

**alan wipperman & co.**  
**property & town planning**  
**appendix b to the response to the epping forest local plan**  
**submission copy for mr mark gregory.**

Response to the Epping Forest District Local Plan Submission Copy 2018 for Mr Mark Gregory.

Appendix b to the Response Form Parts A and B.

**1 The Council's Local Plan Submission Development Plan Document has been issued without a full review of all the brownfield sites in the District and the Housing Capacity Study has compounded this oversight by excluding a review of all brownfield sites outside the defined development boundaries. It has also been prepared and issued independently of the publication of the Brownfield Register which the Authority has confirmed will not now be published until after this Local Plan Submission Copy Consultation has ended. Is this sound?**

- 1 The Council appears to have rushed to publish and commence a public consultation over the Christmas and New Year period for this Local Plan, not only when the public are distracted by the holiday period, such that this does not appear to be best practice for community involvement, but also because the Authority has now failed to publish their Brownfield Register as required by the 31<sup>st</sup> December 2017. Upon informal inquiry in the Autumn of 2017 it was understood that the Local Plan Submission Copy would not be consulted upon until sometime January-February 2018. However it was issued on the 18<sup>th</sup> December 2017 with the consultation period ending 29 January 2018 well before the Brownfield Register is to be completed and published. This does not appear to be the best way forward as Part 2 of the Register will bring forward sites where a permission in principle will be given.
- 2 This change appears to be arise from the Authority's possible reaction to the Ministerial Statement and Consultation on the Government's proposed national approach to objectively assessed housing need issued in September 2017. This is under consultation at present. If the new approach and transitional guidance is adopted nationally, as proposed, then it is likely to generate a far higher number of dwellings to be provided during the Local Plan period in the Epping Forest District area than is presently being planned for. This is due to the high cost of housing relative to local wages and this will have to be taken fully into account in later development plan documents.
- 3 In order to avoid this new methodology being imposed upon a Local Planning Authority this Local Plan Submission Copy must be submitted by the 31 March 2018 to the Secretary of State for Examination in due course. However it should not be submitted if the approach and preparation is unsound. It is considered the approach adopted has been rushed and therefore the Plan is unsound. Further explanation and reasons for this are given below, but the failure to coordinate the Plan and the Brownfield Register is evidence of a failure to adopt an integrated and comprehensive approach to the planning for re-use of brownfield land/previously developed land.
- 4 The starting point for plan making is set out in the National Planning Policy Framework (NPPF). The purpose of the planning system is stated in para. 6 to contribute to the achievement of sustainable development and the NPPF states this

is primarily about what this means in practice, with three roles that cannot be undertaken in isolation. (Para.8). In essence sustainable solutions are always required and the re-use of previously developed land is very important even if it is within the defined Green Belt.

- 5 Para.12 states it is desirable to have an up to date Plan in place. Sustainable development is the golden thread (para.14) and Plans should be flexible to meet objectively assessed needs unless there are adverse impacts or the NPPF indicates development should be restricted.
- 6 The objective of plan-making is sustainable development (para. 150) and this also has to be consistent with the NPPF. (Para.151),
- 7 This then requires **positive planning** for development and the flexible use of land, providing detail on form, scale, access and the quantum of development where appropriate, or where development will be inappropriate. **It is clear with regard to this Local Plan and the supporting evidence base that insufficient and inadequate research has been undertaken to fully and properly identify locations that reflect the existence of settlements, defined or not, or other places that can be developed into more sustainable settlements, or smaller sites for sustainable development.**

**2 Is the failure to include Sewardstone (and perhaps other sizeable undefined settlements in the District) as defined settlements with built up area boundaries an unsound approach to long term sustainable development?**

- 8 **This is the case for Sewardstone which has significant elements of a sustainable settlement already in place, and an existing possible location for further brownfield land development. It should have been identified as a settlement with defined boundaries to take it out of the defined Metropolitan Green Belt in the Local Plan. This failure is made clear by Policy P12 where other villages in the Green Belt are also considered for development. Sewardstone, although it is mentioned in the title, is not then referred to in the text nor on any plan, nor any other plan within the suite of documents as a defined settlement in P12. It is nevertheless considered as a settlement in the background documents. This does appear to be an oversight and may reflect a rushed Plan? This too appears unsound.**
- 9 This is surprising given that the 2011 Census Built Up Area Plan, as attached, gives a population for Sewardstone at 653. (Census 2011 information attached). The core village area population will be somewhat less but should exceed 500 as an estimate. Other small, and a much smaller settlement have been considered, e.g. Coopersale understood to be around 1,000, Fyfield around 800, and Moreton about 366. (ONS Census information and map obtained is attached).
- 10 Sewardstone is now a settlement of sufficient size to warrant defined boundaries and to be taken out of the Green Belt irrespective of whether additional housing or other development should be allocated to it. There is also a direction for this in the NPPF. See further below.
- 11 The lack of availability of any consultation prior to the preparation of the Brownfield Register and the lack of the Register is unhelpful. It is further compounded by the failure to respond positively to the Call for Sites submission for this site in

Sewardstone, which as is set out in Appendix A, was ignored. Other sites submitted during 2017 and to date may also have been ignored.

