

EPPING FOREST DISTRICT LOCAL PLAN

SUBMISSION VERSION - DECEMBER 2017

Chapter 3 Strategic Policies – Policy SP2 SPATIAL DEVELOPMENT STRATEGY 2011 to 2013 and Chapter 5 Places – Policy P10 NAZEING

1.0 Introduction

1.1 These representations are submitted on behalf of **the owners of three nurseries located to the west of North Street in Nazeing** and relate to:-

- a) Failure to meet the District's Full Objectively Assessed Housing need (FOAN) based on the population and household projections published in June 2016 by the Office of National Statistics and DCLG (policy SP2).
- b) Failure to properly assess the needs of the settlement of Nazeing and its correct position in the settlement hierarchy (paragraph 5.134).
- c) Failure to follow its stated Spatial Development Strategy as set out in emerging Policy SP2 in the allocation of housing sites NAZE.R1, 3 and 4.
- d) Failure to properly assess land to the west of North Street in Nazeing for removal from the Metropolitan Green Belt and allocation for housing (policy P10).

1.2 The three nurseries covered by this representation are:-

- East Side Nursery owned by Mr D Fawcett
- Lake Side Nursery owned by Mr & Mrs Masucci and Woodhouse PC Ltd and
- Lake Road Nursey owned by Mr V Lanza.

Attached at Appendix LN/001 is an OS plan defining each nursery. I comment further on this plan in Section 4.

1.3 These representations submitted on behalf of the owners of these three nurseries and address the issue of "soundness" having regard to the tests set out in paragraph 182 of The National Planning Policy Framework, namely whether the Plan is:-

- **Positively Prepared-** the Plan should be prepared based on a strategy which seeks to meet the objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development. **It is the position of the nursery owners that the Plan does not meet the full objectively assessed need for housing across the District.**

- **Justified**- the Plan should be the most appropriate strategy, when considered against reasonable alternatives, based on proportionate evidence; to be adequate, the evidence base must be robust, assessments should be founded upon a cogent methodology, undertaken in a transparent manner and fully documented at key stages. Professional judgements require justification and site-selection decisions must be clearly explained. **It is the position of the nursery owners that three of the four proposed housing allocations in Nazeing are not in accordance with the Council's Spatial Development Strategy as set out in Policy SP2. These are:-**

NAZE.R1 Land at Perry Hill approximately 33 homes

NAZE.R3 Land to the rear of Pound Close approximately 39 homes; and

NAZE.R4 Land at St Leonards Farm approximately 21 homes.

Moreover, given the absence of updated site analyses it is impossible to judge whether the proposed housing allocations have been properly justified based on evidence. Hence the residential site allocations in respect to Nazeing lack transparency.

- **Effective**- the Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities. And
- **Consistent with national policy**- the Plan should enable the delivery of sustainable development in accordance with the policies in The Framework. **It is the position of the nursery owners that the modest size of the housing allocation to Nazeing is not consistent with The NPPF policy to allocate housing to sustainable settlements where it will enhance or maintain the vitality of the rural community. As explored in Section 3 Lower Nazeing provides a good range of services and has a strong employment base, making it suitable for a higher allocation.**

1.4 In this representation I firstly address the issue of the failure of the Plan to address the District's FOAN. I then explore the approach taken to the quantum and distribution of proposed housing in Nazeing, including its classification within the settlement hierarchy as a "small village". This is followed by a description of the promotion site and reasoned arguments for consideration of my clients' land as either an alternative to the three sites NAZE.R1, R3 and R4 or in addition to one, two or all three of those sites. I also address the issue of a redefined Green Belt boundary.

2.0 Not Positively Prepared

2.1 The Submission Plan is not based on the most up to date population and household projections. As stated at paragraph 2.17 a Memorandum of Understanding (MoU) has been agreed with the four District and two County Councils comprised in the SHMA. The document, which was signed in March 2017, clearly states (paragraph 2.3) that *“This Memorandum of Understanding is designed to address the distribution of OAHN as defined by the 2015 SHMA”*. At paragraph 2.4 it states that *“The purpose of this MoU is to ensure that the West Essex/East Herts authorities working together fulfil the following requirements:-*

- (i) *To meet in full the Objectively Assessed Housing Need of the West Essex/East Hertfordshire HMA, as addressed by the joint SHMA 2015 within the HMA.....”*

Epping Forest District’s OAN as identified in the 2015 SHMA was for about 11,400 dwellings to 2033, representing an annual average of 518. However, the housing need established by the 2015 SHMA has been superseded by a document issued in July 2017 entitled “West Essex and East Hertfordshire Strategic Market Housing Assessment - Establishing the Full Objectively Assessed Need” produced by ORS. As set out in Figure 5 (Full Objectively Assessed Need for Housing by Local Authority 2011-33) of that report the OAN for both authorities was increased as a consequence of updated data. That for EFDC rose from about 11,400 to approximately 12,573 or an annual average of 572.

2.2 Thus, the statement at paragraph 2.15 of the Submission Plan that *“The 2015 Strategic Housing Market Assessment (SHMA) gives an up to date and policy compliant assessment of housing need over the Housing Market Area (HMA) for the period 2011-2033”* is demonstrably incorrect. The addition of the sentence *“Further partial updates were also undertaken in 2016 and 2017”* is meaningless and indeed, potentially misleading, when no further information is provided at this point in the Plan with regard to the updated requirement.

