

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
EPPING FOREST DISTRICT COUNCIL LOCAL PLAN EXAMINATION**

**STATEMENT OF THE LEE VALLEY REGIONAL PARK AUTHORITY IN RESPONSE TO
MATTER 5 – SITE SELECTION METHODOLOGY AND THE VIABILITY OF SITE
ALLOCATIONS**

**STEPHEN WILKINSON
BA (Hons), BPI, Dip LA, MBA, MRTPI**

BACKGROUND TO THE LEE VALLEY REGIONAL PARK AUTHORITY

1. The Lee Valley Regional Park Authority is a statutory authority created by the Lee Valley Regional Park Act 1966 (the Park Act). It has a statutory responsibility to either provide directly or work with partners to provide facilities for sport, recreation, leisure, entertainment and nature conservation throughout the Park. The Park lies in east London extending northwards from the River Thames to Ware in Hertfordshire and comprises 4,000ha of which 1,600ha are owned and managed by the Authority.
2. The Park includes a mosaic of award-winning facilities and open spaces, including three Olympic Legacy venues and a biodiversity resource of international, national and local importance, some of which is owned and managed by the Authority. The Park attracts approximately 7m visits each year.

THE AUTHORITY'S CASE

Issue 1: Have the Plan's housing allocations been chosen on the basis of a robust assessment?

3. It is understood that that for the purposes of this Examination in Public the National Planning Policy Framework 2012 (NPPF 2012) is applicable.
4. The Authority contends that housing allocations have not been made on the basis of a robust assessment. This is evidenced by the omission of the Authority's sites of Mile and Langley Nurseries from site allocations; these sites have particular qualities which make them better suited for housing than others included in the allocations in the draft Local Plan.
5. The geographical focus of this Statement is on the allocations for residential development around the settlement of Waltham Abbey. The Authority has promoted the two sites of Langley and Mile Nurseries for the purposes of housing allocation. Together these have a combined site area of 1.66 ha. Plans of the sites are included at **Appendix A**.
6. Insufficient weight has been given to these two sites with consideration being given to other sites which fulfil greenbelt criteria more effectively. In short a robust process should be consistent with national policy and be capable of justification. The omission of these two sites and the identification of others adjacent to this settlement means the process is not robust; the draft plan is not 'sound'.
7. The Authority's case rests on demonstrating that both the location and physical characteristics of its two sites define them as 'previously developed land' suitable for development despite their designation as Greenbelt. In this they fall within the 'exceptions' included in paragraph 89 of the NPPF 2012 as providing for 'limited infilling' or 'the complete redevelopment of previously developed land'. However, despite their suitability the conclusions derived from the desk top study and GIS work for Stage 3 arrived at the wrong conclusions. In contrast, the proposed site allocations included in the draft Local Plan for a north ward extension of Waltham Abbey include large 'open' areas of Green Belt land with incidental areas of 'previously developed land'.

Mile and Langley Nurseries – their suitability for site allocation

8. The Authority promoted Mile and Langley Nursery through the 'call for sites' process in January 2016. Both are in its ownership and are not fettered by covenants which could restrict their development. Each can be brought forward as one site in the early stages of the Plan Period; these points were clarified in papers submitted at that time but it appears not to have been fully considered in the process of site selection. Whilst both sites are designated as Green Belt they lie in a linear extension to the north of Waltham Abbey along the Crooked Mile (B194) within the envelope of the settlement with housing and a public house on the opposite side of the road. On the north of Mile Nursery and to the west are areas of the Regional Park which form part of the River Lee Country Park. This is an extensive area of land within the ownership of the Authority. To the south is residential development comprising short terraces of 2 and 3 storeys.
9. Both former nursery sites have a history of commercial use, having until 30 years ago or so been used as commercial glasshouses and then since that time having been used for open storage and commercial uses. All of the original glasshouse structures have been demolished. The Authority's records are unclear on the exact dates when the changes in use actually occurred. There is only one permission granted on the site of Langley for the wholesale of plants grown in other nurseries in the locality. There is a current outstanding application, 'pending decision', for use as a depot required to regularise the current occupation by a grounds maintenance contract, Glendale. It is understood, however, that they will shortly move to new premises within the vicinity. In contrast, Mile Nursery has several different occupiers and includes a series of temporary structures. There are recent permissions granted in 2010 and 2014 for use of land for commercial purposes. These are identified in the submitted pro-forma at **Appendix B**.
10. Either through the implementation of these permissions or through the passage of time both sites have now lawful use for commercial/storage uses falling within Class B1/B2 of the Town and Country Planning (Use Classes Order 1987 as amended). Their use is acknowledged in the Council's Pre application advice dated 11th May 2017 (**Appendix C**). Whilst lying within the Green Belt both sites are clearly previously developed land. They exhibit features common to 'previously developed land' characterised by temporary structures accommodating storage and offices and open storage. It is understood that for 'safety reasons' two large and redundant glasshouses and other structures at Langley Nursery were demolished as recently as 2016, the remains of which are evident. **Appendix D** includes an aerial photograph of the sites showing the extent of development at that time. Both sites were declared as 'surplus' for 'Park Requirements' by the Authority in 2017. Recent photographs of the sites are included at **Appendix E**.