**12 The approach is not positive nor pro-active as required in the NPPF because:**

- (i) The Plan looks back to the restrictive and inflexible policies that have always been previously adopted for the Sewardstone built up area as part of the Green Belt and this historic approach has been left unchanged and this is ill-considered. Thus there has also been inadequate regard for the potential for infill development that could contribute to Sewardstone becoming a more sustainable settlement. The principles of sustainable development and pro-active and positive planning are not therefore applied in the background documents to the Plan or in the Plan. (Again see further below and attachments referred to below).
- (ii) The only site allocation in the vicinity is in a far less sustainable location for which planning permission has already been given at the Pine Tree Nursery site on Amey Lane in 2017. The copy Decision Report for this site is attached to this Response. This has been primarily justified under para.89 in the NPPF, allowing limited infilling in the Green Belt. This is not a planned nor pro-active approach for a settlement like Sewardstone or for the wider District where there is significant scope for such infilling on existing previously developed sites. This therefore creates pressure for essentially unplanned redevelopments with only the NPPF guidance for the quantum of development. These could then take place without planning for the matching infrastructure.
- (iii) It also does not allow for a positive consideration of the potential and efficient use of land, especially where such land is separated from the wider open countryside, or other land holdings or uses. Likewise where it is sited between buildings and large blocks of housing e.g. Godwin Close Sewardstone, or in locations adjoining settlements where sustainable development could take place. This is precisely the position in Sewardstone and in particular the Farm Tyres site lying between Godwin Close and Butlers Drive housing areas.
- (iv) Furthermore, the Plan, by leaving the built up area as defined on the 2011 Census Plan as an area “coloured washed through by the Green Belt”, then gives no guidance for development whether by way of use, form, scale or the quantum of development appropriate to the circumstances. There is thus no proactive or positive drive, or flexibility inherent in this approach. Leaving future development to the guidance in para.s 89 and 90 of the NPPF is not positive planning for sustainable development.

**14 Relying on para.s 89 and 90 of the NPPF alone is unsound and the exceptional circumstances for a Green Belt Review required a more detailed small scale site review and assessment which the higher level more strategic approach adopted by the Authority and its consultants misses. Consequently the Plan is unsound. This is considered further below.**

**3 Has there been an effective review of Green Belt Boundaries as required by the NPPF when preparing a development plan as these are exceptional circumstances? Have the locations of previously developed land in the Green Belt and adjoining settlements, defined or otherwise, been properly assessed? It appears that the evidence base does not suggest so given the assessment approach to Sewardstone, and possibly other settlements. Therefore is the Plan is unsound?**

- 15 The making of a new plan is an exceptional circumstance for the review of the Green Belt boundaries. Para. 83 of the NPPF makes it clear that boundaries should be reviewed. This should also include where there are presently no boundaries such as at Sewardstone. Other smaller settlements in the District have defined boundaries. Why not Sewardstone?
- 16 **Thus the weighted guidance and twelve principles as set out in para. 17 is not followed and it is now highly likely that future development will not be genuinely plan led in Sewardstone and possibly other locations.**
- 17 The NPPF does discourage new isolated houses in the countryside but it allows for a positive and pro-active approach to non-isolated housing in the countryside which cause no harm to its intrinsic character and beauty. Likewise housing on brownfield or previously developed land currently within the Green Belt can readily be taken out of the defined Green Belt area especially where the Green Belt function has been compromised. This is the case in the core area of Sewardstone, with the Farm Tyres land and former Headlands, and it could have and should have been redefined as residential or other development land to be part of an existing settlement. **This has been undertaken for land around Waltham Abbey for example where large areas of greenfield green belt land are being re-allocated for development despite their lower status in the sequential approach said to have been adopted in the Plan and in Plan-making. (Brownfield land in the Green Belt should be considered first. See further below).**
- 18 It is therefore likely that there are other areas with smaller sites adjoining existing settlements where there will be little or limited adverse impacts on the wider Green Belt that should be excluded and defined for development. The Authority itself is demonstrating this for a small brownfield site in the same Local Plan area of Waltham Abbey Parish. See in particular the planning decision report appended for land at Pine Tree Nursery in Avey Lane. This is attached and permission was granted in 2017. The retrospective inclusion of this site in the Local Plan with other sites in the Local Plan Appendix 6d after a planning decision to allow development for eight dwellings, reflects in my view the consequences of a failure of positive planning. (Site reference WAL.R7. Planning permission reference: (EPF/2881/16)).
- 19 In the case of the Farm Tyres and adjoining land there is scope for at least 9 dwellings to be built as two storey houses with scope for more dwellings if some smaller flats are substituted for some houses. A final scheme of appropriate size and mix might offer perhaps up to 12-15 dwellings on the previously developed land which the Farm Tyres land with the bungalow comprises within a single freehold ownership. (See the feasibility drawing prepared by Medusa Design as attached).
- 20 The Farm tyres site with the former Headlands could offer at least 9, or up to 15 dwellings with flats. Potentially, with other brownfield sites perhaps missed by the approach and the methodology adopted by the Authority, more such sites could be

properly identified and this might well reduce significantly the amount of greenfield land required to meet the currently adopted objectively assessed housing need across the District. It could also contribute to the probable even higher levels of housing needed to meet a revision of the assessment of housing need to accord with the September 2017 Ministerial Statement 2017. It could also help to secure sufficient scope for new housing sites to help exceed any minimum target provision over the life of the Plan, when finally adopted.

21 **The Plan thus fails to meet Objective A1 of the Local Plan, to encourage use of previously developed land. This appears unsound.**

22 Where a site suitable for new housing could be located in or by villages or settlements with some services, such places where there is water gas and electricity availability, as is the case in the Sewardstone Road area, then this is a more sustainable location for development than in locations where these utilities are not readily available. (Whether the settlement is formally defined as a settlement; or not, e.g. Pine Trees Nursery in Avey Lane, very distant from other dwellings and services).

23 The Local Plan in para. 2.66 sets out the sequential approach the Authority says it has adopted. Step 4 considers previously developed land within the Green Belt. Step 5 then considers Green Belt/Greenfield land on the edge of settlements, with a preference for the least valuable land to the Green Belt (4a). It does not restrict the assessment of such land on the edge of settlements to defined settlement boundaries.

