

TOWN AND COUNTRY PLANNING ACT 1990

LAND AT POTASH ROAD,
MATCHING GREEN, ESSEX

FULL PLANNING APPLICATION FOR THE
ERECTION OF TWO SINGLE STOREY
DWELLINGHOUSES

SUPPORTING PLANNING STATEMENT

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gfplanning Limited
1 Woodlands Avenue Wanstead
LONDON E11 3RA
Tel: 020 8530 1306. Mobile: 07890 478970
Email: gfplanning@hotmail.com

1 SITE AND SURROUNDINGS

- 1.1 The application site lies on the southern side of Potash Road, to the east of the settlement of Matching Green. It was previously part of Matching Airfield.
- 1.2 It is occupied by a pumping station building located centrally, and which is surrounded by concrete and gravel hard surfaces that occupy 100% of the site area. Below ground there are six fuel storage tanks. Therefore, the site has a distinct industrial/military character, quite atypical of an open green belt location and falls within the statutory definition of previously developed land.
- 1.3 It is estimated that the total volume of the pumping station and the storage tanks is some 606 cubm (502 cubm underground) and their total floor area is 203 sqm.
- 1.4 Although, the wider area comprises open countryside, the site sits within a small cluster of dwellinghouses. The building and hard surfaced areas are readily visible from both within and outside the site and there is no vegetation on the site.

2 PLANNING HISTORY

Application EPF/2724/16

- 2.1 This sought planning permission for '*Erection of two dwelling houses*', and was granted in February 2017.
- 2.2 These proposals involved the erection of two dwellinghouses, surrounded by green landscape, both of which had the majority of their accommodation sunken below ground level.

Application EPF/2756/18

- 2.3 This sought planning permission for '*Erection of x two dwellinghouses (Amended application to EPF/2724/16)*'
- 2.4 This application involved the erection of two modest dwellings, 1.5 storeys high, at surface level.
- 2.5 Permission was refused on 10 December 2018, on the grounds that the proposals were contrary to green belt policy, harmful to living conditions in neighbouring dwellings and raised unacceptable contamination risks.

Application EPF/0189/19

2.6 This sought permission for the 'Erection of Two Dwellinghouses (Revised Design 2) Including the Removal of Existing Underground Storage Tanks'.

2.7 Planning permission was refused by notice dated 21 March 2019, solely on green belt policy grounds as follows:

The site is located within land designated as Metropolitan Green Belt where there is a presumption against inappropriate development. The proposal would result in a significantly greater impact on openness than the existing development and is therefore inappropriate development, by definition, harmful. No very special circumstances or other considerations have been advanced that would outweigh the harm caused by the inappropriateness and the other harm identified and the development would therefore conflict with Chapter 13 of the National Planning Policy Framework, policies GB2A and GB7A of the adopted Local Plan and Alterations and policy DM4 of the Submission Version of the Local Plan 2017.

2.8 This application is currently at appeal.

3 THE CURRENT APPLICATION

3.1 This proposal involves a significant re-design from the previous scheme by providing two modest single storey houses at the site rather than 1.5 storey dwellinghouses.

3.2 As explained in the Design and Access Statement, the houses are designed to respond to the nearby buildings. Their height is the same as those in the approved application, and is kept low, to a similar height of the bungalow to the north and the existing structure on the site. This is done to reduce their visual impact on neighbouring dwellings and the wider green belt.

3.3 The proposals will result in most of the site being returned to a landscaped and permeable state, along with the full remediation of the land, including the removal of the underground tanks.

4 PLANNING POLICY

The Development Plan

- 4.1 The Development Plan includes the Epping Forest Local Plan (1998) and Alterations (2006) (LP). The LP proposals map shows the site located within the green belt, but not subject to any other planning policy designations.
- 4.2 The LP policies quoted in the most recent refusal of permission are GB2A and GB7A. It is considered that these policies are relevant to the determination of this application.

Emerging Local Policy

- 4.3 The Epping Forest District Council Local Plan has just completed its public examination. Therefore, its provisions have some weight, with the key policy being DM4.
- 4.4 However, following the completion of the examination, The Inspector wrote to the LPA advising them to remove three site allocations for a total of 196 homes from the emerging plan. This is likely to mean that alternative sites will need to be found within the green belt for housing development to meet the agreed housing need.

Other Local Planning Documents

- 4.5 The Epping Forest '*Epping Forest District Local Plan Housing Implementation Strategy – Update January 2019*' is of key relevance to the determination of this application.

National Planning Policy

- 4.6 This is found in the National Planning Policy Framework (NPPF), 2018, and the on-line Planning Practice Guidance (PPG).

