approximately 0.96 of a hectare that is located on the eastern side of Common Road approximately 100m south of the junction of Epping Road within the settlement of Broadley Common.

The site itself is mainly rectangular in shape with just the northern boundary being staggered due to it following the rear boundary lines of the adjoining properties. It is relatively level with a gentle slope that falls approximately 2m across the site from south to north.

The site is distinctively split down the middle into two halves by a row of mature vegetation that runs from the front of the site to the rear. Located on the northern half of the site next to the row of mature vegetation and setback slightly from Common Road is a modest size outbuilding that is used as commercial stables. Associated equestrian training (ménage) and a paddock for the grazing of horses are located to the north and side of the existing stable building.

The southern half of the site is more or less an open paddock with two derelict aluminium framed polytunnels that were once used as glasshouses and a gravel hard standing area. Each half of the site has its own separate crossover off Common Road to provide vehicle access into each section. In addition to the mature vegetation that splits the site into two; significant vegetation is also located around the perimeter of the site along its boundaries.

Dwelling houses that front onto Epping Road are located to the north and north east of the site. The public house known as 'The Black Swan' which is a grade two listed building and a linear row of dwelling houses are located adjacent the site to the west. Open fields used for agriculture are located to the south. The subject site and the surrounding area are located within the Metropolitan Green Belt and the South Roydon and Nazeing conservation area.

### **Description of Proposal:**

Planning permission is sought for the demolition of the existing stable buildings and the construction of 39 dwelling houses with each one having two off street parking spaces and its own private amenity area. The breakdown of the housing is as follows:

- 26 two bedroom houses
- 9 three bedroom houses
- 4 four bedroom houses

It should be noted that of the 39 dwelling houses proposed, 12 of the two bedroom houses will be affordable homes. The dwellings would be two-storey in form and comprise a mixture of terrace, semi-detached and detached buildings. They would comprise of a mixture of roof designs, have a variation in roof and eave heights, contain different sizes and scale and have an assorted use of external finishing materials and detailing.

The proposed development would be accessed via a new access point off Common Road with the existing vehicle crossover points blocked-up. Additional hard and soft landscaping is proposed within communal areas of the development as well as an open space play area within the north eastern corner of the site.

### **Relevant History:**

EPR/0075/50 – Storage shed and pigsty (approved 23/5/50)

EPO/0072/55 – Proposed bungalow (refused 9/8/55)

EPO/0312/59 – Erection of bungalow (refused and dismissed at appeal 18/3/60)

EPO/00992/61 – Proposed residential development (refused 4/4/61)

EPO/0442/63 – Residential development (refused 5/11/63)

EPR/0505/64 – Proposed bungalow (refused and allowed at appeal 5/4/66)

EPF/0381/88 - Two loose boxes and tack room and formation of access (refused 13/5/88)

EPF/1307/89 - Vehicular access (refused 20/10/89)

EPF/1299/90 - Vehicular access (refused & dismissed at appeal 28/1/91)

EPF/0097/92 - Retention of block of stables (refused 23/4/92)

EPF/0254/93 - Erection of glasshouses (refused 15/6/93)

EPF/0148/06 - Outline application for 22 affordable, homes with parking and landscaping. (Approx. 1/3 social rented, 1/3 low cost and 1/3 shared ownership) (withdrawn)

### **Policies Applied:**

Local Plan policies relevant to this application are:

CP1 Achieving sustainable development objectives

CP2 Protecting the quality of the rural and built environment

CP3 New development

CP5 Sustainable Buildings

H1A Housing provision

H2A Previously developed land

H3A Housing density

H4A Dwelling mix

H5A Provision for affordable housing

H7A Levels of Affordable housing

H9A Lifetime homes

DBE1 Design of new buildings

DBE2 Detrimental effect on existing surrounding properties

DBE4 Development within the Green Belt

DBE6 Car parking in new development

DBE7 Public open space

DBE8 Private amenity space

DBE9 Loss of Amenity

GB2A Development within the Green Belt

GB7A Conspicuous Development

GB16 Affordable housing

LL1 Rural Landscapes

LL2 Inappropriate rural development

LL10 Protecting existing landscaping features  
LL11 Landscaping scheme  
ST1 Location of development  
ST2 Accessibility of development  
ST3 Transport assessments  
ST4 Highway safety  
ST6 Vehicle parking  
HC6 Character, appearance and setting of conservation areas  
HC7 Development within conservation areas  
HC12 Development affecting the setting of listed buildings  
NC4 Protection of established habitat  
RP4 Contaminated land  
U3B Sustainable drainage systems

The National Planning Policy Framework sets out Government's planning policies. Relevant sections of the Framework are set out below:

Section 4 Promoting sustainable transport  
Section 6 Delivering a wide choice of high quality homes  
Section 7 Requiring good design  
Section 9 Protecting Green Belt land  
Section 10 Meeting the challenge of climate change  
Section 11 Conserving and enhancing the natural environment  
Section 12 Conserving and enhancing the historical environment

### **Summary of Representations**

ROYDON PARISH COUNCIL:- Object

- The application site is within the MGB and the South Roydon and Nazeing conservation area and there are no special circumstances which would support this application in this location.
- This is an over-intensive development of the site which would add half as many houses again to the village and the application does not support the traditional ribbon development which can be seen around the village. The proposed development is out of character and would set an unacceptable precedent for further development.
- Broadley Common has no facilities and there would be an over reliance on the car to get to employment sites, shopping facilities and schools etc.
- There are insufficient local school places available to accommodate the number of children who would be living on this development; children in Broadley Common are currently being allocated Hoddesdon schools for their senior education.
- The pedestrian route to access bus stops from the site is both inadequate and dangerous and bus drivers themselves have stated that stopping near this location can be hazardous. There are only two local bus routes (two buses an hour) rather than the four routes mentioned in the applicant's report. Walking from here to local employment sites would be reckless at best.
- The site is located very near to the very busy Common Road/Epping Road junction. This junction is considered dangerous and traffic coming along Common Road from here is already building up speed when it reaches the site. Residents know of at least two pedestrian accidents which are not mentioned in the applicant's report.
- The site is likely to generate over 200 traffic movements a day - these vehicles would exit onto a very busy road which takes a considerable amount of commuter traffic into London and HGV traffic which is accessing, amongst others, local glasshouse businesses. We would suggest that the average traffic speed at the site is well in excess of 30mph.

- There is no street paving and limited street lighting.
- Flooding is an issue at this location.
- There are issues with the local power supply - there are often power cuts.
- We understand that the site is not being used as commercial stables and that perhaps it is being run down deliberately to gain a planning advantage.
- Would query whether, in this location, there is sufficient on-site parking and whether the access road is wide enough to accommodate two way traffic.

#### NEIGHBOURS:-

Two site notices were displayed along Common Road and adjoining and adjacent occupiers were notified by mail. Eight representations were received at the time of writing this report. The occupiers of the following properties all objected to the proposed development.

- EVESDROP, EPPING ROAD, BROADLEY COMMON
- EASTLEIGH, EPPING ROAD, NAZEING, WALTHAM ABBEY
- 2 BROADLY TERRACE, COMMON ROAD, BROADLEY COMMON
- 6 BROADLY TERRACE, COMMON ROAD, BROADLEY COMMON
- JEDOLME, COMON ROAD, BROADLEY COMMON
- CAMELOT, COMMON ROAD, BROADLEY COMMON
- BOURNEHOLME, WATER LANE, HARLOW
- 57 HIGH STREET, ROYDON

Their main concerns are as follows:

- The development would result in a significant increase in additional traffic movements to and from the site and on surrounding highways. There have already been a large number of traffic accidents on surrounding highways and more traffic would only result in increased risks of accidents. Furthermore additional vehicles would result in further congestion, noise, and air pollution. The development as a whole would be detrimental to highway safety.
- The proposed development would place more pressure on the existing infrastructure in the surrounding area such as sewage, electricity, gas and water which are already stretched to the limit.
- The development would result in an increase in surface water runoff onto adjoining properties and highways and would lead to an increase in flood risk.
- The development would result in a detrimental impact to the natural flora and fauna within the surrounding locality.
- The proposed development would result in a loss of light to adjoining properties.
- It would result in light pollution at night.
- Additional housing would de-value local properties.
- If allowed, the construction of the development would be harmful to the amenities of adjoining occupiers in terms of noise and disturbance, dust, air pollution and traffic disruptions.
- There are not enough local amenities in the surrounding area to sustain such a large development.
- There are not enough places in local primary and secondary schools to meet the additional children moving into the development. Schools are already at a capacity.
- The bus service is not as frequent and reliable as indicated within the planning submission.
- The site is not located within a sustainable location close to amenities and employment opportunities
- The site is located within a semi rural area and the proposal would drastically change the character and appearance of the surrounding locality.
- The proposal is not in keeping with other properties in the area.

- Affordable housing is not in keeping with this area or Roydon.
- The area is farmland and within the green belt, therefore the proposal is defined as inappropriate development.
- The proposed development would result in further urbanisation of the countryside.
- The site is located within a conservation area and the proposal would harm the historical significance of the landscape.

THE ROYDON SOCIETY:- Objects for the following reasons:

- Excessive and inappropriate development in this rural location.
- The site is within the green belt and a conservation area.
- It would increase the number of properties by 50% in the locality.
- The site is not in a sustainable location close to public amenities and transport.
- The increase in the amount of additional traffic would be detrimental to highway safety.
- The development would result in increase flooding within the locality.

### **Issues and Considerations:**

The main issues to be addressed are:

- Design and layout
- Green Belt
- Sustainability
- Housing
- Landscaping, open space and biodiversity
- Flooding/drainage
- Highway safety, traffic impact & vehicle parking
- Land contamination
- Neighbouring amenities

#### **Design and layout:**

Paragraph 58 of The Framework states that development proposals should respond to local character, reflect the identity of their surroundings, and optimise the potential of sites to accommodate development. Local policies DBE1 and CP2 are broadly in accordance with the above requiring that a new development should be satisfactorily located and of a high standard in terms of its design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and would not prejudice the environment of occupiers of adjoining properties.

The site stands within the Nazeing and South Roydon Conservation Area but no regard seems to have been given to the impact of the development on the conservation area. As paragraph 128 of the NPPF states, applicants are required to describe the significance of any heritage assets affected and how the proposal will impact on that significance. Given the scale of the proposal, its impact on this part of the conservation area needs to be fully understood, and without an adequate Heritage Statement this cannot be achieved.

In general terms, the proposal appears to go against the grain of development historically seen in this area. The conservation area covers a wide area as its primary elements of significance relate to the surviving historic landscape and patterns of settlement, which includes the medieval settlement of Broadley Common. Although development within this part of the conservation area was rapid in the 20<sup>th</sup> century, until then Broadley Common consisted of only a handful of properties. Development in the 20<sup>th</sup> century has predominantly been linear and is characterised by detached properties occupying large plots which front the highway. The proposed cul-de-sac of relatively dense housing goes against the grain of development.

Clearly, the guidance contained within the Essex Design Guide has been considered as the proposed properties demonstrate traditional detailing and use of materials, as well as utilising architectural elements to add variety and interest to the elevations. However, the resulting design is somewhat confused as it utilises too wide a variety of details and materials, particularly in the sections of terraced housing. Although groups of historic buildings evolve over time and so incorporate different architectural elements and materials as styles and fashions change, rows of terraced housing rarely contain so many variations (jetties, half-timbering, gables, half-gables, hipped roofs, gable ends, decorative bargeboards, etc.). The elevations do need to have interest, however, perhaps reducing the variation to provide some cohesion to the design or isolating the variation in materials and detailing to groups of buildings, rather than incorporating everything into each row, would result in a more satisfactory appearance. The individual sections within the rows of terraces need to be read as distinct 'buildings'; the present design sees gable projections emerging from the join between two distinct building sections, obscuring the implied 'phasing' of the development as one building is added next to another.

Despite improvements that could be made to the design, it is considered that the general principle of the development would harm the significance of this part of the conservation area which largely derives from the open landscape and historic pattern of development. This proposal is at odds with the established pattern of development in Broadley Common and would introduce a cul-de-sac, which is suburban in character, into a rural hamlet setting. For these reasons, the proposal would not preserve or enhance this part of the conservation area contrary to policies HC6 and HC7 of the Local Plan and Alterations and paras. 128, 132, 134 and 137 of the NPPF.

In addition, the proposal site stands opposite the Black Swan Public House, a Grade II listed building dating from the late 16<sup>th</sup> century. The proposed development would have a detrimental impact on the setting of this building by eroding further the wider open landscape in which the building is experienced. As with the conservation area, development which is at odds with the historic pattern of development and the general historic character of the area would detract from the setting of the building, especially as this is one of the oldest buildings within the hamlet of Broadley Common.

Following on from general design concerns, there are also issues regarding the internal layout of the proposal itself. High on the list is the poor siting and relationship of dwellings 7, 11 and 17 in relation to their adjoining dwellings. Given the poor siting, not only would they cause harm to the amenities of future adjoining properties but they would also appear as dominant features that would visually harm the open aspects within the internal street scene itself.

Furthermore, by reason of the inadequate provision of soft landscaping due to the excessive amount of hard paving within the site and particularly to the front of dwelling houses themselves, a visually unattractive development that fails to enhance the setting within it and the wider landscape would result.

In addition, there also appears to be no indication in which parking bays are designated to which property. It seems that a number of parking bays would be located in front of adjoining properties which is unacceptable as this too would result in harm to the amenities of future amenities such as head lights shining through habitable room windows.

It should also be pointed out that although the majority of the dwelling houses have been provided with adequate useable private amenity spaces, it is questionable whether the dwelling houses, numbers 24 to 39 have such sufficient space. Given the significant vegetation along the rear boundaries of these dwellings, on average these properties would only have approximately 30sqm with dwellings 30 and 31 having less than 15sqm.

### Green Belt:

The National Planning Policy Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness. One of the purposes of including land within the Green Belt is to safeguard the countryside from encroachment.

The Framework defines inappropriate development as being harmful to the Green Belt and further defines exceptions which would not be inappropriate development. Consequently, if the scheme does not comply with the list of exceptions, the scheme would be inappropriate development which the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The Framework explains that the construction of new buildings such as new dwellings is inappropriate development within the Green Belt. Policy GB2A of the Epping Forest Adopted Local Plan is broadly in accordance with these objectives.

Paragraph 89 of the Framework states that limited infilling in villages and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) which would not have a greater impact on the openness of the green belt and the purposes of including land within it than the existing development, is appropriate development.

For clarity, this proposal cannot be regarded as 'infilling' and 39 dwelling houses, in the context of the size of Broadley Common is not a 'limited' number.

The existing stables on the site are generally somewhat functional and utilitarian in appearance. Nevertheless, while not traditional in appearance or particularly attractive, they are, on the whole, similar to other buildings typically found in the countryside and their relatively modest single storey height limits their impact ensuring that they would not detract from the character and appearance of the wider landscape.

The substantial built form proposed, compared to that of the existing stables on the site would have a greater material impact and result in an unacceptable reduction in the openness of the Green Belt and conflict with the purposes of including land within the Green Belt, even within this previously developed area.

In addition, it is considered that the introduction of 39 two-storey houses with ancillary gardens, car parking areas and associated residential paraphernalia would be a clear encroachment into the countryside in a prominent location. The nature of the development would be out of keeping and intrusive in the rural landscape that would cause material harm to its character and appearance.

Within the applicant's planning statement, it has been acknowledged and accepted that the proposal is an inappropriate development within the Green Belt and as such they have provided a combination of 'very special circumstances' which would outweigh the harm which would occur through the developments inappropriateness. The 'very special circumstances' demonstrated are set out below:

- Policy vacuum
- No five year supply of land for housing
- Provision of 12 affordable homes
- Removal of commercial stable buildings on the site



The saved policies have been assessed by the Council in the context of compliance with the National Planning Policy Framework (which in itself is a policy document), so it is not agreed that there is a policy vacuum, particularly in the context of protecting the openness of the Green Belt.

The need for additional housing is a material planning consideration, at present Epping Forest District Council has not got a demonstrable five year land supply for open market housing based on the previously approved targets. However as part of the new Local Plan adoption process and the call for sites exercise, the housing needs within the District are being looked at and more up to date figures will be published. It is hoped that draft figures regarding this may be publicly available in the near future for formal adoption by Councillors. Nevertheless, the Local Authority has continued to actively approve suitable housing to meet growing local needs.

Notwithstanding the above, a recent Ministerial statement announced that "*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 the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the Green Belt*". As such, irrespective of whether EFDC have a demonstrable five year land supply, it is not considered that this issue alone would be sufficient to outweigh the harm from inappropriate development.

In relation to the provision of affordable housing 12 of the 39 houses proposed are to be affordable which amounts to 30%. This is in fact 20% less than local policy requires and is significantly less than has been delivered on other Green Belt Sites within the District. Normally a figure of around 80% would be expected to help justify very special circumstances in Green Belt terms.

The removal of the existing stables and ancillary works has been taken into account. However the existing buildings are appropriate in their context and not visually intrusive and therefore very little positive weight can be given for the removal of the stables.