**4 It appears that the sequential approach as adopted compared to how it has been undertaken is flawed. It should give great weight to the identification of previously developed land, including smaller sites and land in the Green Belt, and to such land adjoining undefined settlements. It should have a policy to consider sustainable redevelopment where these circumstances apply. Has this been achieved or is the Plan unsound?**

24 Policy SP2 follows the above approach for the Plan period 2011-2033. See also SP2A4, A5 and A6. **Policy SP2 then restricts granting permission to the allocated sites under SP2C. Even where there is previously developed land in the Green Belt unallocated sites are left without the positive weight of an adopted policy in the Plan to guide the type and quantum of development. This will lead to the more restrictive approach in the NPPF being applied and so failing to maximise the scope for sustainable developments and efficient re-use of land.**

25 Policy SP6 confirms the restricted approach to the revisions of the Green Belt boundaries based upon the Green Belt Review and does not include Sewardstone built up area as an area to be amended. **The policy SP6 and Map 2.5 requires amendment to take Sewardstone out of the Green Belt and redefine it as a settlement with defined boundaries to include the Farm Tyres site. In the alternative the Farm Tyres site needs to be taken out of the Green Belt as has the Pine Trees Nursery site in Avey Lane, both being previously developed and both having potential adverse impacts on residential properties nearby as the use is not controlled by conditions.**

- 26 **The methodology, review and approach and the policies to be adopted are in essence in conflict, and as a result the Plan is unsound.**

**5 Should the Sewardstone settlement have been defined as a settlement with settlement boundaries given its size for at least the core area, and if so should these have allowed for some local additional edge of settlement development? Does the Sewardstone settlement itself contribute to the openness of the Green Belt. If not, the settlement and the Farm Tyres site should be excluded from the Green Belt. Accordingly is this part of the Plan unsound?**

- 27 Sewardstone is not defined as a settlement in this Local Plan although not only are there utilities available but there are further local facilities and services available within the wider built up area that comprises the settlement. This is approximately the built up area plan used by Office for National Statistics to estimate the Sewardstone population as attached. Facilities include for example, a shop at the Texaco Garage and a delicatessen almost opposite at Netherhouse Farm, for everyday essentials, and a number of public houses and a hotel, as well as some nearby farm gate sales of various kinds. These are all within reasonable walking or cycling distances, and where there are maintained paths and lighting, these assist in supporting Sewardstone as a reasonably sustainable location for the 600 plus residents.
- 28 This all the more the case as there are public transport services available along the Sewardstone Road. The 215 bus route runs from Walthamstow Central Underground Station on the Victoria Line to the Lee Valley Camp Site which is located about 0.7 miles or a 14 minute walk south of the Farm Tyres land. (From Google Maps). The route operates Monday to Friday approximately every 20 minutes from 05.45 to 23.26 hours. It also operates regularly on Saturday and Sunday and gives access to the London Underground and Overground services at Stations en route.
- 29 The 505 bus stops close to the property at Freddie's and the Plough, and this is a Trusty Bus operated service running services connecting Sewardstone with Chingford Station, Harlow, and Waltham Abbey. It operates 5-6 times a day Monday to Saturday. There is no Sunday service.
- 30 Sewardstone is well connected to the road network with the M25 not far to the north, and the North Circular A406 to the south. There is a country park not far to the north at Gunpowder Mills. There are accessible Epping Forest Walks across Netherhouse Farm and in the wider Lee Valley and Epping Forest areas and open countryside is also close by.
- 31 There are schools reasonably close by:  
  
High Beech Primary School 1.4 miles distant.  
Yardley Primary School 2.0 mile distant. (215 bus route part of way).  
There are secondary schools at Waltham Abbey and Roding Valley (4 miles).
- 32 Further shopping is available at Waltham Abbey and the southern end of Sewardstone Road in the London Borough of Waltham Forest.

- 33 Sewardstone therefore has the physical characteristics and appearance of a large village settlement with accessible services. Accordingly it is a location that should be considered positively and flexibly and defined as such.
- 34 Para. 2.19 of the Stage 2 Green Belt Review by LUC for Epping Forest District Council refers to Sewardstone in the context of six hamlets to be considered:
- “Six hamlets were identified for inclusion, as exceptions to this general principle, because: • Known development management concerns exist around the potential erosion of Green Belt policy (High Beach); or • The hamlet is within an area of the District that is in close proximity to a large built up area, where detailed assessment is necessary (Lower Sheering, Epping Green, **Sewardstone**); or Epping Forest District Green Belt Assessment: Stage 2 10 August 2016 • The Green Belt currently “washes over” a settlement where the continued designation should be assessed for suitability (Moreton and Willingale)”.*
- 35 Table 2.3 sets out areas for further assessment and included:
- “The Green Belt land within the defined buffer by Hawes Lane and Sewardstone Road to the north, tracks to the east and absolute constraints to the south and to the west. The identified area is extended to join Gilwell Hill and the District boundary to the south, to ensure a continuous assessment of the land between settlements”.*
- 36 Table 4.1 summarised their assessment based upon the four purposes of the Green Belt and it was concluded that Sewardstone with regard to parcels 059.1 and 059.2 would have very high harm to the Green Belt. Parcel 059.1 accords more closely to the Farm Tyres area.
- 37 **However para. 3.1 makes clear the assessment was based upon areas adjacent to existing settlements and did not consider taking the settlement itself out of the Green Belt or small adjoining parcels of previously developed land as the NPPF requires to be considered in the exceptional circumstances.**
- 38 **The Review undertaken was therefore was too “high level” and too strategic an assessment to pick up smaller sites previously within and adjoining settlements in the Green Belt, especially those washed through settlements like Sewardstone and consider removal from the Green Belt. There is no reference to NPPF para. 86 in the assessment.**
- 39 This is confirmed by the Technical Annexe Section dealing with Sewardstone. (Extract attached). The red line assessment extends much further from the existing settlement boundaries which are relatively well defined around Godwin Close to Butlers Drive and a southern ribbon development west of Sewardstone Road. Major strategic development, would, it concluded, tend to coalesce Waltham Abbey and Chingford as reasonably concluded. This confirms a high level overview of larger development but it gives no consideration to taking the existing settlement out of the Green Belt nor any small extension thereto on any previously developed land.
- 40 **The assessment was simply too “broad brush” and insufficiently detailed and did not address whether Sewardstone could be defined by boundaries as a settlement and suitable for small scale development. The Local Plan**

