

To:           David Andrews (Chairman)                   Graham McAndrew  
              Chris Kennedy (Vice Chairman)       Gordon Nicholson  
              John Bevan                               Paul Osborn  
              David Gardner                         Mary Sartin  
              Calvin Horner                        John Wyllie  
              Heather Johnson

A meeting of the **REGENERATION AND PLANNING COMMITTEE** (Quorum – 3)  
will be held at Myddelton House on:

**THURSDAY, 19 JANUARY 2023 AT 11.30**

at which the following business will be transacted:

## **AGENDA**

### **Part I**

1       To receive apologies for absence.

2       **DECLARATION OF INTERESTS**

Members are asked to consider whether or not they have disclosable pecuniary, other pecuniary or non-pecuniary interests in any item on this Agenda. Other pecuniary and non-pecuniary interests are a matter of judgement for each Member. (Declarations may also be made during the meeting if necessary.)

3       **MINUTES OF LAST MEETING**

To approve the Minutes of the Meeting held on 15 December 2022 (copy herewith).

4       **PUBLIC SPEAKING**

To receive any representations from members of the public or representative of an organisation on an issue which is on the agenda of the meeting. Subject to the Chairman's discretion a total of 20 minutes will be allowed for public speaking and the presentation of petitions at each meeting.

- 5 **PLANNING CONSULTATION BY BROXBOURNE BOROUGH COUNCIL**  
**AMENDED PLANS IN RESPECT OF REDEVELOPMENT OF LAND AT DELAMARE ROAD TO PROVIDE A RESIDENTIAL-LED MIXED-USE DEVELOPMENT COMPRISING 425 RESIDENTIAL UNITS AND ANCILLARY RESIDENTIAL FLOORSPACE; UP TO 2436 SQM OF NON-RESIDENTIAL FLOORSPACE INCLUDING OFFICE (CLASS E(G)(I) LIGHT INDUSTRIAL (CLASS E(G)(III) LEISURE (CLASSES E(D) AND SUI GENERIS), COMMUNITY (CLASS E(E)-(F) AND CLASS F1)) FLOORSPACE AND RETAIL (CLASS E(A)(B)(C)) A NEW LOCAL CENTRE, PLAZA, LANDSCAPING, CAR PARKING, CYCLE PARKING, PEDESTRIAN CYCLE AND VEHICULAR ROUTES AND ASSOCIATED WORKS. REF: 07/22/0597/F PARCELS 12 & 13 LAND AT DELAMARE ROAD, CHESHUNT, EN8 9AP**

Paper RP/66/23

Presented by the Head of Planning

- 6 **PLANNING CONSULTATION BY BROXBOURNE BOROUGH COUNCIL**  
**OUTLINE APPLICATIONS FOR THE REDEVELOPMENT OF THE SITE TO PROVIDE UP TO 52 LATER LIVING APARTMENTS (EXTRA CARE HOUSING) (USE CLASS C2) INCORPORATING A CONVENIENCE SHOP AND CAFÉ (USE CLASS E); 13 RETIREMENT COTTAGES (EXTRA CARE HOUSING) (USE CLASS C2); 10 SELF BUILD & CUSTOM BUILD HOUSES (USE CLASS C3); 4 STARTER HOMES (USE CLASS C3) AT 80%\* OF OPEN MARKET VALUE; 1 MARKET DWELLING (USE CLASS C3); ASSOCIATED MINI-ROUNDAABOUT ACCESS, OPEN SPACE, BOWLING GREEN, CHILDREN'S PLAY AREA AND IMPROVED LOCAL BUS SERVICE; ALL MATTERS RESERVED EXCEPT ACCESS. REF: EPF/2601/22 AND EPF/2602/22**

Paper RP/67/23

\*Note the second application EPF/2602/22 differs from EPF/2601/22, in that the 4 proposed starter homes include a larger discount (70%) of open market value\*

**LAND TO THE SOUTH & EAST OF THE FORMER CHIMES GARDEN CENTRE & REAR OF 95 OLD NAZEING ROAD, NAZEING, WALTHAM ABBEY, EN10 6RJ**

Presented by the Head of Planning

- 7 **Such other business as in the opinion of the Chairman of the meeting is of sufficient urgency by reason of special circumstances to warrant consideration.**
- 8 **Consider passing a resolution based on the principles of Section 100A(4) of the Local Government Act 1972, excluding the public and press from the meeting for the items of business listed on Part II of the Agenda, on the grounds that they involve the likely disclosure of exempt information as**

defined in those sections of Part I of Schedule 12A of the Act specified beneath each item.

**AGENDA**  
**Part II**  
**(Exempt Items)**

- 9 Such other business as in the opinion of the Chairman of the meeting is of sufficient urgency by reason of special circumstances to warrant consideration.

11 January 2023

Shaun Dawson  
Chief Executive

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**LEE VALLEY REGIONAL PARK AUTHORITY**

**REGENERATION & PLANNING COMMITTEE MINUTES  
15 DECEMBER 2022**

Members Present: David Andrews (Chairman) Graham McAndrew  
John Bevan Paul Seeby (Deputy for Gordon Nicholson)  
David Gardner

Members in Remote Presence: Heather Johnson, Mary Sartin

Apologies Received From: Chris Kennedy, Gordon Nicholson, Paul Osborn, John Wyllie

In Attendance: Susan Barker, Suzanne Rutland-Barsby

Officers Present: Claire Martin - Head of Planning  
Jon Carney - Corporate Director  
Sandra Bertschin - Committee & Members' Services Manager  
Lindsey Johnson - Committee Services Officer

Officers in Remote Presence: Beryl Foster - Deputy Chief Executive

Part I

163 DECLARATIONS OF INTEREST

There were no declarations of interest.

164 MINUTES OF LAST MEETING

**THAT the Minutes of the Regeneration & Planning Committee meeting held on 17 November 2022 be approved and signed.**

165 PUBLIC SPEAKING

No requests from the public to speak or present petitions had been received for this meeting.

166 LONDON BOROUGH OF ENFIELD DRAFT MERIDIAN WATER WESTERN BANK SUPPLEMENTARY PLANNING DOCUMENT CONSULTATION Paper RP/65/22

The report was introduced by the Head of Planning who informed Members that generally we support the Meridian Water Western Bank Supplementary Planning Document (SPD) as they make good reference to the Park. More emphasis, however is required for the following areas:

- Vision, on the creation of Brooks Park as it demonstrates to developers the need to provide significant areas of open space.

## **REGENERATION & PLANNING COMMITTEE MINUTES 15 DECEMBER 2022**

- **Movement and Connectivity**, it is good that the SPD encourages active travel. Need to ensure Guiding Principles include the creation of a connecting link into Tottenham Marshes via Leaside Rd.
- **Ecological Connectivity**, especially with the waterways where design and management is important.
- There is concern over the Guiding Principles for Green Infrastructure as it is currently catering for many uses, they need to establish where the balance lies.
- Need a guiding principal for lighting, especially with the waterways near the Park.
- Tall buildings need to step down towards the Park in respect of a change from an urban area to the open areas of the Park.
- **Infrastructure delivery**, the Authority should be consulted to ensure new green networks and open spaces are complementary with the Park, along with coordinated access for pedestrian and cycle routes.

Members agreed that both tall buildings stepping down close to the Park and buffer zones between the development and the Park is important. The Head of Planning informed Members that during the Phase 2 development there were parameter plans which ensured that there was a buffer zone.

Members agreed that protecting dark corridors was important as new developments will be facing the waterways and the Park, therefore causing problems for wildlife.

