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**EPPING FOREST LOCAL PLAN**

**EXAMINATION HEARING STATEMENT**

**MATTER 15 ISSUE 2**

**Policy P10 NAZEING**

**on behalf of**

**J & W FENCING LTD**

**ID 19 LAD 0028/31/36/76**

April 2019

## 1.0 Context

- 1.1 I have participated in the plan making process on behalf of J & W Fencing Ltd (Local Plan ID 19 LAD 0028/31/36/76) in relation to their land at Peck's Hill, Nazeing, EN9 2NY (site SR-0150) throughout all stages of public involvement in the process. Initially this was by responding to the Call for Sites in 2008 and to Issues and Options in 2012. I submitted representations in autumn 2016 in response to Regulation 18 consultation supporting the proposed housing allocation across the entirety of land owned by the company. It was thus very disappointing when the Pre-Submission Plan reduced the area of land allocated. Hence, objections were lodged in winter 2017/18 at the time of the Regulation 19 consultation.
- 1.2 The total site is approximately 1.5ha of which the allocated area accounts for 0.83ha leaving 0.67ha the subject of this submission. This includes some land which is also previously developed but which has been excluded from the allocated site. This is detailed in Section 3. Attached at [Appendix FC/01](#) is a location plan (ref F929-001) on which the allocated land is verged red and the remainder of the site blue.
- 1.3 I attended the hearing session which took place on 25<sup>th</sup> February 2019 into Matter 4 Issue 2 in respect of the Settlement Hierarchy and Issue 3 Distribution of Employment in the context of the Distribution of Housing, arguing that the quantum of allocated employment sites within and around the village (some 13.16ha, the third highest of any settlement within the District) warrants a higher housing allocation than the 122 units proposed, and also that the range of services available to Nazeing residents, combined with the population of the settlement, warrants re-classification as a Large Village.
- 1.4 I submitted an outline planning application (EPF/1067/18) in April 2018 seeking to establish the principle of erecting 33 houses across the site as originally allocated, and have lodged an appeal (APP/J1525/W/19/3223983) against the Council's refusal. In April 2019 the Council resolved to approve an outline application (EPF/3059/18) for 25 houses across the allocated area in accordance with policy P10 Site ref NAZE.R2 subject to completion of a Section 106 agreement. That application established that 11 of the 25 units will be brought forward as "Affordable Housing".
- 1.5 This submission responds to the Inspector's Q6 under P10 Nazeing concerning the effect of development of NAZE.R2 on the purposes of the Green Belt and the lack of a defensible boundary which relates to physical features. I seek once again to demonstrate that allocating all the site would not have a detrimental effect on the purposes of the Green Belt and that a defensible boundary can be provided by the established tree/hedge screen which marks the eastern boundary of the total site. Attached at [Appendix FC/02](#) is drawing F923-13 Rev G which supported the outline application for 33 houses across the total area, 14 units of which would be "Affordable". It was demonstrated as part of the outline applications that it is not possible to develop the allocated area with the Council's estimated capacity of 29 dwellings and achieve a scheme compatible with local context.

1.6 In addition to my argument that Nazeing warrants a larger housing allocation, the key points in support of this site are that:-

- Given the enclosed nature of the rear section, it could be developed as proposed without any harm to Green Belt purposes or detrimental impact on open countryside;
- In defining the allocated area the Council failed to include all of the “previously developed” part of the site; and
- Should it be decided that additional land is required, particularly to guarantee the first 5 years land supply, then this site represents an ideal opportunity to bring forward a further 8 dwellings (3 of which would be affordable) in the short term to help meet that need.

1.7 A separate statement submitted on behalf of the owners of nurseries to the west of North Street addresses the issue of whether regard has been had to previously developed nursery sites in the Green Belt before greenfield sites in accordance with SP2 (Reps 19 LAD 0027, 0028 and 0031) and what effect development of the NAZE.1, 3 and 4 would have on the purposes of the Green Belt.

## **2.0 Impact on the Green Belt of Allocating the Rear Part of the Site**

2.1 I addressed the issue of how development of the rear part of this site would not adversely impact on Green Belt purposes in Section 4 of my Regulation 19 Statement. This led to the conclusion that drawing a new inner Green Belt boundary along the northern and eastern edges of the whole site to follow natural features - a water course and a public footpath along the northern boundary and a water course and established tree/hedge line along the northern and eastern boundaries - would be in accordance with the policy requirement to define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

2.2 Whilst the eastern boundary of the site as allocated is coterminous with a high steel palisade security fence, this fence will be removed when the site is redeveloped, at which point the eastern boundary will be undefined. Condition no 19 of the report on which a resolution to approve was based requires details to be approved of “*a robust tree screen*” along the perimeter of the site which adjoins the Green Belt. However, it will be many years before a tree belt along this currently undefined boundary will have any effect in screening it.

2.3 Additionally, since the Submission Version of the Plan was published in December 2017, land to the immediate north of the Omission Site has been developed with glasshouses as part of the final phase of the massive Tomworld development. This has involved land raising in the order of 5m followed by the construction of glasshouses to a height of approximately 7m. The resulting change to the character and appearance of the land to the immediate north of the site is quite dramatic. Attached at [Appendix FC/03](#) is a photograph of the rear part of this land in the context of these glasshouses. The wider setting of the Omission Site, illustrating the extent of development to the north, is illustrated in the aerial view at [Appendix FC/04](#). This was taken prior to erection of the glasshouses but preparatory ground clearance is visible. In my opinion it demonstrates that

the Council's concern that including the rear part of the site would cause harm to openness in both a visual and spatial sense and result in encroachment into the countryside is unfounded in this new context.

### **3.0 Failure to Allocate all of the Previously Developed Land**

3.1 In preparing the planning application for the reduced area it was realised that the Council's line excludes a small corner of the existing yard covering 28 sq m and a larger area of 891 sq m directly behind 40 Pecks Hill, as illustrated on drawing JWF/03 Rev A attached at [Appendix FC/05](#). The smaller area is within the palisade fence and in active storage use. The larger area encompass the remains of buildings and structures left behind by the previous site occupiers who vacated about 30 years ago.

3.2 It is submitted that, at the very least, these areas should be added to the site allocation in accordance with Policy SP 2 Spatial Development Strategy which places previously developed land within the Green Belt in 5<sup>th</sup> position within the sequential approach used to allocate land.

### **4.0 Five Year Land Supply**

4.1 It will not be possible to enter into a Section 106 agreement in respect of the resolution to approve application EPF/3059-18 until it is known precisely what contribution is required to mitigate the impact of the development on the air quality of Epping Forest SAC. However, the owners intend putting the site to the market as soon as planning permission is issued supported by information relating to this submission to the EiP and the outstanding appeal. Were either to be successful any potential developer would be encouraged to submit a new application for the whole site similar in format to that refused as a matter of principle in October 2018. Thus, a contribution of about 33 dwellings (rather than the 25 now agreed) could be brought forward in the short term.

4.2 It is understood that concern has been expressed during the EiP that the large scale of many of the housing allocations makes it unlikely that much housing can be delivered within the first 5 years. Hence, extending a housing allocation across all of the J & W Fencing land, as proposed at the Regulation 18 stage, could make a contribution to addressing any short term deficit.

## **Appendices**

FC/01 Location plan F929-001

FC/02 F923-13 Rev G Illustrative Layout for 33 houses across total site

FC/03 Photograph of the rear part of the site and glasshouses to north

FC/04 Aerial view of the wider context of the site

FC/05 Drawing JWF/03 Rev A