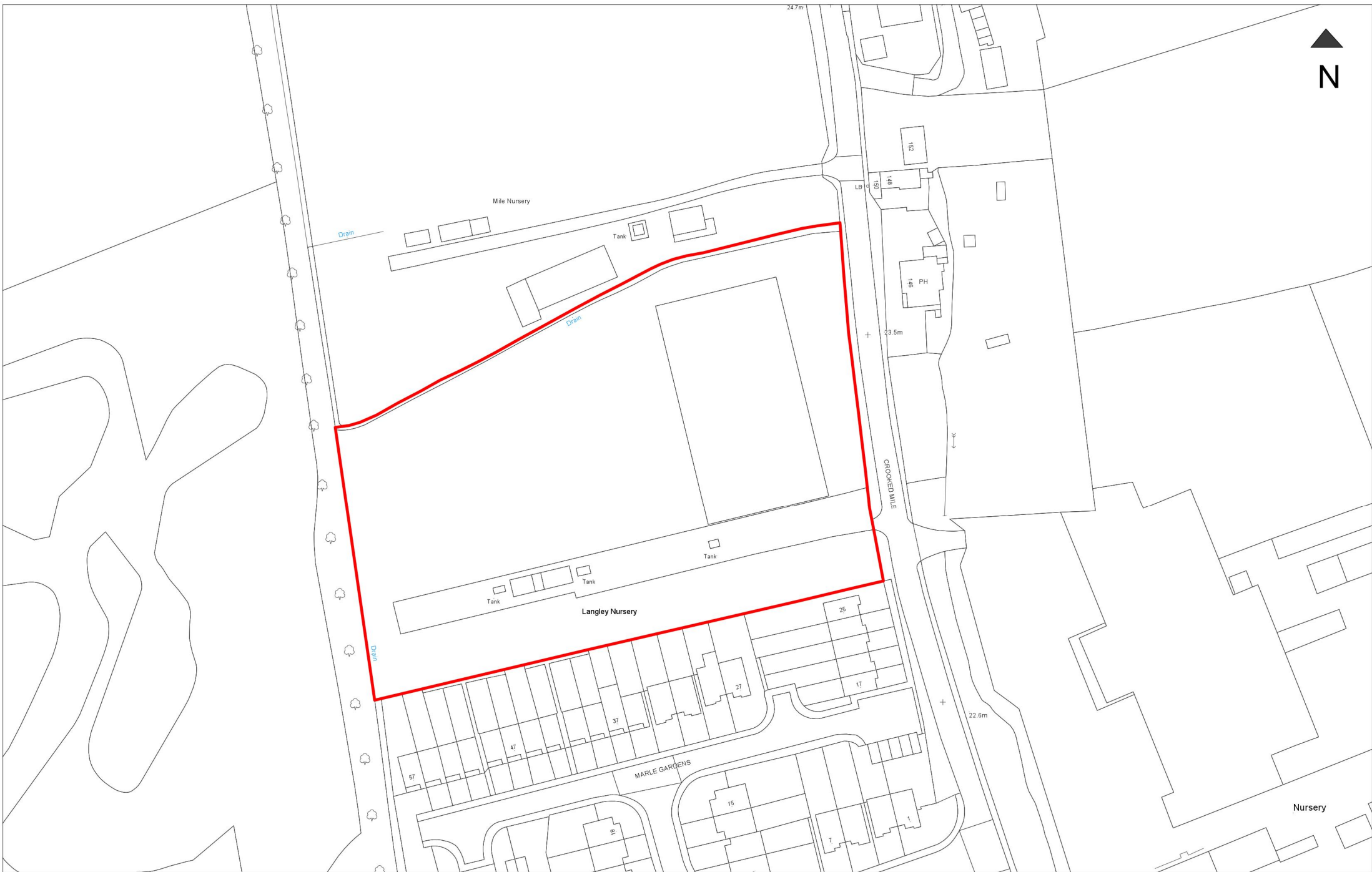
Site Selection process

11. The site allocation process adopted by the Council is not robust. Whilst it would appear that the Council's approach was determined by a strict adherence to a logical process it has resulted in anomalies, which undermine the outcome required in paragraph 152 of the NPPF 2012 which seeks achievement of 'sustainable development'. Paragraph 2.48 of the Report on Site Selection (**EB805**) summarises the process for determining whether sites accord with the Local Plan Strategy. This acknowledges that sites 'located entirely within a less suitable strategic option will not be progressed to Stage 6.2' but that 'judgements' will be made. It is the application of these judgements which has undermined the process of site selection.
12. It would seem that this process of site allocations commenced in 2015 when the Council commissioned a Settlement Hierarchy Study which together with the Green Belt Assessment (LUC 2016) and the Settlement Edge Landscape Sensitivity Study (CBA 2010) informed the location of the strategic growth options and in turn the allocation of individual sites. These studies informed a series of decisions which as part of Stage 3 of the Assessment.
13. This process dismissed at that time the potential for a North West (NW) expansion of Waltham Abbey on grounds which include; Green Belt, landscape sensitivity and harm to the setting of the Lee Valley Regional Park and location within flood zones 2 and 3.(paragraph 2.50 – **EB805**). It would appear that this extension did at one time form part of the Northern Expansion option. The North West extension would have included the Mile and Langley Nurseries. Of the above criteria cited for removing the NW extension from further consideration only Green Belt designation and location within the Regional Park apply to Mile and Langley.
14. The schedules which accompanied the Regulation 18 draft plan cite that other sites were preferable within the hierarchy. To secure the necessary land allocations in line with the strategic options for Waltham Abbey designed to meet the draft Plan's housing targets the Council has pursued an expansion of the settlement to the north, on land between the Crooked Mile, Galley Hill and to the south a road, Parklands.
15. This area, identified in SR 0089A and 0099 represent a broad sweep of countryside which apart from limited areas of former nursery is open and still farmed for agricultural/arable purposes. Furthermore, the land's open qualities are magnified given its elevation and prominence in relation to the surrounding countryside and the settlement of Waltham Abbey. Irrespective of the consultant's study in 2016 this area fulfils the requirements of land designated as greenbelt land defined by the NPPF 2012 much better than Langley and Mile Nurseries.