2.3 As part of the MoU it has been agreed that each constituent authority should meet its own identified need. Thus East Herts has planned for its higher figure of 18,396 (increased from 16,189) and even this number is anticipated to increase again following advice from the Inspector conducting the EIP when Main Modifications are published in spring.

2.4 As explored in Sections 4 and 5 below, the Council has failed to carry out a thorough analysis of all of its Green Belt land to determine what areas are required to remain permanently open. Hence it cannot reasonably cite the existence of Green Belt as a reason not to meet its FOAN. (See paragraph 2.43 of the Submission Plan)

2.5 Advice at paragraph 47 of The NPPF is very clear that in order to boost significantly the supply of housing local planning authorities should, inter alia, *“identify and update annually a supply of*

deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land". The Housing Trajectory at Appendix 5 indicates a total housing supply (recorded and projected) of 13,152 over the Plan period. Applying a 5% buffer to the FOAN of 12,573 gives a figure of 13,202 which is 50 more than the Housing Trajectory suggests is achievable. Increasing the buffer to 20% (which is arguable the more appropriate level to be provided) gives a requirement of 15,088. This is almost 2,000 dwellings more than the Plan provides. There is no suggestion from Table 2.3 of the Plan that any size of buffer has been applied. It is thus clear that the Submission Plan fails in a fundamental requirement to boost significantly the supply of housing across the District.

2.6 Moreover, several settlements have received significantly reduced housing allocations in the Submission Plan compared with the Regulation 18 version, one of which is Nazeing. The overall number of dwellings allocated in the Regulation 18 version was 10,980 but the Submission Plan reduces this to 9,816 representing a reduction of some 1164 or just over 10%. There is no clearly identifiable explanation within the Plan for this reduction which, as above, appears to fly in the face of government's desire to *"boost significantly"* the supply of housing.

3.0 Quantum and Distribution of Proposed Housing in Nazeing

3.1 There are two aspects to the nursery owners objections in this regard, namely that:-

- a) the assessment of Nazeing as a “small village” is fundamentally flawed and has resulted in a disproportionately small amount of new housing being allocated to the village; and
- b) three of the four sites that have been allocated for housing are not in accordance with the Council’s stated policy (SP2) approach towards site selection.

3.2 Position of Nazeing in The Settlement Hierarchy

3.2.1 The Adopted District Plan (Epping Forest District Local Plan 1996 and Alterations 2008) does not provide a Settlement Hierarchy for the District. A retail hierarchy is set out in which Nazeingbury Parade is classified as a “local” retail centre.

3.2.2 The “Community Choices Issues and Options for the Local Plan” consultation undertaken in July 2012 explored options for allocating between 450 to 690 homes to the village depending upon which of two key spatial options (identified as “Possible Opportunity Areas”) in the form of NAZ A and NAZ B were chosen. The larger figure would come from NAZ A to the south of the village whilst NAZ B was identified as potentially suitable for 3.2ha of employment land in addition to about 450 homes. The document noted that the parish had a population of about 4,000 making it similar in size to Theydon Bois.

3.2.3 Reference to the fact that Nazeing was to be regarded as a “small village” emerged in the Draft Local Plan consultation version 2016. This had a consequential effect upon the quantum of development it was proposed to take with its draft housing allocation reduced to just 220. Objections were raised to this during the Regulation 18 consultation on behalf of the owner of Lakeside Nursery because of:-

- a) Failure of the analysis undertaken to determine The Settlement Hierarchy to pay due regard to the existence of employment opportunities within the District’s settlements;
- b) Inaccuracies in the Appraisal Sheet contained within the Settlement Hierarchy Technical Paper in respect of Lower Nazeing; and
- c) Lack of any weighting given to facilities.

3.2.4 The Settlement Hierarchy Technical Paper September 2015 recognised that there is no set methodology for establishing a hierarchy and that a wealth of information exists which can be used to determine how settlements function in relation to each other and hence their place within a District’s hierarchy. This is accepted and it is acknowledged that any hierarchy will thus be based on an element of subjective judgement. The approach chosen was to analyse each settlement against five key categories of Education

Health
Transport
Retail and
Community Facilities.

Objection was raised to the fact that this analysis omitted any reference to the existence of employment opportunities within each settlement. Given that the Paper acknowledged that roughly half of the District's resident working population commute to London this was a surprising omission. Provision of housing alongside employment opportunities in order to help reduce the need to travel should be a key plank in the provision of sustainable development in any District and especially so in one with such high levels of out commuting.

3.2.5 Lower Nazeing contains probably the highest levels of employment of any of the District's villages. Together with Roydon and Waltham Abbey it is the main centre within the Lee Valley of the horticultural industry. Horticulture and agriculture together provide just under 5% of the District's employment, a significant proportion by modern standards. There are three very large horticultural sites in Nazeing – Valley Grown Nurseries in Paynes Lane, Tomworld at Shottentons Farm off Pecks Hill/Sedge Green and UK Salads in Netherhall Road – employing significant numbers of people. For example, Tomworld has 80 staff and this figure is due to double on completion of the fourth phase of its expansion.