The Chairman suggested that in 'infrastructure delivery' we should be more aspirational and highlight our aims and what we might plan to do.

A Member expressed concern over how large this development will be and the impact it will have upon the Park especially in terms of maintenance such as litter picking and asked if there was a way to ensure that we get monetary help for this. The Head of Planning responded stating that as planning applications come forward we will make requests for S106 money. A Member suggested we might like to consider asking to create an ecology park via a dowry from the developer.

A Member asked how the new pedestrian cycle routes would be maintained, especially the crossing over the River Lea. The Head of Planning responded stating that London Borough of Enfield have received funding from the government for this.

The Chairman expressed concern over the number of people moving into these developments who have very little experience of the countryside and how to behave there and wondered how we might educate them. The Corporate Director replied stating that we will be sending out a leaflet via the developers for Cheshunt Lakeside, where new residents will be advised how to respect the countryside both for their own protection and that of wildlife. We will monitor how successful these leaflets are and how to improve our education for future large developments. The Chairman suggested that how we educate the public be included in Member tours during 2023.

- (1) **the comments as set out in Appendix A to Paper RP/65/22 as the Authority's formal response to the consultation by the London Borough of Enfield on the**

**REGENERATION & PLANNING COMMITTEE MINUTES  
15 DECEMBER 2022**

**Draft Meridian Water Western Bank Supplementary Planning Document was approved.**

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Chairman

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Date

The meeting started at 11.45am and ended at 12.12pm.

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**LEE VALLEY REGIONAL PARK AUTHORITY**

**REGENERATION AND PLANNING  
COMMITTEE**

**19 JANUARY 2023 AT 11:30**

**Agenda Item No:**

**5**

**Report No:**

**RP/66/23**

**PLANNING CONSULTATION BY BROXBOURNE BOROUGH COUNCIL**

**AMENDED PLANS IN RESPECT OF REDEVELOPMENT OF LAND AT  
DELAMARE ROAD TO PROVIDE A RESIDENTIAL-LED MIXED-USE  
DEVELOPMENT COMPRISING 425 RESIDENTIAL UNITS AND  
ANCILLARY RESIDENTIAL FLOORSPACE; UP TO 2436 SQM OF NON-  
RESIDENTIAL FLOORSPACE INCLUDING OFFICE (CLASS E(G)(I) LIGHT  
INDUSTRIAL (CLASS E(G)(III) LEISURE (CLASSES E(D) AND SUI  
GENERIS), COMMUNITY (CLASS E(E)-(F) AND CLASS F1))  
FLOORSPACE AND RETAIL (CLASS E(A)(B)(C)) A NEW LOCAL  
CENTRE, PLAZA, LANDSCAPING, CAR PARKING, CYCLE PARKING,  
PEDESTRIAN CYCLE AND VEHICULAR ROUTES AND ASSOCIATED  
WORKS. REF: 07/22/0597/F  
PARCELS 12 & 13 LAND AT DELAMARE ROAD, CHESHUNT, EN8 9AP**

Presented by Head of Planning

**SUMMARY**

Amended plans have been submitted for the residential-led mixed use redevelopment of Parcels 12 and 13 land at Delamare Road, part of the wider Cheshunt Lakeside masterplan area which lies adjacent to the River Lee Country Park. The Authority objected to the original application, (considered in September 2022), principally due to the scale and design of certain elements located close to the Regional Park boundary and the negative impact these would have on the Park's landscape, ecology and the recreational amenity of visitors. The proposed changes have to a large extent addressed the Authority's concerns in particular through the reduction in height of key buildings within the application site. It is considered that the remaining issues can be dealt with by way of conditions should the Council be minded to grant consent. It is therefore recommended that the Authority withdraws its objection to the current proposal.

**RECOMMENDATIONS**

Members Approve: (1) that Broxbourne Borough Council be informed that the Authority withdraws its objection to the proposed residential led mixed use

redevelopment of Parcels 12 and 13, on land at Delamare Road, following the submission of amended plans and the reduction in height of the landmark building within Block 8;

- (2) that following consideration of the amended plans the Council also be informed that the Authority does not now object in principle to the proposed development providing the following conditions are attached to any grant of consent requiring:
- a) a detailed Landscape Strategy including a scheme of native buffer tree planting alongside the eastern edge of the application site so as to establish and maintain a suitable all season landscape screen and wildlife corridor close to the Regional Park;
  - b) provision of a site wide lighting strategy designed in accordance with the 'Institute of Lighting Professionals (2018), Bats, and Artificial Lighting in the UK Guidance Note 08/18';
  - c) a Construction Environment Management Plan (CEMP) to ensure the protection of habitats and species both on-site and off-site within the adjoining River Lee Country Park area during the construction phase;
  - d) an Ecological Mitigation and Enhancement Strategy to include the long-term monitoring of the habitats and species present both on and adjacent to the site, and to ensure Biodiversity Net Gain requirements are being met;
  - e) the allocation of Section 106 monies to the River Lee Country Park proportionate to the uplift in residential units for Parcels 12 and 13, in order fund further visitor infrastructure improvements, and habitat enhancements to mitigate for the increased recreational impacts; and
- (3) that Broxbourne Borough Council be informed that the Authority would wish to be consulted on the above matters in due course.

## **BACKGROUND**

### **1 Location**

The application site relates to two parcels of land within the wider Cheshunt Lakeside development and is located to the south of the masterplan area. It

occupies approximately 1.89 hectares comprising the site of the former Tesco headquarters which has now been demolished. To the west the site is bounded by Delamare Road, with Windmill Lane and Parcel 14 of the outline consent to the south, Parcel 11 to the north and along the eastern boundary, the rail line and Network Rail Depot.

- 2 Immediately on the other side of the rail line lies the River Lee Country Park (RLCP) a major visitor attraction and access to nature site within the Regional Park. It includes a mosaic of varied habitat including the Turnford and Cheshunt Pits Site of Special Scientific Interest (SSSI) which also forms part of the Lee Valley Special Protection Area (SPA) and Ramsar site. Cheshunt Station and Windmill Lane provide a main gateway to the RLCP and its network of foot and cycle paths. Despite the application site's location outside the Regional Park it lies only 50 m from the boundary of the SSSI. Please refer to the Plan at Appendix A which shows the location of the application site and its position in the wider masterplan area.
- 3 **Planning History**  
Outline planning permission was granted in August 2019 for the Cheshunt Lakeside residential-led mixed use development (ref: 07/18/0461/0). This seeks to provide 1,725 apartments, up to 19,051sqm of commercial space with associated community and leisure uses, a two form entry primary school and the creation of a new plaza and link access from Windmill Lane, plus associated landscaping, parking, pedestrian and cycle routes. The masterplan approved under this outline consent divides the site into phases in which the development of Cheshunt Lakeside will be brought forward, with each phase split into development parcels. The outline consent includes 47 planning conditions several of which set out development parameters for future reserved matters applications, and obligations under a Section 106 Agreement.
- 4 The Authority responded to the original outline application in June 2018 and placed a holding objection pending the submission of further information to resolve areas of concern; namely the 'prematurity' of the application given the likely impacts of the Crossrail 2 scheme, inadequate and inaccurate ecological information and a lack of planning obligations to adequately mitigate for the increase in visitors to the Park from the development, Ref: RP/20/18. Revisions to the original application were considered at Regeneration and Planning Committee in November 2018 (RP/24/18) when the Authority objected to the application. Although satisfied about the detail and scope of additional information included in the revised scheme on the environmental mitigation strategy, there were still concerns as to the amount of moneys to be made available for 'visitor infrastructure' and no changes were included on the identification of 'safeguarding land' for a new bridge following the proposed closure of Windmill Lane.
- 5 The outline permission granted in August 2019 is accompanied by a Section 106 Agreement which includes under Schedule 7 a Lee Valley contribution of £750,000 towards visitor facility improvements and habitat mitigation measures within the River Lee Country Park, to be paid in instalments as the phases of the development are occupied. Officers are currently liaising with the Council to bring forward the first set of visitor and habitat works in line with the occupation of Phase 1A Parcel 11.
- 6 Parcels 12 and 13 represent the next stage in bringing forward the Cheshunt Lakeside development and include the delivery of a new local centre. The

application as originally submitted in July 2022 sought to make a number of changes to the scheme as currently consented in outline, hence it took the form of a new standalone detailed application. The changes over the outline consented scheme included an uplift of 97 residential units and an increase in building heights across the three proposed blocks including one building of 14 storeys – the parameter plans set a maximum building height of 7 storeys. It was understood that if consented this application would then sit alongside the current outline consent and would not fetter the wider outline consent; the associated S106 would also be honoured.