5 GREEN BELT POLICY

The Openness of the Green Belt

5.1 The quantum of development at the site will alter as follows:

	Existing	Proposed	Increase
Total Floorspace (sqm)	203	234	15%
	Consented	Proposed	Reduction
Total Floorspace (sqm)	278	234	16%

5.2 When compared to the existing situation, the above figures show an increase in the amount of the development at the site. However, compared to the consented scheme, the current scheme proposes a reduction in floorspace of some 16%.

5.3 The above figures represent a 7% reduction in area, and 8% reduction in volume compared to the most recently refused application.

5.4 However, the above figures do not account for the significant reduction in the amount of hardstanding at the site from 100% site coverage as existing to just 40%. This more than offsets the modest increase in building mass compared to that existing.

5.5 In qualitative terms the appearance of the site would improve dramatically from an industrial/military one to one characterised by modest well-designed buildings, integrated into a landscaped setting. The PPG advises that openness is capable of having both spatial and visual aspects and that the visual impact of the proposal may be relevant, as could its volume. Given the above considerations, it is submitted that the proposals would enhance the openness of the green belt.

Appropriate in the Green Belt

5.6 Paragraph 145 of the NPPF sets out the categories of development that are not inappropriate in the green belt. One of these is the *'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would... not have a greater impact on the openness of the Green Belt than the existing development'*. As demonstrated above, the proposed development would not have a greater impact on the openness of the Green Belt. Therefore, in terms of the NPPF, the development would not be inappropriate in the Green Belt,

5.7 LP policy GB2A indicates that planning permission will not be granted for the construction of new buildings in the Green Belt unless it is appropriate in that it falls within a number of finite categories. New housing is not included, but this policy is out of date as it was prepared in 2006, well before the policy of

previously developed sites was introduced in the 2012 version of the NPPF. Therefore, it should be given limited weight in the determination of this application.

- 5.8 Emerging policy DM4 includes the following as development that is not inappropriate in the green belt: *'Limited infilling or the partial or complete redevelopment of previously developed land, 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'*.
- 5.9 The purposes of including land within the green belt are to
- (i) Check the unrestricted sprawl of large built up areas
 - (ii) Prevent neighbouring towns from merging into one another
 - (iii) Safeguard the countryside from encroachment
 - (iv) Preserve the setting and special character of historic towns, and
 - (v) Assist urban regeneration by encouraging the recycling of derelict and other urban land.
- As demonstrated above, the proposed development would not have a greater impact on the openness of the Green Belt. Moreover, given the current condition and use of the site the development would result in no encroachment onto the countryside and does not conflict any of these purposes. Therefore, in terms of the emerging local plan the development would not be inappropriate in the Green Belt,
- 5.10 Therefore, having regard to the limited weight attached to Policy GB2A, the development would not be inappropriate in the Green Belt,

Character and Appearance

- 5.11 The proposed dwellings will be designed to a very high standard of layout and architecture, incorporating a modern design with high quality materials. Their modest mass along with extensive and sensitive landscaping, will allow them merge into comfortably their surroundings.
- 5.12 As such the proposal will significantly improve the appearance of the site and the visual amenities of the wider green belt. Thus, it would not be conspicuous from within or beyond the Green Belt, and would not have an excessive adverse impact upon the openness, rural character or visual amenities of the Green Belt, in accordance with LP policy GB7A.
- 5.13 In accordance with the design advice in the NPPF, the development will function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. It will be sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change and will establish a strong sense of place, creating an attractive, welcoming and distinctive place to live and visit. Moreover, it will optimise the potential of this brownfield site to accommodate and sustain an appropriate amount of development.

Conclusions on Green Belt Policy

- 5.14 The development would not be inappropriate in the Green Belt, and would not harm its openness, rural character or visual amenities. Therefore, the development can be permitted in the light of current national and local green belt policy.

6 OTHER MATERIAL CONSIDERATIONS

- 6.1 It has been demonstrated that the development is not inappropriate in the green belt. However, if the LPA were to disagree, then it is considered that the following matters constitute the very special circumstances required to permit it:

Housing Supply

- 6.2 Paragraph 73 of the NPPF advises that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies.
- 6.3 The '*Epping Forest District Local Plan Housing Implementation Strategy – Update January 2019*' confirms in paragraph 3.24 that the LPA have a housing supply of just 4.2 years.
- 6.4 Paragraph 11 of the NPPF states that planning decisions should apply a presumption in favour of sustainable development. It adds that this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.5 Footnote 7 of the NPPF clarifies that circumstances where the policies which are most important for determining the application are out-of-date include situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73).