Officers consider that no adequate 'very special circumstances' have been put forward that clearly outweigh the harm from this inappropriate development in the Green Belt, and therefore the application would be harmful to the Green Belt and contrary to both local and national policies and guidance.

### Sustainability

The Framework is clear that to achieve sustainable development, economic, social and environmental gains ought to be sought jointly and simultaneously. Council's local policies are broadly in accordance with this statement.

Broadly Common is a settlement mainly consisting of residential properties with no local amenities such as shops and schools and therefore future residents would have to travel to access facilities, shops, services and employment.

Furthermore, it should be noted that Common Road is a busy road that is unlit and without footways meaning that it is unlikely to be an attractive route for both pedestrians and cyclists.

In addition public transport is limited to just buses stopping at the nearby bus stop just twice an hour between the hours of 8am and 8pm on weekdays with a reduced timetable on weekends. It is also considered that the proposed development would not be readily accessible by sustainable means of transport and without safe and convenient access for pedestrians and cyclists. Future residents of the dwellings would therefore be heavily dependent on the use of private cars which is contrary to local policies CP1, CP3 and ST1 and the NPPF.

It is also important that all new development takes into account the principles of energy conservation and generation to minimise their impact on the surroundings and wider environment.

No sustainability report has been submitted that demonstrates how various aspects of sustainability have been taken into account. Such measures, including how the development will reduce greenhouse gas emissions, heat recovery, solar gain, cycle storage, or how each dwelling would minimise overall energy use and input of raw materials, or encourage efficient use of water and recycling of waste and incorporate renewable energy facilities, are just some of the key factors that should be addressed. This information has not been provided and as such the proposal is therefore contrary to policy CP5 of the Adopted Local Plan and Alterations and the NPPF.

#### Affordable Housing and dwelling mix:

The applicant is proposing a 39 Unit scheme which includes a mixture of 2, 3 and 4 bed houses, broken down as follows:

	2 Bed	3 Bed	4 Bed	Total Units Proposed	% Purposed
Affordable	12	0	0	12	30%
Private	14	9	4	27	70%
Total	26	9	4	39	100%

Policy HC7A requires 50% of new dwellings on a Greenfield site to be affordable housing where the population of a settlement is less than 3,000.

The applicant is only proposing 30% affordable housing all of which would be for the two bedroom units only. The Director of Communities has stated that they would expect 80% of affordable housing on a Greenfield site to account towards very special circumstances and that the distribution of the affordability housing should be spread across all dwelling types and not just for two bedroom dwelling units.

In addition, of the affordable housing, at least 60% provided would need to be for Affordable Rent and 40% Shared Ownership. The breakdown of affordable housing has not been provided and more importantly, no financial appraisal which demonstrates that the scheme would prove to be unviable if more affordable housing was to be provided on this site.

Local policy H9A requires that at least 10% of developments that provide 10 or more residential homes are to be constructed in accordance with the Lifetime Home Standards. This is necessary to allow the ease of access and movement by people with mobility difficulties. Given that 39 residential dwellings are proposed, at least 4 would be expected to meet the Lifetime Home Standards. None have been provided within the scheme and as such the development is contrary to local policy H9A.

#### Flooding/drainage

The site lies within an Epping Forest District Council flood risk assessment zone and the Environmental Agencies Flood Zone 1. The application is of a size where it was necessary to refer the application to the Environmental Agency in which they made the following comments:

*The submitted FRA proposes to use permeable paving and a storage tank to attenuate of surface water before disposing of it. The wording of storage "trench" used in the FRA is misleading as this evokes images of an open feature. The reality is that what is proposed is a series of underground plastic crates. The applicant has proposed to use two of the least sustainable options, rather than*

*exploring the most sustainable options further. The correct way to design a drainage strategy is at the same time as the rest of the site. This means that you can fit open water features into the site rather than trying to fit a drainage strategy around an already designed site layout.*

*The FRA makes several arguments regarding why more sustainable techniques cannot be used. In terms of green roofs, whilst these may not be viable on the residential units, they can be put on developments of all sizes, such as bin stores and bus stops. The argument of open water features being dangerous is a commonly used one, although I must admit that the argument of a swale or filter strip being dangerous is not one that I have seen before. There is space on site to accommodate swales and filter strips, and indeed a pond. Ponds, swales and filter strips are often used in developments with vulnerable users (such as primary schools). This is because they can be designed so that people are kept safe, through the use of barriers, heavy planting and gentle gradients.*

At present the drainage strategy is not in line with Local Plan policy U3B, NPPF paragraph 103 or the Essex County Council Sustainable Drainage Systems Design and Adoption Guide

In addition to the above the application was referred to Council's land drainage department who stated that they also agree with the Environment Agency's comments that whilst the surface water method of disposal meets our minimum standards this is at the lower end of the scale for sustainability and that a more sustainable approach should be undertaken to enhance the development.

#### Highway safety, traffic impact & vehicle parking

The Adopted Council parking standards recommends as a minimum that 2 vehicle spaces be provided for a two or more bedroom dwelling, 0.25 of a space for each dwelling to accommodate visitor parking and 1 secured cycle space for each dwelling that does not have a garage. This would mean that the parking requirements for 39 dwelling houses would be:

- 78 parking spaces
- 10 visitor parking spaces
- 39 secure cycle spaces

A total of 78 parking spaces have been provided for the 39 new dwellings which are either provided to the front of the properties, or within parking courtyards. No visitor parking or cycle storage have been provided.

The application was referred to County Council Highways Officer who stated that the internal layout, as submitted, on drawing no.10918-P002-A does not conform to current standards and guidance on parking and layout and therefore objects to the proposal. The following points were of a particular concern:

- The site does not provide sufficient on-street parking space for the required 10 visitor spaces. There are only about 4 on-street spaces that could be realistically used without conflicting with turning areas or other parked cars. This would result in obstruction and dangerous manoeuvring to the detriment of highway safety.
- Parking bays nos.11-14 and 38-39 do not lend themselves well for manoeuvring in and out of safely and efficiently.
- There are several car parking spaces throughout the site that do not have the required 6m clear behind for a car to be able to manoeuvre in and out of the space safely and efficiently, and might become redundant as a result.
- The hard standing area to the front of parking spaces nos.69-73 and 66-68 will encourage vehicles to park over the footway to the detriment of pedestrian safety.
- The footways are all only 1m wide; at least 1 footway should be 2m wide and the other a minimum of 1.5m wide, to avoid pedestrian conflict and pedestrians having to step off the footway to pass each other or a pushchair or wheelchair.

- The turning head should be part of the adoptable carriageway, 5m wide, and not incorporated into the shared private access width. Currently the turning head does not comply with a Size 3 T-turn as per the Essex Design Guide and would cause problems with refuse and fire tender access.

The proposal is therefore contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, the Parking Standards

It should be noted however that no objections were raised in relation to the new access point in which vehicles would enter and exit the site. This stretch of Common Road is long and straight enough with adequate sight splay lines either side and the access will not be detrimental to highway safety.

#### Landscaping, open spaces and biodiversity:

The application was referred to Council's trees and landscape officer who stated that they had no objection to the proposed development as there were no significant trees on the site that would be worthy of protection. In addition, it was suggested that any development of this site would therefore benefit from being landscaped. This could be dealt with by way of a planning condition requiring further details of soft and hard landscaping if permission was to be granted.

The site is considered to be of a size where public open space should be provided that is of an appropriate size to reflect the scale of the development and in a suitable location. Within the supporting text of local policy DBE7, it gives guidance that an adequate amount of open space should be considered to be at least 10% of the net site area.

It should be noted that approximately 200sqm of an open space (play area) located within the north eastern corner of the site. This amounts to 2% of the net site area which is well under the acceptable amount for a development of this scale. Not only is the size inadequate but its location tucked away in the corner is also poor and appears to be more of an afterthought in terms of providing a sufficient area. Its current location brings safety concerns as there is very little overlooking of the area. In addition there has been no mention in the supporting documentation of who or which parties will upkeep and maintain the area of open space. For the reasons above the development is contrary to policy ST2, DBE3 and DBE7 of the Adopted Local Plan and Alterations.

A Phase Habitat Survey prepared by Natural Wild was submitted forming part of the application. Council's Countryside officers had no objections to the proposed development subject to conditions if permission was granted that the works shall be constructed in accordance with the Habitat Survey and in addition no works commence on site until a reptile survey is conducted.

#### Land contamination

Due to its stables and horticultural nursery uses and to the presence of imported made ground on site, there is the potential for contaminants to be present. As such the application was referred to Council's land contamination officer who made the following comments in respect of Lustre Consulting Ltd's Phase 1 Assessment report dated August 2011 that form part of the application:

"The north part of the site was not inspected during the Phase 1 site walkover and the south part of the site was inspected 3 years ago. A further site walkover is therefore required.

The Local Authority held records have not been screened (Planning and Environmental Health records). Historic aerial photographs indicate made ground to be present on both parts of the site and indicate waste spread across the front of the southern site.

The Phase 1 assessment has not identified potential acute exposure risks from ground gases (nursery plant wastes and stable wastes) and asbestos (made ground containing demolition waste).

The Phase 1 assessment requires revising. As it should be physically and financially feasible to remediate potential worst case risks, it should be possible to deal with contamination risks by way of standard land contamination conditions if permission was granted.”

Neighbouring amenities:

The potential harm the development might cause to the amenities enjoyed by adjoining property occupiers has been taken into account.

It is noted that some of the concerns raised within neighbouring representations related to a loss of view lines over the open countryside. However it should be noted that there is no right to view lines and that a scheme can only be refused if it is considered to cause visual blight resulting in an unneighbourly development.

At their nearest point, the closest dwellings to the adjoining properties to the north of the site are numbers 8 to 10 and 14 to 16 which are located approximately 26 to 28 metres away. Dwelling number 39 would be setback 24 metres away from the adjoining properties to the west of the site on the opposite side of Common Road. Due to the relative position, orientation and separation of the proposed dwellings in relation to all adjoining dwellings, there will be no excessive harm to the living conditions of adjoining occupiers, particular in relation to loss of privacy, loss of light and visual blight.

Concern raised by adjoining occupiers that the development would de-value their own properties is not a significant material consideration in the assessment of the proposal.

Other issues:

The Essex Historic Environment (EHER) Record shows that the proposed development has the potential to impact on archaeological remains. Evaluation on the West Sumners development to the north of the site has established the survival of prehistoric and medieval settlement sites in the area. Rosewood Farm lies within the medieval Broadley Common, which had dispersed medieval and post-medieval settlement strung out along its perimeter. Archaeological deposits are both fragile and finite, and as a consequence Essex County Council’s historic environmental officer has recommended a condition requiring that no works are to be carried out until the applicant has secured the implementation of a program of archaeological works if permission was granted.

Essex County Council’s infrastructure planning officer has stated that although there is sufficient space for early years and childcare provisions, there is however a shortfall for primary and secondary places. Given the proposal would add to the need of additional school places, to mitigate the developments impact upon education, it is requested that if permission were to be granted, then the following education contribution would be sought via a legal agreement:

- £126,746 for primary school.
- £128,365 for secondary school.
- £29,659 for secondary school transport.

The application was referred to the North Essex Primary Care Trust however no formal comments have been received at the time of preparing this report.

**Conclusion:**

For the reasons set out above the proposed development is harmful to the Green Belt and the rural character of the area and fails to comply with the adopted policies of the Adopted Local Plan and Alterations and the National Planning Policy Framework, and therefore the application is

recommended for refusal. There is no suggested way forward to overcome the numerous objections to this proposal.

***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: Lindsay Trevillian  
Direct Line Telephone Number: 01992 564 337***

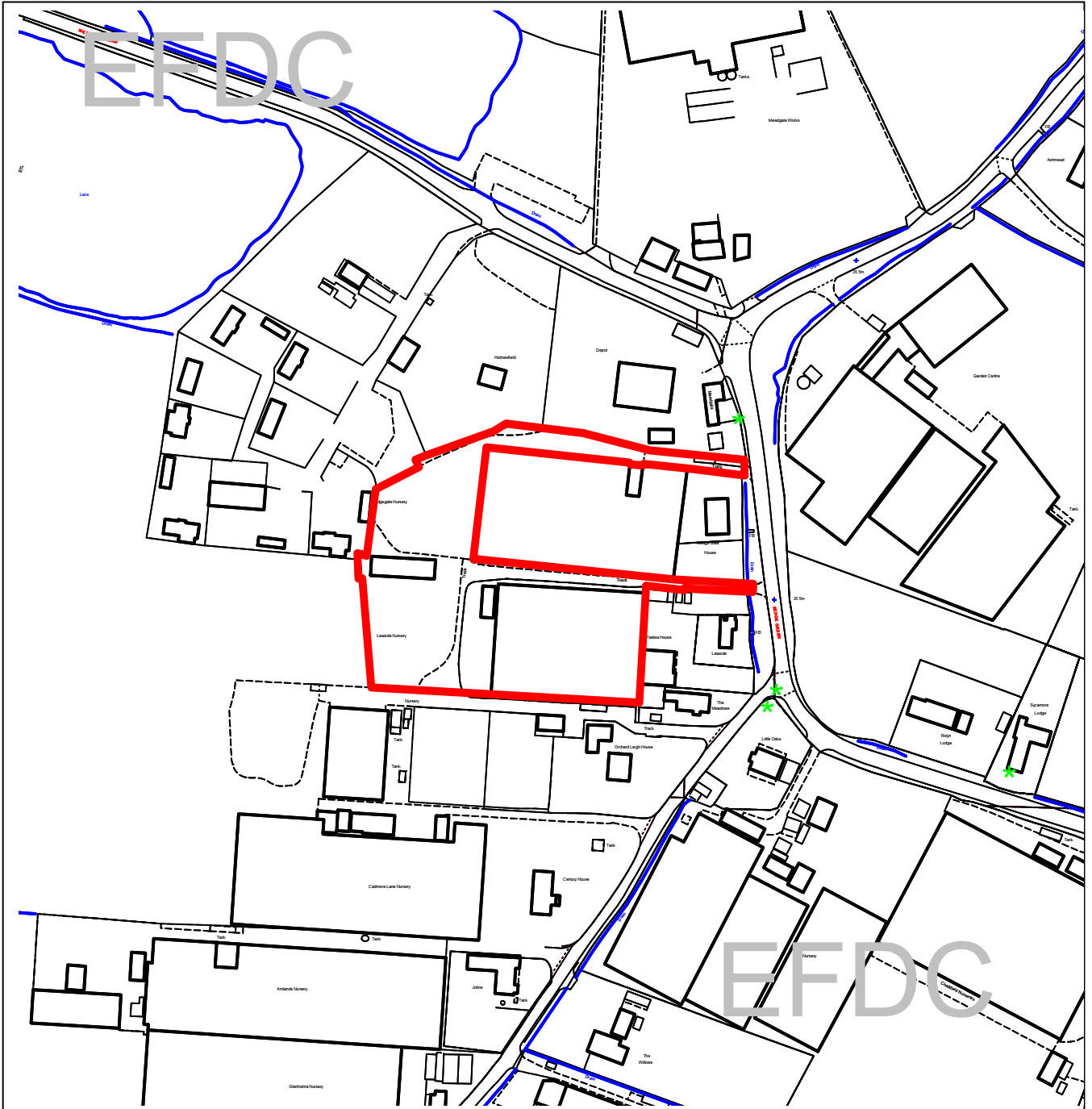
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## AGENDA ITEM NUMBER 4



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Application Number:	EPF/0200/14
Site Name:	Leaside Nursery, Sedge Green Nazeing, EN9 2PA
Scale of Plot:	1/2500



**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0200/14
<b>SITE ADDRESS:</b>	Leaside Nursery Sedge Green Nazeing Essex EN9 2PA
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	P & L Properties
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing nursery/commercial buildings and erection of 19 no. B1/B2/B8 commercial units with ancillary parking
<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/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=559333](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=559333)

**REASON FOR REFUSAL**

- 1 The site is wholly within the Green Belt. Part of the land is previously developed land and the proposed scheme would see an unacceptable increase in the built form on the site which would have an adverse impact on the openness of the Green Belt, contrary to policies GB2A, CP3 and CP3 of the adopted Local Plan and Alterations.
- 2 The site is wholly within the Green Belt. The proposal is inappropriate development within the Green Belt on the site of the glasshouses, and the very special circumstances put forward are not sufficient to outweigh the harm caused to the openness of the Green Belt by reason of the size, mass and height of the buildings proposed as well as by definition, and as such the development is contrary to policies GB2A, CP3 and CP3 of the adopted Local Plan and Alterations.
- 3 The site is within the Lee Valley Regional Park. The use of the site for B1/B2 and B8 uses would be contrary to the reasons for including the land within the Park. This is contrary to policy RST24 of the adopted Local Plan and Alterations.
- 4 The site is contaminated. The details put forward are insufficient to overcome the harm that could result from this development on contaminated land and the harm to the local water courses, contrary to policies U2A, U2B, RP4 and RP5A of the adopted Local Plan and Alterations.
- 5 The scheme proposes B2 (General Industrial) uses. The site is bordered by a number of domestic dwellings and such a use would result in an unacceptable loss of amenity for these properties, contrary to policies DBE9 and RP5A of the adopted Local Plan and Alterations.

