

Committee(s)	Dated:
Epping Forest and Commons	11 May 2015
Subject: Planning Casework SEF 18/15	Public
Report of: Superintendent of Epping Forest	For Information

Summary

The land surrounding Epping Forest continues to be subject to intense development pressure. With its crescent form and sinuous 203.5 kilometre boundary, the Forest is particularly susceptible to impacts from poorly conceived development. The successful protection of the Forest relies heavily on the Town and Country Planning System, and particularly the Metropolitan Green Belt designation. The Conservators remain staunch supporters of this widely adopted planning protection.

This report provides information on planning applications and pre-planning consultations made on behalf of your Committee, which seek to protect the context, character and setting of Epping Forest from further environmental damage.

Some 132 planning applications have been considered on your Committee's behalf, a 45% increase on last year. Objections were made to 39 applications. From these applications 44% have been refused or withdrawn, 36% have been granted permission, seven applications were for pre-application advice, and one application had Forest verge crossover implications. The 44% refused or withdrawn level compares favourably with national statistics for year ending 2014, which show a 12% refusal rate.

Recommendation(s)

Members are asked to:

- Receive the report

Main Report

Background

1. The Epping Forest Acts of 1878 and 1880 appointed the City of London Corporation to act as the Conservators of Epping Forest with specific duties to keep the Forest "*un-inclosed and unbuilt on*" reflecting the acute development pressures from a growing capital and to "*protect the natural aspect*" which was an early expression of protected landscape designation.

2. The Town and Country Planning Act 1947 introduced mandatory controls on most classes of development. The key protected landscape designations introduced in the subsequent National Parks and Access to the Countryside Act 1949 accorded specific protection to England's 10 National Parks and 35 Areas of Outstanding Natural Beauty within the planning system. The early Victorian Conservancies of Ashdown Forest; Epping Forest; Malvern Hills; and Wimbledon and Putney Commons established before this legislation do not directly enjoy similar protection.
3. Beyond ownership by the Conservators, Epping Forest has had to rely on Planning Policy developed by Local Planning Authorities (LPAs) for its further protection, particularly Metropolitan Green Belt designation. Epping Forest coincides with the jurisdictions of four LPAs – Epping Forest District Council; and the London Boroughs of Newham Redbridge and Waltham Forest and Essex County Council, which retains some strategic planning responsibilities.

Green Belt

4. Epping Forest District Council has the third highest proportion of Green Belt land of all local authority areas in England. Recent Government figures show over 90% of the area has Green Belt status protecting it from development. In its Planning our Future – Issues and Options Consultation Document 2012, the District Council states clearly that *“there will have to be some release of Green Belt land adjoining settlements to meet the needs for housing and employment growth in the period up to 2033.”*
5. Last year, officers were involved in six pre-planning consultations involving Green Belt land for housing that will impact on the Forest, meeting directly with the developers for three of the sites at Latton Priory, Stonards Hill and North Weald:
 - a. **Latton Priory** - South of Harlow, potential to deliver up to 2,500 homes over the next 20 years.
 - b. **North Weald Bassett** - A Masterplanning study for the village and the airfield.
 - c. **Stonards Hill, Epping** – approximately 150 new homes.
6. There has been no further communications from the developers on these three sites to date. However, Epping Town Council has applied to Essex County Council to register the space at Stonards Hill as a town green, evidencing its use for sports and recreation for more than 20 years. If the town council is successful in its application, the land will be protected from building work under the Commons Act 2006.
7. An update on the below three Green Belt applications from last year will be provided further in this report.
 - a. **Forest Lodge, Epping Road** – 19 homes.
 - b. **Pick Hill, Waltham Abbey** – Pickfield Nurseries, 90 homes + community facility