- 7 The Authority considered this original application in September 2022 (report ref: RP/60/22) and objected to the application on the grounds that:

a) the height of the landmark building within Block 8, at 14 storeys will have a negative impact on the visual and recreational amenity of visitors to the River Lee Country Park and undermine the secluded and attractive landscape character of the area. The landmark building should be reduced in accordance with the heights consented under the outline consent and the parameter plans, Broxbourne Borough's Local Plan Policy CH1 Cheshunt Lakeside and to take account of its location in relation to the Regional Park;

b) further consideration needs to be given to the design of buildings within Block 8, in particular the bolt on balconies which face onto the Regional Park boundary, to reassure the Authority that disturbance from light pollution will not adversely impact upon the ecology of the Park, the biodiversity buffer, or the green biodiverse roofs proposed as part of the development;

Other matters were also raised regarding a lighting strategy, landscape management and S106 contributions (if the application was approved). Members were also concerned at the number of car parking spaces provided as part of the development given its accessible location adjacent to Cheshunt Station.

## 8 Amended Plans

The applicant has now made revisions to the submitted application for Parcels 12 & 13. This includes amended plans and changes to the design in response to the post-submission consultation comments raised by officers and Members at Broxbourne Council, statutory consultees such as the Regional Park Authority and other stakeholders. These are set out below.

## PLANNING APPRAISAL OF PROPOSED AMENDMENTS

- 9 The proposed amendments are as follows:

- Overall reduction in the maximum proposed building heights to eight storeys (from 9 and 14 storeys).
- Reduction in the proposed residential units to 425 (a reduction of 46).
- Revised residential unit mix.
- Reduction in residential car parking consistent with the reduction in units (maintaining the 1:1 provision as previous) and height reduction in the multi-storey car park from 6.5 to 6 storeys.
- Reduction in residential cycle parking consistent with the reduction in units.
- Revised architectural treatment to Block 8.

**10 Height and Design**

Members will recall that the proposed scheme consists of 3 separate blocks of buildings; Blocks 7 and 8 are located within Parcel 12 and Block 5 within Parcel 13. Originally these Blocks provided a range of heights between 5, 9 and 14 storeys broadly positioned around a new public plaza and green link through to the Parcel 11 in the north. Please refer to the images in Appendix B which show first the original proposed heights and secondly, the building heights of the revised scheme.

- 11 The scheme has now been amended so that Block 7 provides for 228 residential units (234 in the previous scheme) and Block 8 which is located close to the railway on the eastern side of Parcel 12 provides for 144 residential units (previously 184). The reductions in height apply to two buildings within these blocks. First the 14 storey 'landmark' building within Block 8 (Parcel 12) which sits adjacent to the public square has been reduced to 8 storeys and second the corresponding building opposite within Block 7, which is reduced from 9 to 8 storeys. Immediately to the south of Block 7 is Parcel 13 and Block 5. Here the number of residential units remains the same at 53 units but the reduction in car parking units (consistent with the reduction in residential units) has resulted in a reduction to the height of the multi-storey car park from 6.5 storeys/levels to 6 storeys.
- 12 In terms of the Regional Park, the reduction in building heights is most significant in respect of Block 8 where the 14 storey building has been reduced to 8 storeys. Likewise reducing the 9 storey building that sits behind or opposite the landmark building in Block 7 is also helpful in terms of impacts upon the Park, its landscape character and the visual and recreational amenity of visitors. These changes will reduce the visual impact of the development on the adjoining areas of the RLCP and its recreational visitors by lowering the built form to more closely align and sit within the existing wooded edge or buffer to the Park area. These changes are in line with Broxbourne's Local Plan policy CH1 Cheshunt Lakeside which specifies a maximum of 8 storeys, although the parameter plans for the consented scheme set a height limit of 7 storeys. They also accord with the Regional Park's landscape strategy which seeks to protect the coherent and mostly undeveloped landscape character of the RLCP.
- 13 The development will however still be visible from within the Park both through and to some extent above the tree line, in particular during the winter season when leaf cover is significantly reduced. This was noted to be the case in the previous report, although considered a secondary factor given the dominance of the 14 storey building when viewed from within the Park. The revised Townscape and Visual Impact Assessment (TVIA) accompanying the amended plans confirms that in winter the amended scheme would be visible particularly from those parts of the RLCP adjoining the railway and application site. It states the development would "impact the sense of seclusion within the park and the sense of enclosure experienced at ground level". Overall it concludes this will result in a minor adverse effect to some visual receptors (people) experiencing views westwards from within the Park. This impact will vary considerably with the seasons and in late spring summer most of the development will be screened by the vegetation along the Park boundary.
- 14 The architectural treatment of the buildings has been designed to create visual interest and define a legible character of distinct and related blocks thereby improving the character and appearance of the townscape. The amended scheme retains the design treatment for the landmark building with a light

coloured frame element, described as a 'unique elevational treatment' which will ensure it can be differentiated from all the other buildings and enable it to remain as a focal element in the scheme. The design treatment of the adjacent building immediately to the east and therefore close to the Park boundary which remains at 8 storeys, has been altered however by introducing a lighter buff coloured brick for the top floor to help reduce its visual height.

- 15 In conclusion the key change sought by the Authority in its objection has been achieved through the proposed reduction in heights within the three Blocks and in particular the lowering of the 14 storey landmark building. In terms of the seasonal visibility issue, it would not be possible to hide or fully screen the visual impact of this development from the Park and its visitors, particularly in terms of views out from those areas of the RLCP immediately adjoining in the winter. A further reduction in height so that the visual issue is overcome is also unlikely to prove viable.
- 16 The design treatment is therefore accepted as one mechanism to add interest and create a quality townscape to this boundary with the Park. It is also recommended that the landscape treatment of the area between the development and the Park boundary incorporates appropriate native planting that will over time soften the interface between the two areas. The Landscape Statement (October 2022) accompanying the amended plans identifies this area along the eastern edge of Parcel 12, adjacent to the railway and the Park as 'Natural Habitat' an area to be planted with wildflower meadows and native 'buffer' tree types. Trees identified for this area have been selected for their versatility and screening opportunities so as to "enforce a strong native tree buffer to the eastern boundary". These measures should be secured by condition on any grant of consent in order to assist in establishing and maintaining, a suitable all season landscape screen, and wildlife corridor along the eastern edge of the site.
- 17 **Lighting and Balcony Design**  
The amendments proposed have not directly addressed the matter regarding the design of buildings within Block 8, specifically the bolt on balconies which face onto the Regional Park boundary and the associated issue of light pollution to the biodiversity buffer along the eastern edge of the site and ecology of the adjoining Park area. The image included in the Design and Access Statement 'Aerial View of revised Cheshunt Lakeside Proposals (please refer to Appendix C to this report) shows the bolt on balconies on the blocks close to the Park boundary.
- 18 However elsewhere in the amended submission the Preliminary Ecological Appraisal (PEA) October 2022, identifies the need for a sensitive lighting strategy to be included as part of the development and recommends that this should be conditioned as part of an ecological mitigation and enhancement strategy. This would ensure the issue of lighting and light pollution is considered in relation to both the existing ecology and that proposed as part of the development, including habitat enhancements identified to deliver the biodiversity net gain scheme.
- 19 Finally the applicant has stated in the Planning Statement Addendum that the Authority's recommendation that a lighting strategy should be required as a planning condition, designed in accordance with the 'Institute of Lighting Professionals (2018) Bats and Artificial Lighting in the UK Guidance Note 08/18' would be acceptable "as a planning condition required prior to any above ground