**then relies upon this high level assessment and this was and remains unsound. It also does not sufficiently accord with the NPPF, especially para. 85 where there is no need to keep the settlement and other previously developed land open.**

41 It is also clear that para. 86 of the NPPF applies. The core areas of Sewardstone village makes no important contribution to the openness of the Green Belt in itself; it has no open character. **This paragraph also directs the village be taken out of and excluded from the Green Belt.**

42 Table 4.3 lists anomalies but the Farm Tyres site was not identified, nor anywhere else in Sewardstone, although later the Pine Trees site was added to the Local Plan by reason of a permission and taken out of the Green Belt.

43 **The Plan, the evidence base, and the technical assessments fail to properly follow the requirements of the NPPF, in its entirety, as it should do, and in these circumstances the Plan is therefore unsound.**

44 When the Arup Strategic Environmental Assessment (SEA) was undertaken it considered a large area of adjoining land and a small part of the Farm Tyres site towards the rear of the site. It did not include the Farm Tyres buildings sited towards the Sewardstone Road. It was appended to the Call for Sites submission I made in July 2017 as evidence of suitability for development and is attached to Appendix A.

45 The relevant page from the Arup SEA of the adjoining site and a small part of the Farm Tyres sites makes clear that there are no fundamental physical or ecological constraints that would adversely affect development potential of that site nor would logically also constrain development of the Farm Tyres Site together with Headlands. Although no detailed SEA of all of the Farm Tyres site has been undertaken this partial SEA is fully indicative of an acceptable location and site for sustainable development without constraint save for Green Belt purposes.

46 NPPF para. 182 directs that Examinations have to confirm a positive preparation of this Local Plan. This fails to be demonstrated by the Authority for brownfield land in the District.

47 **In the matters considered above, in a number of respects, it has not been positively or pro-actively prepared for the many reasons given above with regard to:**  
**previously developed land,**  
**housing capacity assessments,**  
**green belt boundaries assessments and boundaries and para. 86 of the NPPF, and**  
**the reliance on para.s 89 and 90 of the NPPF to guide development in and around Sewardstone, as both a village and settlement.**

48 **This is not positive planning. There is a failure to exclude the Farm Tyres site comprising previously developed land from the Green Belt and the exclusion of Sewardstone core area from the Green Belt to accord with the NPPF.**

49 **It is therefore not consistent with the National Planning Policy Framework as it fails two of the three criteria in para. 182 and therefore also the fourth criterion.**

- 50 This is important for future decision taking as the planning system remains planned. Para. 187 requires local planning authorities for look for solutions not problems, and the presumption in favour of sustainable development should be allowed to apply (para.197). This Plan does not provide for this.
- 51 The proposed Policy P12 requires amendment to properly mention and give Sewardstone core village area defined settlement boundaries. Appendix 6 therefore requires amendment to include Sewardstone and the Farm Tyres site as part of a settlement and to be excluded from the Green Belt.
- 52 The Plan then needs to identify for release for housing development in the next 5-15 years the Farm Tyres site. Precise timing depends on when the business has reached their maximum use of the Farm Tyres site and when relocation will then be required.
- 53 **Without such amendments the Plan is unsound. The Examiner is invited to agree and find this Plan unsound.**

Alan Wipperman BA MRICS MRTPI C Dip AF

26<sup>th</sup> January 2018.

**ATTACHMENTS REFERRED TO FOLLOW.**

**ONS BUILT UP AREA POPULATION AND MAP.**

FROM ONS WEBSITE  
2011 CENSUS

**KS101EW - Usual resident population**

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population All usual residents  
 units Persons  
 date 2011  
 area type built-up areas  
 area name Sewardstone BUA

Rural All usual  
 Urban residents  
 Total 653

In order to protect against disclosure of personal information, records have been swapped between different ge

**KS101EW - Usual resident population** KS101EW



**About this place**

**Population**  
 All usual residents  
 Units  
 Persons  
**Rural Urban**  
 Total  
**Variable**  
 All usual residents  
**Area Type**  
 Built-up area  
**Date**  
 2011  
**Data**  
 Number

There are 653 usual residents in Sewardstone BUA.

**Notes and Warnings**

Caution: Mapping counts can result in misleading maps. For example, mapping the total number of internet users may give a different picture from mapping the proportion of the population who are internet users. In order to protect against disclosure of personal information, records have been swapped between different geographic areas. Some counts will be affected, particularly those counts at the lowest geographic level.

**Table of data displayed on the map**

KS101EW 653 455

## PINE TREE NURSERY AVEY LANE DECISION REPORT FROM 2017.

*This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more and is recommended for approval (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

### **Description of Site:**

The application site covers an area of 6700 sqm and has a rectangular shape. It is located on the northern side of Avey Lane.

The site operates as a garden centre. It contains two glasshouses close to the eastern boundary of the site. The rear section of the site contains pallets, building materials and equipment associated with the Garden Centre use. The central section of the site contains potted plants; within the south western corner is a two storey mobile unit used as an office. The front section is used for the parking of HGVs and other motor vehicles.

Nursery uses adjoin the application site on its east and west; fields adjoin the northern boundary and a mixture of nursery and residential uses are located south of the site.

The site is designated as being within the Green Belt.

### **Description of Proposal:**

Permission is sought for the demolition of the existing buildings and redevelopment to provide 8 new five bedroom detached dwellings with associated access and parking.

The 8 traditionally designed houses are arranged in a cul de sac form each with two car parking spaces, garages and curtilages.