- c. **Lippitts Hill - The Elms Caravan Park** - 13 new residential mobile homes in place of existing use of holiday caravan & camping park.
8. 27 of the 39 applications this year were for development on the Green Belt. These ranged from tennis club lighting and extensions to demolition of sites to provide whole new residential developments. Further details are provided later in this report.
 9. The Superintendent has also recently considered and objected to two proposed developments of land parcels that are subject to Covenants that were determined by an Arbitrator appointed under the Epping Forest Act. These Covenants were principally established to prevent the further development of land holdings that would affect the context and setting of Epping Forest. Restrictive Covenants are not a material consideration for planning matters and the Conservators cannot rely on Green Belt designation to protect its covenanted interests.
 - Albany House, Epping New Road – this site lies within the Green Belt. The proposal was for the redevelopment of the stables and stores in association with an established stud farm together with the erection of a single family dwelling house. This application was granted by Epping Forest District Council.
 - Albion Hill, Loughton – this site is not within the Green Belt. The proposal was for the erection of three new detached dwellings and private access road within the garden of a property. This application was refused by Epping Forest District Council.
 10. Part of both of the above proposals lies within land held under a covenanted agreement. At your Committee meeting on 12 January 2015 you supported the Superintendent's objections to both of these planning applications in line with the Conservators policy of 5 March 2012, where the Committee was to be required to determine whether to defend or settle such matters.
 11. The Conservators continue to seek to influence Planning matters by making comments on public consultations for Local and Regional Plans and through scrutiny and comment on planning applications with regard to development
 12. Such development may have a negative impact on the Forest with regard to the intensification of development, traffic generation, changes in local character and environmental impact.
 13. The Conservators are not currently a statutory consultee within the planning process, and therefore LPAs are not obliged to consult the Conservators regarding applications for planning permission that may affect the Forest, its 203.5 kilometre boundary and its immediate environs. However, there are requirements for LPAs to serve notice of certain planning applications on any adjoining owners and occupiers in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 as amended. The weekly scrutiny by your officers of the four LPA planning lists provides the basis from which formal responses are made to the relevant LPAs.

Update on Outstanding 2014 Planning Decisions

14. The following applications were outstanding in my previous report to your Committee on 7 July 2014:
- a. EFDC – Woodside, Thornwood, North Weald – 1 gypsy pitch – **Appeal was withdrawn – See paragraph 18a below**
 - b. EFDC – Theydon Bois Tennis Club – 4 x floodlight columns - **Refused and subsequently granted on Appeal**
 - c. EFDC – 89 High Road, Loughton – 10 flats – **Refused**
 - d. EFDC - Picks Farm, Sewardstone Road – School + 308 dwellings – **Refused**
 - e. EFDC -Three Horseshoe Farm, Lippitts Hill – One dwelling – **Granted**
 - f. LBWF – 130 Bluehouse Road, E4 – Two-storey extension – **Granted**
 - g. LBWF – 2 and 4 Morgan Avenue, E17 – **Withdrawn.**

Current Position

15. Application Numbers: between 1 April 2014 and 31 March 2015 a total of 132 planning applications have been considered with the breakdown indicated

Local Authority	Applications considered	Returned Consultation
Epping Forest District Council	110	34
London Borough of Redbridge	12	2
London Borough of Waltham Forest	10	3
London Borough of Newham	0	0

16. Of the 39 applications upon which the City has commented, 14 were granted (36%) (Including one on appeal), 10 refused (26 %) and 7 (18 %) were withdrawn. A further seven applications were requests for pre-application advice. Although no comments were submitted on the one remaining application, the applicant was informed that if permission is granted for the development, access will be over Forest land.
17. The latest General Development Control Return statistics up to December 2014 shows that across England, 472,000 planning applications were submitted with 88% of applications granted. Epping Forest District Council received 1904 planning applications with 79% being granted. This is one of the lowest approval rates in England.
18. A list of all applications which were subject to a response is included at Appendix 1. The 14 applications considered to have a tangible detrimental impact on the Forest and its Buffer Lands are summarised below;
- a. **Woodside, Thornwood** - change of use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard-standing, a stable building and a

utility/dayroom ancillary to that use – **This was a second application which was Refused – Awaiting Appeal decision** (EFDC).