16. Whilst it is acknowledged that together these sites represent a significant amount of land for new housing the extent of land take of quality green belt land could have been reduced if consideration had been given to the Mile and Langley sites. It is instructive to refer to schedule **EB805L** which identifies that site SR-0089A was initially dismissed but only proceeded following the Technical Assessment testing in 2017. It would seem that despite its shortcomings it could only proceed as it would be linked to site SR-0099 to create a substantial extension to the existing settlement.

17. The completed pro-formas included in the Site Suitability Assessment for both Mile and Langley (SR-0901/02, please refer to **Appendix F**) include a broad range of criteria to inform the selection of sites. Against the majority of these the two sites score positively or are neutral apart from three criteria. These include 1.5 where the 'score' and the 'assessment' seem to contradict, 2.1 which identifies that the 'level of harm caused by release of the land (*from the green belt*) would be high or very high. Furthermore, the assessment (4.1) identifies that the '*majority of the site is greenfield land adjacent to a settlement*'. These statements are incorrect and further undermine the rationale underpinning the site selection process. Both have considerable potential for residential development. and this is borne out by the 'conclusions contained in the Council's response to the Pre application advice dated 11th May 2017 which states that '*..the principle of the proposed development is likely to be considered acceptable as it would constitute the redevelopment of previously developed land.....*'.
18. In conclusion, it is considered that the sites of Mile and Langley Nurseries were dismissed for housing at Stage 3 on the basis of inadequate and incorrect information and that other sites which had failed at the same stage seem to have been included despite their '*Green Belt*' qualities. The comments included in the Appendix B1.1 of the 'Overview of Assessment of Residential Sites' are insufficient in providing adequate explanation for these decisions. I consider that the site selection process was not robust and that the sites of both Mile and Langley Nurseries should be allocated for residential development.

Appendices

A - Site Plans of Mile and Langley
B - Call for Sites - submitted pro-formas
C – Council's Pre application advice 11 th May 2017
D – Aerial photograph 2016
E – Site photographs January 2019
F – Site Suitability Assessment SR0901/02







Call for Sites Submission Form

Epping Forest District Council is accepting further sites as part of the Issues & Options 'Community Choices' process. If you want to promote a site or sites for potential development then please complete and return this form. You will receive an acknowledgement of your submission. Please retain this for your records.

