

Our Ref: 3938

Epping Forest District Council
Planning Services Directorate
Civic Offices
High Street
Epping
CM16 4BZ

26 February 2020

Dear Sirs

PLANNING STATEMENT

Erection of Three Storey Building to Provide 2 x 2 Bedroom Semi-Detached Houses on Land Adjacent to No.19 Orchard Way, Chigwell Row IG7 6EF (Revision of EPF/0868/19)

Background

On 31 July 2019, despite being recommended for approval, the Area Planning Sub-Committee South refused planning permission for the erection of a three storey building on this site to provide 1 x 3 bedroom house and 2 x 1 bedroom flats. It was refused for the following two reasons: -

- The proposal, by reason of its scale and extent, would represent inappropriate development in the green belt by way of its impact on openness for which no case of very special circumstances has been advanced to outweigh the identified harm. The proposal is therefore contrary to policy GB2A of the Local Plan (1998/2006), policy DM4 of the Submission Version of the Local Plan (2017) and the National Planning Policy Framework (2019).
- The proposal fails to demonstrate, by way of evidence, that the development would not have an impact on the ecology of the site

including impact on any existing trees. The proposal is therefore contrary to policies LL7 and NC4 of the Local Plan (1998/2006), policies DM 1 and DM 5 of the Submission Version of the Local Plan (2017) and the National Planning Policy Framework (2019).

Revised Application

The depth of the building has been reduced so that the whole of the building now lies outside the Green Belt. This has the knock on effect that the height of the building is also reduced. Accordingly the area of floor space is also reduced and the number of dwellings reduced to two.

The external detailing is similar to the previous scheme, as this was not opposed by the planning officers or the planning committee.

The previous ecology report, submitted in support of the previous application but unfortunately not drawn to the attention of Members at the July 2019 meeting, is resubmitted with this application, along with a tree report to satisfy you regarding the impact of the development on nearby trees.

The application also includes proposals for new landscaping including significant native species hedge and tree planting.

Previous Reason for Refusal 1: Green Belt

I attach at **APPENDIX A** an extract from the adopted Local Plan Proposals Map for Chigwell Row. My understanding is that the Green Belt boundary in this specific area is not proposed for modification as part of the new Local Plan.

You will note that the application site has a roughly rectangular shape. About half the application site (the northern half) lies in the Green Belt and the remainder is outside the Green Belt.

The previous application proposed the rear building line of the proposed development to be in line with the rear elevation of the existing block of three storey terraced housing to the west. The effect of this was to extend the proposed development into the Green Belt by about 2.5m.

ALP Policy GB2A, SVLP policy DM4 and the National Planning Policy Framework (2019) are consistent in defining new housing in the Green Belt as inappropriate development that can only be approved in very special circumstances. Although a strong 'very special circumstances' argument was put forward which persuaded the planning officers, this was not accepted by Members.

By contrast the revised application does not propose housing in the Green Belt and therefore does not fall to be considered against Green Belt planning policies.

In fact the revised application is acceptable in principle as it is clearly supported by SVLP policy SP2C(i), which states: -

"... new homes will be delivered by ... permitting development proposals within the defined settlement boundaries where they comply with all other relevant policies of the Local Plan."

The proposal involves creating gardens for the proposed dwellings on the land to the north of the proposed houses. This is part of the designated Green Belt land, but it should be noted that the reason for refusal does not make any specific adverse comment about the gardens being in the Green Belt, and indeed the comments of Members at the meeting (which can be reviewed on the webcast recording), although critical about the impact of the previously proposed building on the Green Belt, made no specific adverse comment about the gardens.

In any case paragraph 146 of the NPPF (2019) says material changes in the use of land are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The proposed gardens would be open including their boundaries, which would be defined by insubstantial post and rail fences reinforced by native species hedge planting.

The proposed gardens would lie in a pocket of land immediately to the east of the existing garden of 19 Orchard Way and only a short distance to the west of the garden of the property called "The Bungalow". A short distance to the north the land is subdivided into fenced paddocks.

I therefore consider that the openness of the Green Belt would be preserved and there would be no conflict with its purposes and the gardens should not therefore be classed inappropriate development in the Green Belt.

Therefore I do not consider that the proposed development is contrary to policy GB2A of the Local Plan (1998/2006), policy DM4 of the SVLP or Section 13 of the NPPF (2019).

Previous Reason for Refusal 2: Ecology & Trees

Ecological Impact

At the July 2019 committee meeting it was a source of much frustration to the applicants that when Members asked whether an ecology report had been submitted with the planning application, the presenting officer was unable to confirm that it had.