- b. **Raveners Farm** – Conversion of agricultural buildings to 3 dwellings – **Granted** (EFDC).
- c. **Netherhouse Farm, Sewardstone Road** – 16 dwellings – **Granted** (EFDC)
- d. **Albany House, Epping New Road** – Replacement stables + single dwelling – **Granted** (EFDC)
- e. **Forest Lodge, Epping Road** – demolish existing Motel (former riding school) – 19 residential units – **Refused** (EFDC)
- f. **Sixteen String Jack PH, Theydon Bois** – demolish – 13 apartments – **Refused** (EFDC)
- g. **Broadbanks, Ivy Chimneys** – Outline application to demolish stables – 5 houses – **Refused** (EFDC)

Pre-application enquiries

- h. **Land adj. Millhouse Farm, Bell Common** – 4 detached or 10 semi-detached dwellings (EFDC)
- i. **Trevelyan House, Goldings Hill** – 10 dwellings – subsequent application submitted – **Refused** (EFDC)
- j. **Forest Lodge, (nr. Wakes Arms) Epping Road** – see above 18e (EFDC)
- k. **Pickfield Nurseries, Pick Hill, Upshire** – 90 residential (EFDC)
- l. **The Elms Caravan Site, Lippitts Hill** – 16 new mobile homes – subsequent application - **Granted** (EFDC)
- m. **Knollys Nursery, Pick Hill** – 79 residential dwellings + day nursery (EFDC)

2014/2015 Consultations

- 19. Epping Forest District Council – The council has started the preparation of a new Local Plan which will replace the existing 1998 Local Plan and 2006 Alterations documents. A draft Plan (preferred options) preparation and sustainability appraisal was due for public consultation from May 2015. A revised timetable has resulted in the consultation being available December 2015.
- 20. London Borough of Waltham Forest – Green Belt and Metropolitan Open Land (MOL) Review. The review will determine whether the Borough's existing Green Belt and MOL meet the purposes as set out in the national Planning Policy Framework and will identify any anomalies in the boundaries of the designations.

Officers are involved in the consultation as a large number of the Green Belt boundaries adjoin the Forest. The review will go on to inform the Borough's Local Plan review.

21. London Borough of Redbridge – Preferred Options Extension – Alternative Development Strategies. Option 3 examined the increasing of residential densities in a 'western corridor' between Woodford Broadway / Woodford to South Woodford and Wanstead.

Future Issues

22. The Highways Agency is due to be replaced in April 2015 by Highways England, a government-owned company. The new body will have pared-down powers, with no ability to refuse a planning application and a limited consultation role. Experts warn of an increased burden on local authorities.

Corporate & Strategic Implications

23. **City Together** – The Epping Forests Division's responses to the development planning process match the City Together vision of a "World Class City" one theme of which seeks to protect, promote and enhance our environment with a specific objective of "conserving and enhancing biodiversity"
24. **Open Spaces Department Business Plan** – Specifically it meets the Open Spaces Department's Business Plan by;
- Promoting knowledge and appreciation of the environment and protecting the Open Spaces for future generations.
 - Extending partnership-working and developing closer links with the local authorities.
25. **Epping Forest Management Plan** – Epping Forest seeks greater protection from encircling development which would isolate it from surrounding countryside and increase the penetration of noise and pollution into its open spaces. This report exemplifies the need to remain vigilant and active in responding to development planning and change in order to protect the "natural aspect" of the Forest. This work seeks to encourage the Forest's LPAs to share the long-term vision set out in the Epping Forest Management Plan.

Implications

26. **Financial:** there are no direct financial implications from commenting on planning applications and strategy documents, apart from officer time allocations met by local risk expenditure. However, in the event of appeals which go to a planning inquiry there will be financial implications if the Conservators wish to take part and decide to instruct Counsel / appoint consultants. No external planning consultancy advice was commissioned on third party development during the report period
27. **Legal:** responses to planning consultations have been made on behalf of the City, as Conservators of Epping Forest with the aim of protecting the Forest environment and to preserve its amenity and character for public enjoyment,

according to the Epping Forest Acts 1878 and 1880, and where your Committee works in partnership with others including national government agencies.

28. **Property:** Review and comment upon local planning applications, and objecting to them where necessary is an important part of the proper management of the Forest, to protect its amenity and character.

Conclusion

29. Land surrounding Epping Forest continues to be subject to intense development pressure. In order to protect the context and setting of Epping Forest and its overall environmental condition, the Conservators continue to object to planning applications which are considered to pose significant threats to the Forest environment, and to lobby LPAs for the full representation of Forest interests as they revise their Local Plans

Appendices

30. Appendix 1- List of Planning Application responses by site name

Background Papers

SEF 11/14 Epping Forest Planning Casework – 2013/14

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