works". It is therefore reasonable to assume that these measures should address the Authority's concerns on the matter of light pollution and officers will wish to be consulted on any lighting strategy in due course.

## 20 Other Matters

The PEA recommends that a Landscape and Ecology Management Plan (LEMP) should be included as part of the development proposals to be secured via a condition, should the Council be minded to grant consent. This is endorsed by officers and should form part of a package of measures including the production of:

- a Construction Environment Management Plan (CEMP) to ensure the protection of habitats and species on-site during the construction phase. The CEMP should also take account of habitats and species off-site within the adjoining RLCP; and
- an Ecological Mitigation and Enhancement Strategy (also recommended in the PEA) to include the long-term monitoring of the habitats and species present both on and adjacent to the site, to ensure Biodiversity Net Gain (BNG) requirements are being met and that any management changes can be implemented if mitigation measures are not achieving their intended goals.

## 21 Section 106

The Authority, in its response to the original application (September 2022) requested additional financial contributions to be provided commensurate with the proposed uplift of 97 residential units above the allowance specified for Parcels 12 and 13 under conditions associated with the original outline application. This uplift has now been reduced to 51 residential units. The applicant makes the case in the amended application that the S106 package for the outline application was based on the original figure of a total of 1,853 residential units across the whole Cheshunt Lakeside site, although the Outline Consent granted permission for a total 1,725 units. The point is made that as the uplift of 51 residential units for Parcels 12 and 13 does not result in an exceedance of the 1,853 figure there should not therefore be additional impacts which require mitigation by way of additional S106 contributions.

22 It is understood however from the information supplied in the Planning Statement Addendum that the final package of S106 contributions from this application has yet to be discussed and agreed. The fact remains that the current amended proposal results in an uplift of 51 units above the allowance specified for Parcels 12 and 13. This will still result in an increase in footfall through the RLCP which in itself is a major benefit for new residents. It is therefore considered appropriate for the Authority to seek further S106 contributions proportionate to the uplift in units for Parcels 12 and 13 and the increase in footfall within the Regional Park. These monies would enable the Authority to expand its current list of habitat and visitor access improvements within the RLCP, in accordance with the designated status of the area and to develop further its homeowner engagement measures.

## 23 Conclusion

The main change sought by the Authority in its objection to the original application has been achieved through the proposed reduction in heights within the three Blocks and in particular the lowering of the 14 storey landmark building within Block 8. Other matters relating to seasonal visibility and impact of the development from those areas of the RLCP adjoining the application site can to

some extent be mitigated by the proposed design of the residential blocks and the landscape treatment of the area between the development and the Park boundary, although it will be important to secure appropriate conditions for landscape, lighting, and the protection of habitats both on and off-site during construction and operation of the scheme, should the Council be minded to grant consent.

## **ENVIRONMENTAL IMPLICATIONS**

24 These are addressed in the body of the report.

## **FINANCIAL IMPLICATIONS**

25 There are no financial implications arising directly from the recommendations in this report.

## **LEGAL IMPLICATIONS**

26 Planning applications referred to this Authority are submitted under the consultative arrangements of Section 14 (4-7) of the Lee Valley Regional Park Act 1966. The Act requires a local planning authority to consult with the Authority on any planning application for development, whether within the designated area of the Park or not, which might affect any part of the Park.

27 The Park Act enables the Authority to make representations to the local planning authority which they shall take into account when determining the planning application.

## **RISK MANAGEMENT IMPLICATIONS**

28 There are no risk management implications arising directly from the recommendations in this report.

## **EQUALITY IMPLICATIONS**

29 There are no equality implications arising directly from the recommendations in this report.

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## **PREVIOUS COMMITTEE REPORTS**

Regeneration & Planning Committee	RP/20/18	Planning Consultation by the Borough of Broxbourne on an Outline Application Involving the Redevelopment of a Site for up to 1853 Apartments, 19051 SM of Commercial Space with Associated Leisure Uses and a Two Form Entry Primary School and the Creation of a New Plaza on Windmill Lane	21/06/18
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Regeneration & Planning Committee	RP/24/18	Planning Consultation by the Borough of Broxbourne on an Outline Application Involving the Redevelopment of a Site for up to 1853 Apartments, 19,051sm of Commercial Space with Associated Leisure Uses and a Two Form Entry Primary School and the Creation of a New Plaza on Windmill Lane.	22/11/18
Regeneration & Planning Committee	RP/60/22	Planning Consultation by Broxbourne Borough Council. Redevelopment of Land at Delamare Road to Provide a Residential Led Mixed Use Development Comprising 471 Residential Units and Ancillary Residential Floorspace; up to 2436sqm of Non-Residential Floorspace Including Office (Class E(G)(I) Light Industrial (Class E(G)(III) Leisure (Classes E(D) and Sui Generis), Community (Class E€-(F) and Class F1)) Floorspace and Retail (Class E(A) (B) (C)) a New Local Centre, Plaza, Landscaping, Car Parking, Cycle Parking, Pedestrian Cycle and Vehicular Routes and Associated Works. Ref: 07/22/0597/F Parcels 12 & 13 Land at Delamare Road, Cheshunt, EN8 9AP.	22/09/22

#### APPENDICES ATTACHED

Appendix A	Plan of the application site
Appendix B	Images of the original building heights and revised amended building heights.
Appendix C	Extract from DAS Aerial View of proposed development

#### LIST OF ABBREVIATIONS

CEMP	Construction Environment Management Plan
RLCP	River Lee Country Park
SSSI	Site of Special Scientific Interest
SPA	Special Protection Area
TVIA	Townscape and Visual Impact Assessment
PEA	Preliminary Ecology Appraisal
BNG	Biodiversity Net Gain
LEMP	Landscape and Ecology Management Plan

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- Application Site
- Masterplan Area
- Park Boundary

