

# **Report to the District Development Control Committee**



**Epping Forest  
District Council**

***Date of meeting: 6 February 2007***

**Subject: Planning Application EPF/1680/06 – The Limes/White House, Sewardstone Road, Waltham Abbey – Outline application for the erection of 119 dwellings, car parking, community building, shop, means of access and other ancillary works.**

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## **Recommendation**

That the committee considers the recommendation of Area Plans subcommittee D to grant permission subject to conditions and a s106 legal agreement.

## **Report:**

### **Background**

1. This application has been referred by the Area Plans Sub Committee D with a recommendation for approval. Given that such a decision would be contrary to the Council's adopted policies the matter is referred to this for consideration.
2. The report to the subcommittee carried a recommendation from officers for refusal based upon Green Belt policy, traffic issues and sustainability arguments. That earlier report is attached.

### **Planning Issues**

3. The main issue to be considered in this application is whether such very special circumstances exist in this case to allow an exception to be made to Green Belt policies. The subcommittee considered that there was sufficient merit to the proposal to justify further consideration by this committee.

### **Green Belt Status**

4. Clarification was sought over the status of this land. There is no doubt that the site is within the Green Belt and is constrained by all the normal Green Belt policies of restraint. Development for residential purposes would be inappropriate and by definition, inappropriate development is harmful to the Green Belt.
5. The applicant argues that, however, this is 'previously-developed land' and therefore suitable for redevelopment. However, Government guidance in Planning Policy Statement 3 states that "land that was previously developed but where remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent which it can reasonable be considered part of the natural surroundings)" is not included within the definition of previously developed land (Annex B of PPS 3). The development site, which has been cleared, as a requirement of a previous

planning consent, does fall within this description as any examination of aerial photographs indicates.

6. Notwithstanding the above, PSS 3 makes it quite clear that there is no presumption that land previously developed in a rural area is suitable for housing development. Members must be clear therefore that there is no special status that makes this land suitable for development in policy terms.

### **Section 106 Package**

7. However, the applicants have set out a package of proposals seeking to persuade that there are very special circumstances to justify setting aside Green Belt policies in this case. This package is largely matters which are offered in a s106 legal agreement, which is set out within the subcommittee report. Discussions have taken place between the two committee dates however which enables more detail and certainty to be considered. It is hoped to table an agreed set of Heads of Terms of the Agreement at the committee meeting, but it will contain:
  - (a) that 80% of the number of dwellings will be affordable housing, 60% of which will be for rent and 40% for shared equity home-buy. They are all to be constructed prior to any occupation of the market dwellings and transferred to an RSL prior to occupation of the market housing; *At the time of writing there are some details that remain to be agreed but the Council's standard terms are considered to be sufficiently robust to ensure that this is delivered.*
  - (b) a commitment to sustainable housing design, to achieve the new 6 star rating from the Code to Sustainable Homes; *this rating is an improvement on that reported to the Area subcommittee.*
  - (c) compliance with an approved Landscape Management Plan;
  - (d) transfer of an area of woodland to the Conservators of Epping Forest, which has been accepted in principle by the Conservators should permission be granted (though they remain against the development in principle); *however members should be aware that this matter is in the hand of the Conservators and may fall away if the Conservators are not party to the agreement.*
  - (e) the widening and improvement of the nearby bridleway; *again subject to the Conservators accepting transfer of land:*
  - (f) a commitment to laying out the site to ensure a socially inclusive housing mix;
  - (g) the provision of a community facility and shop with details of the intended management of the facility, etc.; *this is an aspiration rather than a long-term provision.*
  - (h) some off-site highway improvements (access provision and bus stop replacement); *these works will need a separate agreement under the Highways Act to bring to fruition.*

- (i) measures to promote alternatives to the car, such as bus passes for each dwelling, money to enable the purchase of a bicycle for each dwelling; and
  - (j) education contribution to Essex County Council in accordance with their standard formula. *There is an issue of whether this contribution should be split with Waltham Forest, but this is a matter that can be left outside of the s106.*
8. However, the committee will be aware that these offers cannot amount to very special circumstances on their own for any owner of Green Belt land could offer similar benefits. If the committee is minded to grant permission it must be on the basis that this site and the content of the application is sufficiently distinguished from other sites so that an undesirable precedent is not set. The Area subcommittee had regard to the fact that development had taken place on this site before (albeit not changing its status to 'previously developed land'), that it was adjoining a built up area with services and that it was served by 4 bus routes, as well as the package of benefits.

### **Other Matters**

9. To clarify issues raised at the Area Sub Committee:
- (a) The indicative block plan supplied by the applicant should not be viewed as an accurate representation of the built development on site. Matters of design and layout are reserved for subsequent approval as is the exact dwelling mix, (as detailed in the proposed Heads of Terms). The final dwelling mix and built form maybe therefore departure from this indicative plan.
  - (b) Previously, this application included objections from the Environment Agency regarding flood risk. As reported verbally to members at the Sub Committee, these issues have now been resolved following the submission of a full Flood Risk Assessment and the Environment Agency has now withdraw its representations, (subject to conditions).
  - (c) Whilst the Highway Authority continue to object to the development in principle, it has set out a list of works and conditions that it would require to enable the development to go ahead.
10. Since the subcommittee meeting a further representation has been received from the London Borough of Waltham Forest repeating its objection to development within the Green Belt and expressing concern at the increased pressure the development would cause to schools and health facilities within the borough.
11. Further, the committee needs to be aware that if it is minded to approve the scheme then a further referral will be necessary to the Secretary of State through the Regional Office, Go-East. If the application is 'called-in' it will then be the subject of a public inquiry.

## Conclusion

12. Should the committee be minded to grant permission for this development it will be subject to the legally binding Section 106 Agreement and to planning conditions which will cover the following general areas:
  - (a) Time limits for commencement and submission of details
  - (b) Reserved matters of siting, design, external appearance and landscaping to be approved.
  - (c) Details of infrastructure including site access, internal roads and vehicle parking
  - (d) Drainage and ground level details
  - (e) Conditions related to requirements of the Environment Agency and the watercourse which bisects the site.
  - (f) Materials of construction to be agreed
  - (g) Landscaping issues – tree survey, protection of preserved trees, landscaping plans and landscape management plan
  - (h) Access arrangements for persons with a disability
  - (i) Construction management plan (eg wheel washing, lorry routing) to be submitted and remedial measures.
  - (j) Decontamination strategy
  - (k) Garages to be retained
  - (l) Archaeological investigation works to be undertaken
  - (m) Restriction of use of shop and community facility
  
13. However, the officer's recommendation, in line with the adopted policies of the Council, has to be one for refusal.