All submissions must be accompanied by an ordnance survey 1:1250 map clearly showing the boundaries of the site outlined in red.

All submissions are made on a without prejudice basis. It must be stressed that in seeking available sites the Council is making no commitment in respect of which sites may be selected to be taken forward into the new plan.

Please complete a separate form for each site, to the best of your knowledge and return to:

LDFConsult@eppingforestdc.gov.uk or

Forward Planning
Epping Forest District Council
Civic Offices, High Street
Epping
Essex CM16 4BZ

Do submit sites that:

- are likely to become available for development in the next 15 years.
- Could accommodate 5 or more dwellings or are greater than 0.5 hectare in size (except gypsy/travellers sites).
- Could be suitable for employment uses

Do not submit sites that:

- Already have planning permission unless a different form of development is proposed.
- Are entirely outside the district boundary

(1) Your Details	
Name	S. Wilkinson
Company (if relevant)	Lee Valley Regional Park Authority
Address	Mydelton House Bulls Cross
Postcode	EN2 9HG
Telephone	01992 709 828
E-mail	
I am (please tick all those that apply)	<div> <div>A Landowner</div> <div><input checked="" type="checkbox"/></div> <div>A Land Agent</div> <div><input type="checkbox"/></div> </div> <div> <div>A Planning Consultant</div> <div><input type="checkbox"/></div> <div>A Developer</div> <div><input type="checkbox"/></div> </div> <div> <div>A Registered Social Landlord</div> <div><input type="checkbox"/></div> <div>Other (specify)</div> <div><input type="checkbox"/></div> </div>

(2) Site Details	
Site Address	Langley Nursery Crooked Mile Waltham Abbey
Site area (hectares)	1.2ha
Grid reference Easting	TL 38396
Grid reference Northing	01384
Current Use(s)	Storage
Relevant Planning History (if known)	From your planning register the site has a planning history linked to the wider Wake estate and is not distinguished from Mile Nursery. However, in 2000 permission was granted for a change of use from nursery to mixed use involving limited retail involving sale of plants imported from other nurseries on this site (EPF/1009/00 001609). This use was implemented and used for several years in this way after which it ceased. However the site is now used for open storage in connection with the Authority's grounds maintenance contractor, Glendale.

(3) Proposed Future Uses(s)		Proposed Number of units or floorspace or pitches (for gypsy sites)
Use		
Residential	<input checked="" type="checkbox"/>	
Affordable Housing	<input type="checkbox"/>	
Employment (please specify)	<input type="checkbox"/>	
Retail (please specify)	<input type="checkbox"/>	
Gypsy/Travellers Site	<input type="checkbox"/>	
Utility (please specify)	<input type="checkbox"/>	
Community Facility (please specify)	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	

(4) Market Interest	
Please choose the most appropriate category below to indicate what level of market interest there is in the site.	
	Comments
Site is owned by a developer <input type="checkbox"/>	
Site is under option to a developer <input type="checkbox"/>	
Enquiries received <input type="checkbox"/>	
Site is being marketed <input type="checkbox"/>	
Non <input checked="" type="checkbox"/>	The site has not been marketed
Not known <input type="checkbox"/>	

(5) Utilities	
Please tell us which of the following utilities the site has access to (note: the Council's own information systems will determine policy constraints such as flood risk, green belt etc.)	
(i) Mains Water Supply	<input checked="" type="checkbox"/>
(ii) Mains Sewerage	<input checked="" type="checkbox"/>
(iii) Electricity Supply	<input checked="" type="checkbox"/>
(iv) Gas Supply	<input type="checkbox"/>
(v) Highways	<input checked="" type="checkbox"/>
(vi) Public Transport	<input checked="" type="checkbox"/>

(6) Factors affecting site availability	
	Yes/No
Are there any ransom strips?	No
Does the site have covenants?	No
Does the site require relocation of the current use?	No
Are there any physical constraints (e.g. topography/trees/other features)	tree screens
If there are constraints are there any interventions available to overcome them?	see letter

(7) Site Ownership	
Please record details of the ownership of the site. If there is multiple ownership please record on a separate sheet and mark on the site plan.	
Name	Lee Valley Regional Park Authority
Address	As above
Has this owner indicated support for you proposed development?	n/a

(8) Timescale for Availability	
Please indicate the timescale for availability. Please only indicate immediately if the site is cleared.	
Immediately	<input checked="" type="checkbox"/>
Up to 5 years	<input type="checkbox"/>
5 – 10 years	<input type="checkbox"/>
10 – 15 years	<input type="checkbox"/>
If the site is not available immediately please state why.	Occupied on short lease

(9) Green Belt Sites

If the site is in the Green Belt you may be required to demonstrate any very special circumstances that apply to overcome the normal presumption against inappropriate development. Please state briefly what you consider these very special circumstances to be below:

The site lies within the green belt. Given the lawful use of the site it falls within the description of 'previously developed land' included in the NPPF (2012).