*This application is before this Committee since it is an application that is considered by the Director of the Governance Directorate as appropriate to be presented for a Committee decision*

*(Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council function, Schedule 1, Appendix A.(k))*

### **Description of Site:**

The application site is located on the west side of Sedge Green and is accessed by a narrow track from this road. The site is located within the Metropolitan Green Belt, Lee Valley Regional Park and an area identified for new and replacement glasshouses on the proposals map under policy E13.

The site is an established horticultural nursery and contains glasshouses that cover a significant proportion of the site. Planning consent was recently granted for a temporary change of use of the two packing sheds to B8 storage use.

To the rear of the nursery is a permanent gypsy site and an area of open land and there are residential dwellings towards the front. To the north of the site is Sedgigate Nursery, which has now been incorporated into this site, and to the south is a neighbouring horticultural nursery. There is an unauthorised gypsy site on Sedgigate Nursery behind Sedgigate House, which is not on land subject of this application. This site is subject of ongoing enforcement action.

### **Description of Proposal:**

Demolition of existing nursery/commercial buildings and erection of 19 B1/B2/B8 commercial units with ancillary parking. The existing dilapidated glass houses, ancillary storage buildings, 4 mobile homes (being used for agricultural workers and subject to an existing CLD), and two modern steel framed sheds will be removed from the site.

The 19 units will be arranged in three separate blocks, with one block of 4 bordering the Holmsfield gypsy site, a block of 4 units bordering the unauthorised gypsy site at Sedgigreen and one block of 10 units bordering the southern boundary of the site. Each block would have parking in front, and a total of 91 spaces would be provided. The site will utilise a one way system with entrance from the north access and exit from the southern access.

The units will be of a modern design and will be two storeys high at 6.5m.

### **Relevant History:**

#### ***Leaside Nursery:***

#### **Planning History:**

EPF/1888/05 - Erection of nursery packing shed and storage shed for boxes and crates – refused 31/01/06

EPF/1080/06 - Erection of one agricultural workers dwelling and erection of packing/ storage shed and erection of replacement glasshouses – refused 02/11/06

EPF/0432/07 - Replacement of greenhouse on footprint of existing and new storage and equipment store (including boundary hedge and landscaping) (revised application) – approved/conditions 08/08/07

EPF/1688/08 - Demolition of existing packing shed, plant room and nursery office. Erection of extension to approved glasshouses and erection of facilities building incorporating replacement packing shed and office and staff welfare facilities including canteen, washroom and first aid room – approved/conditions 03/11/08

EPF/2215/09 - Erection of facilities building incorporating replacement packing shed and office and staff welfare facilities, including canteen, washroom and first aid room. (Revised siting of building approved under planning permission EPF/1688/08) – approved/conditions 08/01/10

CLD/EPF/0172/11 - Certificate of lawful development for the stationing of one caravan for use as a nursery office with occasional overnight accommodation in association with the lawful horticultural use of the site – lawful 23/03/11

EPF/0082/12 - Variation of condition 11 of EPF/2215/09. (Erection of facilities building incorporating replacement packing shed and office and staff welfare facilities, including canteen, washroom and first aid room.) to retain existing buildings until construction of new glasshouses commences – refused 07/03/12

CLD/EPF/0265/12 - Certificate of lawful development for proposed siting of three caravans for seasonal workers – lawful 11/05/12

EPF/1819/12 - Change of use of nursery buildings to class B8 storage use – approved/conditions 10/01/13

EPF/2299/13 – Variation of condition 5 and 7 on EPF/1819/12 - refused

#### Enforcement History:

ENF/0134/08 – Development of site as gypsy caravan site – No evidence found of this.

ENF/0507/10 – Unauthorised building erected – Those granted consent under EPF/1688/08 and EPF/2215/09).

ENF/0508/10 – Change of use for oil recycling business – Breach found however ceased as a result of investigations.

ENF/0509/10 – Change of use for car repairs – Breach found however ceased as a result of investigations.

ENF/0510/10 – Stationing of two mobile homes – One caravan lawful (see CLD/EPF/0172/11), other removed as result of investigations.

ENF/0511/10 – Use of packing shed for importation of unauthorised goods – Breach found however ceased as a result of investigations.

ENF/0689/11 – Condition of EPF/2215/09 not discharged – Application invited (EPF/0082/12).

ENF/0697/11 – Unauthorised caravan on site – Caravan considered lawful under CLD/EPF/0172/11.

ENF/0698/11 – Two caravans on site and used for habitation – Only one caravan on site (previously considered lawful under CLD/EPF/0172/11).

ENF/0032/12 – Breach of condition on EPF/2215/09 requiring removal of existing packing sheds – Ongoing as EPF/0082/12 was refused.

ENF/0070/12 – Three more caravans stationed on site – Use lawful (see CLD/EPF/0265/12).

ENF/0170/12 – Unauthorised change of use of agricultural building – Buildings are empty and no apparent breach taking place.

ENF/0524/12 – Buildings at rear being used for non-agricultural use – Packing sheds had agricultural items stored in them and no evidence was found of non-agricultural use.

#### ***Sedgemoor Nursery:***

##### Planning History:

EPF/0943/95 - Continued use for storage and distribution of plant containers and production, maintenance and storage of interior plant displays – refused 30/01/96 (dismissed on appeal 23/10/96)

EPF/0036/05 - Car park spaces and storage of agricultural vehicles in conjunction with growing use of greenhouses – refused 01/07/05

CLD/EPF/1391/10 - Certificate of lawful development for an existing use for vehicle repairs – not lawful 28/11/11

EPF/0374/11 - Demolition of existing glasshouses, erection of replacement glasshouses, erection of packing shed and storage building – refused 28/04/11

EPF/1283/11 - Demolition of existing glasshouses, erection of replacement glasshouses and erection of packing shed (revision to application EPF/0374/11) – approved/conditions 16/08/11

EPF/2282/12 - Retrospective change of use of premises for the restoration and renovation of motor vehicles for hobby purposes – refused 12/02/13

EPF/1060/13 - Change of use of land for stationing of caravans for occupation by Gypsy/Traveller families with ancillary works (demolish two rows of glasshouses, fencing, portacabin amenity blocks, hardstanding and septic tank). Part Retrospective – refused 24/07/13

EPF/1312/13 - Use of land to park vehicles from units on to Sedgigate Nursery from Leaside Nursery – approved/conditions 26/09/13

#### Enforcement History:

ENF/0015/96 – Change of use from agriculture to plant operations – Notice served

ENF/0065/98 – Use of land for making & storage of pallets – Enforcement appeal dismissed, notice upheld – 22/06/99

ENF/0105/06 – HGV's on site, car repairs – Use ceased following refusal of EPF/0036/05

ENF/0701/06 – Use of land at nursery as depot for scaffolding firm and builders yard. Use of glasshouse for general industrial purposes – ongoing

ENF/0442/09 – Change of use agricultural to training centre, storage business and interior landscaping business – No breach found

#### Policies Applied:

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

CP3 – New development

GB2A – Development in the Green Belt

DBE9 – Loss of amenity

RP4 – Contaminated Land

RP05A – Potential adverse environmental impacts

E13A & B – Glasshouse Policy

ST4 – Road safety

ST6 – vehicle parking

E13B – Glasshouses

U2A – Flood zones

U2B – Flood risk assessment zones

RST24 – Lee valley regional Park

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

#### Consultation Carried Out and Summary of Representations Received:

16 neighbours were consulted and a Site Notice was displayed..

PARISH COUNCIL – Object, new buildings in the MGB and within LVRP, increase in traffic nuisance to local residents and release of potential contamination of soil from previous infilling.

ENVIRONMENT AGENCY – Object, risk of pollution to the water environment

HIGHWAY AUTHORITY – No objection

LEE VALLEY REGIONAL PARK – Object, B1/B2/B8 uses not compatible with the Park and Green Belt

## **Issues and Considerations:**

This site has had a long and at times contentious history. In this case the scheme is to radically change the site from its current mixture of uses and areas of dereliction to an industrial park. The site is within the Green Belt, Lee Valley Regional Park, a flood zone (partial), is contaminated, is a designated glass house area and there are neighbouring dwellings and Highway issues to consider.

### **Green Belt**

The site is wholly within the Green Belt. The first issue is whether the scheme is appropriate development, and if not whether there are any very special circumstances which would justify the grant of permission.

Part of the site is previously developed land (PDL) and is subject of a B8 use with 2 large storage sheds and associated parking. The principle of redevelopment of this area would not be inappropriate development within the Green Belt, but would need to be assessed in terms of the new development's impact on the openness and character of the Green Belt compared to the existing buildings and uses.

This area of PDL covers about a third of the total site. The sheds would be removed and three blocks of units erected, each around 6.5m high. The current sheds have a footprint of 504 square metres. The new blocks would have a footprint of 3759 square metres. This is an increase of 746% in the footprint of the whole site. (it should be noted that the footprint of the glasshouses to be demolished is 3170 square metres, but they do not fall under the definition of PDL). For the purpose of this site it is fair to take a third of the new built form to see the increase on the PDL site – this would be 1252 square metres, an increase of 248% in built form. The new built form of the site is also higher and bulkier than the existing two sheds.

Therefore the increase in the built form in area, height and bulk would be considerable and would have a harmful effect on the openness of the Green Belt in this area, which would be contrary to policy GB2A.

With regard to the two thirds of the site which is not PDL this is the nursery site which has the two disused glasshouses, ancillary buildings and the agricultural workers' mobile homes. The proposed new buildings and use would be inappropriate development within the Green Belt, by definition harmful, and therefore very special circumstances (VSC) are required to justify the grant of permission. The applicant argues that the VSC are:

- 1) Visual enhancement of the site
- 2) Existing commercial uses
- 3) New employment floor space

With regard to the visual aspects issue it is correct that the two dilapidated nurseries would be removed. However, these are appropriate development and due to their largely glass construction are not visually intrusive within the area. The existing storage sheds, whilst not small, are not excessively large and blend in well with the surrounding area. The same cannot be said for the 3 large proposed blocks, which will increase the built form of the site and change the appearance of the glasshouses to solid, modern and utilitarian blocks which would be twice the height of the glass. It is also the case that there is virtually no landscaping proposed to soften the impact on the site. It is accepted that the site would have a more tidy and ordered appearance than the rather run down appearance of the current site, and outdoor storage would be able to be conditioned. However, it is considered that when conducting the appraisal of balancing the benefits against costs of this case that the decision is against the scheme for the reasons above.

The existing commercial uses only occupy a third of the proposed site. The applicant argues that developing this part of the site with 3 blocks of units would not have a materially greater impact on the openness of the Green Belt. However, the proposal occupies far more of the site than the third which is currently used for B8 uses. Due to the size, mass, bulk and height of the proposed blocks these would have a far greater impact on the openness of the Green Belt than the existing buildings and use, which would be to the detriment of openness.

Employment floor space, it is lastly argued, would meet the aims of the NPPF in regard to economic growth, and, it is further argued would help offset the loss of other local employment units at sites such as Stoneshot Farm and Chimes. It is acknowledged that employment is one of the aims of the NPPF, but so is the preservation and enhancement of the Green Belt. In this case there is a clash between the two aims, and in this case the importance of the Green Belt overrides the economic argument. As explored above there would be serious and significant harm caused to the openness of the Green Belt if this scheme was accepted. It is also the case that the other commercial sites cited are also subject of applications for housing which have not been determined, and have serious problems in their Green Belt locations. Furthermore the Chimes site is subject of an active enforcement investigation which is clearing the site of unauthorised uses.

Therefore the scheme is contrary to policies CP2, CP3 and GB2A.

#### Glasshouse Policy

The site is subject to Glasshouse policies E13A and E13B which still apply, but the Lea Valley Growers' Association has earlier acknowledged that this nursery and the adjoining Sedgeway Nursery are no longer viable. The Gould study did not look at this site in any detail, but it was included in the much wider Sedge Green Glasshouse area where continued use for glasshouses was recommended. The new Local Plan is likely to move away from the designated areas approach towards criteria-based policies (including considering alternative uses for derelict or unviable sites), but this is a long way from formal policy at this stage. However, it is reasonable to look at alternative uses of such sites. In this instance the conclusion is that the reuse of the site in principle is acceptable, so long, of course, that the proposed use is acceptable and respects the other policies covering the site.

#### Lee Valley Regional Park

The Park Authority has forcefully objected to the scheme as the site lies within the Regional Park and the Metropolitan Green Belt. The proposed B1/B2/B8 commercial uses are not compatible with the statutory remit of the Park as set out in the Lee Valley Regional Park Act 1966, and are not compatible with the Metropolitan Green Belt. However, the Council has to weigh these objections against the other factors in the application. In this case the Council agrees with the Lee Valley Park Authority that the scheme is not suitable and is contrary to policy RST24.

#### Contamination and Water Pollution

The site is shown as heavily contaminated. In spite of a dialogue between the applicant and the Council's Contamination Officer, insufficient evidence has been provided that the steps proposed to deal with the contamination would be sufficient to be successfully conditioned.

The Environment Agency has also commented as follows:

*"We consider the level of risk posed by this proposal to be unacceptable. The application fails to provide assurance that the risks of pollution are understood, as a preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) has not been provided. It requires a proper assessment whenever there might be a risk, not only where the risk is known".*

The Council's Land Drainage Section has commented that the scheme could be acceptable subject to several relevant conditions and the submission of further information to both the Council and the Environment Agency.

Therefore the application does not meet the requirements of policies U2A, U2B, RP4 and RP5A.

### Highways

The scheme would see the existing two accesses to the site utilised to create a one way system, with access adjacent to Sedge Gate House and egress adjacent to Lee Side House.

The Highways Authority has commented as follows:

*"The proposal will regulate the use of the site to the benefit of all highway users. The introduction of a one-way system will utilise the better egress access to the south, which has appropriate visibility for the speed of the road. Furthermore, in the Highway Authority's experience, small unit developments usually attract less HGV movements with most trips being undertaken by van. The traffic impact of this development will have a negligible impact upon the highway in the locality and on the wider strategic network. Consequently the proposal will not be detrimental to highway safety, capacity or efficiency".*

The technical advice is that there is no highway objection.

### Neighbour Amenity

There are a number of residential properties adjacent to the site, including the Traveller site to the west. Whilst it is considered that a B1/B8 use would not have an adverse affect on the neighbours when compared to the lawful agricultural and B8 uses currently on the site, it is considered that the proposed B2 uses would not be acceptable due to the negligible distance to the boundaries of these noise sensitive properties and this would be contrary to policy DBE9 and RP5A.

### Conclusion:

Whilst there are some benefits to this scheme in terms of improvements to an unattractive site and the provision of employment opportunities, these do not outweigh the considerable harm to openness that would be caused by the scheme. Additionally there are serious concerns over the issues of contamination and adverse impact on neighbours from any B2 use. This scheme is recommended for refusal.

### Is there a way forward?

A scheme which reduced the size of the built development to a lower scale and size such that there is no further harm to the openness of the Green Belt, has a robust landscaping scheme to help minimise the visual impact and measures demonstrating that the contamination and groundwater issues can be overcome. However, this would be a significant change from the current proposal.