3.2.6 In addition to horticulture there are other important employment centres, the largest being Hillgrove Business Park located on the north side of Nazeing Road which is the base for some 36 companies. Hoe Lane in Nazeing is another significant centre for employment with several industrial units on farms as well as larger sites at Birchwood Industrial Estate and Millbrook Business Park. Unfortunately there appears to be nothing in the Council's evidence base which quantifies employment within the parish but based on the number of active companies it will almost certainly be significantly higher than most other rural parishes within the District. The fact that no consideration has been given to the size of the local employment base when assessing the position of Lower Nazeing within the Settlement Hierarchy is therefore considered to be a serious deficiency which goes to the heart of the soundness of the Plan.

3.2.7 The Submission version of the Plan recognises the importance of these industrial estates by according them a formal policy designation under Part C Employment Sites of Policy P10 Nazeing. This lists seven existing employment sites –

- (i) NAZE.E1 – The Old Waterworks
- (ii) NAZE.E2 – Land west of Sedge Green

- (iii) NAZE.E3 – Bridge Works and Glassworks, Nazeing New Road
- (iv) NAZE.E4 – Hillgrove Business Park
- (v) NAZE.E5 – Birchwood Industrial Estate
- (vi) NAZE.E6 – Millbrook Business Park and
- (vii) NAZE.E7 – Land at Winston Farm

in accordance with Policy E1 to be to retained and enhanced for employment purposes where proposals for the redevelopment, renewal, intensification, or extension of existing employment sites and premises for their existing use will be encouraged.

3.2.8 It was pointed out in the response to the Regulation 18 consultation that the Appraisal Sheet contained within the Settlement Hierarchy Technical Paper in respect of Lower Nazeing included several inaccuracies. For example, in respect of education the web site for Nazeing Primary School says that it takes children from 4 years yet no recognition is given in the Appraisal to the existence of a nursery/childcare. In respect of community facilities there are a number of halls including St Giles Church Hall, Congregational Church Hall, Bumbles Green Leisure Centre and the hall at Nazeing Primary School all of which function as community halls yet no recognition was given to the existence of these facilities. Existence within the parish of Lee Valley Regional Park with its extensive range of outdoor recreation facilities was also ignored. The Qualitative Analysis of Lower Nazeing noted, inter alia, that “*There are a number of services and facilities present that would also serve the wider rural area including smaller settlements such as Bumble’s Green and Nazeing village*”. It further records that Lower Nazeing has bus services connecting it to the higher order settlements of Waltham Abbey, Broxbourne and Harlow. Looked at in the round, therefore, it is considered that the evidence base fully justifies the designation of Lower Nazeing as a Large Village since this is clearly what it is.

3.2.9 A further deficiency in the analysis is the lack of any weighting being given to facilities. This is particularly relevant under the heading of Retail where no additional weighting is given if more than one retail facility exists. Thus, the existence of a parade of shops in the heart of the village which provides a good range of convenience goods shopping including a mini supermarket, butcher, baker/sandwich shop, hot food take away, dry cleaners, news agent, hairdresser/beauty parlour and a pharmacy is scored just one point in the same way that a village with only one shop has been scored one. This approach misrepresents the true sustainability credentials of the settlement.

3.2.10 It is interesting to note that Nazeing Parish Council’s web site includes the following statements:-

“Nazeing is said to be one of the largest villages in the UK. It is a hive of activity where business is concerned and boosts many good pubs, beautiful churches and excellent leisure facilities such as golf, sailing, walking, cycling etc. Nazeing is within walking distance from the London Olympic

White Water Rafting Centre at Lee Valley Park in Waltham Abbey. There is a railway station 2 miles away at Broxbourne and, of course, Lee Valley Regional Park which stretches an incredible 26 miles along the leafy banks of the river Lee from Ware, through Nazeing, to the Thames at East India Dock Basin". This description, written by local people, is hardly supportive of the District Council's categorisation of the settlement.

3.2.11 Having regard to all of the above it is considered that Lower Nazeing should be re-classified as a Large Village alongside Buckhurst Hill, Chigwell, North Weald Bassett and Theydon Bois. In terms of population Lower Nazeing had a figure of 3874 at the 2011 census. If the populations of Broadley Common & Epping Upland are added this gives a parish population of 5844. This is larger than both Theydon Bois (4062) and North Weald (4477) both of which are classed as "large villages".

3.2.12 On the basis of its classification as a Small Village a total of 220 new dwellings were identified in the Regulation 18 version spread across six sites, vis:-

- i) SR-0011 (land at St. Leonard's Road) – approximately 64 homes
- ii) SR-0150 (The Fencing Centre, Pecks Hill) – approximately 33 homes
- iii) SR-0300a (land south of Nazeing) – approximately 29 homes
- iv) SR-0300b (land south of Nazeing) – approximately 21 homes
- v) SR-0300c (land south of Nazeing) – approximately 38 homes
- vi) SR-0473 (St. Leonards Farm, St. Leonards Road) - approximately 33 homes

3.2.13 The December 2017 Submission Plan does not set out a Settlement Hierarchy as such or provide any explanation as to the analysis underlying the distribution of housing across the District. There is no explanation for the decision to reduce the housing allocation to Lower Nazeing from 220 to 112. Paragraph 5.134 of Chapter 5 Places states that "*Policy SP 2 sets out the estimated likely number of homes the Council will plan for in Nazeing over the Plan period. The provision of approximately 122 homes has been informed by the aspiration for Nazeing to function as a small centre which is able to support the needs of the local community*". Given that the Regulation 18 version had also identified Nazeing as a "small village" this statement goes no way to explaining the significant reduction in housing numbers.