Please tick to confirm that you have provided a site plan at scale 1:1250 with site boundaries outlined in red.



Please sign and date below:

Signature		Date	8th January 2016
Name	Stephen Wilkinson		



epping forest district
planning our future
local plan



Call for Sites Submission Form

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All submissions must be accompanied by an ordnance survey 1:1250 map clearly showing the boundaries of the site outlined in red.

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Please complete a separate form for each site, to the best of your knowledge and return to:

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Forward Planning
Epping Forest District Council
Civic Offices, High Street
Epping
Essex CM16 4BZ

Do submit sites that:

- are likely to become available for development in the next 15 years.
- Could accommodate 5 or more dwellings or are greater than 0.5 hectare in size (except gypsy/travellers sites).
- Could be suitable for employment uses

Do not submit sites that:

- Already have planning permission unless a different form of development is proposed.
- Are entirely outside the district boundary

(1) Your Details	
Name	Stephen Wilkinson
Company (if relevant)	
Address	Myddelton House Bulls Cross EN 2 9HG
Postcode	
Telephone	01992 709 828
E-mail	
I am (please tick all those that apply)	<div> A Landowner <input checked="" type="checkbox"/> A Land Agent <input type="checkbox"/> </div> <div> A Planning Consultant <input type="checkbox"/> A Developer <input type="checkbox"/> </div> <div> A Registered Social Landlord <input type="checkbox"/> Other (specify) <input type="checkbox"/> </div>

(2) Site Details	
Site Address	Mile Nursery
Site area (hectares)	0.46ha
Grid reference Easting	
Grid reference Northing	
Current Use(s)	Open storage
Relevant Planning History (if known)	<p>From your planning register the site has a planning history linked to the wider Wake estate and is not distinguished from Langley Nursery. However photographic records of the Authority show the site in commercial use, (B2/B8) for over 20 years. A series of permissions in the last 6 years for the retention of existing uses including storage and vehicular repair and change of use (EPF/1688/10 001609 & EPF/0306/12 001609) have been implemented.</p>

(3) Proposed Future Uses(s)		Proposed Number of units or floorspace or pitches (for gypsy sites)
Use		
Residential	<input checked="" type="checkbox"/>	
Affordable Housing	<input type="checkbox"/>	
Employment (please specify)	<input type="checkbox"/>	
Retail (please specify)	<input type="checkbox"/>	
Gypsy/Travellers Site	<input type="checkbox"/>	
Utility (please specify)	<input type="checkbox"/>	
Community Facility (please specify)	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	

(4) Market Interest		Comments
Please choose the most appropriate category below to indicate what level of market interest there is in the site.		
Site is owned by a developer	<input type="checkbox"/>	
Site is under option to a developer	<input type="checkbox"/>	
Enquiries received	<input type="checkbox"/>	
Site is being marketed	<input type="checkbox"/>	
Non	<input checked="" type="checkbox"/>	The site is owned by the LVRPA
Not known	<input type="checkbox"/>	

(5) Utilities	
Please tell us which of the following utilities the site has access to (note: the Council's own information systems will determine policy constraints such as flood risk, green belt etc.)	
(i) Mains Water Supply	<input checked="" type="checkbox"/>
(ii) Mains Sewerage	<input checked="" type="checkbox"/>
(iii) Electricity Supply	<input checked="" type="checkbox"/>
(iv) Gas Supply	<input type="checkbox"/>
(v) Highways	<input checked="" type="checkbox"/>
(vi) Public Transport	<input checked="" type="checkbox"/>

(6) Factors affecting site availability	
	Yes/No
Are there any ransom strips?	No
Does the site have covenants?	No
Does the site require relocation of the current use?	No
Are there any physical constraints (e.g. topography/trees/other features)	Tree belts
If there are constraints are there any interventions available to overcome them?	ref letter

(7) Site Ownership	
Please record details of the ownership of the site. If there is multiple ownership please record on a separate sheet and mark on the site plan.	
Name	Lee Valley Regional Park Authority
Address	n/a
Has this owner indicated support for you proposed development?	