Maxar, Microsoft

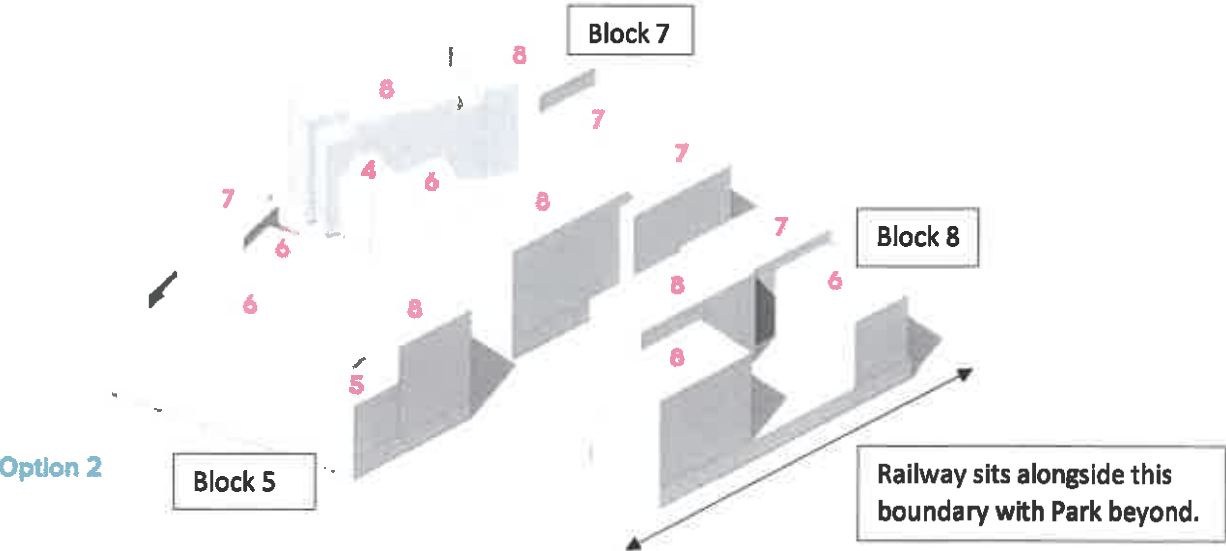
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**Appendix B - Building Heights comparison, extracts from Design & Access Statements**

**Original Perspective View of building heights below showing 14 storey building in Block B**



**Amended Scheme Oct 2022 (option 2) showing reductions in building heights**



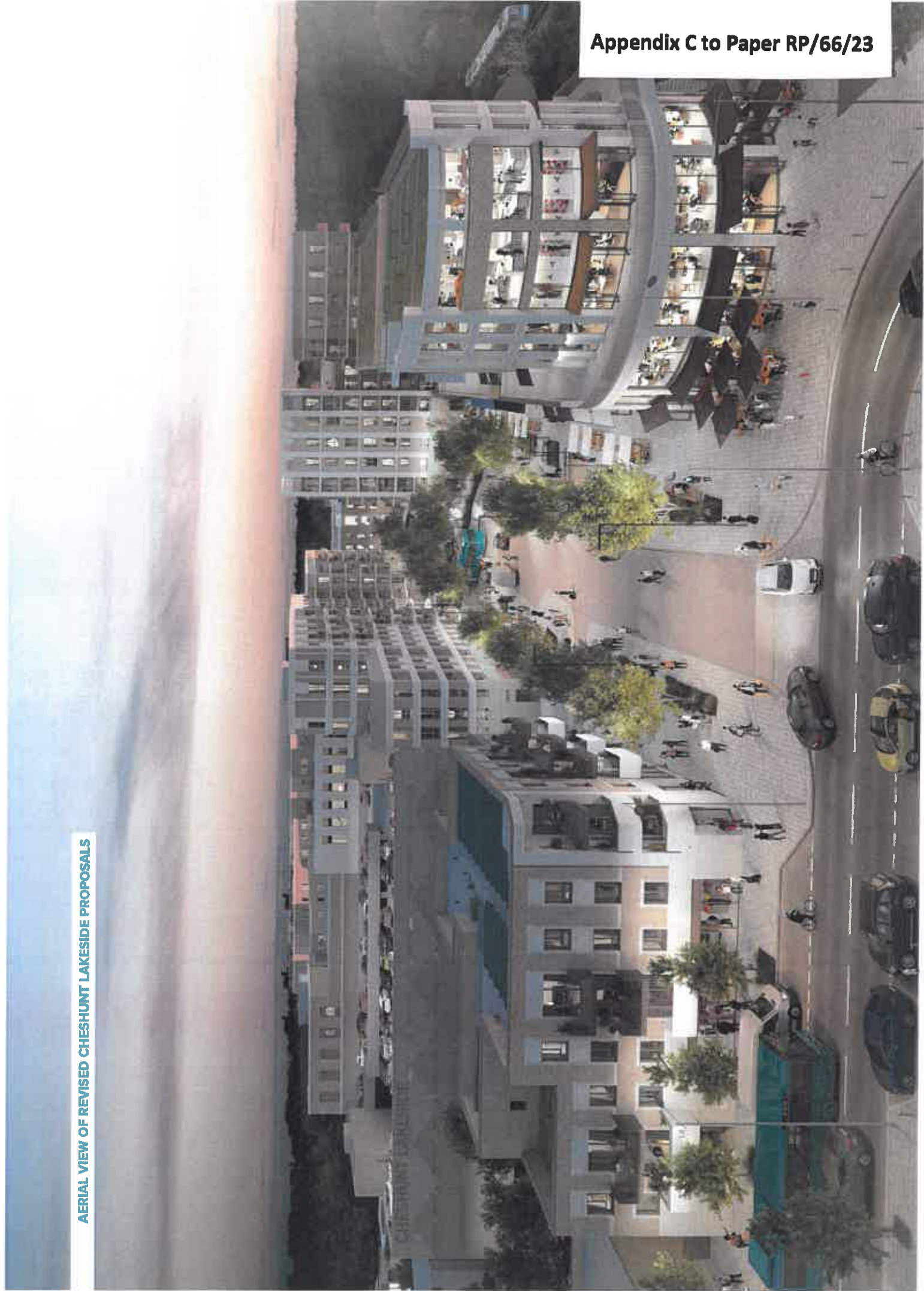
**Extract from Design and Access Statement Oct 2022 showing elements where height has been reduced.**



### KEY

- X Storey height
- 5 commercial storeys = 7 residential storeys
- Elements that have been changed

AERIAL VIEW OF REVISED CHESHUNT LAKESIDE PROPOSALS



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**PLANNING CONSULTATION BY EPPING FOREST DISTRICT COUNCIL**

**OUTLINE APPLICATIONS FOR THE REDEVELOPMENT OF THE SITE TO PROVIDE UP TO 52 LATER LIVING APARTMENTS (EXTRA CARE HOUSING) (USE CLASS C2) INCORPORATING A CONVENIENCE SHOP AND CAFÉ (USE CLASS E); 13 RETIREMENT COTTAGES (EXTRA CARE HOUSING) (USE CLASS C2); 10 SELF BUILD & CUSTOM BUILD HOUSES (USE CLASS C3); 4 STARTER HOMES (USE CLASS C3) AT 80%\* OF OPEN MARKET VALUE; 1 MARKET DWELLING (USE CLASS C3); ASSOCIATED MINI-ROUNDOABOUT ACCESS, OPEN SPACE, BOWLING GREEN, CHILDREN'S PLAY AREA AND IMPROVED LOCAL BUS SERVICE; ALL MATTERS RESERVED EXCEPT ACCESS. REF: EPF/2601/22 AND EPF/2602/22**

**\*Note the second application EPF/2602/22 differs from EPF/2601/22, in that the 4 proposed starter homes include a larger discount (70%) of open market value\***

**LAND TO THE SOUTH & EAST OF THE FORMER CHIMES GARDEN CENTRE & REAR OF 95 OLD NAZEING ROAD, NAZEING, WALTHAM ABBEY, EN10 6RJ**

Presented by Head of Planning

**SUMMARY**

Two outline applications have been submitted for the redevelopment of land to the south and east of the former Chimes Garden Centre for residential purposes. The applicant states that the only difference between the two schemes is that the second application EPF/2602/22 includes a larger discount of 70% of open market values for the 4 proposed starter homes rather than the 80% offered in the first application. This is not a matter that impacts upon the Regional Park and therefore the following report considers the applications as one submission.