3.2.14 That apart, an allocation of such a relatively small number of dwellings to what in reality is a large village with an extensive employment base is not in conformity with advice in The NPPF (paragraph 55) which encourages the allocation of housing to the more sustainable settlements. Planning Practice Guidance issued in May 2016 states that "*It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability and the role of housing in supporting the broader sustainability of villages and a smaller settlements. A thriving*

rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities”.

3.2.15 Having regard to the above, the nursery owners raise strong objection to the assessment of Nazeing as a “small village” and the consequential disproportionately small amount of new housing being allocated to the village.

3.3 Allocations Not in Accordance with the Council’s Policy (SP2) Approach Towards Site Selection.

3.3.1 This objection relates to sites:-

NAZE.R1 Land at Perry Hill approximately 33 homes

NAZE.R3 Land to the rear of Pound Close approximately 39 homes; and

NAZE.R4 Land at St Leonards Farm approximately 21 homes

all of which are wholly green field sites located within the Metropolitan Green Belt.

3.3.2 Policy SP2 Spatial Development Strategy states that new homes will be allocated in accordance with the following sequential approach:-

(i) The creation of Garden Town Communities around Harlow recognising its strategic economic role and needs;

(ii) A sequential flood risk assessment – proposing land in Flood Zone 2 and 3 only where need cannot be met in Flood Zone 1;

(iii) Sites located on previously developed land within settlements;

(iii) Sites located on open space within settlements where such selection would maintain adequate open space provision within the settlement;

(v) Previously developed land within the Green Belt;

(vi) Greenfield/Green Belt land on the edge of settlements:

- Of least value to the Green Belt if the land meets other suitable criteria for development.

- Of greater value to the Green Belt if the land meets other suitable criteria for development.

- Of most value to the Green Belt if the land meets other suitable criteria for development.

(vii) Agricultural land:

- Of Grade 4-5 if the land meets other suitable criteria for development.

- Of Grade 1-3 if the land meets other suitable criteria for development.

(viii) Enable small scale sites in smaller rural communities to come forward where there is a clear local need which supports the social and economic well-being of that community.

Based on this approach greenfield/Green Belt land on the edge of settlements should only be allocated if other options higher up the hierarchy are not available. This is demonstrably not the case in Nazeing. Hence, these sites should not be allocated until at the very least all previously developed/damaged land on the edge of the existing settlement has been shown to be unsuitable.

3.3.3 NAZE.R1 and NAZE.R3 form part of the Regulation 18 site referenced as SR-0011. This was described as Land at St Leonard's Rd and was given a draft allocation for approximately 64 homes. The Council's Second Stage Green Belt Review assessed the parcels of land (067.4 and 067.5) within which SR-0011 fell as performing strongly in terms of Green Belt Purpose 3 Assist in Safeguarding Countryside from Encroachment leading to the conclusion that resultant harm to the Green Belt if this parcel were to be released for development would be **VERY HIGH**.

3.3.4 Additionally, NAZE.R1 formed the western part of a recent application (EPF/0937-16) for the erection of 49 dwellings, a multi purpose sports hall, new access onto St Leonard's Road and a drop off/pick up facility including car park for the primary school to the north which was refused in September 2016 on grounds, inter alia, that the proposed development would have a detrimental impact on the character and appearance of the countryside. The report prepared on the application recorded that the Council's Settlement Edge Sensitivity Study placed this area within "The Lower Nazeing Fringes" and described the landscape setting as comprising an undulating patchwork of small to medium sized predominantly arable fields delineated by mature hedgerows. In terms of sensitivity, the landscape setting in this area was seen as a positive representation of the character typical of the area and was recorded as having an overall high landscape sensitivity to development and a moderate sensitivity to change. The officer report further noted that "*the urban gateway to the south of the site along the B194 marks a transition zone between the predominantly rural landscape and the start of the village. The site subject to this proposal is on a visually significant slope (facing southwards) with a key pedestrian route passing east to west through the site*". The recommendation of the Settlement Edge Sensitivity Study was thus that those landscape areas identified as high or moderate overall sensitivity should be safeguarded in landscape terms being considered to have a significant role in contributing to the structure, character and setting of Lower Nazeing.

3.3.5 The report noted that no evidence had been provided of the need for additional parking at the primary school and recorded that the proposed drop-off point would involve a 500m walk to the school across an unpaved right of way; hence concern was expressed that even if a need were established the route might not prove attractive to users.

3.3.6 Hence, objection was raised in response to the Regulation 18 consultation, and is raised again in connection with this Regulation 19 consultation, to designation of this green field, Green Belt site when other better located land that has already been built on, part of which fulfils the definition of "previously developed land", has not been allocated.

3.3.7 Allocated site NAZE.R4 forms the northern part of Regulation 18 site SR-0473 to which strong objection was also raised. The decision to delete the southward extension of SR-0473 from the allocation is welcomed but objection remains to this allocation on the same basis as that to

NAZE.R1.

3.3.8 It is noted that the development requirements for these sites, for which a Concept Framework is proposed, include a request that the provision of opportunities for cycling and pedestrian routes to the primary school are explored from the south. However, this would require the consent of the Education Authority to the opening up of a rear access into the school grounds. Given very real concerns with regard to pupil safety, it seems improbable that the County Council would be supportive of such an approach. Were that proven to be the case the relative proximity of this land to the school compared with sites elsewhere in the village would offer no advantages in terms of encouraging sustainable transport and reducing use of the private car.

