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Your ref:



Governance Directorate

Civic Offices
High Street
Epping
Essex CM16 4BZ

Director of Governance
Colleen O'Boyle
Solicitor to the Council

Telephone: 01992 564228
DX: 40409 Epping

[REDACTED]
Lee Valley Regional Park Authority
Myddelton House
Bulls Cross
Enfield
EN2 9HG

email: gcourtney@eppingforestdc.gov.uk

Dear [REDACTED],

Proposal: Redevelopment of both sites for residential purposes
Site: Langley and Mile Nurseries, Crooked Mile, Waltham Abbey

Following the submission of the information received on 26th January 2017 and our meeting on 18th April 2017 I can set out the issues and considerations that are relevant to the proposal as follows:

Green Belt:

The proposed development would entail the demolition and clearance of both of the former nursery sites and the erection of an as yet unknown number of residential dwellings. Whilst formerly nurseries both of these sites are now used for commercial purposes and benefit from either planning consents or have become lawful over time. The current uses on the two sites include B1/B2 industrial uses and B8 storage.

The covering letter submitted within the pre-application largely refers to the site allocations in the Draft Local Plan and discusses why the two sites should have been included within these allocations. Such matters are not dealt with by way of a pre-application submission and therefore this matter will not be covered within this response, however I can confirm that the information submitted has been forwarded on to the Forward Planning Team and the site will be reassessed for possible inclusion as an allocated site within the Emerging Local Plan.

With regards to any possible redevelopment on the site based on the current Local Plan policies, the National Planning Policy Framework states that the erection of new buildings within the Green Belt constitutes inappropriate development, however provides a number of exceptions to this. The list of exceptions includes *"limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), 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 purpose of including land within it than the existing development"*.

Given the current uses of the sites these would clearly constitute previously developed land as defined within Annex 2 of the National Planning Policy Framework. Therefore the key

consideration with regards to this exception is whether the proposed development would *"have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development"*.

Whilst 'impact on the Green Belt' would cover many factors, including activity and type of use, one of the key considerations is regarding the level of built development on a site. Since no details have been submitted at this stage as to the number of properties (with the exception of the statement that *"depending on the preferred density they could be developed at 45dpha resulting in 73 units"*) or scale of the redevelopment the likely impact cannot be determined at this stage. Nonetheless, provided any redevelopment on the site does not have a 'greater impact' on the openness of the Green Belt then the proposal would likely constitute an appropriate development within this location.

Housing Supply:

As you are aware the Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development, however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. It is accepted that the lack of a demonstrable five year supply of housing weighs in favour of granting planning permission for any new housing developments within the District, this would not in itself outweigh any greater harm to openness in the Green Belt so could not in itself justify inappropriate development on the site.

Sustainability:

The sites are located on the edge of the built up town of Waltham Abbey and would be within walking distance of the designated town centre. Whilst Waltham Abbey is not one of the more sustainable towns within the district it is large enough to cater for additional residential development on a scale likely to be proposed within this redevelopment.

Affordable Housing:

Based on even the roughly estimated figures it is certain that any proposal would meet the affordable housing threshold. Therefore, as laid out within Local Plan Policy H7A, 40% of the proposed development would need to be provided as affordable housing.

The Council would expect to see the proposed property mix of the affordable housing reflect the mix of the market housing, in terms of the ratio of 1, 2 and 3 bedroom properties. It should be noted that properties larger than 3 bedrooms are not required for affordable housing, and therefore should not be included within the mix for either the affordable housing or the market housing.

It should be noted that, in accordance with the Council's Shared Ownership Policy, at least 70% of the affordable housing would be required as affordable rented housing, and no more than 30% should be provided as shared ownership

With regard to the inclusion of any shared ownership, this can be provided together with either the market housing or the rented housing - depending on the approach taken for the market housing, and the effect the location of the shared ownership has on their values and, therefore, the amount the housing association is able to offer the applicant for the shared ownership properties.

The Council would want to see the affordable housing provided by (i.e. sold by the developer to) one of the Council's Preferred Housing Association Partners. These are:

- B3Living
- East Thames Housing Group

- Hastoe Housing Association
- Moat Housing Group

You may want to contact one or more of the above to discuss potential sale prices for the affordable housing if the development was to receive planning permission, which may assist with the development appraisal. However the landowner should note that the purchase price, even if agreed through a competitive process amongst the Preferred Housing Association Partners, would be much lower than open market value, and would reflect the fact that the price that a housing association could pay would be the net present value (NPV) of the affordable housing based, very simply, on the difference between the income it would receive from (subsidised) rents over a period of time (and any grant) and the costs of purchase, management and maintenance, loan interest payments and other costs over the same period of time. It should also be noted, though, that the service charges would not expect to be subsidised in any way.

The above would need to be agreed by way of a Section 106 Agreement and should be laid out within a Draft Heads of Terms and submitted with the planning application. Should you consider that affordable housing cannot be accommodated on-site or that 40% would be unviable then you would need to submit a fully costed appraisal of how much you assess the off-site contribution/level of affordable housing to be, using the standard valuation method. The Council would then appoint a consultant to validate the proposed amount and you would need to meet the cost of this external assessment. Alternatively if you do not wish to undertake your own assessment then we can appoint a consultant to assess the viability of the scheme on your behalf, again at your cost, and we can then pass the appraisal on to you showing the required amount. I understand this can be done at pre-submission stage should you so wish.

Landscaping:

It appears that the boundary of the site consists of trees/vegetation and there is an east-west line of trees/vegetation between Langley and Mile Nurseries. We would wish these to be retained where the trees/vegetation are in an acceptable condition.