**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:**

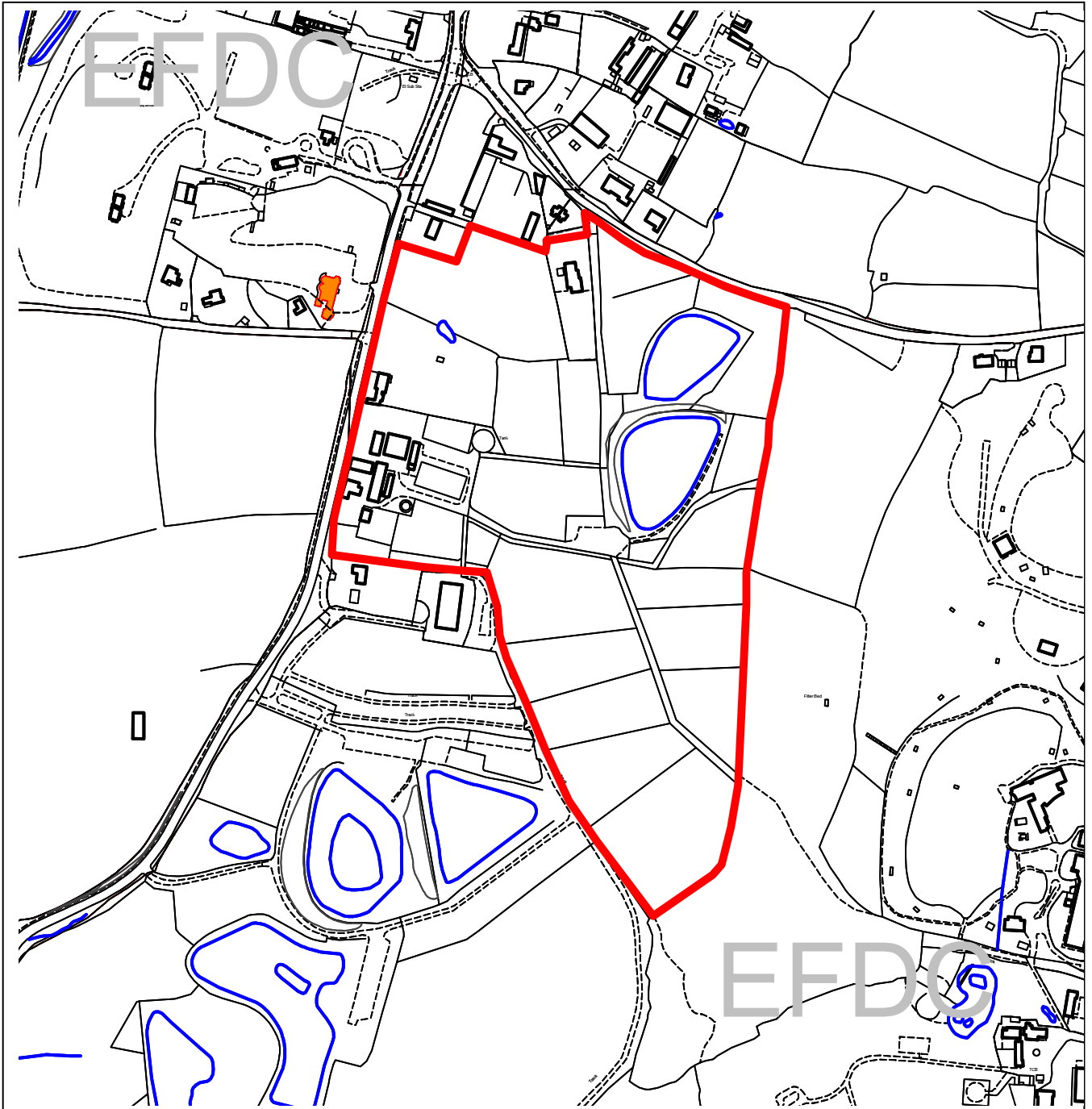
**Planning Application Case Officer: Jerry Godden  
Direct Line Telephone Number: 01992 564498**

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 5



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Application Number:	EPF/2097/13
Site Name:	Picks Farm, Sewardstone Road Waltham Abbey, E4 7RA
Scale of Plot:	1/5000



**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/2097/13
<b>SITE ADDRESS:</b>	Picks Farm Sewardstone Road Waltham Abbey Essex E4 7RA
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>APPLICANT:</b>	Mount Pleasant Investments Ltd & Woodcroft School
<b>DESCRIPTION OF PROPOSAL:</b>	Outline application for demolition of existing buildings and the erection of school buildings, 308 dwellings (including 45 affordable), a new village hall and a public meadow parkland with two lakes. Access to be determined. (Appearance, landscaping, layout and scale reserved)
<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/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=554852](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=554852)

**REASON FOR REFUSAL**

- 1 The site is wholly within the Metropolitan Green Belt and only a small part of the land is previously developed. The proposed development is inappropriate development harmful to the openness of the Green Belt and the purposes of including land within the Green Belt. Very special circumstances put forward are not sufficient to outweigh the very significant harm to the Green Belt and other identified harm. The proposal is therefore contrary to policy GB2a of the adopted Local Plan and Alterations and the NPPF.
- 2 The intensity of proposed built development is at odds with the established pattern of development in the locality and will introduce a dense urban form of visually intrusive development into an area of open countryside, and have an excessive adverse impact on the openness and rural character of the area and in addition undermine the landscape setting of the Lee Valley Regional Park. The development is therefore contrary to policies GB7A and RST24 of the adopted Local Plan and Alterations.
- 3 The proposed development is poorly related to any existing urban area and is not easily accessed by more sustainable modes of transport, such as public transport, cycling and walking. It is not adjacent to or very close to services e.g. schools, community, retail, leisure facilities or employment and would result in the majority of journeys being made by private vehicle. The scale and nature of the development is not consistent with the principles of sustainability. The proposal is therefore contrary to policies CP1, CP2, CP3, CP6, CP9 and ST1 and ST2 of the Adopted Local Plan and Alterations and the NPPF.

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

### **Description of Site:**

The application site consists of approximately 13 hectares of predominantly agricultural land of irregular shape, located on the eastern side of Sewardstone Road to the south of Daws Hill. The site includes existing residential property Mulberry House, the farm complex of Picks Farm (which includes the farmhouse and 6 units of holiday let accommodation, together with stables a manege and horse walker as well as a variety of farm buildings) and the dilapidated village hall; however the majority of the site is undeveloped agricultural land and two fishing lakes. A public footpath runs through the site north to south from Daws Hill, past the village hall before turning east towards Gilwell Park. To the east of the site is protected woodland and within the site are a number of protected trees. A small part of the south-western most corner of the site falls within the Lee Valley Regional Park but the main area of the Park lies to the west of Sewardstone Road. The site slopes up from Sewardstone Road although there is a plateau at the north eastern section where the two lakes are. To the south east the site slopes steeply up towards Barn Hill. The whole of the site is within the Metropolitan Green Belt

On the Sewardstone Road frontage immediately to the south of the site lies a residential property, Pick Cottage, beyond which there is open land, which is used under permitted development rights, for car boot sales for up to 14 times a year, and further south there is more open land and fishing lakes. The site lies approximately 600metres north of the recent Gilwell Hill development, of 119 houses which borders the boundary with the urban area of Waltham Forest

To the west of the site, on the opposite side of Sewardstone Road, there is open farmland and the Lee Valley Campsite, beyond which are reservoirs.

### **Description of Proposal:**

This is an outline application with all matters apart from access reserved for future determination. The proposal is to redevelop the site to provide a special needs school, for up to 100 pupils aged 3 to 19 to replace and expand the existing Woodcroft School which is based in Loughton. According to the indicative plan submitted with the application the school would be located partially within the area currently occupied by the village hall on a plot of land of about 1 hectare. The remainder of the site would be developed for 308 dwellings, to include 45 affordable units (approx. 14.6%) In addition a replacement village hall is proposed together with an area of public open space around one of the existing lakes. In the indicative plan the 308 houses comprise 123 terraced properties, 82 semi detached, 73 detached, 17 two bed apartment/maisonettes and 13, 1 bed flat/apartments. The replacement village hall is shown to be located in the centre of the site.

A single access is proposed into the site, from Sewardstone Road, to serve all the new development. No vehicular access is proposed off Daws Hill.

### **Relevant History:**

There is no planning history directly relevant to the current application.

The last application relating to the village hall was for a small ancillary storage building back in 1976

With regard to Picks Farm the change of use of stables to 4 holiday flats was granted in 2004 and a further 2 holiday flats were approved in 2010. The fishing lakes and associated car parking were approved in 1986 and 1995

Residential development was refused in 1958

With regard to Mulberry House, applications for residential development (2 new houses) were refused in 1966.

## **SUMMARY OF REPRESENTATIONS**

48 neighbouring properties were notified, site notices were erected around the site and the application was advertised as an application of wider concern.

The following responses were received.

PARISH COUNCIL – Objection. Committee considered this to be an inappropriate development on the Green Belt. Also, there were considerable concerns raised regarding road safety on the entry and egress from the development site on both potential access routes, i.e. Sewardstone Road and Dawes Hill.

CITY OF LONDON, CONSERVATORS OF EPPING FOREST- Clear objection on the grounds that it breaches policy guidance in the NPPF and the District Council's own policies for the protection of the Metropolitan Green Belt. This is inappropriate development by definition harmful. The development will generate significant amounts of traffic using the surrounding road hierarchy and in particular through the forest. The special qualities of the forest are influenced by the use to which the surrounding land is put, the more urbanised its surrounds the more difficult it is for the special qualities to be retained. The proposed development will be visually intrusive and pose significant risk to the openness of the area for which no very special circumstances have been demonstrated.

LEE VALLEY REGIONAL PARK AUTHORITY - The Authority strongly objects to the application on the following grounds:

a) The proposed residential development would be an unacceptable incursion into the green belt; the scale of the proposal would undermine its function. Further, the proposal would seriously undermine the landscape setting of the Regional Park.

FRIENDS OF EPPING FOREST – The Green Belt is vital in providing reservoirs of wildlife and corridors for movement, helping to maintain biodiversity and a healthy gene bank for the forest. Sewardstone provides a link between Epping Forest and the Lea Valley Regional Park. There is a natural progression with the forest ridge above, down over the scrubby slopes of the western hills across fields and hedgerows to the water meadows and marshes of the river valley. This site forms part of that green transition particularly clearly viewed from the public footpath through Gilwell Park. If granted the progression of development of Sewardstone Road, which began with the Limes/White House approval in 2008 will steadily diminish the landscape continuity to the detriment of the ecology of the area and the enjoyment of viewpoints on the forest ridge. This is inappropriate development as defined in GB2A and the National Planning Policy Framework.

WALTHAM ABBEY RESIDENTS ASSOCIATION- Object. Green Belt. These fields are part of the strategic Green Belt gap to stop urban sprawl and should be safeguarded and protected. The increase in hard surfacing will increase the risk of flooding. If approved this raises possibility of further expansion and make it easy for other green field sites to be built upon with "very special circumstances" the school here seems to be included for just this purpose. Whilst mindful of the need for such facilities we take exception to the abuse of this rule, it should not be used as an excuse to remove land from the Green Belt for housing. We have been advised that there are

several brown field sites available in the Loughton area that might be considered for such a development. Decisions EFDC make now are critical to our community and the Town's future. Approval would dangerously weaken the function and purpose of the Green Belt. There is inadequate public transport in this area, with the local bus 505 from Chingford to Harlow via Waltham Abbey running only once an hour and ceasing at 7pm, there is currently no Sunday or Bank Holiday service. This will be an issue for students going to school in Waltham Abbey or going to Harlow or Debden Colleges. Access to the site is likely to be a problem to other road users; traffic is constantly busy all day. Sewardstone Road is a single lane in both directions and this is a main route to the north circular. The area is already very congested and the development will add significantly to this. The nearest secondary school is King Harold several miles away and very difficult to get to by public transport. Primary school children will need to be ferried by car adding further congestion. As the local mainstream schools are full to capacity what provision is made for the approx. 500 children of various ages who will need schooling, where are the places to be found for these children? The development will be situated in strategic Green Belt and the views from the woods over the Lea Valley will be impaired. Both light and noise pollution will be increased. Concerns about waste management The land is likely contaminated, how will this be dealt with? Water pressure in the area is poor; a development of this size could put additional strain on existing utilities including water and sewerage. There are obvious and overwhelming reasons why permission should be refused. If granted it will open the floodgates for applications for similar sites and totally annihilate what is left of the green belt.

ESSEX AREA RAMBLERS – Very strong objection. Apart from the fact that the land is Green Belt such a large development would be totally out of proportion. The suggestion that just over 10% of the new houses would be affordable does not begin to qualify as exceptional circumstances as required under present planning laws.

MILL LODGE, MILL LANE – I feel very strongly that 308 dwellings on this site is far too many. This number should be considerably reduced to ensure the area is kept as tranquil and peaceful as it has been for many years. This is part of the charm of this area.

2 THE BEECHES, SEWARDSTONE ROAD - Object. A build of this size, on greenbelt land and so near to the forest, will dramatically change the rural village feel of Sewardstone, and will result in the local area having much more of a town-like feel to it. It will also undoubtedly lead to increased traffic flow to (an already very busy) Sewardstone Road, and also additional strain on the local infrastructure

BRIGADOON, SEWARDSTONE ROAD – Strong Objection. Over development of green belt land-contrary to local plan-local roads already under strain-new school not required-King Harold school undersubscribed-new village hall already built at Sewardstone Gardens development

NORTHFIELD NURSERIES, SEWARDSTONE ROAD – We have put our site forward as part of the call for sites and have made our views known with regard to the long term viability of existing nurseries in this area on restricted sites. The key point is that there is a huge difference between “developed greenbelt” sites such as ours and the visual impact of using “undeveloped green belt” such as the vast proportion of the Picks Farm site. One of the documents with the application states that they have “scoured” the area looking for sites. I would like to confirm that we have had no approach from any agent bearing in mind that our site could easily accommodate the school's needs and along with adjacent land could easily fund their needs and of course it was easy to find out that our site was submitted in the call for sites. Whilst one has sympathy with the school there must be some freehold asset in the current school which could be the financing mechanism resulting in a reduced housing need. The rest of the application supports our views that

Sewardstone is not an isolated location, it has good transport links and is ideally located to major transport hubs. To meet housing land targets it is quite clear that some green belt land has to be used, it surely makes sense to use land that is currently developed and which with best will in the world is going to be impossible financially to return to green field status, rather than a visually appealing site such as Picks Farm which is a very important Green Gateway to Sewardstone and Waltham Abbey.

THE CLOCK HOUSE, DAWS HILL - Object - The Application, whilst only in outline form at this stage, still appears to drive 'a coach and horses' through the spirit, meaning and regulation of the policies of the Green Belt in which the application site is located

The existing rural agricultural and recreational character of the land will be totally destroyed by this proposal which will leave the land resembling an urban estate.

The application proposes a massive inappropriate intensification of the use of the application land. The locality, highways and infrastructure cannot cope with the pressures this development will bring totally overwhelming the existing community facilities / road networks etc.

Case for the 263 unfettered dwellings units:-

263 unfettered dwellings will offer the applicant developer a very handsome profit, notwithstanding the alleged cost of providing the school buildings, although as stated above, there is a significant if not total off-set of the school construction costs, once development of the existing school site in Loughton is factored in. '*Very special circumstances*' therefore do not exist to outweigh the demonstrable harm to the Green Belt. This proposal merely represents a commercial profit making development scheme that would result in the loss of the openness, character and natural features of the existing protected land uses. The provision of "affordable" units merely increases the amount of built development.

The provision of a new village hall is unlikely to gain greater community support than was seen by the existing building and therefore is simply a more modern building that is destined to fail in the same way at some stage in the future. Surrounding village halls are all seeing very limited use.

Between the proposed development site entrance and the Picks Farm Cottage entrance mentioned are the entrances to two fields used for 28, regular 'weekly,' car boot sales. These weekly car boot sales, normally held on Sundays, generate up to 1,000 vehicles and already create huge levels of localised congestion. Placing an entranceway into a development of over 300 dwellings on this small already concentrated stretch of roadway with no pavements at several points will create very volatile and unsafe road conditions, not only for vehicular road users but cyclists, horse riders and pedestrians that would lead to significant levels of accidents.

The nearest supermarkets, shops, doctors, dentists etc are located in Waltham Abbey, Loughton and Chingford, therefore requiring a private car journey's at least once or twice a week in addition to those when commuting.

The existing site land provides habitat for many diverse species of wildlife which thrive in abundance. An SSSI site is also in the locality of the application site that will be severely and detrimentally affected by any development on or nearby this essential wild life area. The development of this site in the way the application proposes will destroy the majority of the wild life habitats and therefore significantly reduce, if not extinguish, the wild life they support.

The visual impact of this development will have very wide ranging effects on all the surrounding localities, especially those viewed from the nearby London boroughs. These views provide comfort to those living and working in high density areas and are part of that valued and enjoyed as a visual amenity. Such benefits would be lost if this development proceeds.

The development will also profoundly alter the open visual character of Sewardstone village that is much cherished by all its inhabitants.

PICKS COTTAGE, SEWARDSTONE ROAD. – Astonished at the scale of the development proposal. There was no consultation by the applicant with us as adjoining landowners and the application came as a bolt from the blue. We thought developers should talk about proposals with neighbours. We note that they refer to presentations made to Councillors and wonder whether they encouraged any such consultation. Although entirely contrary to Green Belt Policy we are aware that these policies can be "set aside" as this happened at Gilwell Hill, the residential

development to the South. Maybe entire boundary of the Green Belt in this area needs to be reassessed and consideration given to comprehensive development including our property. Despite what the application documents say, the land is significantly contaminated. We have drainage concerns. About a third of the site drains through our property into our lakes and ditches and then under Sewardstone Road and into the River Lee, Albion Terrace has in the past suffered flooding. Our lakes cannot take any more water and there will be increased risk of flooding of Albion Terrace as a result of the development.

The proposed school would serve all the London Boroughs and is not aimed at the District or Essex. The local schools referred to are outside the Essex catchment area.

From local knowledge we know that during the morning rush hour peak the traffic is 7 out of 10 times travelling at a snails pace or often stationary. It is approx. 1.3miles to the junction with Lea Valley Road/Kings Head Hill. Traffic has worsened since the Gilwell Hill Development

The Transport Assessment is factually incorrect. The 215 bus does not run from the 3<sup>rd</sup> Friday in September to the beginning of May and when it is running the forest bus is at 9.22- not much use for commuting to work. The 505 is only a small "hopper" bus.