3.3.9 I thus conclude that these three proposed allocations should not be confirmed at this time.

4.0 Alternative Allocation

4.1 In this section I describe the three nurseries which are promoted for consideration as a housing site (either in addition to, or as a replacement for part or all of the greenfield allocation) before critiquing the Council's site analysis.

4.2 East Side Nursery

4.2.1 This is the more northerly of the three sites and covers an area of 1.62ha of which 0.8ha is under glass with a large open, irrigated area to the south of the glasshouses used during the spring months for bringing on bedding plants. There are two points of access, one from the north off Nursery Road and one into the southern part of the site via a private road. The site abuts residential gardens to the east, west and along part of its northern boundary. The remainder of the northern boundary abuts an open area of land which lies within the curtilage of Chalkfields Nursery. To the south the site adjoins Lakeside Nursery, described in Section 4.3. A public footpath (Nazeing 01) runs along the boundary between East Side and Lakeside Nurseries.

4.2.2 East Side Nursery dates from the early 1970's and originally produced salad crops. However, that became uneconomic many years ago due to the limited amount of glass available on the site, and hence an inability to achieve economies of scale, and the business changed to the exclusive production of bedding plants. An attempt in the mid 2000's to expand the business by providing new glasshouses on land to the south forming part of Lakeside Nursery failed, as detailed in Section 4.3 below. Some of the glass dates from the 1970's and is reaching the end of its useful life whilst some is more modern. The nursery relies on oil for heating. The owner, Mr Fawcett, retired some years ago and the business is currently being run by his son-in-law with the assistance of seasonal staff as required. However, he does not see a future for the nursery beyond the next few years. Certainly the capital is not available to replace the older glass when that becomes necessary.

4.3 Lakeside Nursery

4.3.1 This forms the middle section of the promotion site and covers an area of 1.2ha. It extends westwards from the rear of nos 115 to 123 North Street and is accessed via a private road which runs between no 123 North Street to the south and no. 1 Pecks Hill to the north. The site was initially developed as a horticultural nursery but production ceased in the early 1980's following which the glass fell into disrepair. In October 2000 a Certificate of Lawfulness (ref CLD/EPF/0734/00) was issued for part of the former nursery for "Use of land for vehicle storage, repairs and skip hire". The extent of the area covered by the CLEUD is 0.4ha located at the western of the former nursery site. Under the terms of the CLEUD there are no limitations as to the height to which storage can take place nor conditions restricting hours of working. Glasshouses have been removed from that part of the site which is in active use in accordance with the CLEUD but footings remain buried underneath the undeveloped area immediately to the rear of the houses

which front nos 115 to 123 North Street.

4.3.2 An outline application was made in 2001 for residential development (EPF/2164/01) of the approximate area covered by the CLEUD, promoted on the basis that residential use would be preferable in terms of environmental impact than a continuation of the lawful uses. An appeal (APP/J1535/A/02/1088260) against the Council's failure to determine the application was dismissed in October 2002. This was in part because of an error in that submission which failed to include within the application site buildings and a narrow strip of land at the western end of the site to which the CLEUD also applied. Hence the Inspector concluded that there was no basis in law for requiring cessation of the lawful uses on land outwith the application site if the appeal were allowed. He thus determined that no very special circumstances had been demonstrated to overcome harm to the Green Belt.

4.3.3 An attempt to re-establish horticulture on the site with the erection of 4,000 sq m of new glass failed (EPF/2483/06) following dismissal of an appeal (APP/J1535/07/2046586) in November 2007. This development had been promoted on the basis that the glass would be cropped in association with East Side Nursery to the north, thus providing that nursery with space to expand its production. Despite the erection of glasshouses not being inappropriate within the Green Belt, the Inspector considered that the proposal represented *“a very significant expansion for this present relatively small nursery”* and that as *“no turnover figures or long term business plan have been presented to show that the expansion would be a viable proposal, and more than a mere aspiration”* it was doubtful whether resources would be available to undertake the development. He also expressed concern regarding the differences in levels across the site meaning that a cut and fill operation would be required to provide a level surface, and the visual implications for neighbouring residential properties. That decision, however, established that the access drive off North Street can be upgraded within land controlled by the owners to meet highway standards and provide a full width road (5.8m with a footpath along one side) and that adequate sight lines are available onto North Street.

4.3.4 Consequent to an appeal (APP/J1535/A/07/2042456) that was allowed in October 2007 for erection of a building to replace sheds being used for vehicle repairs which benefitted from the CLEUD no further attempts were made to re-establish any form of horticulture. Given rapid changes in the horticultural industry over the last decade it soon became apparent that even an expanded glasshouse area would still not provide the scale of glass necessary to operate a viable business.

4.3.5 Starting from the south west corner of the site current uses are:-

- A compound used for storage of building materials

- Container storage proximate to the western site boundary
- Scaffold storage in the bottom yard
- In the north east corner adjacent to the public footpath a vehicle repair workshop with associated external storage of vehicles
- In the middle part of site immediately north of the bottom scaffold yard, storage of vehicles for a ground working company; and
- To the north of that another scaffold yard.