At Planning Application stage (irrespective of whether it is a 'full' or 'householder' application) the feasibility of the proposal in relation to trees needs to be demonstrated. Lack of the necessary information is grounds for refusal. The following tree related information should be submitted –

- Arboricultural Impact Assessment to include - full tree survey and tree retention / removal plan.
- Evaluation of tree constraints.
- Retained trees and Root Protection Areas (RPAs) to be shown on proposed layout plans.
- Strategic hard and soft landscape design, including species and location of new tree planting.
- Arboricultural method statement to demonstrate feasibility, without causing harm to the tree, particularly when construction is said to be necessary within the RPAs
- Tree protection plan.
- Additional information e.g. a daylight / sunlight assessment, may also be required depending on the site conditions, retained trees and development proposal.

The default position is that structures (i.e. building, road, driveway, path, wall or service run) are located outside the Root Protection Area (RPA) of trees shown to be retained. Where there is an overriding justification for construction within the RPA, technical solutions to prevent damage may be explored, subject to additional provision elsewhere and other mitigation measures (e.g. to improve soil conditions). No construction, including the installation of hard surfacing should be allowed within the RPA of any veteran tree.

All of the above should take into account the trees outside the site boundary and be produced in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations

Flood risk:

Whilst the application sites are located within an Environment Agency Flood Zone 1 they do extend to greater than 1 hectare in area and as such a Flood Risk Assessment would be required for any proposed scheme in accordance with the National Planning Policy Framework. This would be assessed by both the Environment Agency and the Council's Land Drainage team.

It is recommended that the Flood Risk Assessment should include a detailed surface water drainage strategy. The drainage strategy must incorporate SuDS in to the scheme and must apply the principles as set out in The SuDS Manual 2015, published by CIRIA, and Essex County Council's SuDS Design Guide. The underlying geology is predominantly clay and therefore infiltration drainage may not be fully suitable for the site. Suitability can be determined by undertaking a percolation test in accordance with BRE365.

Other matters:

Contamination:

Given the former and existing uses on the sites, and since residential use is a sensitive end user, contaminated land investigations are likely to be required in association with the development. Whilst a Phase 1 report should be submitted with any proposed planning application this matter can be dealt with by way of conditions.

Refuse:

It should be noted that the Council carries out a front boundary refuse collection service from the point within the property closest to the public highway. Should a private access road be built, Waste Contractors will require written permission from the land owner to enter on to it with refuse collection vehicles. The width of roadway required to accommodate a refuse collection vehicle is 4.5 metres. Any opening from the highway should take account of this. The roadway should be of a suitable standard to withstand regular use by a refuse collection vehicle, the fully loaded weight of which could be some 32 tonnes. Should the roadway not be of a suitable standard, there is a possibility of it being damaged during refuse collections. Under those circumstances, this authority would not accept liability for any damage.

The dimensions of refuse collection vehicles are between - length 9895 – 12000mm, width 2530 – 3000mm, height 3500mm and front ground clearance 280mm. Road dimensions should take this into account including areas where parked vehicles may affect access. In addition where refuse collection vehicle need to be able to be turned, the following requirements should be provided for - approach angle 15.5°, departure angle 16° and turning circle 19.5m.

Each property will require space to store and space at the boundary, to present for collection 1 x 180 litre refuse container, 1 x 180 litre food and garden container, 1 x 55 litre glass box and space for storage of recycling sacks. It is recommended that the refuse requirements are designed into any residential scheme from the outset.

Financial Contributions:

Alongside the required affordable housing provision there may be a requirement for financial contributions to be made towards Education and Health Care, however the need for these and amount required would be based on the scale of any proposed scheme and therefore the necessity of these contributions cannot be adequately assessed at this stage.

Ecology:

Given the location of the sites and the proximity to the adjacent parkland/waterways a Phase 1 Habitat Survey would be required for any subsequent application.

Conclusion:

In light of the above, the principle of the proposed development is likely to be considered acceptable as it would constitute the redevelopment of previously development land, however this would be on the proviso that any redevelopment would not result in a greater impact on the openness of the Green Belt. Any final design and layout of the proposal would need to be fully assessed (either at full planning application stage or as part of a Reserved Matters application) and all adequate space standards and parking provision would need to be met. Adequate levels of affordable housing would need to be provided on site, or justification submitted as to why this is not viable.

Should you wish to submit an application to redevelop these sites, in accordance with the Validation Checklist, we would expect the following documentation to be provided (for full details please visit www.eppingforestdc.gov.uk):

- Planning Statement;
- Flood Risk Assessment;
- Phase 1 Habitat Survey;
- Parking Provision Analysis;
- Arboricultural Impact Assessment;
- Evaluation of tree constraints;
- Suitable arboricultural plans, including a Tree Protection Plan;
- Arboricultural method statement;
- Draft Heads of Terms or viability assessment regarding affordable housing provision; and
- Indicative landscaping scheme (recommended)

Other documentation and/or plans may be helpful upon submission, such as a Phase 1 Land Contamination Assessment, but may not be required to register the application. Furthermore, additional documentation may be considered necessary at validation stage depending on the final details of the application received.

Should planning permission be granted for the proposal, please be aware that our colleagues in Building Control currently provide free pre-application advice for Building Regulations applications. Please contact Building Control on 01992 564141 to speak to one of our surveyors regarding this matter.

I hope the above comments are of assistance, however please note that these views are purely Officer opinion and are given without prejudice to the final decision of the Council on any planning application received, particularly as no consultation has been carried out with the Town Council or residents living within close proximity of the site. If you wish to discuss any further schemes, and an additional meeting is requested or further research is needed, we usually charge at a rate of £80 per hour. Please contact me should you need to discuss these matters further.

Yours sincerely

Graham Courtney
Senior Planning Officer