Insufficient information has been provided to enable an assessment of the full impact of the proposal on protected species as recommended by the Preliminary Ecological Assessment. The layout of the development as shown on the indicative masterplan

also raises concerns due to the proximity of residential buildings to sensitive areas of the adjacent Regional Park area. This has highlighted the need for development parameters to be established whilst at this outline stage to ensure a sufficient set back can be achieved for the built aspects of the scheme to protect the Park. It is therefore recommended that a holding objection is made to enable the ecological surveys to be undertaken and their findings considered and for the applicant to consider the matters raised in relation to setting back development from the site boundaries.

## **RECOMMENDATIONS**

Members Approve:

- (1) the Authority places a holding objection to the current outline applications for residential development of land to the south & east of the former Chimes Garden Centre & rear of 95 Old Nazeing road in order that:
  - a) detailed ecological surveys for Protected Species can be undertaken as recommended in the Preliminary Ecological Assessment, so as to inform the extent of the proposed development and enable the potential implications of development on Protected Species to be fully assessed;
  - b) parameter plans can be agreed for the set back of development from the eastern and southern edge of the application site to ensure there is sufficient space to create a substantial landscape buffer that will shield the development from the sensitive areas of the Regional Park adjoining the application site;
- (2) that Epping Forest District Council be informed that the Authority would wish to be consulted on the above matters in due course;
- (3) that should the Council be minded to approve the above application, then the Authority would wish to see conditions included to ensure:
  - a) development is set back by 10m along the eastern edge of the application site in order to provide sufficient space to create and maintain a substantial landscape buffer to the adjoining areas of the Regional Park and protect the existing mature lakeside trees, with a similar approach along the southern boundary in order to protect the existing mature hedgerow and trees;
  - b) provision of a detailed Landscape Plan incorporating the above measures and including a more naturalised space of native

shrub, trees and meadow planting adjacent to the River Lee Navigation;

- c) provision of an Ecological Mitigation and Enhancement Strategy demonstrating Biodiversity Net Gain and including on-site habitat and species monitoring based on agreed baseline targets and provision for enhancements if these are not met;
- d) a lighting strategy is provided and designed in accordance with the 'Institute of Lighting Professionals (2018), Bats, and Artificial Lighting in the UK Guidance Note 08/18';
- e) provision of the proposed central area of managed open space and detail as to how the green link through the site will connect with areas of Regional Park to the north and south; and
- f) Section 106 monies are allocated to enable the Authority to enhance visitor infrastructure and woodland habitat at Rusheymead and mitigate for increased recreational impacts as set out in the attached Schedule (Appendix D to Paper RP/67/23).

## **BACKGROUND**

### **1 Location**

The application site is located within the Regional Park and the Green Belt and lies to the south of Old Nazeing Road and the residential area known as Keysers Estate, please refer to the Plan at Appendix A to this report. It also includes a section of land to the rear of No.95 Old Nazeing Road which will deliver one new market dwelling. This lies outside the Park boundary. The site consists of the former Nazebourne Poultry Farm which occupied the eastern and south east part of the site and land to the south of the former Chimes Garden Centre which is part of a former landfill site and has previously been used for parking and open storage associated with the former garden centre. The River Lee Navigation provides the western boundary to the application site with Snakey Lane running along its southern boundary, bordered by mature trees and remnant hedgerow. The Lane separates the site from the open area of Nazeing Marsh beyond and connects with Green Lane in the east. Snakey Lane is not publicly accessible and provides access to the Broxbourne Cruising Club which lies to the south of the application site. Access to the application site is from Nazeing Old Road in the north.

- 2 A mosaic of mixed scrub and grass covers a large part of the application site with an area of thicker vegetation close to the River Lee Navigation. Mature hedgerows and trees are present on all site boundaries except where the site abuts the former Chimes garden centre. To the east of the application site is a

square shaped and tree lined fishing lake, one of a pair of lakes known as the Green Lane Pits which are managed and operated by one of the Authority's licensees the Abbey Cross Angling Society.

- 3 The garden centre adjacent to the application site has been cleared and a residential development known as The Chimes is currently under construction. Much of the first phase has been completed incorporating a mix of detached, semi-detached and terraced properties. Phase 2 was granted permission in April 2022, subject to conditions and will be built out in a similar form to Phase 1.
- 4 **Planning History**

Relevant planning history relates to both the application site and the adjoining former Chimes Garden Centre. The majority of the former Poultry Farm has an established light industrial and storage use, (permissions granted in 1990) with the western portion used for landfill. Although buildings have been cleared from the site, areas of hardstanding remain and the site is considered as previously developed land. To the west of this, land has been used for commercial vehicle storage and open storage associated with the garden centre although it is unclear whether this is an established use. A large part of this western area is also understood to be a former land fill site following mineral extraction.
- 5 Planning permission for residential development of the former Chimes Garden Centre was first granted in October 2015 (EPF/0570/15). This was unable to progress due to contamination issues and following a further application for a smaller scheme (EPF/1232/16, approved in 2017) it was superseded by the permission granted in February 2019 for 33 dwellings on the northern (Phase 1) part of the site (EPF/1351/18). At this time the applicant proposed the remainder or southern portion of the site would be maintained in perpetuity as 'Managed Open Space'. This is the scheme currently being built out.
- 6 In April 2022 Epping Forest District Council (EFDC) granted permission for a further 14 dwellings - 4 flats and 10 dwellings (EPF/2713/21 (resubmission of EPF/3040/19 which was refused)) on the former landfill area previously approved as an area of Managed Open Space. The appropriate ground investigations were undertaken and the necessary detailed remediation measures included with the application to enable residential development of the site. This is known as Phase 2 of The Chimes development and will immediately abut the current application site. The proposed houses and flatted block will be 2.5 storeys in height with accommodation in the roof space in the case of the houses. The design of the development is contemporary and similar to the design of the dwellings approved in the EPF/1351/18 (33 unit) scheme.
- 7 The Authority objected to the original application in October 2015 (EPF/0570/15) due to the loss of land designated as green belt, insufficient ecological surveys submitted with the application and failure to adequately address the requirements of the then Park Plan (2000) and the draft proposals of the Park Development Framework. An informative was added to the Authority's formal response stating that the Authority would consider withdrawing its objection if the application was restricted to the existing footprint of the garden centre and the single dwelling in the south west corner of the application site was omitted.
- 8 In response to the 2018 application for 33 dwellings the Authority noted that the application covered the same footprint as the previous permission (from 2015) and is considered as 'previously developed land'. Although that application was for 33 dwellings, 7 more than the extent permission, no objection was made to

the proposal despite its location in the Green Belt and Regional Park.

- 9 In respect of the most recent application for the Phase 2 area the precedent set by the previous permissions was noted and no objection made. However concerns were raised with EFDC about:

- a) the boundary treatment of the site given its location within the Regional Park and the Green Belt and the need to condition a detailed landscaping scheme;
- b) the need to ensure sufficient amenity space was contained within the development site itself to cater for the informal recreational, play and open space requirements of all the new residents, so as to reduce the pressure on adjoining Park areas; and
- c) the provision of ecological enhancements within the site and along its boundary as specified in the ecological assessment (but not limited to), these to be secured by condition on any grant of consent. In particular, a lighting plan was requested to show how light spill into the adjoining areas of the Park would be minimised.