Two residential properties front onto the north side of the existing access track (Sunny Brae and Hightorrs) and take their access from it. Neither has any connection to Lakeside Nursery.

4.3.6 Lakeside Nursery has been promoted to the Council for residential redevelopment since Call for Sites in 2008. It was subject to a very detailed submission in response to the Regulation 18 Consultation in autumn 2016. As part of that process a meeting took place with Planning Officers to discuss the site and the site owner was handed a Pro Forma summarizing the Council's assessment. Upon review it became clear that this contained several inaccuracies/false assumptions, the most fundamental of which was that officers thought the site (and indeed the land to the north and south) formed part of an old landfill site and was contaminated. Whilst the site was recognised as being in a sustainable location it was dismissed from further consideration at that time because officers considered the contamination could not be overcome. The land owner therefore submitted evidence in the form of a Soil Investigation Report to support his Regulation 18 submission. This is attached at LN/004. The boreholes clearly established an absence of contamination.

4.3.7 It is a matter of much disappointment that the Council has failed to give any further consideration to this site notwithstanding the evidence submitted in December 2016. As part of the further development of the District Plan agents were invited to attend a Developer Forum, the purpose of which was to provide an updating commentary and receive feedback. Agents attending that Forum were advised that **all** sites previously submitted for consideration together with several new sites would be subject to further review and analysis, the results of which would inform final site allocations. Whilst it is understood that this work has been undertaken (as evidenced by the December 2017 Arup Report on Site Selection) the critical individual potential residential site analyses (Appendix B) is missing and officers have advised that it will not be published during the Regulation 19 consultation period. Hence, the site owner is at a complete loss as to why his site has failed to be allocated notwithstanding its previously developed status when other allocations (as discussed elsewhere) have been made on green field land within the parish. This is a very serious matter which goes to the heart of the issue of soundness. Residential site allocations in Nazeing have not been properly justified; hence there can be no confidence that the Plan has been based on the most appropriate strategy, when considered against reasonable alternatives.

Moreover, site assessments do not appear to have been undertaken in a transparent manner.

4.4 Lake Road Nursery

4.4.1 This is the more southerly of the three sites and covers an area of 1.62ha of which 1ha is under glass. The site is accessed via Lake Road which leads due west from North Street running between nos. 107 and 109 North Street. Lake Road also serves four residential properties, two located to the north (Windlesham and South Lodge) and two to the south (Lake House and Albury). As with Lakeside Nursery, none of these houses has any connection with the horticultural business. An open space/sports ground lies to the south of Lake Road Nursery.

4.4.2 Lake Road Nursery contains seven blocks of glass, three to the north and four to the south. Some of the glass dates from the mid 1970's with more modern houses provided about seven years ago, albeit they were second hand. Between the glasshouses there is a concreted area which contains various tanks, including an oil tank, and other structures, as well as a packing shed. Crops grown are cucumbers and bedding plants. The nursery owner runs the business himself with occasional support from seasonal workers. Because of the high cost of heating oil only one crop of cucumbers is grown each year. Thus productivity is quite low. The limited height of the older glasshouses also restricts the type of salad crop that could be produced here.

4.4.3 The site owner is aware that his immediate neighbours to the east frequently complain to the Council about the HGV movements and anti-social hours associated with working at the nursery and would much prefer that the business closed down. As with East Side Nursery, the small scale of the site means that it cannot develop in a more commercial manner and will, inevitably, become unviable in the not too distant future. Similar to East Side Nursery, the capital is not available to replace the older glass when that becomes necessary.

4.5 The Promotion Site Generally

4.5.1 All three sites lie within the Lee Valley Regional Park and form part of the Metropolitan Green Belt. Drawing ref LN/001 Rev A illustrates the site context. The entirety of the promotion land is within Flood Zone 1 as illustrated on LN/002. Furthermore, none of the land is affected by contamination, as indicated on LN/003. All three sites benefit from 3 phase electricity and there is a substation within the Lakeside Nursery site (which can be re-located if required) together with mains water and telecommunications. Mains sewerage is available in Pecks Hill/North Street and mains gas is also available locally. Hence all utilities are readily available.

4.5.2 The Laurence Gould Report of 2012 into the future of the horticultural industry in the District (which forms an important part of the Council's evidence base) recorded from interviews with the main growers that *"On average the minimum size glasshouse unit to be viable is considered to be 2.6ha currently (2012) but is expected to rise to 6.28ha over the next 20 years"*. Given the size of

the combined sites at 4.5ha (11 acres) it is readily apparent that even working together the three nurseries will never be viably redeveloped for horticultural production. Additionally, whilst HGVs are currently able to access the land along the two private access roads, this traffic is not compatible with the private dwellings which the roads also serve and would not be suitable to serve a much larger scale of horticultural operation.

4.5.3 Lakeside Nursery diversified many years ago into various commercial activities, as a result of which the site displays a degraded appearance which is out of keeping with adjacent housing to the east and (in part) to the north and south.

4.5.4 At some point in the not too distant future horticultural production will also cease to be viable on East Side and Lake Road Nurseries. A similar fate of diversification of existing buildings, where possible, and potential dereliction of glasshouses, awaits unless this opportunity is taken to plan positively for the redevelopment of this area. One of the changes proposed by government to The National Planning Policy Framework is to make clearer that “substantial weight” should be given to the benefits of using brownfield land for housing. The promotion site is ideally suited for such redevelopment.