Three house types are proposed, they have a maximum width of 15m, a maximum depth of 12.3m and are 7.7m high to the ridge of their gable roofs. Each unit has an internal area of between 139 and 143 sqm.

An acoustic 1.8m high fence is proposed for the eastern boundary with Beechview Nursery.

Materials include facing brick work render and cladding for the walls. No other information regarding the roof or fenestration has been submitted.

The access to the site will be as exiting. All houses will have their own individual driveways off this access.

### **Relevant History:**

Reference	Description	Decision
EPF/0377/08 CLD	Certificate of lawfulness for the mixed use as the plant nursery and garden centre	Lawful
EPF/0558/17	Certificate of Lawful Development for existing use of glasshouses as garden centre	Lawful

**Policies Applied:**

*Adopted Local Plan:*

CP1: Achieving Sustainable Development Objectives  
CP2: Protecting the Quality of the Rural and Built Environment  
CP3: New Development  
DBE1: New Buildings

DBE2: Effect on neighbouring Properties  
DBE4: Design in the Green Belt  
DBE8: Private Amenity Space  
DBE9: Neighbouring Residential amenity  
GB2A: Development in the Green Belt  
GB7A: Conspicuous Development  
LL11 Landscaping Schemes  
ST1: Location of Development  
ST2: Accessibility of Development  
ST4: Road Safety  
ST6: Vehicle Parking  
H2A: Previously Developed Land  
H4A: Dwelling Mix  
NC3: Replacement of lost habitat  
NC4: Protection of established habitat  
RP4: Contaminated Land  
U2: Development within Flood Risk Areas

*NPPF:*

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

*Draft Local Plan:*

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

SP1 – Presumption in favour of sustainable development  
SP5 Green Belt and District Open Land  
H1 – Housing mix and accommodation types  
T1 – Sustainable transport choices  
DM1 Habitat protection and improving biodiversity  
DM9 – High quality design  
DM10 – Housing design and quality  
DM 11 – Waste recycling facilities on new developments  
DM16 – Sustainable drainage systems  
DM18 – On site management of waste water and water supply  
DM21 – Local environmental impacts, pollution and land contamination

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

Number of neighbours consulted: 12

Site notice posted: Yes

Responses received: No response received from neighbours

PARISH COUNCIL: No objection

### **Main Issues and Considerations:**

#### **Background**

Initially the use of the site for as a nursery and garden centre was deemed lawful under reference EPF/0377/08 CLD. This certificate included a map which clearly indicated areas which fell within the sui-generis use and which buildings remained lawfully in horticultural use.

The use of the glasshouses as nurseries was then disputed by the agents and a subsequent certificate for the existing use of glasshouses as garden centre was submitted. Officers found that there was sufficient evidence on the balance of probabilities to demonstrate that the glasshouses had been used to sell items not grown on the premises for a period of at least ten years. The certificate was therefore made lawful.

#### **Is the development appropriate for the Green Belt**

Government Guidance states that new development within the Green Belt is inappropriate unless it falls within the list of exceptions set out in paragraphs 89 and 90 of the National Planning Policy Framework (NPPF). And provided it does not harm the openness of the Green Belt or conflict with the five purposes of including land within it than the existing development.

Local Policy GB2A is broadly in compliance with the aims and objectives of national Green Belt Policy. The NPPF states that one of the exceptions to inappropriate development within the Green Belt is the limited infilling or partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

The site benefits from a lawful development certificate which confirms that the existing use of the site is as a Garden Centre (EPF/0558/17). The existing glasshouses have no planning restrictions on them and have been in existence for over 20 years. It is therefore considered that the site can be defined as being Previously Developed Land (PDL)

The proposed development involves the removal of all the existing commercial buildings on the site.

The planning statement submitted as part of this application states that the footprint of the existing glasshouses on the site is 1,260.3 sqm. The 8 unit scheme has a building footprint: 1117.3 sqm. This is a reduction of 143 sqm compared to the footprint of existing buildings on site.

The scheme proposes 1,424.1 sqm of built floorspace. The proposed houses are 1.5 storeys high with two storey gable projections and therefore there is an increase of 164.1 sqm of floorspace compared to the 1,260 sqm of glasshouses.

The existing glass houses on the site provide 4,733 m<sup>3</sup> of volume. The combined cubic volume of buildings on site which are considered to have permanence on the site and affect the openness of the site total 5034 m<sup>3</sup>.

The proposed 8 unit residential scheme provides 5,513 m<sup>3</sup> of development. Compared to structures on the site this is an increase of 479 m<sup>3</sup>.

The ridge height of the taller glasshouse is 4.7m compared to the ridge height of the proposed houses which is 7.7sqm.

There is a significant reduction in hardstanding. The site currently has 6,542.4 sqm of hardstanding and the 8 unit scheme proposes 1,190.7sqm. There is therefore a reduction of 5,351.7 sqm of hardstanding.

However, it is considered the increase in height by 3m, the replacement of existing transparent glasshouses with houses that have a solid permanent form, together with the 6% increase in floorspace, is in excess of the existing buildings on the site and does not reflect the character of residential development within this part of Avey Lane. Furthermore as they are all suitable for families they will also have additional paraphernalia associated with this type of dwelling. The proposal is therefore considered to have a greater impact on the openness of the Green Belt compared with the current use on the site. It is therefore considered to be by definition inappropriate development and contrary to paragraph 89 of the NPPF and policy GB2A of the Local Plan.

#### Sustainability

Paragraph 55 requires that sustainable development should be promoted within rural areas by locating housing where it will enhance or maintain the vitality of rural communities. (Local Authorities should avoid new isolated homes in the Countryside.)

The area of Avey Lane surrounding the access for the application site does not include a suitable pedestrian access, however the nearest bus stops are 300 metres from the site which provide a limited bus service.