The indicative layout plan disregards our existence, with back fences running along our boundaries.

The development might adversely impact on the commercial use of our barns which have B1 and B8 Storage use, and these uses may give rise to complaints from residents.

The plan indicates "potential new pedestrian connection and new proposed central Park connections through to the existing Lea Valley Park" These are over our land and through our fishery and we object to the assumption that they can be provided without our co operation.

There has been no consultation or discussion with us or other neighbours prior to submission of the application.

**WATERSTONE, SEWARDSTONE ROAD – Object** Already excessive congestion along Sewardstone Road which is a narrow main road, and the increase in traffic that this application has not been properly considered. There could be an increased flood risk. The area is Green Belt land which is nature's gift of soaking up water. No thought has been given to wildlife species on the land. The development can only add more misery to the residents of this dangerous and overcrowded road where speed limits are ignored.

**GARDEN COTTAGE, DAWS HILL - I strongly oppose this application.** We moved to a rural environment because we did not want to be surrounded and overlooked by other dwellings. This will impose an unsightly view from my property, as we purchased Garden Cottage because of the beautiful surrounding fields, filled with roaming horses and other wildlife.

Developing this area would be catastrophic to the decreasing numbers of wildlife that we have.

Many animals and bird life have made this area their habitat, we have a barn owl that has been here for as long as we have.

I also think you should consider the safety aspect of the area with extra traffic using the Sewardstone road and surrounding lanes

Daws Hill will be severely affected by the extra flow of traffic with works vehicles causing chaos to an already extremely busy road.

**ALDERGROVE, MOTT STREET – Object.** Another nail in the Green Belt coffin. We need social housing not more affluent dwellings. But not here. The Green Belt is here to provide a corridor around cities and large towns. London is spreading out more and more. It is approx. 15 miles from here to centre of London, taking up to an hour and a half to drive. You could travel to beyond Cambridge in that time. Waltham Abbey will gradually become part of the metropolis. Picks Farm is the first green space you reach out of London, please keep it so.

**LEVALE, SEWARDSTONE ROAD – Yet again Sewardstone Road has been earmarked for possible development, is this only Road in Essex that can be built on? We have had many applications which have all been refused by the Council which we applaud.**

Council Members do not live on Sewardstone Road therefore it does not intrude on their lives, if they did live here, they would never even consider new builds. The road is already congested with traffic coming off the M25; this will only exacerbate the problem. There is wildlife to consider. We know what "affordable" means and the consequences of such housing.

TREKIZEL, SEWARDSTONE ROAD – Object. The area is Green Belt and no development should be considered. Constant development of Sewardstone Road will make flooding problems worse. Increased traffic flow will exacerbate problems on Sewardstone road which is extremely busy at the best of times. If it goes ahead there will be further erosion of the Green belt land which serves as a buffer to Epping Forest. The existing area is one of natural beauty and should thus be preserved in its present state. A recent housing development has taken place at Gilwell Hill, why do we need an even larger one. Potential damage to flora and fauna. If allowed there may be future further growth of even more housing /buildings. The development will have a significant impact on local residents with regard to noise pollution. The Lee Valley Campsite exists as a place where people can enjoy the countryside, how long before it is bordered on all sides by houses? This development will be to the detriment of the existing residents and will only benefit the sellers of Picks Farm.

AIKANET, SEWARDSTONE ROAD – Strongly object. Sewardstone Road is dangerous and people speed along it. The farm is on Green belt land. It is on a double S bend and there have been accidents in the past. Will the young people at the adjacent Scout Camp be safe if a housing estate is built? People pay good money for houses here with good views. The only good thing in this application is the school, nothing else. It started with Gilwell Hill Estate, now this one, next it will be Netherhouse Farm. All Green Belt Land.

MICKIAN, SEWARDSTONE ROAD – Object. The infilling between Chingford (London) and Waltham Abbey along Sewardstone Road will eventually result in Waltham Abbey and Sewardstone being, aesthetically, part of London. The development will have an adverse impact on the biodiversity of Epping Forest. Can Sewardstone Road cope with the additional traffic? It is doubtful if this development will increase the footfall in Waltham Abbey Town as bus connections and proximity to shops would probably mean most people would use Chingford's facilities.

UPPER COTTAGE, DAWS HILL – Strongly object. The land which is to be developed is predominantly rural and the proposed plans would be a huge over-development of this. Access has not yet been determined. However, we would imagine the effect on traffic on Sewardstone Road which is already a main route into London from the M25 and surrounding areas, even though it is a one-lane single carriageway, would be to cause further congestion on this busy road. The effect on Daws Hill which runs off Sewardstone Road, just to the north of the planned development would also be detrimental. This is a narrow, single track, unlit country road which has already seen a number of accidents and incidents. The increased volume of traffic as a result of such a development will only increase the incidence of such events.

ALDERGROVE, MOTT STREET – Object. The description of development seems quite laudable in relation to the school, village hall and meadow with two lakes, but these are just sweeteners in order that a fortune can be made on a massive building project. We note a measly 45 affordable houses compared to 263 prestigious ones. The proposal represents a drop in the ocean to improve the dearth of much needed cheaper housing. Is the Council willing to commit the cardinal sin of breaking the Green Belt of London, which was imposed just to stop developers expanding London into scant rural areas surrounding the metropolis? Allow this and the meaning of Green belt becomes extinct. Another developer, further into an area behind this development in the green belt will justifiably argue that he now has every right to allow his/her land to be developed for housing.

ST AUBYNS, DAWS HILL – Object. The proposal is at odds with Green belt policy and there are no exceptional circumstances significant enough to warrant overriding Green belt policy and the

application could be rejected on these grounds alone. The development is likely to increase flood risk in the locality. The quantity of units proposed is excessive. The scale of development is inappropriate for the village. The proposal will have a negative impact on the neighbourhood and harm the character of the area. The proposal will have a significant effect on local traffic. This will lead to excessive traffic congestion, be detrimental to highway safety, and have detrimental impact on character of the environment. The proposal will adversely affect biodiversity. Protected species inhabit the land and the adjacent land. The developer's ecologist noted that the development proposed a moderate to high risk. There are badgers close to the site. The ecology report states risk to trees is high. This means among others several ancient oaks could be under threat. There is insufficient public transport infrastructure to support the development. The 215 service mentioned only runs in the summer months. There is inadequate pedestrian access for the development. There is no pavement along Sewardstone Road to the Yardley Estate Terminus and the narrow pavement between the site and the petrol station is equally dangerous to pedestrians

CO CHAIR of PLAY AND RESOURCE CENTRE (PARC) ESSEX – Support the proposals. As a professional working in the field of special needs education I believe it is very important to build new premises so that it can develop its good work and extend its services to secondary aged children. Currently children have to leave Woodcroft at the end of year 6 and for children with special educational needs, particularly those with Autism this change in routine can be very traumatic and disruptive to their education. The nearest special school is far away meaning children have to travel long distances to avoid placement in a residential school, these longer journeys can be stressful for the children. My experience at Woodcroft has been very positive and the school provides a very valuable service to the children and families it serves. It often enables local authorities to place children whose needs cannot be met elsewhere.

9 FOXLEY CLOSE LOUGHTON – Support. As a member of staff at Woodcroft School I support this application. It is important to build new premises for the school so that it can develop its good work and extend its services to secondary aged pupils have to leave Woodcroft at the end of year 6 and for children with special educational needs, particularly those with Autism this change in routine can be very traumatic and disruptive to their education. The current school buildings are old and a new purpose built school would allow us to better meet the need s of our pupils. Woodcroft School provides a very valuable service to children with special needs and their families. I fully support the application and the opportunities it will bring.

49 HARWATER DRIVE, LOUGHTON- Support. As a Member of staff of Woodcroft School I believe it is very important to build new premises so that it can develop its good work and extend its services to secondary aged children. Currently children have to leave Woodcroft at the end of year 6 and for children with special educational needs, particularly those with Autism this change in routine can be very traumatic and disruptive to their education. The nearest special school is far away meaning children have to travel long distances to avoid placement in a residential school, these longer journeys can be stressful for the children. The current school buildings are old and a new purpose built school would allow us to better meet the need s of our pupils. Woodcroft School provides a very valuable service to children with special needs and their families. . It often enables local authorities to place children whose needs cannot be met elsewhere. I fully support the application and look forward to the opportunities it offers for the future pupils of Woodcroft.

133 TORRINGTON DRIVE, LOUGHTON- Support the development proposals. As a member of staff at Woodcroft School. (Standard letter as above)

7 WALNUT WAY, BUCKHURST HILL- Support. As a member of staff of Woodcroft School (standard letter as above)



**8 Standard letters of support for the proposal have been received from Parents/carers of pupils at Woodcroft School, from the following addresses:**

14a CRANLEY GARDENS, MUSWELL HILL

Flat 330, 41 MILHARBOUR, LONDON

Flat 19, LEWEY HOUSE, JOSEPH STREET, LONDON E3 – Support as a parent of a pupil.

14 LEGION TERRACE, BOW, LONDON E3.

14 LOWRY ROAD, DAGENHAM

13 GOODWILL HOUSE, SIMPSONS ROAD LONDON E14

75 TILLER ROAD, ISLE OF DOGS, E14

41 BIRKBECK ROAD, LEYTOSTONE, LONDON E11

The wording of the letter reads:-  
Woodcroft School and Mulberry Village

I write in support of the development proposals as set out on the Essex planning website. As a parent/carer of a pupil at Woodcroft I believe it is the right time to build a new all age premises for the school so that it can develop its good work. The nearest comparable school is many miles away meaning that children often have to travel great distances with a carer or escort in order to avoid a residential placement. Longer distances also mean more stress for the children. A new school nearby in a green belt setting will enable the school to provide more educational facilities in a stress free environment for the children.

The new school will be all age which will mean that parents do not have to look for a new school when their child reaches secondary age as is now the case. For children with special educational needs, this big change in routine and the different approach of a new school can be very traumatic and disruptive to their education.

My experience of Woodcroft has been very positive and if it was possible I would want my child to continue their secondary education there.

I am pleased to learn that the new village hall and nursery will be created within the development and that there will be affordable houses on site. This will be a much needed boost to the housing supply in an area that has little or no new houses available.

I also understand that the development of the private houses will enable the special school, nursery and village hall to be donated free of charge.

I am very much in favour of the development and look forward to the opportunities it offers for the community and for future pupils at Woodcroft.

**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  
LL10 – Retention of Trees  
LL11 – Landscaping Schemes  
RST24 – Lea Valley Recreational Park  
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.

### **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. The main issues are:; 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.

### **Green Belt**

The site lies wholly within the Metropolitan Green Belt and is predominantly agricultural land and open in character. The National Planning Policy Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness. One of the purposes of including land within the Green Belt is to safeguard the countryside from encroachment.

The Framework defines inappropriate development as being harmful to the Green Belt and further defines exceptions which would not be inappropriate development. Consequently, if the scheme does not comply with the list of exceptions, the scheme would be inappropriate development which paragraph 87 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The Framework explains that the construction of new buildings such as new dwellings is inappropriate development within the Green Belt. Policy GB2A of the Epping Forest Adopted Local Plan is broadly in accordance with these objectives.

Paragraph 89 of the Framework explains what constitutes as exceptions in relation to the above. Particularly, it states that limited infilling in villages and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) which would not have a greater impact on the openness of the green belt and the purposes of including land within it than the existing development.

This site is not within a village and only a relatively small part of the site (that occupied by the existing holiday let accommodation, stables, village hall and Mulberry House (but not its garden) is previously developed land, therefore the development as a whole is clearly inappropriate development in the Green Belt. In addition the site lies separated from any existing built up area within a strategic gap between the built up areas of Chingford to the south and Waltham Abbey to the north. Not only is the development inappropriate development by definition, it is physically very harmful to openness and to the purposes of including land within the Green Belt.

The site does not have a logical or defensible southern boundary in Green Belt terms and approval here would make further development to the south towards Chingford very hard to resist.

For the proposals to be considered acceptable there would need to be very special circumstances sufficient to outweigh this significant harm to the Green Belt and any other harm.

#### Very special circumstances put forward

##### 1. Need for The School:

The applicant's argument is that there is a great need for a special needs school to cater for 3 to 19 year olds and that the existing Woodcroft School site is too small to accommodate this. The application site was identified by them as being well located for their existing pupils in relation to transport links from North London and Essex and they wish to relocate to this more rural site which is a better environment for their pupils who suffer from severe autism. The intention is for the developer to fund the provision of the purpose built school and for the school to be transferred to a charitable trust. The housing development is, they argue, needed as enabling development to provide funding for the replacement school, which would not otherwise be developed. In addition a replacement village hall will be provided along with open space. It is argued by the applicant's agent that this need for a school to cater for severely autistic children from the ages of 3 to 19 on a day pupil basis rather than a residential school amounts to very special circumstances sufficient to outweigh the harm to the green belt from the totality of the development and any other harm. The school would cater for approximately 100 pupils from this area and surrounding boroughs. The current school in Loughton is on a very constrained site and clearly cannot cater for additional numbers. It is also accepted that the current school, which has a very good OFSTED report, provides a very high standard of care and education for challenging pupils. The numbers of children diagnosed with Autism are rising.

However the applicants have not demonstrated that they have carried out a search for sites for a school, i.e. looking firstly for sites outside the Green Belt or secondly for sites on previously

developed land or thirdly, for existing buildings that could be converted to a school. The school is not a local facility for children from Epping Forest District or indeed from Essex with only 3 of its current pupils having their places funded by Essex County Council, but many of the Pupils come from London and beyond, so logically the search area for suitable sites should be a very extensive area of the south east, and there may be many sites outside the Green Belt that could meet the requirements.

There is no exception to green belt policy to enable schools to be constructed in the Green Belt. The school itself is inappropriate development in this location, and whilst the need for the school could perhaps be an argument to allow a school facility, in a suitable green belt site, the sheer scale of the proposed "enabling development" (essentially 3 houses to fund each school place) means that the impact of the development on the open character of the Green Belt and the purposes of including land within the Green Belt cannot be outweighed by the benefit of providing a school.

The applicants point out that the Government has stated that in determining planning applications Local Authorities should attach "very significant weight" to the desirability of establishing new schools and to enabling local people to do so, and adopt a positive and constructive approach towards applications to create new schools and only refuse planning permission for a new school if the adverse planning impacts on the local area outweigh the desirability of establishing a school in that area. This advice however must be read in the wider context of Planning Policy wherein within the Green Belt the development of a school is not identified as appropriate development and is therefore by definition harmful. In other words the adverse planning impacts will outweigh the desirability of establishing a school, particularly as the development also includes 308 residential units.

Essex County Council Special Educational Needs Provision Manager was asked to comment on the need for the school and the following response was received;

*Whilst the County Council is pleased to offer support to the development of any high quality specialist SEN provision in Essex the strategic direction of the local Authority is to encourage Special Free Schools and Academies to establish local, high quality specialist provision at a more affordable cost than currently provided by independent providers. Where this is not possible or practical then to make use of the independent providers offering the best outcomes at best value. Woodcroft School currently supports 3 Essex pupils at the annual cost of around £180,000. The preference of the Local Authority SEN department would be for an increase in affordable local provision offering best value and outcomes for a range of pupils with SEN on both a day and residential basis. The SEN Strategy 2014 seeks to secure new provision for pupils with Autistic Spectrum Disorders and Emotional and Social Communication Difficulties and this must be the priority for the County Council's High Needs Block budget moving forward.*

## 2. The Village Hall:

The applicants are proposing to provide a new village hall to replace the dilapidated and unused facility that currently exists off Daws Hill. The village hall would provide a facility for the new residents of the development as well as existing surrounding residents and would provide a location for a children's day nursery facility. Whilst the inclusion of a replacement village hall is understood, given the number of new residents that are proposed and the lack of any facilities for them, but its provision adds little to the Very Special circumstances argument. The provision of a nursery would be required if the applicant is not to provide additional funding to the education Authority to fund additional nursery places, so cannot be regarded as a significant benefit

### 3. Creation of new jobs:

The supporting statement states that the development will create 60 direct jobs, 200 construction jobs and numerous indirect jobs at 30 Essex firms currently contracted to Woodcroft School. Wherever development takes place there will be impacts on employment. This is not grounds to develop in Green Belt locations in an unplanned manner.

### 4. Housing provision:

The need for additional housing is a material planning consideration, at present Epping Forest District Council has not got a demonstrable five year land supply for open market housing based on the previously approved targets. However as part of the new Local Plan adoption process and the call for sites exercise, the housing needs within the District are being looked at and more up to date figures will be published. It is hoped that draft figures regarding this may be publicly available in the near future for formal adoption by Councillors. Nevertheless, the Local Authority has continued to actively approve suitable housing to meet growing local needs.

Notwithstanding the above, the following ministerial statement is of relevance *“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 the harm to the Green Belt and other harm to constitute the ‘very special circumstances’ justifying inappropriate development in the Green Belt”*. As such, it is not considered that this issue would be sufficient to outweigh the harm from inappropriate development.