4.5.5 Given the combined site area of just under 4.5ha and assuming a density of about 22DPH in order to be compatible with adjacent housing, the combined site could deliver in the region of 99 dwellings. Two means of access are available which would not need to be shared with commercial traffic. The quantum of housing suggested recognises that a good belt of structural landscaping should be provided along the western boundary, proximate to open land within Lee Valley Regional Park. The land owners recognise the benefits to the village that would accrue from working together to produce a Master Plan for the site and hence decided to submit this joint promotion.

5.0 Advantages of The Promotion Site Compared With Sites NAZE.R1, R3 and R4

- 5.1 The site lies directly behind established housing and, as recognised by Council officers, represents a sustainable location relative to other village facilities. It is, for example, within a short walk of Nazeing Valley Health Centre and there is a parade of shops fronting Nazeing Road which is about half a mile distant. That parade includes a sizeable convenience store, butcher, bakery, newsagent, hair dressers, dentist and pharmacy.
- 5.2 There are bus services along Middle Street/Nazeing Road providing connections to the nearby higher order centres (Broxbourne to the west; Waltham Abbey and Harlow to the south) and to the railway station on the eastern edge of Broxbourne. Hence there are public transport options which could provide reasonable alternatives to the private car.
- 5.3 It is acknowledged that the allocated sites are similarly well related to village facilities and bus routes. Critically, however, in terms of traffic generation, residential movements from the promoted land would be replacing existing traffic which is commercial in nature and includes HGVs. Conversely, all traffic from the proposed housing sites would represent additional movements on the public highway which the Plan acknowledges (paragraph 5.133) is congested.
- 5.4 Other important advantages from which the promotion site benefits are:-
- a) its damaged or previously developed land status compared with the greenfield status of the allocated sites; and
 - b) its assessed lesser impact upon Green Belt purposes, character/openness and landscape.
- 5.5 Because neither East Side nor Lake Road Nursery were submitted through Call for Sites, they were not assessed in the first version of the Council's SLAA. However, Lakeside Nursery was included and was considered suitable for development but outside current Green Belt policy. The Assessment and Summary of Key Factors Affecting Site stated:-
- "Site is suitable but is within the Green Belt. Site is within LVRP although impact upon setting is likely to be minimal"*. In this version it is also stated as being considered available, achievable and deliverable.
- 5.6 By the time of the Second Stage of the Council's Green Belt Review, undertaken by LUC, which was finalized in August 2016 the site formed part of parcel 066.5 which covered a total area of 49.1ha. Hence all three nurseries formed a relatively small part of that parcel, located approximately in the middle. In terms of performance against Green Belt purposes Parcel 066.5 scored as follows:-

Purpose 1 Check Unrestricted Sprawl of Large Built Up Areas – **weak performance.**

The supporting text notes that any development within Parcel 066.5 would relate to Nazeing rather

than Hoddesdon and hence would not be perceived as sprawl emanating from Hoddesdon.

Purpose 2 Prevent Neighbouring Towns Merging – **relatively weak performance.**

The supporting text notes that because of the presence of the Lee Valley between the parcel and Broxbourne broad coalescence would not occur.

Purpose 3 Assist in Safeguarding Countryside from Encroachment – **moderate performance.**

The supporting text noted a difference in character between the open, flat fields in the western half of the parcel south of Nursery Road and built development (primarily glasshouses) in the eastern area. It stated that *“The elevation of the inset settlement area above the horticultural development, and the elevation of the horticultural development above the open fields, gives a degree of transition from settlement to open land, particularly where a fishing lake (The Waterhole) lies adjacent to the western parcel edge, but houses at the southern end of Nursery Road and on Nazeing Road limit the extent to which the area is perceived as countryside. **The eastern half of the parcel, on sloping ground, has more relationship with the settlement than the flatter fields to the west and can be considered to make a relatively weak contribution to Purpose 3**”.* (My emphasis).

Purpose 4 Preserve Setting of Historic Towns – **no contribution.**

Purpose 5 Assist in Urban Regeneration – not assessed.

5.7 This led to the overall conclusion for Parcel 066.5 that the resultant harm to Green Belt purposes if this land were to be released from the Green Belt would be moderate but would reduce to low if Purpose 3 (Countryside Encroachment) was excluded. The analysis further noted (under the heading of Consideration of Alternative Parcel Boundaries) that *“There is sporadic hedgerow and tree cover separating the eastern and western halves of the area to the south of Nursery Road (ie separating the flat fields from the sloping ground largely in horticultural use), so some strengthening would be required if this were to form a Green Belt boundary”.*

5.8 I concur with the above analysis and particularly the comment with regard to the eastern half of the site which includes the nurseries. A site visit would quickly establish that the built facilities and open storage areas on all three sites are visually intrusive and thus encroach into the open countryside of The Park to the west. A well designed residential scheme on this site would certainly not be more visually intrusive and arguably could be considerably less so with the new landscaping that would be introduced.

5.9 The allocated sites to the south formed part of parcel 067.5 which covered 46ha. The parcel was recorded as making no contribution to Purposes 1 and 2 due to the distance from other settlements

and also to Purpose 4 but a **strong** contribution to Purpose 3 Assist in Safeguarding Countryside from Encroachment. This led to the overall conclusion that the resultant harm to Green Belt purposes if this land were to be released from the Green Belt would be very high.