The proposal will also remove a use which in its self is not sustainably located. The removal of this use could therefore result in the overall reduction in vehicle movements from the site.

The Sustainability Statement submitted as part of the application indicates that the proposed houses will be built to meet the Code for Sustainable Homes criteria. Whilst this assessment is no longer technically required to be complied with, it is more onerous than current Building Regulations which relate to sustainability. Examples of features included are that the houses will be insulated to a higher standard, individual low NOx high efficiency gas boilers will be installed, high efficiency under floor heating and lighting, features to reduce water usage and energy consumption in heating domestic hot water. All pipework will be insulated to reduce energy wastage. The proposal is therefore considered to make an overall positive contribution to a low

carbon future in accordance with chapter 10 of the NPPF and the Core Planning policies within the Local Plan.

### Trees

Whilst there is a hedge of conifer trees on the western boundary of the site which is to be retained, the remainder of the site is covered in hardstanding, therefore the Tree Officer is satisfied that the proposal will not necessitate the need for a tree protection condition. However since the proposed layout provides good opportunities for soft landscaping she recommends that this be controlled by condition. The proposal therefore complies with the requirements of chapter 11 of the NPPF and policy LL11 of the Local Plan.

### Highways

The proposed access provides adequate visibility splays and the intensity of the use of the site would result in fewer numbers of vehicular movements over and above the existing use of the site. Furthermore the access road is private and the site is far removed from the highway. The proposal therefore accords with the requirements of policies ST4 and ST6 of the Local Plan.

### Impact on visual amenity/ Design

Whilst the density of residential development surrounding the site is lower than the 12 dwelling per hectare achieved by the proposal site, this figure is still significantly below the minimum general numerical standard of 30 dwelling per hectare for the District. The height scale, layout and appearance of the dwellings is though similar to other approved developments within other parts of the Green Belt in the District. It is therefore considered acceptable. A condition is recommended to ensure that the proposed materials are of good quality in order to preserve the distinctive local character of the area in accordance with chapter 7 of the NPPF and policies H3A, DBE1, DBE4, DBE5 and DBE6 of the Local Plan.

### Ecology

A habitat survey was carried out by Tim Moya Associates and submitted as part of the applications. It included an assessment of the habitats found within the site and the likely impact of the proposed development on habitats of ecological value and protected and notable species. The results were the site contains suitable habitat for nesting birds only and the proposed development would not have impact on designated sites of ecological interest. It therefore recommended that conditions be attached to any permission which requires that the development is carried outside of the nesting bird season and that lighting is restricted to avoid impact on commuting birds. It is on this basis considered that the proposal will make adequate provision for the protection and suitable management of established habitats of local significance for wildlife in accordance with Chapter 11 of the NPPF and policy NC4 of the Local Plan.

### Flood risk

The development is of a size where it is necessary to avoid generating additional runoff and therefore the Council's Land Drainage engineer has requested a Flood Risk Assessment condition to improve existing surface water runoff and a condition requesting details of surface water drainage in accordance with policy U2B of the Local Plan.

### Land Contamination

The Contaminated Land team have raised concerns that there may be the potential for contaminants to be present on the site due to the previous use of the site as horticultural nurseries and commercial (warehouse and haulage) as well as the presence of made ground. They therefore recommend that conditions be attached to any permission to ensure that appropriate assessments are made and if necessary mitigation measures undertaken in accordance with paragraph 109 of the NPPF and RP4 of the Local Plan.

### Green Belt Balance / Conclusion

Paragraph 87 of the NPPF requires that inappropriate development is by definition harmful to the Green Belt. It is for this reason that it would need to be demonstrated that there are very special circumstances which would clearly outweigh the harm to the Green Belt as a result of inappropriateness of the development and all other harm.

Given that the site is Previously Developed land, includes existing permanent structures within it, then the principle of some residential on the site is acceptable.

There are other benefits. The proposal will also result in the cessation of heavy goods vehicles potentially using the site on a 24 hour and 7 day basis; the removal of existing 'temporary' buildings on the site, the removal of the unsightly brick and building materials stored on the site; the provision of trees on all boundaries of the site (apart from the access road section of the site) together with the enlarged areas of soft landscaping and the development being built to a high standard of energy efficiency ensure that there is enough very special circumstances to clearly outweigh the limited harm to aims and purposes of the Green Belt as a result of the additional volume and solidity that will be created.

Furthermore, the proposal would also help contribute to the supply of housing within the District.

The proposal is therefore considered to achieve the principles of sustainable development as laid out in the NPPF and Local Plan and very special circumstances are apparent to outweigh in principle green belt harm. As such it is recommended for conditional approval.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

***Planning Application Case Officer: Sukhi Dhadwar***

***Direct Line Telephone Number: .....Redacted.....***

***or if no direct contact can be made please email:***

***[contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

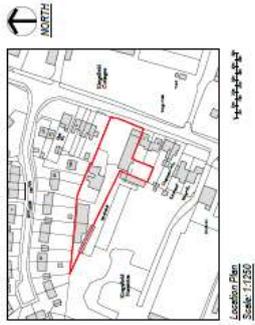
**MEDUSA DESIGN LAYOUT DRAWING FOR THE FARM TYRES AND FORMER HEADLANDS SITE. (NOT TO SCALE).**



**FEBILITY TWO**

**Medusa Design**  
 10/100 WILSON ROAD, WILSON  
 WILSON, VIC 3179  
 TEL: 03 9594 1111  
 WWW.MEDUSADesign.COM.AU

Project Name	Proposed Site Plan And Location Plan
Client	1555 BULLOCK ROAD, WILSON
Date	15/09/2022
Sheet	A



EXTRACT FROM THE TECHNICAL ANNEXE TO THE GREEN BELT REVIEW – SEWARDSTONE.