#### Affordable Housing

The proposed development includes just 15% percent affordable housing. The Local Plan policy states that for sites in settlements of less than 3000, affordable housing should be provided at 50%. On Green Belt sites where such residential development is inappropriate, the Council has in suitable sustainable locations accepted that the provision of 80% affordable housing can amount to very special circumstances. The Gilwell Hill Development which lies adjacent to the built up area of Chingford on previously developed land just over half a km to the south of this site was one such development. The applicant however is relying on the provision of the school for their very special circumstances argument and is also arguing that the cost of providing the school makes the provision of affordable housing at the rate required by our adopted policies (50%) unviable. They state that more than 15% would make the whole scheme unviable.

Officers are of the view that the provision of the school cannot simply be taken out of the equation. Essentially to do so at the expense of affordable housing provision would be tantamount to the Council funding the private/charitable status school development.

It should be noted that in their viability appraisal the developers have also not factored in the value of the existing Woodcroft School site in Loughton as they state that this is privately owned and will revert back to residential use, so should not be included in the exercise. This is, in officers view not appropriate. If we are to take into account the argument that the proposal is required as a replacement for the existing school which has outgrown its site then the value of the existing school must surely be of relevance.

The applicants provided a viability appraisal which was assessed by Kift Consulting Ltd on behalf of the Council and subsequently additional information was provided by the applicants.

Kift carried out their own assessment based on their assessment of land values and build costs and concluded that the development, factoring in section 106 agreement costs could provide 72.4% affordable houses i.e. 223 affordable and 85 private sale.

Kift concluded on their initial validation; *“Based on a number of assumptions it is our view that the proposed scheme should be able to support a much higher level of affordable housing than 15%. The indicative viability we carried out significantly demonstrates a much higher level. However to be fair to the applicant, they may be able to demonstrate that KLC has misunderstood their assumptions and they may be able to provide evidence to support their assumptions proving them to be correct.”*

Subsequently additional information was provided and Kift Commented:

*“MPI has provided a lot of new information and supporting evidence, which needs further investigation/clarification by suitably qualified valuer and cost consultant. However based on our initial validation exercise and a review of the new information provided KCL firmly believes that the methodology they used in the indicative viability assessment is the correct approach. As neither the school nor the village hall are planning obligations then the housing development should support all planning obligations including the provision of 80% affordable housing in accordance with EFDC policy. The school and village hall should be funded from the uplift in land value and developers profit as this links the school and village hall to the residential development which was the rationale for undertaking the residential scheme in the first place.”*

On the basis of the information provided officers are far from convinced that the proposed development would be unviable with a much higher affordable housing percentage and as such the proposal is contrary to the adopted affordable housing policies.

#### Impact on Character of the Area

This location is largely very attractive, undeveloped open farmland rising up from Sewardstone Road with a backdrop of Epping Forest and including two attractive fishing lakes that provide ecological habitat as well as recreational use and 27 preserved trees which are of importance to the landscape. There is a public footpath through the site from Daws Hill to the Forest. The surrounding area is characterised by sporadic ribbon development along Sewardstone Road and Daws Hill with properties set in relatively large garden plots.

The applicant has argued that part of the reason for the predicted high cost of the development, which in their assessment makes the provision of adequate affordable housing unviable here, is that this development will be a high standard development providing a village landscape in which people will want to live. The application is in outline only with all matters except access to be determined at a later date. This makes consideration of the impact of the scheme (as well as the likely viability of the scheme) more difficult, but essentially we need to be sure that the amount of development proposed (a hundred pupil school, 308 dwellings and a village hall) can be suitably accommodated within the site, meeting our adopted car parking, open space and amenity space standards and having suitable roads and pavements and adequate landscaping and retention of trees.

The applicants supporting statement explains the design approach with 3 distinct areas of housing, “Farm Village” “Hillside” and “Lakeside” with an area of parkland including the two existing lakes. An indicative layout plan has been provided and at the request of officers some detail has been added to this. Whilst acknowledging that this is only an indicative plan it is sufficient to illustrate that in fact the site cannot comfortably accommodate the amount of development proposed and achieve a housing development that would meet the council’s adopted parking standards and road widths without the scheme being totally dominated by car parking and hard surfacing. Such a development would be completely out of keeping with the sensitive rural setting of the site and the pattern of development in the locality, which is predominantly detached housing in large plots. The “Farm village” area would have a dense urban feel, completely at odds with the location. Furthermore, the frontage and on street parking proposed is at odds with both the Essex Design

Guide and Local Plan policy which seek to move parking into rear or side garden areas in the interests of visual amenity. Given the location of the development, cut off from any shops, employment, non-specialist schools or facilities, the development would need to meet the full adopted car parking standard of 2 spaces per unit plus 0.25% To achieve a satisfactory layout, meeting parking standards and amenity space standards, any detailed application would likely to result in development encroaching significantly on the open space and landscaping areas indicated on the indicative plans.

There are 27 Preserved trees within the site and in the absence of a tree survey it is not clear that a development of this number of units can be accommodated without harm to some of these trees. Whilst the applicant has stated categorically that all preserved trees would be retained, it is considered that to do this with the number of houses proposed would be likely to require compromises with regard to either parking standards or road widths which would be unacceptable. The indicative layout has only achieved the required number of parking spaces by providing the required visitor spaces either within specified plots or in front of residential parking spaces, which would not be acceptable. Almost every property has parking immediately in front of it with no space for front gardens and although new trees are indicated dotted about in front curtilages these are squeezed in between parking spaces and would likely be impractical.

In its favour the indicative layout does show a substantial area of open space incorporating the existing lakes in a logical position overlooked by housing which would be an attractive feature within the development, and other smaller areas where trees can be retained and some landscaping could be achieved.

The development will be clearly visible from Sewardstone Road and viewpoints to the west and although an indicative visualisation has been submitted to suggest the site will be screened by trees, the trees shown appear to be over 20 metres high and would take probably half a century to reach that level of coverage suggested. Detached properties located on the higher land to the east would likely also be an intrusive feature from further long views from the Lee Valley Regional Park to the east.

### Sustainability

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three main dimensions to sustainability: an economic role, a social role and an environmental role and that these are mutually dependent and involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life. In addition the NPPF seeks to direct development in the first instance to focus significant development in locations which are or can be sustainable, and in a planned way.

The applicants have stated that they have been in talks with the bus company and can get the bus to serve the new development with a stop at the Village Hall. This is to be commended but the bus service is limited and is not considered sufficient to be able to describe this site as a sustainable location.

The site is divorced from employment, shops, schools and other facilities, and located on a road with no usable pavement, such that the residents of the development will be heavily reliant on the car for almost all daily needs. It is therefore not a sustainable location.

### Highways Issues

The only detailed matter to be determined in this application is the access to the site. The proposal is for a single vehicular access to serve the whole of the site to be created off Sewardstone Road. The proposed access, following amendments meets the design requirements

of the Highway Authority in terms of configuration and sight lines and there is therefore no objection to the access, in highway safety terms, and despite the concerns of neighbours and the evident congestion in the locality at peak times, based on the transport assessment submitted no objection is raised with regard to impact on the free flow of traffic by the highway authority.

The Highway Authority however recommend refusal of the development for the following reasons.

The proposed site location means that it is not easily accessed by more sustainable modes of transport such as public transport, cycling and walking. It is not adjacent to, or very close to, services e.g. schools, community/retail/leisure facilities, employment etc. and would result in the majority of journeys being made by private vehicle.

Although there are bus stops within the vicinity of the site it is felt that an hourly service is not sufficient or attractive enough to sustain a development of this scale. Furthermore the number and speed of vehicles using the A112 is likely to dissuade a person from cycling or walking along it, which is further compounded by the lack of footways to the south of the site. Therefore the proposal is contrary to the aims and objectives of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policy ST2 of the Local Plan.

#### Flood Risk

The site lies outside any flood risk area but due to the size of the development it was referred to the Environment Agency for comment. Initially they raised concerns with regard to surface water run off but additional information was submitted with regard to sustainable drainage systems and their objection was withdrawn subject to conditions

#### Ecology and Biodiversity

The site is adjacent to Epping Forest and there were initially concerns that the development would result in increased traffic movements through the forest to a level that would cause an unacceptable level of air pollution harmful to the sensitive ecology of the forest. Additional information was provided with regard to the likely traffic generation from the school, (which operates a pick up minibus service) Natural England confirmed that this concern was overcome.

A preliminary ecological assessment was submitted with the application, this concludes that the development poses moderate to high risk of impact on bats, breeding birds, reptiles, water voles, and invertebrates and as such further surveys would be required should the application be approved in outline, together with a long term ecological management plan to minimise risk of negative impact on biodiversity.

The Environment Agency raised concern that the original indicative layout which showed housing close to the banks of the lakes could cause harm to water vole habitat. The revised indicative layout includes a buffer zone to keep development and activity away from the banks of the lakes and this objection can therefore be overcome by the imposition of suitable conditions.

#### Land Contamination

Due to its use as a farm there is the potential for contaminants to be present on this site. Schools and housing are defined as particularly vulnerable uses. Should planning permission be granted full contaminated land conditions would need to be applied.



### Neighbouring amenities

Whilst the development would clearly alter the nature of the locality, at this outline stage it is not considered that the proposals would necessarily have an adverse impact on the residential amenity enjoyed by adjacent residents. New development should be capable of being sited so as to minimise any potential for loss of privacy and overshadowing or from noise from the village hall and or internal estate roads etc.

### Education

Essex County Council were consulted with regard to education provision and they conclude that if the development were completed " it could generate a demand for around 28 early years and childcare places, 92 primary school and 62 secondary school places in the area. Whilst the proposal includes the relocation and expansion of the Woodcroft School this is a fee paying school accredited to the National Autistic Society.

The housing development would be in a location that would require Essex County Council to provide school transport to both primary and secondary school age pupils at an estimated cost of £450 a day. Likewise there are no Early Years or Childcare facilities within a reasonable walking distance and housing in this location cannot be considered sustainable from an education perspective."

The priority admissions area primary school for Picks Farm is High Beech Primary School. The school has only 105 places, is full in most year groups and demand in the area is forecast to rise. To accommodate 92 additional pupils the school would need to double in size, for which it does not have sufficient site area, there is also concern that the school access could not cope with the two additional buses required. I am further advised that there is little scope to expand any of the schools in Waltham Abbey, other than Upshire Primary school (which is the furthest school from the proposed development. The capital cost of providing 92 additional primary school places would be approximately £963,000n index linked to April 2013 costs.

In terms of secondary school provision the King Harold Academy is forecast to have sufficient places to accommodate 62 additional pupils. The only impact that would require mitigation would therefore be transport costs"

As can be seen the proposed "enabling development "of 308 houses to enable the relocation and expansion of the Special Needs School would result in a significant local education need which will be difficult to accommodate and will be far from sustainable. Primary school age children will need to travel significant distances to access a school. Following this consultation response from County, the applicant amended his proposals to include a nursery facility within the proposed village hall and is willing to enter into a legal agreement to pay the required educational contributions for the primary provision and for transport costs, but despite this such large scale unplanned development away from town centres is impractical and unsustainable in terms of education provision.

### **Conclusion**

For the reasons set out in the above report the proposed development is considered inappropriate in the Green Belt and harmful to the openness of the Green Belt and the purposes of including land within the Green Belt. In addition the development will be at odds with the pattern of development in the area and harmful to the character and visual amenity of the rural area.

The scheme provides inadequate levels of affordable housing to meet current policy and is poorly located with regard to local transport links and facilities, jobs and schools and is unsustainable development. The submitted indicative plan fails to demonstrate that the proposed development

can be suitably and sensitively accommodated within the site with adequate parking, amenity space, public open space and landscaping and as such this likely to result in a poor quality of environment and living condition.

It is not considered that the provision of a special needs school for up to 100 pupils, which is in itself inappropriate development in the Green Belt, amounts to very special circumstances sufficient to outweigh the very significant harm that the overall development would cause.

The application is therefore contrary to the adopted policies of the Local Plan and Local Plan Alterations and to the National Planning Policy Framework and is recommended for refusal.

***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: Mrs Jill Shingler  
Direct Line Telephone Number 01992 564106***

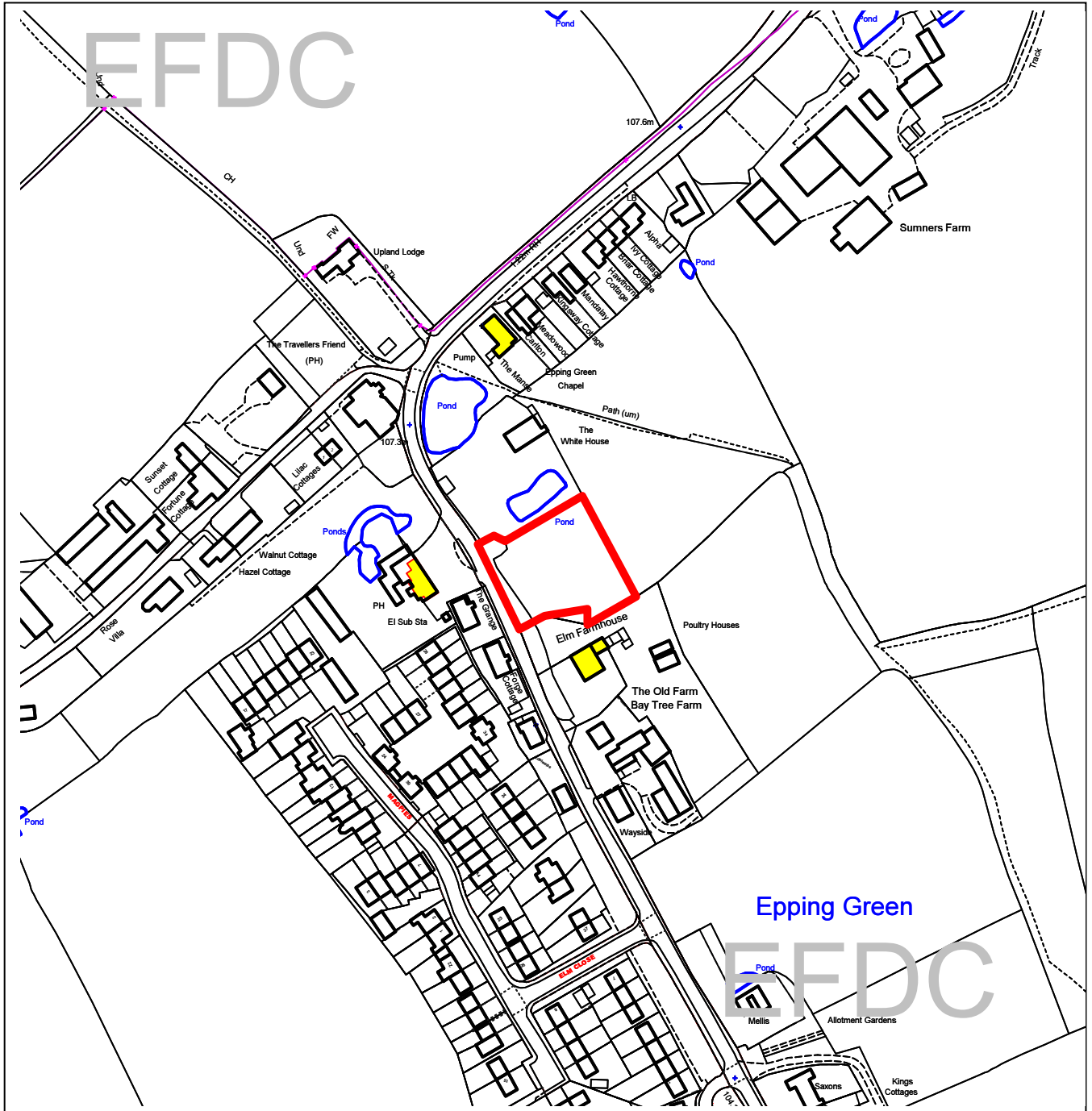
***Or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## AGENDA ITEM NUMBER 6



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Application Number:	EPF/0910/14
Site Name:	The White House, Epping Road Epping Upland, CM16 6PU
Scale of Plot:	1/2500

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0910/14
<b>SITE ADDRESS:</b>	The White House Epping Road Epping Upland Epping Essex CM16 6PU
<b>PARISH:</b>	Epping Upland
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mr & Mrs Matthew C Carr
<b>DESCRIPTION OF PROPOSAL:</b>	Outline application for the erection of two detached dwellings with garages within the curtilage of the existing dwelling and ancillary works.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=562415](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=562415)

**CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.
- 2
  - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
    - (i) layout;
    - (ii) scale;
    - (iii) appearance;
    - (iv) access; and
    - (v) landscaping.
  - b) The reserved matters shall be carried out as approved.
  - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 3 The development hereby permitted will be completed strictly in accordance with the approved Location Plan.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been

submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 6 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 7 Before any preparatory demolition or construction works commence on site, full ecological surveys and a mitigation strategy for the site shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.
- 8 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- 9 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 10 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

- 11 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 12 Prior to first occupation of proposed development, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the carriageway and provided with an appropriate dropped kerb crossing of the verge.
- 13 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 14 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 15 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

**And the completion by the 4<sup>th</sup> August 2014 (unless otherwise agreed in writing by the Local Planning Authority) of a legal agreement to secure a contribution of £10,000 towards the provision of affordable housing.**

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))*

**Description of Site:**

The application site is part of the residential curtilage of The White House, which is located on the eastern side of Epping Road within the village of Epping Upland. The site is located close to the corner junction opposite the Travellers Friend and Cock & Magpie public houses.