It should be noted that the Phase 2 permission includes conditions requiring soft landscaping details (no.9) and details of a nature conservation scheme of enhancement (no.16) to be provided.

- 10 Members should note that the Authority disposed of an area of land which forms part of the application site. This should not be a relevant consideration for the Planning Committee in this context where the Authority is considering the application as Statutory Planning consultee and in relation to any impact on the Regional Park.

## **THE OUTLINE APPLICATIONS**

- 11 The following sections of this report apply to both outline applications referred to as 'the outline application' as it is understood that the only difference between the two submissions is the inclusion of a larger discount (of 70% of proposed open market value) for the 4 proposed starter homes in the second application EPF/2602/22.
- 12 The proposal seeks outline planning permission with all matters reserved except access for the provision of up to:
- 52 Later living apartments (C2) incorporating a shop and a cafe (E)
  - 13 Retirement cottages (C2)
  - 10 Self build houses (C3)
  - 4 Affordable Starter Homes (C3)
  - 1 New Market Dwelling (C3)
  - An associated mini roundabout access
  - Open space, a bowling green, children's play area and footpath links
  - An improved local bus service

The application site and the above components would form an extension to the existing Chimes residential development with access through from Old Nazeing Road and the new proposed mini roundabout.

- 13 **Layout**  
An indicative masterplan accompanies the outline application to demonstrate

how the site could accommodate the proposed level of development. Please refer to Appendix B to this report. The 10 self-build plots are positioned in the south west portion of the site with the 4 no 1 bed starter homes/apartments. These are accessed via the existing Chimes access road. Land immediately adjoining the River Lee Navigation is shown shaded green potentially indicating that it will be kept free of development (this does sit within Flood Zone 3) although the design of the access road at this point continues into part of this area.

- 14 The Later Living accommodation – 52 no apartments (27 No 2 bed and 25 No 1 bed) are laid out along the eastern side of the site 'orientated to face out' across the fishing lake, with a secondary access road off the central Chimes estate road. The retirement cottages (13 No 2 bed units) are more centrally placed and overlook the proposed 'managed open space' including a bowling green and children's play area. The proposed shop (104 sqm) and café (85 sqm) are shown located within Block A in the south east corner of the site, close to Snakey Lane. A pedestrian/cycle link from the site onto Snakey Lane is also shown in this corner. A total of 75 parking spaces are proposed for the Later Living and Retirement cottages allowing 1 space per apartment and 1 space per 8 apartments/cottage for visitors. The 1 bed starter units will provide 1 no space per unit and the self-build units would be anticipated to provide 2 no spaces per unit. Policy compliant secure cycle parking is to be provided and would be conditioned.
- 15 Matters of scale and design are reserved for future consideration should the outline application proceed. The applicant is proposing a two and half storey development of contemporary design with the use of brick, metal and rectangular window forms to add a vertical emphasis. The Design and Access Statement (DAS) explains that the self-build plots should demonstrate exemplar design and sustainable construction and are anticipated to be of one and a half to two storey in scale.
- 16 **Access**  
The application is supported by a Transport Assessment (TA) and proposes improvements to Old Nazeing Road in the vicinity of the application site by means of a 3 arm mini roundabout. This is proposed to improve access into the site and restrict vehicle speeds along Old Nazeing Road. The applicant is also proposing, in conjunction with Epping Forest Community Transport to enhance the existing C392 bus service so that it would divert onto Nazeing Old Road and provide a hail and ride service for the Chimes development, application site and Keyser's Estate, with a turnaround at the Crown Public house. A sum of £158k is proposed to fund these improvements, secured via the S106 Legal Agreement; this would provide for a new mini bus and a driver. The TA has concluded that the level of increase in traffic from the proposed development is likely to have an insignificant impact upon the operation of the access road or the junction between the access road and Old Nazeing Road.
- 17 **Landscape and Visual Impact Assessment**  
The applicant proposes to retain boundary landscaping and strengthen this through planting of native species where appropriate. A Landscape Strategy Plan (please refer to Appendix C to this report) is provided with the application and a detailed landscaping scheme would be provided as part of future reserved matters submission. An Arboricultural Assessment accompanies the application as a number of site trees would need to be removed as part of the proposals; these have been assessed as generally of low quality. A 'green corridor' is

indicated on the masterplan through the site from Old Nazeing Road in the north to Snakey Lane in the south.

- 18 **The Visual Impact Assessment** accompanying the application concludes that the proposals could be integrated into the receiving landscape and environment without giving rise to any notable adverse effects. Reference is made to the context set by established residential development to the north of the site and along Nazeing Old Road to the east and the largely vegetated boundaries to the application site which help to contain views of the site.

19 **Ecology**

The application is supported by a Preliminary Ecological Appraisal (PEA). This describes the site as comprising a mixture of trees, scrub, grassland, ruderal and swamp vegetation with the potential to support protected species. It states that no vegetation clearance or disturbance to the site should occur before further protected species surveys have been undertaken and a full impact assessment carried out. It proposes that further surveys are undertaken for breeding birds, reptiles, amphibians, badgers, invertebrates and dormice. It also notes that if mature trees are to be felled an inspection should be made to ascertain bat roost potential and advice on whether subsequent emergence surveys are required. The applicant considers that requirements for further survey work could be conditioned as this is an outline application. A number of biodiversity enhancements are recommended for the site as part of any future development.

20 **Section 106 Agreements**

The DAS notes that a draft S106 Agreement has been submitted with the application and this covers matters such as education, housing, transport and Epping Forest Air Quality contributions.

**POLICY CONTEXT**

21 **National Planning Policy Framework (NPPF)**

New development within the Green Belt is regarded as inappropriate subject to exceptions outlined in Paragraph 149 of the National Planning Policy Framework (July 2021), including under criteria G the following exceptions:

g) limited infilling or the partial or complete redevelopment of previously developed land whether redundant or in continuing use (excluding temporary buildings) which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

- 22 Local Plan policy both in the Combined Policies of Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008) and the Submission Version Local Plan (SVLP) 2017 is supportive of the Lee Valley Regional Park, recognising its role as a key asset for the District, and an important component of the region's green infrastructure. Policy RST24 'Design and Location of Development in the LVRP' seeks to ensure developments within the Regional Park have regard to its importance for leisure, recreation and nature

conservation, safeguard the amenity and future development of the Park and conserve and enhance the landscape of the Park or its setting.

- 23 The SVLP Policy SP6 states that the openness of the Green Belt will be protected from inappropriate development in accordance with national planning policy and Policy DM4. SVLP Policy SP7 'The Natural Environment, Landscape Character and Green and Blue Infrastructure' identifies the Regional Park in supporting text as forming part of the District's natural heritage and important landscapes. SP7 states that "The Council will protect the natural environment, enhance its quality and extend access to it; this contributes to the health and wellbeing of its people and economic viability of the District."
- 24 SVLP Development Management Policy DM1 'Habitat Protection and Improving Biodiversity' seeks to ensure all development delivers biodiversity net gain in addition to protecting existing habitat and species – proposals should integrate biodiversity through their design and layout. Policy DM1 (G) also states that where a Protected or Priority Species, Priority Habitat or other valuable habitat may be affected by proposed development, applicants must provide a full survey and site assessment to establish the extent of potential impact and inform appropriately designed mitigation measures and plans.
- 25 **Park Development Framework**  
Park Development Framework (PDF) Area Proposals (6.A.4) 'River Lee Country Park' (RLCP) seek to protect and enhance the RLCP for informal recreation and countryside activities based on the quality of the Park's landscape and its natural resources and heritage interest. Visitor Proposals identify the need for joint working with stakeholders to improve access and the quality of routes for pedestrians and cyclists at entrance points to the RLCP in the north including along Nazeing Old Road. Sport and Recreation Proposals recognise the need to work with landowners, and the Council to bring Nazeing Marsh and the old Chimes Nursery site into a recreational or leisure use. Proposals also seek to protect, manage and improve the fisheries within the RLCP as regional leisure and sporting venues for a diverse range of specimen coarse angling.
- 26 Biodiversity proposals seek to improve ecological value and species diversity, within the RLCP and protect and enhance the variety of habitats that currently exist and provide opportunities for the enjoyment of nature. The Lee Valley Regional Park Landscape Strategy identifies the RLCP as part of landscape character type A – 'Rural valley floor mosaic with wetlands and marshes' an area of mostly undeveloped landscape character with a sense of naturalness and tranquillity that should be protected. It notes the importance of trees and scrub which help to reduce the perceived influence of surrounding development and create a sense of seclusion. These factors combine to contribute to the amenity of the RLCP and its enjoyment for nature and informal recreation.