The previous report prepared by Tim Moya Associates (dated March 2019) is therefore resubmitted with this application.

The reports main findings were that the site is located 410m north-east of Hainault Forest SSSI; and that it contains suitable habitat for protected species including nesting birds, commuting bats and some limited reptiles.

They recommended: -

- Tree protection areas and methods should be advised by a suitably qualified arboricultural consultant.
- To avoid an impact on commuting and foraging bats, lighting should be chosen to minimise illumination of suitable habitats.
- Care should be taken when removing brash or dense vegetation to avoid harm to hedgehogs which may be present.

- Habitat suitable for nesting birds should only be removed during the nesting season if it has been checked by an ecologist and no nests are present.
- DNA samples of the pond 100m east of the site should be collected and sent for laboratory analysis to confirm whether great crested newts are present.
- Only a precautionary approach is necessary regarding scrub and tall ruderal clearance due to the low potential for reptiles.
- Measures are taken to enhance the site's value for local biodiversity.

These enhancement measures are described in section 9 of the ecology report and include:-

- Planting native species hedging and trees such as hawthorn, field maple, dogwood, hazel, blackthorn, crab apple, elder, holly and English oak.
- Planting good pollinator shrubs, such as lavender, knapweeds, guelder rose, barberry and honeysuckle.
- Installing bird boxes to encourage dunnocks, wrens, starlings and blue tits, which were all observed on site.
- Installing suitable bat boxes.
- Provision of hedgehog corridors.

I suggest the imposition of a condition to ensure any necessary additional surveys are carried out and that the ecological enhancement measures are implemented, as a result of which the site's biodiversity would be enhanced and there would not be a harmful impact on the site's ecology, as previously alleged. The applicants owns land to the north and north east of the application site boundary on which ecological enhancement measures could be undertaken.

The development proposals would therefore make adequate provision for the protection, enhancement and suitable management of habitats for wildlife and comply with policy NC4 of the Local Plan (1998/2006).

They would also deliver a net biodiversity gain in accordance with SVLP policy DM1.

Tree Impact

Tracy Clarke (Tree Consultant) has undertaken a survey of the trees on and adjacent to the application site and her Arboricultural Impact Report and Method Statement is submitted with this application.

The affected trees are all identified by her as being either of low quality (Category C) or unsuitable for retention (Category U).

There is a group of mainly Silver Birch towards the end of the garden to the east of the application site and close to where the proposed dwellings would be built. Some pruning back of these trees will be necessary to enable the development to go ahead and some care will need to be taken during construction to ensure that proper tree protection measures are in place and that foundations are constructed so that root impact is minimised.

However the poor condition of these trees means they are unlikely to remain longer than a few years even without the proposed development.

Therefore we have identified an area to the north and east of the proposed garden boundaries and within the applicants' ownership where replacement tree planting could be carried out that would more than compensate for the eventual loss of these trees.

This area is shown indicatively on drawing 3938/3 but the planting should be subject to a condition requiring full details to be approved by the Council before any development commences and approval of a landscape management plan to ensure its longer term maintenance. By commencing this planting in the short term it should provide early mitigation for the unavoidable losses due to the age and condition of the neighbouring trees.

The proposal would therefore be compliant with policy LL7 of the Local Plan (1998/2006) because: new tree planting would be carried out; any existing trees of amenity value would be protected; and a good standard of tree care and management would be maintained.

The proposal would also accord with SVLP policy DM5 as it would enhance existing green infrastructure, including trees.

Conclusions

The houses proposed in this revised application would be completely outside the Green Belt.

No objection was raised previously to the proposed gardens being within the Green Belt, and these would now incorporate native species hedge planting and would be bounded by insubstantial post and rail fences, so that the impact on the Green Belt would be minimal.

There would be no harmful ecological impact and the proposed native species hedge and tree planting and other ecological enhancement measures set out in the submitted ecology report would deliver a net biodiversity gain.

The trees in the adjoining garden are in a poor condition and would be likely to die or have to be removed anyway within the next few years. In order to compensate for that loss a significant number of new native trees would be planted on land within the applicants' ownership. Furthermore, they would be willing to plant further trees elsewhere in the neighbour's garden, should that be requested.

The proposal now shows good compliance with the adopted and emerging Local Plan policies that were referred to in the previous reasons for refusal.

I therefore request that you approve this revised application.

Yours Sincerely

A yellow rectangular box redacting the signature of Stephen Hayhurst.

Stephen Hayhurst

APPENDIX A

EXTRACT FROM LOCAL PLAN PROPOSALS MAP