Whilst the site is located within the village of Epping Upland, the site is within the designated Green Belt. There is a large pond located to the northwest of the site (on land outside of the applicant's ownership) and a smaller pond located within the applicant's site (albeit within the 'blue line' area). There is a large established hedge bordering the site and several individual trees located within the site area.

Access to the site is via Epping Road opposite the carriage driveway serving the Cock & Magpie.

### **Description of Proposal:**

Outline consent is being sought for the erection of two detached dwellings with garages. The application has all matters reserved; however indicative plans have been submitted with the proposal.

### **Relevant History:**

EPO/0484/64 - Erection of two houses – approved/conditions 09/02/65  
OUT/EPO/0639/72 - Outline Application for house – approved/conditions 10/10/72  
OUT/EPF/1233/80 - Outline Application for one dwelling – refused 06/10/80 (appeal dismissed 10/11/81)  
EPF/1499/90 - Erection of detached house – refused 11/01/91  
OUT/EPF/1934/01 - Outline application for the erection of a detached house – refused 20/02/02  
CLD/EPF/2143/02 - Certificate of lawfulness for use of land as residential curtilage – lawful 24/01/03

### **Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
GB2A – Development in the Green Belt  
GB7A – Conspicuous development  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
LL10 – Adequacy of provision of landscape retention  
LL11 – Landscaping schemes  
NC4 – Protection of established habitat  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking  
U2B – Flood risk assessment zones

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

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

7 neighbours were consulted on this application and a Site Notice was displayed on 08/05/14.

PARISH COUNCIL – Object due to:

- Inappropriate development in the Green Belt – no special circumstances.
- Potential loss of established landscaped features.
- Concerns regarding sight lines, access/exit onto B181 – several accidents on corner close to property.

ELM FARM, EPPING GREEN – Comment that the site is within the Green Belt and is unchanged since their previous refusal; the site is surrounded by locally listed buildings and therefore must be considered sensitively; the site lies adjacent to a medieval moated site and therefore will need to be subject to further archaeological investigation; concern must be had regarding existing



landscaping and the presence of Great Crested Newts in the vicinity; and has had the applicants assurance that:

1. The existing screen of trees to the east and southern boundaries would be retained and protected.
2. The land between the trees and the boundary would not be built upon.
3. Only two windows would be constructed and no windows would be present in the south facing wall.
4. The existing entrance will remain as the only vehicular entrance to the development.

BAY TREE FARM, EPPING GREEN – Comment that, whilst the access has been moved further from that considered unacceptable in the previous application, this road is still dangerous and requires additional traffic calming measures; whilst the land is lawfully garden land it has not been regularly maintained or used as a garden; and as it would be a shame to see green space further eroded within the village. (Comment was also raised regarding boundaries and ownership issues; however this is not a material planning consideration).

### **Issues and Considerations:**

This application is for outline consent with all matters reserved and therefore the only consideration is the principle of erecting two dwellings with garages on this site. Whilst indicative plans have been provided showing an example of two dwellings on the site, these are not actually proposed.

#### **Suitability of the site:**

The application site is located within the Metropolitan Green Belt and has a long history of attempts to develop this parcel of land. Whilst consent was granted in 1964 and 1972 for new houses on this site (formerly two and latterly one) these were never implemented. Subsequent to these approvals all other applications to develop this land were refused, with the latest being in 2002. The latest reason for refusal was on the following grounds:

**The site is within the Metropolitan Green Belt. The proposed development is inappropriate in the Green Belt and would be harmful to the openness of the Green Belt contrary to policy GB2 of the adopted Local Plan.**

The erection of dwellings within the Green Belt constitutes inappropriate development, and has done for a number of years (reflected in the more recent decisions on this site). However, since the date of the last refusal new Government Guidance has been adopted which replaces PPG2 in the form of the National Planning Policy Framework (NPPF). This continues to highlight that the erection of new buildings within the Green Belt is inappropriate development, however provides a list of exceptions to this. Amongst others this includes “*limited infilling in villages*”. This is a significant material alteration since the previous application was refused and therefore the proposed development of this land will need to be reassessed against the current Government guidance.

It is considered that Epping Upland would clearly constitute a ‘village’, particularly since the majority of Epping Upland is located outside of the Green Belt (including the public house and housing directly opposite the site). To the north of the site is the donor property and beyond this a row of residential properties. To the west are the two public houses with some sporadic residential development beyond this. To the immediate south of the site is the relatively densely populated bulk of the village, consisting of terraced and detached houses, which are outside of the designated Green Belt. To the south east of the site, on this side of Epping Road, are a number of detached properties in more spacious plots, which eventually lead to a more dense row of houses outside of the Green Belt. Due to this, whilst there are open fields to the east (rear), the application site is surrounded on three sides by residential development.

There have been a number of recent appeal decisions with regards to 'limited infilling' both within and outside of Epping Forest. Within a recent appeal decision for the demolition of a single dwelling at Rosedale, Hornbeam Lane, Sewardstonebury (Ref: EPF/0288/13) and the erection of two dwellings, it was argued by the LPA that "*sites are only suitable for infilling where they are surrounded on three or four sides by existing development*" (and this appeal site was within a ribbon of development with open land to the front and rear). Nonetheless, the Planning Inspector concluded that "*the site, whilst towards the periphery of the built-up area, is within the village*".

An appeal decision was allowed for an infill development in Spellbrook, Herts which, similar to that in Sewardstonebury, is located in a ribbon development on the edge of a village. In this decision it is stated that "*given the almost continuous pattern of development along the main road, it is reasonable to conclude that the ribbon of development and, consequently, the appeal site, should be regarded as within the village*".

A relevant recent approval granted by EFDC was for the land to the rear of 59-61 High Road, North Weald (Ref: EPF/1891/13) for the erection of a bungalow. Whilst this was not an 'infill' in the traditional sense, as it did not follow any formal pattern of development, it consisted of a 'cut in' parcel of Green Belt land bordered on three sides by undesignated residential development. This was nonetheless agreed to still constitute a 'limited infill' to the existing village of North Weald. Another relevant recent consent was at Deerhurst, Roydon (Ref: EPF/1893/13) whereby consent was granted for the demolition of a single dwelling and the erection of three houses on an edge of village Green Belt site. In this instance it was considered that, despite the increased built form of the development, the proposal would constitute a 'limited infill' as the site is surrounded on all four sides by residential dwellings. Lastly, a new infill dwelling was recently granted consent at Willow House, The Street, Sheering (Ref: EPF/0603/14) due to the fact that the site was bordered on three sides by residential development.

The other material consideration when assessing the potential 'infill' of a development is how this would relate to the overall built form of the village as a whole. A recent appeal at Pond House, Matching Green (Ref: EPF/2136/12) allowed for an infill development in this village. Within the Inspector's decision letter it was stated that "*the scheme would be visible from within the village and the wider countryside but I consider it would have a very limited impact on the openness of the Green Belt because, as an infill development, it would be contained within the existing envelope of built development in Matching Green and seen in the context of the existing village development. For the same reason, it would not have a material adverse effect on the purposes of including land within the Green Belt*". Given that the erection of two houses on this site would continue the existing pattern of development on this side of Epping Road, and as the application site is bordered on three sides by residential properties, the development of this site would clearly be seen within the context of the village of Epping Upland and would not detrimentally encroach into open countryside.

Although the previous applications on this site were considered inappropriate development within the Green Belt, the adoption of the NPPF, and the exception of "*limited infilling in villages*" that this now allows for, it is now no longer considered that this proposal would constitute inappropriate development within the Green Belt.

#### Affordable housing:

The application site is a Greenfield site greater than 0.1 hectare in size and is located within a settlement with a population of less than 3,000. As the development proposes two dwellings this application meets the threshold for requiring 50% affordable housing.

Given the location of the site and small scale nature of the proposal it is not considered that on-site provision for affordable housing would be suitable in this instance. However the applicant has

offered a sum of £10,000 financial contribution towards affordable housing elsewhere, which Housing Services have confirmed is acceptable in this instance.

Amenity considerations:

This application is purely for outline consent with all matters reserved and therefore the exact design, scale and location of the properties is not under consideration. Given the size of the application site it is considered that two properties could easily be accommodated and designed so as to not detrimentally impact on neighbours amenities, particularly given the level of existing screening that could be retained.

Landscaping/ecology:

There are a number of trees and hedgerows on site, which should be retained as part of any detailed scheme. Given the size of the plot it would be entirely possible to erect two houses without requiring the removal of these important landscape features. Conditions however should be added ensuring that adequate tree protection takes place on site and that hard and soft landscaping (including the retention of established landscaping) is agreed. Subject to such conditions, the application is not considered to be harmful to the existing landscaping or protected trees on the site.

Given the proximity of two ponds, it would be necessary to undertake Ecological Assessments of the site. However, as this application is simply for outline consent, this matter can be dealt with by condition.

Highways/access:

The proposed new dwellings would utilise the existing access point serving the White House, however it has been shown on the indicative plans that this would be widened to improve this access. Whilst this section of Epping Road is known to be somewhat problematic at times, the existing access has appropriate visibility onto Epping Road and would be further improved through the widening of the access. As such, it has been deemed by Essex County Council that the proposal would not be detrimental to highway safety or capacity at this location.

There is more than sufficient parking on site to provide all required resident and visitor parking provision along with manoeuvrability space to ensure vehicles can enter and leave the site in forward gear.

Other matters:

The application site is located within an EFDC flood risk assessment zone and the erection of two dwellings would constitute a development of a size where it is necessary to avoid generating additional runoff and where the opportunity should be taken to improve existing surface water runoff. Therefore a condition requiring a flood risk assessment should be imposed. Furthermore, details of foul drainage would also need to be agreed, which can be dealt with by way of a condition.

The Essex Historic Environment (EHER) Record shows that the application site lies adjacent to the site of a medieval moated site (EHER 48394), and it is not clear whether the moated area originally extended into the application site, joining up with the pond with The White House garden. The application site is also located within the area of the medieval greenside settlement of Epping Green. Any development of this site may therefore have the potential to impact on features and finds associated with these historic areas. As such, the implementation of a programme of archaeological works will be required prior to the commencement of any development on this site, which can be dealt with by condition.

**Conclusion:**

The introduction of the NPPF and subsequent exceptions to inappropriate development enable the principle of two dwellings on this site to constitute limited infilling of an existing village. As such the proposal no longer constitutes inappropriate development harmful to the Green Belt. Whilst the application is only for outline consent with all matters reserved, given the size of the site there would be scope to erect two dwellings without any detrimental impact on neighbours' amenities or existing landscaping/ecology. Furthermore, the existing access has appropriate sight lines, although this would be improved through the widening of this access point. As such the principle of this development complies with the relevant Local Plan policies and is therefore recommended for approval.

***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: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

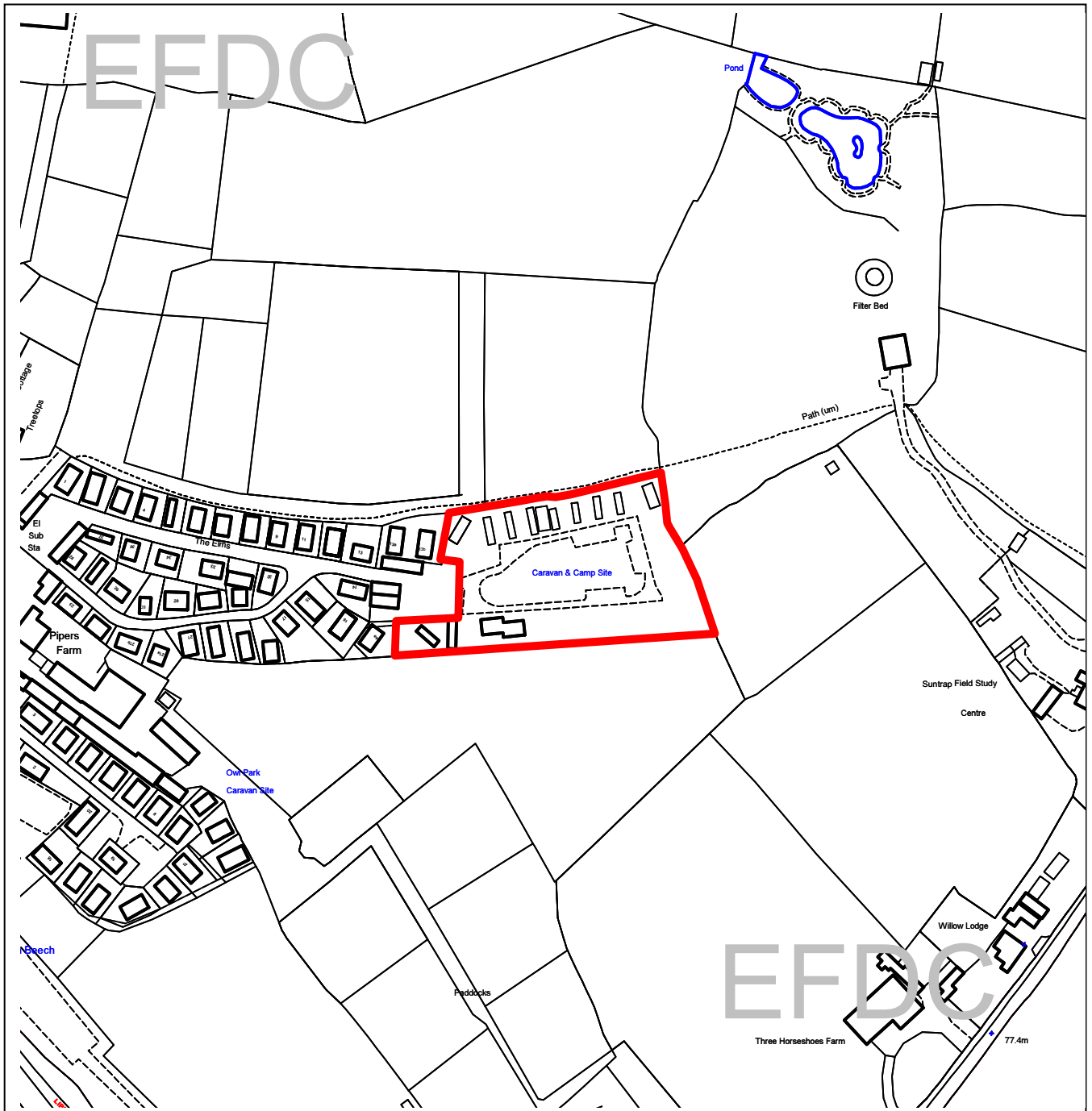
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# Epping Forest District Council

## AGENDA ITEM NUMBER 7



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Application Number:	EPF/0985/14
Site Name:	The Elms Caravan Park, Lippitts Hill Loughton, IG10 4AW
Scale of Plot:	1/2500

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/0985/14
<b>SITE ADDRESS:</b>	The Elms Caravan Park Lippitts Hill Loughton Essex IG10 4AW
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>APPLICANT:</b>	Mrs Claire Elizabeth Zabell
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of a 30 pitch static and touring holiday caravan and camping park to an extension of the adjoining residential mobile home park to provide 16 additional residential park homes with landscaping improvements.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=562676](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=562676)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved Location Plan and drawing no: NC 12.055-P-200
- 3 No more than sixteen mobile homes, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time.
- 4 Occupancy of the mobile homes stationed on this site shall be limited to persons over the age of 50.
- 5 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for

planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 7 The parking areas shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.

*This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(d))*

#### **Description of Site:**

The application site is an existing camping and caravan park located behind (and accessed through) the existing residential mobile home site known as The Elms, Lippitts Hill. The application site is located within the Metropolitan Green Belt and is currently designated within the adopted Local Plan as a leisure caravan and camping site (RST32), whereby the adjacent residential mobile home site is designated as a 'non-permanent dwellings' area (GB5).

#### **Description of Proposal:**

Consent is being sought for the change of use of the existing 30 pitch static and touring holiday caravan and camping park to an extension of the adjoining residential mobile home park to provide 16 additional residential park homes with associated landscaping.

#### **Relevant History:**

There is a long planning history regarding the holiday use of this site since the early 1960's and 1970's. The only more recent application is the following:

EPF/1753/09 - To extend the licence to 11 months from 2nd February to 2nd January instead of 1st March to 31st October – refused 07/04/10

#### **Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
GB2A – Development in the Green Belt  
GB5 – Residential moorings and non-permanent dwellings  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking  
LL10 – Adequacy of provision for landscape retention  
LL11 – Landscaping schemes



The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

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

6 neighbours were consulted and a Site Notice was displayed on 19/05/14.