5.10 Based on this analysis, therefore, the Council's decision to allocate these three parcels of land to the south of the village is demonstrably not supported by its own evidence base.

5.11 The 2016 Arup Site Selection Report provided additional detailed analysis of potential sites based on a range of criteria. However, several anomalies/inaccuracies were noted in this report leading (in part) to the Council's decision to re-visit it. As already mentioned, that updated detailed analysis has yet to be made available. Hence, no further comment can be made at this stage.

6.0 Proposed Re-Alignment of Green Belt Boundary

- 6.1 In promoting the three nurseries for removal from the Green Belt and allocation for housing consideration has been given to the definition of a new inner Green Belt boundary having regard to advice at paragraph 85 of The Framework. A proposed amended Green Belt boundary is illustrated on drawing LN/001 Rev A. This incorporates all three nurseries into the village envelope by extending the northern boundary westwards to follow the northern boundary of East Side Nursery (leaving the larger, active Chalkfields Nursery) within the Green Belt). It then follows the eastern side of Nursery Road bringing three existing residential properties into the village envelope, before turning south to skirt the western boundary of Lake Road Nursery (which wraps behind Lakeside Nursery). The suggestion is then for the amended boundary to continue southward along the western edge of the sports ground, there being a distinct difference in character between land to the west, to follow the western edge of Fernbank Nursery which it is understood is also being promoted for removal from the Green Belt and development for residential purposes. In this way a defensible boundary would be created based upon physical features, removing from the Green Belt land which does not need to be kept permanently open and ensuring that the boundary will endure for the long term.
- 6.2 Irrespective of the above, it is noted that there are anomalies in the way in which the existing Green Belt boundary is defined in the vicinity of the nurseries which ought to be addressed. For example, from no. 115 North Street northward towards the last house on this western side of Pecks Hill the MGB boundary follows the original rear garden boundaries of these residential properties. However, some houses have had their gardens extended to the rear so that part of the gardens now lie within the MGB. Also, the current boundary places Sunny Brae, Hightorre and the extended gardens of nos 1, 3 and 5 within the Green Belt yet the houses served by Lake Road (Windlesham, South Lodge, Lake House and Charnwood) which lie due west of nos. 105 to 113 North Street are excluded from the Green Belt and included within the village development boundary. Thus there is a strong case for including, at the very least, the eastern half of Lakeside Nursery within the defined settlement to create a more logical Green Belt Boundary and address these anomalies. The re-defined boundary would continue northward from its existing line along the western edge of Lake House and Windlesham, through Lakeside Nursery to meet up with the western edge of the residential curtilage of Sunny Brae, returning along the northern boundary of Sunny Brae and Hightorre to join the existing boundary where it runs along the back gardens of properties in Peck's Hill. This is indicated by dashed grey line on plan LN/001 Rev A and represents the minimum change I consider justified having regard to the evidence base.

7.0 Conclusion

7.1 The Regulation 19 Plan fails to fully address housing need and hence an uplift in housing allocations is considered highly probable before the Plan can be found to pass the test of soundness. Nazeing, as a sustainable village with a good range of services and a large employment base, is an appropriate location for housing and should make a greater contribution to the District's requirement than the 112 dwellings currently allocated.

7.2 The existing housing allocations have not been properly justified. Three of the four proposed housing sites are on green field land which has been assessed as making a strong contribution to Green Belt Purpose 3 Assist in Safeguarding Countryside from Encroachment, as a consequence of which the resultant harm to Green Belt purposes if this land were to be released from the Green Belt is recorded as very high.

7.3 Conversely, the findings of the August 2016 Green Belt Review by LUC in relation to the eastern half of Parcel 066.5 was that the harm caused to Green Belt purposes would be moderate reducing to low if Purpose 3 were not included.

7.4 Additionally, the nurseries are previously developed/damaged land in contrast to the green field status of the three disputed allocations. Moreover, evidence has been provided that the site is not part of a landfill and hence is not contaminated. Thus, a much stronger case exists for redefining the Green Belt boundary to exclude the three nurseries from the Green Belt and allocating that land as a housing site than exists for proposed housing sites NAZE.R1, R3 and R4.

7.5 In summary, allocation of the promotion site would:-

- (a) be in accordance with sub clauses (v) and (vi) of Policy SP2 Spatial Development Strategy;
- (b) be in accordance with government advice that previously developed land in sustainable locations should be brought forward for development in preference to green field sites;
- (c) allow the provision of much needed housing in a sustainable location without adding overall to existing traffic or increase congestion at the village crossroads;
- (d) greatly improve the amenities of existing residential occupiers to the north, east and south of Lakeside Nursery and to the east of Lake Road Nursery; and
- (e) enhance the environment either side of FP Nazeing 1 creating a much more pleasant pedestrian route.

Failure to have given serious consideration to land to the west of North Street is indicative of the fact that the housing strategy has not been properly justified.

7.6 Finally, it is clear that in several respects the Plan is not consistent with national policy.

7.7 Having regard to all of the above, I consider that the Plan fails the test of soundness and should

not be approved.

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January 2018

Attachments

LN/001 Context Plan for the Promotion Site

LN/002 Promotion Site in the context of the floor plain

LN/003 Promotion Site in the context of the adjacent landfill site

LN/004 Soil Investigation Report for Lakeside Nursery