(8) Timescale for Availability	
Please indicate the timescale for availability. Please only indicate immediately if the site is cleared.	
Immediately	<input checked="" type="checkbox"/>
Up to 5 years	<input type="checkbox"/>
5 – 10 years	<input type="checkbox"/>
10 – 15 years	<input type="checkbox"/>
If the site is not available immediately please state why.	Occupied by businesses on short leases

(9) Green Belt Sites

If the site is in the Green Belt you may be required to demonstrate any very special circumstances that apply to overcome the normal presumption against inappropriate development. Please state briefly what you consider these very special circumstances to be below:

Given the built up nature of the site it falls with the description of Previously Developed Land included in the NPPF (2012) and falls within an exception to the normal presumption which would preclude residential development identified by paragraph 89 of the Framework.

Please tick to confirm that you have provided a site plan at scale 1:1250 with site boundaries outlined in red.



Please sign and date below:

Signature	<u>S. Durrant</u>	Date	8th January 2016
Name			

Date: 11th May 2017

Our ref: EF\2017\ENQ\00131
Your ref:



Governance Directorate

Civic Offices
High Street
Epping
Essex CM16 4BZ

S. Wilkinson
Lee Valley Regional Park Authority
Myddelton House
Bulls Cross
Enfield
EN2 9HG

Director of Governance
Colleen O'Boyle
Solicitor to the Council

Telephone: 01992 564228
DX: 40409 Epping

email: gcourtney@eppingforestdc.gov.uk

Dear Mr Wilkinson,

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

Appendix D – Aerial Photograph 2016



Images 24th January 2019

Image 1 – Langley Nursery - looking south



Image 2 – Langley Nursery looking westwards



Image 3: Langley Nursery - Looking westwards



Image 4: Langley Nursery –looking westwards



Image 5 : The Wheatsheaf Public House Crooked Mile



Image 6: Mile Nursery - entrance



Image 7: Mile Nursery, north side



Image 8: Mile Nursery, looking west



Image 9: Mile Nursery



Site Suitability Assessment

Site Reference: SR-0901
Parish: Waltham Abbey
Settlement:
Size (ha): 1.18
Address: Langley Nursery, Crooked Mile, Waltham Abbey

Primary use: Housing
SLAA notes: Existing use as glasshouse and market gardening.

SLAA yield: Capacity not indicated by promoter, and has been estimated.

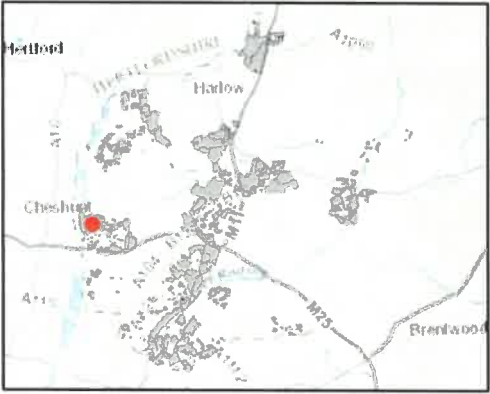
SLAA source for baseline yield: Assumption based on 30 dph.

SLAA site contraits: None

Site selection adjustment: None

Community feedback: The Council did not consult on a growth location which covers or is near to this site.