TOWN COUNCIL – No objection.

CITY OF LONDON – Object because the location and elevation of the site would result in a permanent and prominent visual intrusion in the Green Belt detrimental to the amenities and appearance of the rural area.

### **Issues and Considerations:**

#### Green Belt:

The application site is an existing camping and caravan park located behind (and accessed through) the existing residential mobile home site known as The Elms. The site is currently designated within the adopted Local Plan as a leisure caravan and camping site (RST32), whereby the adjacent residential mobile home site is designated as a 'non-permanent dwellings' area (GB5). Both these policies restrict the stationing of mobile homes outside of the sites designated within the Local Plan. Therefore, as the application site is not a designated GB5 area where residential mobile homes are permitted; the proposed development would not be considered as an exception to inappropriate development in the Green Belt as laid out in policy GB5 of the adopted Local Plan.

Paragraphs 89 and 90 of the National Planning Policy Framework define development that is not inappropriate within the Green Belt. Uses of land for permanent residential accommodation are not included as one of the forms of development that are defined in these paragraphs. As such, the proposal would constitute inappropriate development. The NPPF states that "*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*" and that "*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*".

It is argued within the submitted Design & Access Statement that the proposed development would not constitute inappropriate development as the mobile homes are temporary structures. However the proposed development actually relates to the change of use of the land from the stationing of caravans for holiday purposes to the stationing of mobile homes for permanent residential use. Within a recent appeal decision for the stationing of a caravan on a site in Matching (LPA Ref: EPF/0356/13 & PI Ref: APP/J1535/A/13/2206853 – decided March 2014) the Planning Inspector states that "*uses of land are not included as one of the forms of development that are defined in paragraph 90 (of the National Planning Policy Framework) as not being inappropriate*" and that "*the Framework defines inappropriate development as being harmful to the Green Belt and further defines exceptions which would not be inappropriate. Consequently, in not complying with the list of exceptions, the scheme would be inappropriate development in the Green Belt which paragraph 87 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*". Therefore the proposed change of use of this site clearly constitutes inappropriate development that is, by definition, harmful to the Green Belt.

Very special circumstances:

Notwithstanding the above, the applicant nonetheless states that “*if the council still considers the proposal to be inappropriate development then I consider that the following very special circumstances apply to this proposal*”. These are summarised as follows:

1. The proposal would replace existing permanently sited holiday caravans on this site, so there would be no physical harm to the character and appearance of the Green Belt;
2. There would be a decrease in the number of caravans on site from the existing maximum of 30 to a proposed 16 resulting in an improvement in the openness of the Green Belt;
3. The restriction on the current site regarding opening time (seasons) means that the current holiday park cannot compete with other holiday parks with longer holiday seasons, however the previous attempt to extend this was refused;
4. There is strong local resident support for the proposal with 82% of residents from the adjoining residential mobile home park in support;
5. The proposal would provide low-cost homes for elderly residents that would assist in EFDC meeting its five year housing supply obligations, particularly in providing housing for older people;
6. The proposal would reduce the level and type of vehicles entering the site to the benefit of highway safety;
7. The development would provide a recreational area for use by both the proposed and adjacent mobile home site;
8. The introduction of additional permanent residents rather than seasonal tourists would help to support the year round local economy.

Whilst permanent use of land for the stationing of mobile homes is, by definition, inappropriate development within the Green Belt, in terms of the physical impact there is very little difference between the stationing of a recreational mobile home and the stationing of a permanent residential mobile home, although the latter would inevitably result in more domestic paraphernalia. Although permanent residential use of the site would be year round rather than being restricted as it is at present. However the proposed change of use would result in a reduction in the number of mobile homes that could be stationed on the site at any one time from 30 to 16.

The application site is located within an elevated and prominent location and, whilst currently restricted in terms of occupation, there is no restriction on mobile homes being stored on site year round. As the proposed development would almost halve the number of mobile homes on site, this would clearly have some benefit to the openness and visual appearance of the Green Belt. This would certainly outweigh any additional harm from year round use and residential paraphernalia. Additional landscaping would also help to screen the proposed use, which would further benefit the character and appearance of the Green Belt. As such this should be given a fair amount of weight in favour of the proposed development.

Local consultation with the residents of the adjacent Elms residential mobile home site was undertaken by the applicant. A letter from The Elms Residents Association has been submitted regarding this proposal which states that “*a secret paper vote was taken the result of which being of the eligible votes received 82% were in favour of the change of use and 18% against*”. Whilst no letters of support have been received from local residents, the previous application to extend the operating times of the holiday park (EPF/1753/09) obtained a number of objections from residents of The Elms residential mobile home site who considered the holiday use to be a nuisance, with one of the main concerns being the disregard of the internal one way road system on site. The reason for refusal on this previous application was as follows:

*The proposed extension of time that the site can be occupied would result in additional noise and disturbance to the residents of the adjacent Elms Caravan Site, through which*

*traffic and pedestrians would pass through, and therefore would be contrary to policies DBE9 and RST1 of the Adopted Local Plan and Alterations.*

Further to the above, comments have been received from the Council's Private Sector Housing Team stating that "*historically the Private Sector Housing Team have dealt with complaints from residents at The Elms residential park home site in relation to disruption caused by cars-towing caravans having to enter the holiday site through the residential site. Changing the holiday site to a residential site would negate this problem in the future*". As such, the proposed change of use is considered to be beneficial to the amenities of residents of the adjoining mobile home site. This matter should be given significant weight.

At the current time there are no agreed figures with regards to the Council's housing target and required five year land supply, but it is accepted that any additional housing would add to the upcoming need. However housing need is currently not considered sufficient in itself to constitute very special circumstances to outweigh inappropriate development in the Green Belt. The mobile homes are proposed to only be available to persons over 50 years of age, which would be in line with the existing restriction on the adjacent residential mobile home park. Therefore the proposal would provide low-cost elderly residents accommodation, which is promoted by the National Planning Policy Framework and recent Ministerial Statements. This issue can be given some weight in favour of the development.

The other valid benefit of this proposal is the provision of recreational space for both future occupants and those of the adjacent site. This would assist in improving the openness of this Green Belt site and would also provide additional recreational facilities to existing and future occupants. Given the location of the site and its proximity to Epping Forest it is not considered that additional recreational ground would be essential (although this is supposedly required and not currently provided as part of the existing Site License), however this would nonetheless be given some, albeit limited, weight in favour of the proposal.

Any financial benefits from year round residential use of this site would be fairly minor, and the other factors put forward add little, if any, weight to the arguments in favour of the development.

#### Loss of designated holiday site:

The application site is a designated holiday site, subject to Local Plan policy RST32. Whilst the proposed change of use would result in the loss of this holiday use, this policy does not include any necessity for the Council to retain holiday use within the designated sites or to resist alternative uses (if deemed appropriate), but simply restricts holiday uses outside of the designated areas.

It is stated within the submitted Design & Access Statement that "*trading figures show that the site generated insufficient profit to justify further investment in the holiday business without permission to extend the season*". The previous application for an extension in operating times was refused consent. Irrespective of this issue, the above benefits from the removal of the 'nuisance neighbour' holiday use would outweigh any harm from the loss of this facility.

#### Sustainability:

The application site is not located within a sustainable location and almost all journeys to and from the site would likely be by private car, however this proposal would essentially be an extension of the existing, well established, residential mobile home park. As such, it is not considered that the unsustainable location of the site would be unduly detrimental in this instance.

### Landscaping:

The proposed development has been laid out so that there would be no detrimental impact on the existing trees surrounding the site, and also provides opportunity to provide new landscaping within the site, which would help to screen the development and improve the overall character and appearance of the site. Therefore, subject to tree protection and landscaping conditions, the proposal would comply with Local Plan policies LL10 and LL11.

### Highways:

Whilst the proposed change of use would result in the site being accessed/used year round (as opposed to the current restricted times), this would reduce the number of towing caravan movements on the local roads, which would be beneficial to all highway users. As such, Essex County Council has raised no objection to the proposed development.

### Flood risk:

The applicant proposes to dispose of surface water by existing watercourse, however further details will be required for this, which can be agreed by way of a condition.

### Conclusion:

In light of the above, whilst the principle of the proposed development is inappropriate within the Green Belt the reduction in the number of mobile homes to be stationed on the site, the removal of the 'nuisance neighbour' holiday use, the subsequent highways improvements, and the additional landscaping benefits are considered sufficient to amount to very special circumstances that clearly outweigh the harm to the Green Belt from inappropriate development. As such the proposed change of use complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and is therefore recommended for approval.

***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: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

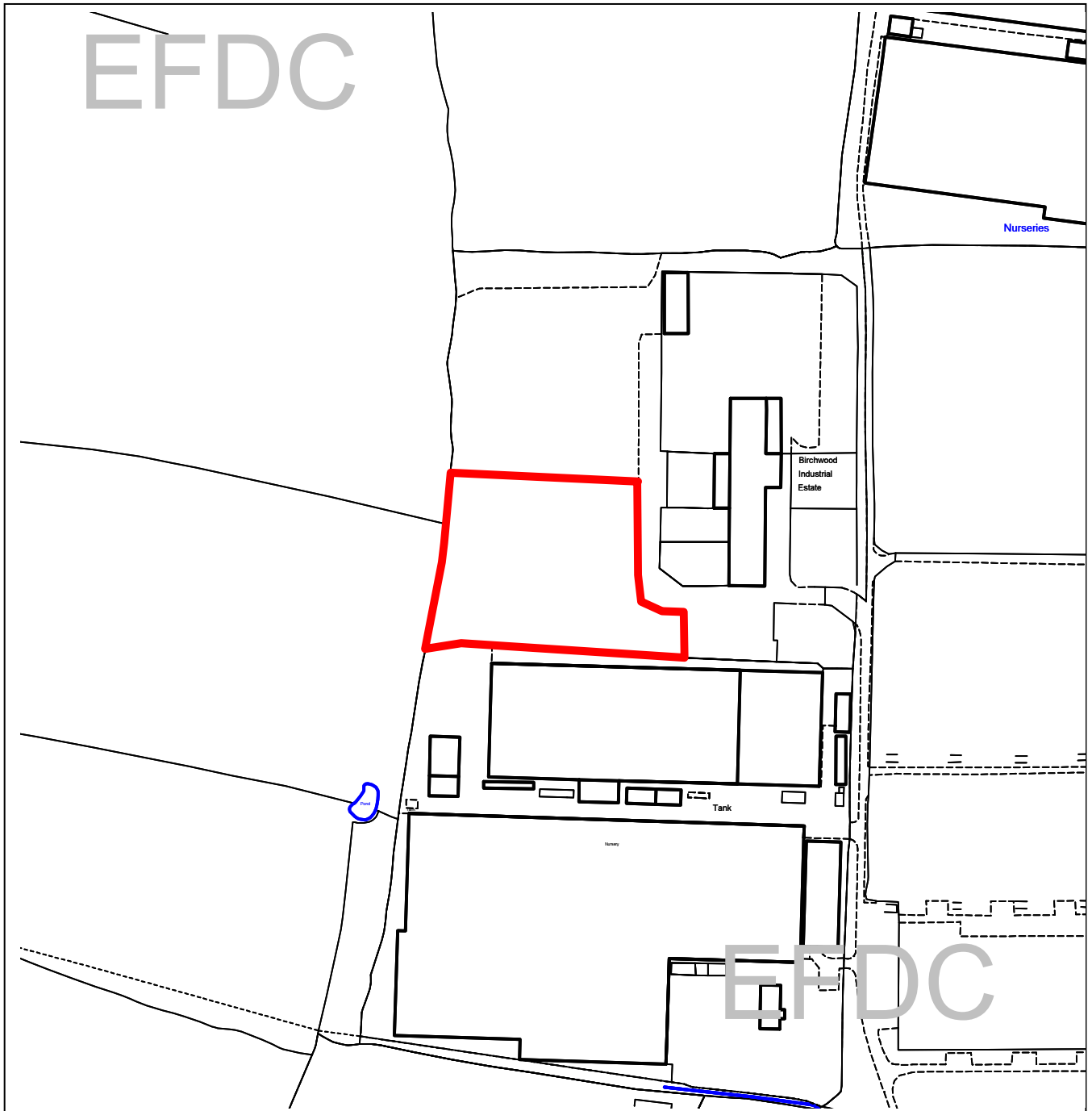
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# Epping Forest District Council

## AGENDA ITEM NUMBER 8



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Application Number:	EPF/0880/14
Site Name:	Birchwood Industrial Estate, Hoe Lane, Nazeing, IG10 4EH
Scale of Plot:	1/2500

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/0880/14
<b>SITE ADDRESS:</b>	Birchwood Industrial Estate Hoe Lane Nazeing Waltham Abbey Essex IG10 4EH
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Mr John Parish
<b>DESCRIPTION OF PROPOSAL:</b>	Installation of a surface mounted weighbridge and weighbridge office. The weighbridge deck is constructed of metal and will measure 15m by 3.2m approx. The ramps to and from the weighbridge will measure 5m by 3.2m approx each.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=562330](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=562330)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: JSJ/plan1, JSJ/plan2
- 2 The weighbridge hereby permitted shall not be used outside the hours of 07:00 to 17:00 on Monday to Saturday and at no times on Sundays and Bank Holidays.

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

**Description of Site:**

The application site consists of an established B2 industrial use to the rear of Birchwood Industrial Estate approximately 430m north-east of Hoe Lane. The site is bounded to the north and west by open agricultural land and to the south by a horticultural nursery. The site is currently used for the storage and manufacturing of woodchip and associated materials and is located within the Metropolitan Green Belt and an EFDC flood risk assessment zone.

**Description of Proposal:**

Retrospective consent is being sought for the installation of a surface mounted weighbridge and weighbridge office. The proposed weighbridge deck measures approximately 15m by 3.2m with

5m by 3.2m ramps to and from the weighbridge. The proposed weighbridge office is a portable cabin style structure measuring approximately 5m by 3m and is single storey. All works are permanently fixed to the site, however are capable of being removed at short notice.

### **Relevant History:**

There is a long history to this site, however the only relevant applications are as follows:

ENF/0940/06 – Installation of weighbridge – Enforcement Notice served 08/08/07

EPF/0374/07 – Erection of 2 steel containers and associated water tanks, 1 steel office container and 1 surface mounted steel weighbridge (15m) – refused 04/05/07

EPF/1955/08 – Change of use, for a temporary 3 year period, from B2 chipping and composting to a mixed use of B2 chipping and composting and B8 storage in association with lawful B2 use, including retention of weighbridge and installation of portacabin and water tank – approved/conditions 11/12/08

### **Policies Applied:**

CP2 – Protecting the quality of the rural and built environment

GB2A – Development in the Green Belt

DBE1 – Design of new buildings

DBE2 – Effect on neighbouring properties

DBE4 – Development in the Green Belt

RP5A – Adverse environmental impacts

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

### **Consultation Carried Out and Summary of Representations received:**

3 neighbouring properties were consulted.

PARISH COUNCIL – Object as the application forms are misleading and there was constant flouting of enforcement notices.

### **Issues and Considerations:**

An enforcement notice was served in 2007 against the installation of a weighbridge. In 2008 temporary planning consent was given for a change of use and various works, which included the installation of a weighbridge. This consent was only given for a 3 year period and after this time the previous weighbridge was removed and the use of the land ceased. However in March this year new occupants moved on to the site and, unaware of the previous enforcement notice, installed a weighbridge. Once informed of the breach this application to retain the weighbridge and weighbridge office was submitted.

The main issues of consideration in this instance are the impact on the Green Belt and on neighbour's amenities.

### **Green Belt:**

The application site, whilst drawing several complaints and considered a nuisance by local residents, has a lawful B2 use and is industrial in nature. Unlike previous government guidance the



National Planning Policy Framework now allows the following as an exception to inappropriate development in the Green Belt:

- *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

The proposed weighbridge and office are small in scale (in comparison to the existing site and adjacent industrial estate) and would be located within the confines of this commercial site. As such the proposal would constitute 'limited infilling' of this brownfield site and would not constitute inappropriate development within the Green Belt. The weighbridge would be viewed within the context of this wider industrial site and therefore does not cause any additional harm to the character and appearance of the area.

Neighbours amenities:

Whilst there have been a number of complaints regarding the main use of this site, the wood chipping business is a lawful use and is not under consideration as part of this application. The proposed weighbridge is needed to ensure that the weight of lorries comply with Environmental Services requirements, and if not on site then this could cause complications and possible breaches of these requirements. Given the small scale nature of the weighbridge and office and its location within this established commercial use, this development itself does not result in any additional detrimental impact on neighbours amenities.

Other matters:

The comments received from the Parish Council are not considered to be material planning objections relating to this application. Nonetheless, due to the controversial issues surrounding this site, it was considered appropriate to present the application at Committee.

**Conclusions:**

The proposed development would not constitute inappropriate development detrimental to the character and appearance of the area or to the amenities of neighbouring residents and therefore this application complies with the relevant Local Plan policies and is recommended for approval.

***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: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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