EXTRACT TECHNICAL ANNEXE

Settlement: **Sewardstone** Settlement Type: **Hamlet**

**Stage 1 Assessment**

Parcel DSR 059 - Sewardstone

Parcel Size (Ha) - 332.26

**Summary of Assessment - Parcel's Contribution to the Purposes of Green Belt**

1st Green Belt Purpose	Strong	5
2nd Green Belt Purpose	No Contribution	0
3rd Green Belt Purpose	Moderate	3
4th Green Belt Purpose	No Contribution	0
<b>Total</b>		<b>8</b>

**1. Check the unrestricted sprawl of large built-up areas** **Strong - 5**

1) The parcel adjoins the built up areas of London, LB Enfield to the west and LB Waltham Forest to the south at Chingford.  
 2) The parcel contributes, as part of a wider network of parcels (adjoining DSR-060 and DSR-058), acting as a strategic barrier against the sprawl of Cheshunt and London (Chingford).  
 3) Eastward sprawl from London in the south of the parcel is well contained by King George Reservoir as well as the River Lea. However the northern section of the parcel has fewer defensible boundaries even with the River Lea and Sunpowder Park. The development around Meridian Way is example where development has already breached M25 and River Lea barriers.

**2. Prevent neighbouring towns from merging into one another** **No Contribution - 0**

4) The parcel does not itself provide, or form part of a gap between towns.  
 5) See Question 4 above.  
 6) See Question 4 above.  
 7) See Question 4 above.  
 8) See Question 4 above.  
 9) See Question 4 above.  
 10) See Question 4 above.

**3. Assist in safeguarding the countryside from encroachment** **Moderate - 3**

1) A significant amount of the land is in use for commercial nurseries (horticultural purposes considered as agricultural use for the purposes of this assessment). Arable farmland to west of A112. To the west of the A112 and north of Hawes Lane. The Lee Valley county park is an important recreational and ecological resource, accounting for a significant area of the parcel mostly to the west of the A112. Well used footpath follows line of River Lea north-south across the site - Lee Valley itself includes a dense network of footpaths. The parcel also includes the Lee Valley Campsite, riding school, fishing lakes and activity centre, and numerous local transport routes.  
 2) The topography of the parcel is characterised by the western valley of Lea River and is relatively level, with a slight slope. The topography in the area does not prevent encroachment of development. Therefore, the Green Belt designation safeguards the countryside from encroachment.  
 3) The parcel has been encroached by approx. 10.85% (35.47 hectares) at Meridian Way at the northern end of the parcel and at Gillwell Hill at the southern end of the parcel.

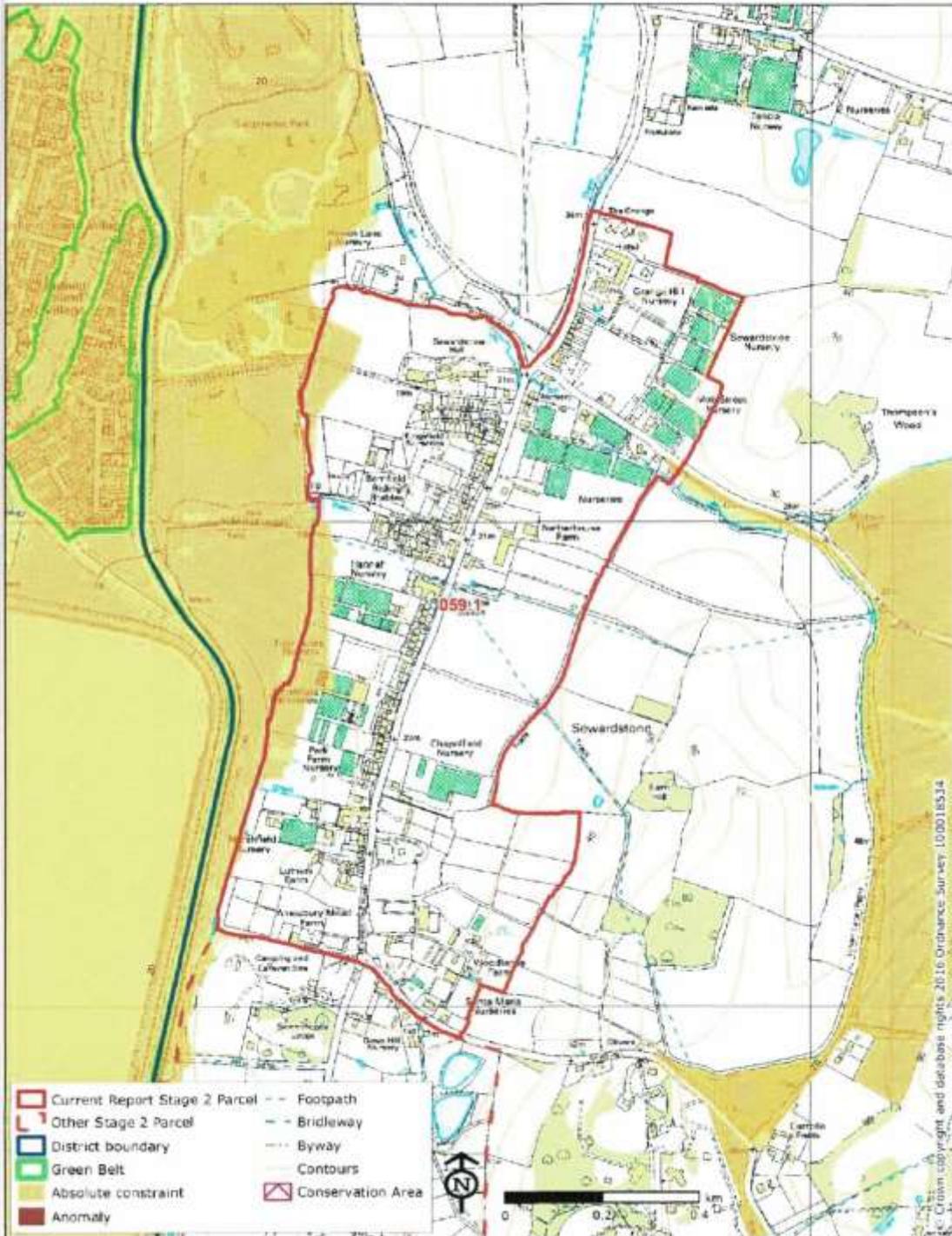
**4. To preserve the special character of historic towns** **No Contribution - 0**

