

EPPING FOREST DISTRICT LOCAL PLAN

EXAMINATION HEARINGS

HOMEWORK NOTE 29

MATTER 15: PLACES AND SITES (POLICIES P 1 - P 15)

ISSUE 2: ARE THE PLAN'S POLICIES FOR THE SPECIFIC PLACES AND SITES WITHIN THE DISTRICT JUSTIFIED, EFFECTIVE AND CONSISTENT WITH NATIONAL POLICY; AND ARE THE SPECIFIC SITE ALLOCATIONS THEY INCLUDE JUSTIFIED AND DELIVERABLE?

HW29: P 7 CHIGWELL

**EXTENT OF SITE CHIG.R5 LAND AT CHIGWELL
NURSERIES**

1. The Council provides this note which concerns Matter 15, Issue 2 and the Inspector's request that the Council:
 - a. confirm the status of the land adjacent to site CHIG.R5 Land at Chigwell Nurseries which is supported by an annotated plan;
 - b. provide a copy of the correspondence from the Council to Strutt and Parker (acting on behalf of Scott Properties) regarding the status of the land adjacent to site CHIG.R5 and the implications for the Local Plan Submission Version; and
 - c. provide supplementary evidence to support the classification of site CHIG.R5 as functionally separate from the adjacent land at Chigwell Nurseries.


Status of land adjacent to site CHIG.R5 Land at Chigwell Nurseries

2. Following publication of the Report on Site Selection in March 2018, Strutt and Parker submitted representations to the Council stating that the conclusions reached in relation to land adjacent to site CHIG.R5 were erroneous (site reference SR-0586). Figure 1 identifies the extent of site SR-0586; the land outlined in blue comprises site CHIG.R5.
3. The primary issue raised in the representation to the Council was in respect of the extent of previously developed land (PDL) across the unallocated part of site SR-0586, specifically the land outlined in red in Figure 1 (overleaf). The site promoter considers that this land is PDL. The Council does not agree with this assessment. It considers that only a small part of this land comprises PDL; the rationale for this position is set out in Table 1 (overleaf).
4. For completeness, the Council and site promoter agree that:
 - a. The land proposed for allocation as site CHIG.R5 is PDL.
 - b. The land outlined in green is greenfield land.



Figure 1: Site Plan submitted by Strutt and Parker to the Council, November 2018



Table 1: 'Red' site assessment

| Map extract | Council Position |
|--|--|
| <p>Figure 2</p>  | <p>Car parking/ hardstanding (see yellow polygon in Figure 2)</p> <p>The Council and site promoter agree that the car parking/hardstanding is PDL.</p> <p>This is supported by the planning history for this land. Planning permission was granted in 1988 for the extension of the customer car park and widening of vehicular access¹. Based on observations on-site it is of a similar character to the car parking within site CHIG.R5 (identified as PDL).</p> <p>On this basis, the land is considered to fall within the definition of PDL set out in Annex 2 to the National Planning Policy Framework (NPPF) (2012) as "...associated fixed surface infrastructure" for the retail element of Chigwell Nurseries.</p> |

¹ Application reference number EPF/1001/88

| Map extract | Council Position |
|---|---|
| <p>Figure 3</p>  | <p>Agricultural dwelling (see blue polygon in Figure 3)</p> <p>The dwelling house on the western edge of this part of the site was granted planning permission on appeal with a specific condition attached, limiting its usage to agricultural workers associated with Chigwell Nurseries.</p> <p>No evidence has been presented by the site promoter to the Council which indicates that this condition has been removed. As such, the Council considers that this structure constitutes “<i>land that is or was last occupied by agricultural or forestry buildings</i>”. Based on the definition of PDL set out in Annex 2 to the NPPF (2012) this land should be not considered PDL.</p> |
| <p>Figure 4</p>  | <p>Sheds, glasshouses and poly tunnels (see pink polygon in Figure 4)</p> <p>This part of the site comprises a series of sheds, glasshouses and poly tunnels, as well as the remnants of (now removed) poly tunnels (specifically in the north-western corner).</p> <p>The Planning Statement accompanying a live planning application² which includes this land contends that the nursery has been importing the majority of goods sold on the site for “<i>the last 10 years</i>” and therefore these structures are being used for storage rather than agricultural purposes. Evidence has not been submitted to the Council to ascertain whether these structures have been in storage use and that the land has been used for storage purposes for this length of time.</p> <p>Therefore, based on the planning history for this land and in the absence of any other evidence to the contrary, the Council considers it remains agricultural land and therefore is not PDL. This conclusion is supported by the various planning permissions granted by the Council for agricultural structures in the early 2000s.</p> |

² EPF/3195/18: *Demolition and removal of existing dwelling, storage buildings, associated commercial structures and car park, and the erection of a 100 bedroom high-quality care home with associated access, vehicle parking, hard and soft landscaping, structural landscaping and site infrastructure.*

Correspondence from Mr David Coleman to Mr Richard Clews, December 2018

5. At the Matter 15 Hearing Session on 16 May 2019, the Council confirmed that it set out its position on the additional land in correspondence with the site promoter. A copy of this correspondence is attached as Appendix A.