Dwellings: 35



Client

Epping Forest District Council

Job Title

Epping Forest District Local Plan

Drawing Status

Issue

Drawing No

SR-0901

Issue

P1

ARUP

Epping Forest District Council
www.eppingforestdc.gov.uk

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Criteria	Score		Qualitative Assessment
1.1 Impact on Internationally Protected Sites	(-)	Effects of allocating the site for the proposed use are not likely to be significant alone but should be checked for in-combination effects.	Residential development between 400m and 2km from Lee Valley Ramsar. In-combination effects from recreational pressure likely.
1.2 Impact on Nationally Protected sites	(-)	Site falls within an Impact Risk Zone and due to the nature and scale of the development proposed it is likely to be possible to mitigate the effects of the proposed development.	Due to the development type (over 10 rural dwellings), development of the site is likely to pose a risk and consultation with Natural England is required. However, it is likely that mitigation to reduce the risk would be possible.
1.3a Impact on Ancient Woodland	0	Site is not located within or adjacent to Ancient Woodland.	
1.3b Impact on Ancient/Veteran Trees outside of Ancient Woodland	0	No Ancient or Veteran trees are located within the site.	
1.4 Impact on Epping Forest Buffer Land	0	Site is unlikely to impact on Epping Forest Buffer Land.	
1.5 Impact on BAP Priority Species or Habitats	0	No effect as features and species could be retained or due to distance of BAP priority habitats from site.	The site is adjacent to a BAP priority habitat with no main features, and wholly within three buffer zones. The site may indirectly affect the habitats, but mitigation can be implemented to address this.
1.6 Impact on Local Wildlife Sites	0	Site has no effect as features and species could be retained or due to distance of local wildlife sites from site.	
1.7 Flood risk	(++)	Site within Flood Zone 1.	
1.8a Impact on heritage assets	0	Proposed site located within the setting of a heritage asset and effects can be mitigated.	
1.8b Impact on archaeology	(-)	Existing evidence and/or a lack of previous disturbance indicates a high likelihood for the discovery of high quality archaeological assets on the site.	
1.9 Impact of air quality	0	Site lies outside of areas identified as being at risk of poor air quality.	
2.1 Level of harm to Green Belt	(-)	Site is within Green Belt, where the level of harm caused by release of the land for development would be high or very high.	
3.1 Distance to the nearest rail/tube station	0	Site is between 1000m and 4000m from the nearest rail or tube station.	
3.2 Distance to nearest bus stop	(+)	Site is within 400m of a bus stop.	
3.3 Distance to employment locations	(+)	Site is within 1600m of an employment site/location.	
3.4 Distance to local amenities	0	Site is between 1000m and 4000m from nearest town, large village or small village.	
3.5 Distance to nearest infant/primary school	0	Site is between 1000m and 4000m from the nearest infant/primary school.	
3.4 Distance to local amenities	0	Site is between 1000m and 4000m from the nearest secondary school.	
3.7 Distance to nearest GP surgery	0	Site is between 1000m and 4000m from the nearest GP surgery.	
3.8 Access to Strategic Road Network		Not applicable.	
4.1 Brownfield and Greenfield Land	(-)	Majority of the site is greenfield land adjacent to a settlement.	90% greenfield, 10% brownfield adjacent to Waltham Abbey
4.2 Impact on agricultural land	(-)	Development would involve the loss of the best and most versatile agricultural land (grades 1-3).	
4.3 Capacity to improve access to open space	0	Development unlikely to involve the loss of public open space.	
5.1 Landscape sensitivity	0	The site falls within an area of low landscape sensitivity - characteristics of the landscape are able to accommodate development without significant character change.	
5.2 Settlement character sensitivity	0	Development is unlikely to have an effect on settlement character.	Small site in existing use. Proposed amount of development is not likely to impact settlement character.
6.1 Topography constraints	0	No topography constraints are identified in the site.	
6.2a Distance to gas and oil pipelines	0	Gas or oil pipelines do not pose any constraint to the site.	
6.2b Distance to power lines	0	Power lines do not pose a constraint to the site.	
6.3 Impact on Tree Preservation Order (TPO)	0	The intensity of site development would not be constrained by the presence of protected trees either on or adjacent to the site.	
6.4 Access to site	(+)	Suitable access to site already exists.	Existing access off B194 Crooked Mile.
6.5 Contamination constraints	(-)	Potential contamination on site, which could be mitigated.	Horticultural Nursery.
6.6 Traffic impact	(-)	Low level congestion expected at peak times within the vicinity of the site.	

Site Suitability Assessment

Site Reference: SR-0902
Parish: Waltham Abbey
Settlement:
Size (ha): 0.46
Address: Mile Nursery, Crooked Mile, Waltham Abbey

Primary use: Housing
SLAA notes: In existing use as nursery, and mostly hard standing.

SLAA yield: Capacity not indicated by promoter, and has been estimated.

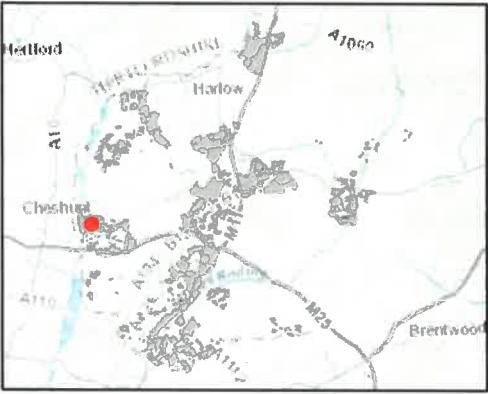
SLAA source for baseline yield: Assumption based on 30 dph.

SLAA site constraints: None

Site selection adjustment: None

Community feedback: The Council did not consult on a growth location which covers or is near to this site.