- 6.6 The judgement in *Suffolk Coastal District Council v Hopkins Homes Ltd and another* and *Richborough Estates Partnership LLP and another v Cheshire East Borough Council* is relevant here. This dealt with the application of paragraph 14 of the former NPPF (equivalent to paragraph 11 of the current document) in circumstances where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. It confirmed that
- The decision maker can conclude that the weight to be given to any restrictive policies can be reduced to the extent that they derive from settlement boundaries that in turn reflect out-of-date housing requirements.
 - The rigid enforcement of restrictive policies may prevent a planning authority from meeting its requirement to provide a five-years supply of housing.
- 6.7 It is clear that the rigid enforcement of out of date restrictive green belt policies that in turn reflect out-of-date housing requirements (from the 2006 LP) will continue to prevent the LPA from meeting its requirement to provide a five-years supply of housing.
- 6.8 Therefore, the failure of the LPA to demonstrate a five-year housing supply should be given substantial weight in the consideration of this application. This factor is augmented by the current failure of the emerging local plan to provide sufficient housing.

Viability

- 6.9 The applicant has submitted a Comparative Viability Report by S106 Management which demonstrates that the previously-approved scheme (Ref EPF/2724/16) is unviable and will therefore never be delivered; but in contrast, the current scheme is viable, and can be expected to be delivered. Therefore, there is no realistic prospect of the approved scheme being implemented and the only means of developing the site and realising the visual, environmental, social, economic and decontamination benefits of the development is by the approval of the current scheme. This factor should be given substantial weight in the determination of this application.

Sustainability

- 6.10 Matching is not lacking in facilities; it has a public house/restaurant, a pre-school and is served by school buses. Moreover, it just 2 miles (within cycling distance) from the much larger village of Hatfield Heath, where local services include shops, a post office, a bakery; a stationers and print shop, a doctors' surgery, two churches, a village hall, a primary school, two hotels, tea rooms, Chinese and Indian Restaurants; a fish and chip shop and two public houses.

- 6.11 The development will provide much needed housing and avoids the use of greenfield land, which are clear advantages that clearly outweigh any potential further commuting. Moreover, it will effectively utilise previously developed land.
- 6.12 As demonstrated in the submitted report by Falcon Energy, the proposed dwellings provide a 37% improvement in carbon emission reductions over current building regulations, and achieve significant water consumption reductions.
- 6.13 The submitted ecology report found no habitats of ecological importance that will be adversely affected by the proposed development and which would require mitigation or compensation in order to maintain the local biodiversity resource. Therefore, the development will make adequate provision for the protection, enhancement and suitable management of established habitats.
- 6.14 Therefore, the development is economically, socially and environmentally sustainable as required by the NPPF. This factor should be given substantial weight in the determination of this application.

Contamination

- 6.15 The remediation of the site will also remove any contamination risks to neighbouring dwellings that currently occur due to the condition of the site. A highly contaminated site will be effectively remediated (and a validation certificate obtained), to the benefit of the wider community. This factor should be given significant weight in the determination of this application.

Character and Appearance

- 6.16 The appearance of this derelict site will be improved dramatically and the proposed development will be of an exceptional design quality and sensitively landscaped, this significantly enhancing the character and appearance of the locality. This factor should be given substantial weight in the determination of this application.

7 THE PLANNING BALANCE AND CONCLUSIONS

- 7.1 It is submitted that the development would not be inappropriate in the Green Belt, and would not harm its openness, rural character or visual amenities. Therefore, the development can be permitted in the light of current national and local green belt policy.
- 7.2 However, if the LPA considers the development to be inappropriate then the LPA's housing shortage engages paragraph 11 of the NPPF.

- 7.3 In the context of the LPA's current housing shortage, the green belt policies in the NPPF do not provide a clear reason for refusing the development proposed.
- 7.4 In the planning balance, any harm to the green belt is limited to inappropriateness alone. This harm is substantially outweighed by the contribution of the development to remedying the LPA's housing shortage, the fact that only the current scheme is economically viable, the effective use of previously-developed land, the sustainability and decontamination benefits of the scheme and the substantial improvements that would occur to the character and appearance of the locality.
- 7.5 Therefore, any limited adverse impacts of granting permission would not significantly and demonstrably outweigh the numerous and substantial benefits, when assessed against the policies in the NPPF taken as a whole.
- 7.6 Moreover, the LPA's housing shortage is exacerbated by the doubts over whether the emerging local plan will meet future housing needs.
- 7.7 Therefore, it is submitted that planning permission should be granted.