Division of the Chigwell Nurseries site

6. In reaching its judgement on which part(s) of the land adjacent to site CHIG.R5 is PDL, the Council took into account:
 - a. the site areas promoted to the Council through the Call for Sites process; and
 - b. the configuration of the site.³
7. At the Matter 15 Hearing Session on 16 May 2019, the Council confirmed that different site areas were promoted for its consideration through the Local Plan process. This includes two sites⁴ which only include the blue parcel of land (refer to Figure 1) and land further west. The Council therefore only assessed the land that has been promoted to it, which it assumed represented workable propositions (otherwise it would not have been promoted separately for development).
8. In addition, there are physical characteristics which support the Council's view that site CHIG.R5 could come forward independently of the adjacent parcel of land. There is a lane which delineates the 'red' parcel of land to the east from site CHIG.R5 to the west ('blue' parcel of land). The Council considers this lane to clearly separate the two parcels of land, with the 'red' parcel retaining a notably open and agricultural feel compared with the retail use within the 'blue' parcel of land. This view has been confirmed through desk-based analysis of evidence and on-site observations.
9. It is also supported by the observations of the Council's Quality Review Panel on a 'live' planning application (reference EPF/3195/18⁵). This application covers the 'red' parcel of

³ A review of relevant appeals and case law indicated this can be a material consideration in coming to a judgement on whether land is PDL.

⁴ Assessed through the site selection process under site references SR-0478B and SR-0045-N.

⁵ See footnote 2 for details of the relevant planning application.

land. The Report of the Formal Review meeting (17 May 2019) comprises a number of observations including the following:

'While views to the site appear relatively contained, the panel feels it is still a fairly open site which plays a role in reducing the coalescence of surrounding development. It thinks the existing greenhouses within this setting have a different visual impact, compared with more solid and permanent forms of development such as the one proposed.'

10. This bolsters the Council's view that the majority of the 'red' parcel of land still retains a greenfield character and therefore is not suitable for allocation in the Local Plan Submission Version.

Conclusion

11. This note has summarised the Council's position that the majority of land adjacent to site CHIG.R5, defined as the 'red' parcel of land, does not constitute PDL. The Council acknowledges that the southern part of the land parcel comprises PDL due to the presence of car parking/hardstanding; however, on balance, the majority of the land parcel is greenfield.
12. A copy of the correspondence from the Council to Strutt and Parker (acting on behalf of Scott Properties) regarding the status of the land adjacent to site CHIG.R5 and the implications for the Local Plan Submission Version has been appended to this note. This confirms the view set out in paragraph 11 (above).
13. Supplementary evidence has also been included to support the classification of site CHIG.R5 ('blue' parcel of land) and the adjacent land (including the 'red' parcel of land) as functionally separate, due to the presence of a dividing lane and differing characters.

APPENDIX A

From: David Coleman
Sent: Wednesday, December 19, 2018 14:31
To: 'Richard Clews'
Subject: RE: FAO: Chigwell Site Statement of Common ground / Discussion for Local Plan

Dear Richard

Further to our correspondence below, I have now sought further advice in relation to the site (CHIG.R5), and its status in the emerging Local Plan. This has involved revisiting the earlier site assessment work undertaken to inform the site selection process in light of your most recent representations made to the Council, including the planning application submitted. I have also liaised with colleagues in development management who have provided pre-application advice to you in relation to your proposals, and we have further considered the current status (through primary and secondary observations) and planning history of the site.

The Council considers that part of the red site comprises Previously Developed Land. This includes the car parking / hard standing in the southern part.

Legally, the remainder of the land remains in agricultural use on the basis that there is no extant planning permission for retail, commercial or storage uses. Taking into account relevant appeals and case law, the configuration of the site is a relevant consideration. The lane which delineates the red site from the allocation site to the west clearly separates the two parts of the site. The red (eastern) site has a notably more open and agricultural feel compared with the retail use within the western part of the Chigwell Nursery site. Structures on the remainder of the site are considered to constitute 'land that is or was last occupied by agricultural or forestry buildings' which based on the NPPF should not be considered as Previously Developed Land. The remainder of the red site is therefore not considered to constitute Previously Developed Land based on the NPPF definition.

Applying the Site Selection Methodology utilised by Arup for the site selection process, the red site would not have proceeded for further testing, and would therefore not have been recommended for allocation in the Epping Forest District Local Plan. As a result, the Council will not be proposing a modification to the Submission Local Plan in relation to the extent of the proposed site allocation CHIG.R5.

I appreciate that this is not the outcome you were hoping for, but I trust that this now provides the final requested confirmation of EFDCs position in respect of the proposed site allocation.

Kind regards
David

David Coleman

Project Manager | Planning Policy | 01992 564517

HW29 EFDLP – CHIG.R5 – Chigwell Nurseries
June 2019

Epping Forest District Council | Civic Offices | 323 High Street | Epping | Essex | CM16
4BZ

Please note our reception opening times are now: 9:00am - 1:00pm

For further information regarding Planning please use the web links below:

[Planning our Future - the new Local Plan - Planning Policy](#)

[Development Control](#) - Development Planning Applications and Planning Enforcement

[Building Control](#) - Contaminated Land and Dangerous Structures

[Countrycare](#) - Epping Forest District Council's award winning Countryside Management Service.