Dwellings: 14



Client

Epping Forest District Council

Job Title

Epping Forest District Local Plan

Drawing Status

Issue

Drawing No

SR-0902

Issue

P1

ARUP

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Criteria	Score		Qualitative Assessment
1.1 Impact on Internationally Protected Sites	(-)	Effects of allocating the site for the proposed use are not likely to be significant alone but should be checked for in-combination effects.	Residential development between 400m and 2km from Lee Valley Ramsar. In-combination effects from recreational pressure likely.
1.2 Impact on Nationally Protected sites	(-)	Site falls within an Impact Risk Zone and due to the nature and scale of the development proposed it is likely to be possible to mitigate the effects of the proposed development.	Due to the development type (over 10 rural dwellings), development of the site is likely to pose a risk and consultation with Natural England is required. However, it is likely that mitigation to reduce the risk would be possible.
1.3a Impact on Ancient Woodland	0	Site is not located within or adjacent to Ancient Woodland.	
1.3b Impact on Ancient/Veteran Trees outside of Ancient Woodland	0	No Ancient or Veteran trees are located within the site.	
1.4 Impact on Epping Forest Buffer Land	0	Site is unlikely to impact on Epping Forest Buffer Land.	
1.5 Impact on BAP Priority Species or Habitats	0	No effect as features and species could be retained or due to distance of BAP priority habitats from site.	The site is adjacent to a BAP priority habitat with no main features, and wholly within three buffer zones. The site may indirectly affect the habitats, but mitigation can be implemented to address this.
1.6 Impact on Local Wildlife Sites	0	Site has no effect as features and species could be retained or due to distance of local wildlife sites from site.	
1.7 Flood risk	(++)	Site within Flood Zone 1.	
1.8a Impact on heritage assets	0	Proposed site located within the setting of a heritage asset and effects can be mitigated.	
1.8b Impact on archaeology	(-)	Existing evidence and/or a lack of previous disturbance indicates a high likelihood for the discovery of high quality archaeological assets on the site.	
1.9 Impact of air quality	0	Site lies outside of areas identified as being at risk of poor air quality.	
2.1 Level of harm to Green Belt	(-)	Site is within Green Belt, where the level of harm caused by release of the land for development would be high or very high.	
3.1 Distance to the nearest rail/tube station	0	Site is between 1000m and 4000m from the nearest rail or tube station.	
3.2 Distance to nearest bus stop	(+)	Site is within 400m of a bus stop.	
3.3 Distance to employment locations	(+)	Site is within 1600m of an employment site/location.	
3.4 Distance to local amenities	0	Site is between 1000m and 4000m from nearest town, large village or small village.	
3.5 Distance to nearest infant/primary school	0	Site is between 1000m and 4000m from the nearest infant/primary school.	
3.4 Distance to local amenities	0	Site is between 1000m and 4000m from the nearest secondary school.	
3.7 Distance to nearest GP surgery	0	Site is between 1000m and 4000m from the nearest GP surgery.	
3.8 Access to Strategic Road Network		Not applicable.	
4.1 Brownfield and Greenfield Land	(-)	Majority of the site is greenfield land adjacent to a settlement.	100% brownfield, adjacent to Waltham Abbey)
4.2 Impact on agricultural land	(-)	Development would involve the loss of the best and most versatile agricultural land (grades 1-3).	
4.3 Capacity to improve access to open space	0	Development unlikely to involve the loss of public open space.	
5.1 Landscape sensitivity	0	The site falls within an area of low landscape sensitivity - characteristics of the landscape are able to accommodate development without significant character change.	
5.2 Settlement character sensitivity	0	Development is unlikely to have an effect on settlement character.	Site is in use as glasshouse. Proposed amount of development is not likely to impact settlement character.
6.1 Topography constraints	0	No topography constraints are identified in the site.	
6.2a Distance to gas and oil pipelines	0	Gas or oil pipelines do not pose any constraint to the site.	
6.2b Distance to power lines	0	Power lines do not pose a constraint to the site.	
6.3 Impact on Tree Preservation Order (TPO)	0	The intensity of site development would not be constrained by the presence of protected trees either on or adjacent to the site.	
6.4 Access to site	(+)	Suitable access to site already exists.	Existing access off B194 Crooked Mile.
6.5 Contamination constraints	(-)	Potential contamination on site, which could be mitigated.	Horticultural Nursery and Works.
6.6 Traffic impact		Site below the size threshold where it would be expected to affect congestion (e.g. employment site or housing site with capacity of <25 dwellings).	