14) The parcel adjoins the southern boundary of the historic town Waltham Abbey.  
 15) New residential development and the large Sainsbury's warehouse and the M25 provide the significant barrier between the historic town proper and the parcel (although development at Meridian Way is considered functionally part of Waltham Abbey). Given the weak relationship between the parcel and the historic core of Waltham Abbey, development within the parcel would have a negligible impact on its historic significance.  
 16) See Q15 - negligible impact on its historic significance of Waltham Abbey.  
 17) See Q15 - negligible impact on its historic significance of Waltham Abbey.

Settlement: **Sewardstone**

Settlement Type: **Hamlet**

**Stage 2 Assessment**



LUC - January 2015

Settlement: **Sewardstone**Settlement Type: **Hamlet****Stage 2 Assessment**

Parcel 059.1

Parcel Size (Ha) - 93.61

**Summary of Assessment - Parcel's Contribution to the Purposes of Green Belt**

<b>1st Green Belt Purpose</b>	<b>Strong</b>
<b>2nd Green Belt Purpose</b>	<b>Moderate</b>
<b>3rd Green Belt Purpose</b>	<b>Moderate</b>
<b>4th Green Belt Purpose</b>	<b>No Contribution</b>
<b>5th Green Belt Purpose</b>	<b>Not Assessed</b>

**Summary of Assessment**Resultant harm to the Green Belt purposes if parcel released from the Green Belt: **Very High****Purpose 1. Check the unrestricted sprawl of large built-up areas****Strong**

(Large built-up areas are: London, Harlow, Cheshunt and Hoddeston)

The parcel adjoins the large built-up area of London (LB Enfield immediately to the west of the parcel and LB Waltham Forest to the south - from which the parcel is separated from the borough boundary by the adjacent parcel 059.2). King George's Reservoir to the south west of the parcel prevents the eastward sprawl of Enfield to the south west but the parcel plays an important role in checking the perception of sprawl from Enfield to the north west as development is in relatively close proximity (within 0.5km).

**Purpose 2. Prevent neighbouring towns from merging****Moderate**

(Towns are: London, Harlow, Cheshunt, Hoddeston, Epping, Waltham Abbey, Loughton / Debden, Chigwell, Buckhurst Hill, Chipping Ongar, North Weald Bassett, Theydon Bois, Roydon and Lower Nazeing)

The parcel does not form part of a gap between towns within Epping Forest. However, it does form part of a gap between Waltham Abbey and London. The gap is approximately 3.3 km, and the parcel lies within the gap, close to the northern edge of London (Waltham Forest) (separated by parcel 059.2). If strategic development were to occur within the parcel, this would be likely to lead to a reduction in the physical and perceptual sense of separation between the towns. It may also alter the sense of identity of Waltham Abbey and the settlement of Sewardstone.

Stage One parcel DSR-059 was given a lower rating because London was not considered as a town in the Stage One assessment.

**Purpose 3. Assist in safeguarding the countryside from encroachment****Moderate**

There is existing development within the parcel, consisting of housing along Sewardstone Road, farms and glasshouses. Some elements bring more urbanising characteristics (such as the character of some dwellings and the petrol station in the south of the parcel). However, on the whole, the sense of the surrounding countryside prevails, due to constant views to the landscape to the east (including to the higher ground) and west - these views are possible owing to the single-depth linear arrangement of development along the road. The outer parcel boundary is relatively weak, along hedgerows, meaning that further development may be perceived as encroachment.

**Purpose 4. To preserve the setting and special character of historic towns****No Contribution**

(Historic towns are: Chipping Ongar, Waltham Abbey, Epping and Sawdington)

The parcel is approximately 1.5km from the historic town of Waltham Abbey. It is not considered to be important to the setting or special character of the town.

**Purpose 5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land****Not Assessed**

Not assessed at individual parcel level, as explained in Methodology section of report.

**Consideration of alternative parcel boundaries**

No reasonable alternative boundaries which would significantly alter the assessment have been identified.

**Potential anomalies identified for consideration by EFDC**

None identified.

Settlement: **Sewardstone**

Settlement Type: **Hamlet**

**Description of broad locations for further assessment**

The Green Belt land within the defined buffer by Hawes Lane and Sewardstone Road to the north, tracks to the east and absolute constraints to the south and to the west. The identified area is extended to join Gilwell Hill and the District boundary to the south, to ensure a continuous assessment of the land between settlements.

<b>Parcel</b>	<b>Features used to define parcel</b>
059.1	The parcel is drawn around the settlement of Sewardstone, following defined field boundaries to the north and east. The southern boundary is strongly defined by Mill Lane and Daws Hill, the western boundary by woodland and field boundaries.
059.2	The parcel is drawn around the settlement of Sewardstone, following defined field boundaries. The northern boundary is strongly defined by Mill Lane and Daws Hill, the western boundary by King George's Reservoir and the southern boundary by the district boundary with LB Waltham Forest and development within Gilwell Hill.

<b>Parcel</b>	<b>Potential anomalies</b>
059.1	None identified.
059.2	The developed area at Gilwell Hill is of a density and pattern as such that it is related to the settlement rather than the countryside. The lack of openness means that it is considered to perform weakly against the Green Belt Purposes and therefore this should be considered as a potential anomaly.