## **PLANNING APPRAISAL**

- 27 The recent planning consents have set a precedent in respect of the application site, a large part of which it is understood, is also considered to be previously developed land in the Green Belt. The full extent of the previously developed land will need to be confirmed by the local planning authority. The applicant has shown that a good proportion of the site has been previously in use for light industrial and storage purposes (in particular the Nazebourne Poultry Farm) with parts of the site to the west also used for storage and consisting of former unrestored landfill. However although some areas of hardstanding remain the



site presents as largely open in appearance. As such residential development of this previously developed land is likely to have a greater impact upon the openness of the Green Belt than the current position. Whether this constitutes substantial harm to the openness of the Green Belt, given the location and context of the site and whether the proposals are considered to meet an identified affordable housing need, as per the requirements of the NNPF, (section G of paragraph 145), will be matters for the local planning authority to judge.

- 28 For the Authority, given this position, the application needs to be considered in relation to the PDF Proposals for the RLCP, namely the impact of the development upon the RLCP's landscape character, the recreational amenity of visitors to the Park, and the impact on the Park's ecology. The specific proposals for the former Chimes Garden Centre cannot now be achieved as originally envisaged given the current residential development of the site.
- 29 **Landscape Character and Visual Impact**  
The proposed residential development will change the current landscape character of the application site, and the Park, with buildings placed across a large proportion of the site and a new area of public open space incorporating a bowling green, and children's play area positioned in the centre of the development. These will however replace areas of hardstanding and previously developed areas such as those along the eastern and south eastern portion of the site, formerly the location of the poultry farm and reclaim the grassed landfill area and scrubland which is also used for storage. The openness of the application site is already impacted by the adjacent residential development immediately to the north.
- 30 The Landscape Strategy Plan and the indicative masterplan show a comprehensive scheme of landscaping across the whole site which indicates the potential for the creation of a quality environment including biodiversity enhancements within the site. They incorporate important design principles in terms of protecting the landscape character of the RLCP.
- 31 These include proposals to strengthen the existing vegetated boundaries to the site with additional native and species rich hedgerow, tree and understorey planting. Along the eastern edge of the site planting is proposed to bolster the existing mature treescape associated with the adjacent fishing lake and along the southern boundary the proposed enhanced landscape buffer would interface with the Park and Nazeing Marsh to the south. A more naturalised space of native shrub, trees and meadow planting is proposed adjacent to the River Lee Navigation, which will help to soften the interface and provide a buffer between the waterway corridor and the new development.
- 32 The extent of the setback for development from the surrounding Park area is of concern however, in particular along the eastern side of the site adjacent to the fishing lake and whether enough space has been allocated to create a sufficient buffer to the development. It is not considered appropriate for the development to rely on the trees of the adjoining land as a buffer. The masterplan shows the existing canopies of mature lakeside trees over hanging the gardens and parts of the proposed buildings within the eastern part of application site. This indicates that the setback is insufficient.
- 33 A set back of at least 10m from the eastern edge of the application site should be included, to be kept free from development. This would help protect the

established riparian trees, (their root protection areas), and associated riparian habitat and allow space for additional planting to establish and form a substantial buffer to the development, one that could screen the development from the lake. A similar approach should be actioned along the southern boundary in order to protect the existing mature hedgerow and trees and enable an enhanced buffer to be maintained with the Park in the long term. Land adjacent to the River Lee Navigation should also, as shown on the landscape plan, be kept free from development and an appropriate buffer established.

- 34 These measures, particularly along the boundaries of the application site, should be identified as 'development parameters' to be discussed with the applicant and then secured via condition in order to guide any future reserved matters applications. This would help to both contain views of the site and integrate the new built form with the surrounding areas of the Park, albeit that residential development would have encroached further into the Park.
- 35 Strengthening and maintaining the current vegetated edges to the site will be important to protect the mostly undeveloped landscape character of the surrounding areas of the Park, and to ensure the recreational use of the RLCP, including the fishing lake adjacent, can be protected in accordance with PDF Proposals and shielded to a large extent from the visual and associated impacts of the development. The southern boundary would form a defensible landscaped boundary between the open Park area, the application site and The Chimes development beyond.
- 36 **Amenity Space and Access**  
 The proposed central area of managed open space should be secured by condition and further detail provided on the concept of the green link through the site. It is important that the development provides sufficient amenity space to cater for the informal recreational, play and open space requirements of all the new residents, so as to reduce the pressure on adjoining Park areas. In any event new residents (resulting from the 80 units) are likely to make use of adjoining Park area, in particular Rusheymead to the north, where some informal paths and wayfinding exists. Potentially there will also be pressure felt on the adjoining fishing lakes given their proximity. Contributions via S106 funding should be sought to enable the Authority to enhance visitor infrastructure and woodland habitat at Rusheymead; indicative figures suggest a sum of £89k for these enhancements, please refer to Appendix D to this report.
- 37 The interface between the proposed green link and areas of Regional Park to the north and south is unclear. PDF Proposals seek to improve access for pedestrians and cyclists at entrance points to the RLCP in the north including from Nazeing Old Rd and there could be potential here to provide a link through the development linking from Rusheymead in the north with Green Lane to the south. It is also unclear how access onto Snakey Lane will be controlled as public access along the Lane is not currently permitted and it is unlikely that the fishery would wish to see this area and access to the lake opened up. This requires further thought and engagement with the Authority should the proposal move forward to the detailed planning stage.
- 38 **Lighting**  
 The proposed height of development is considered appropriate given it matches the scale of existing residential development on the Chimes development adjoining the application site and is similar to what already exists adjacent to the River Lea Navigation to the west. Alongside the boundaries of the site the

requirement for a substantial setback from the Park edge will assist in minimising light pollution and help protect dark corridors for commuting and foraging wildlife including bats and other nocturnal mammals. The lakeside views proposed for the Later Living accommodation along the eastern side of the site will need to be restricted in order to maintain a dark buffer and to protect the fishery operations. The PEA recommends that *'Any proposals should incorporate a sensitive lighting scheme to facilitate foraging in the vicinity of the site particularly along Monken Mead Brook to the east. The lighting strategy should include dark buffers, illuminance limits and zonation, appropriate luminaire specifications, screening, dimming and part night lighting.'*

- 39 If EFDC were minded to grant permission a 'lighting design strategy for biodiversity' for the whole development should be approved by the local planning authority. This should take into consideration guidance outlined in 'Guidance Note 08/18, Bats and artificial lighting in the UK' produced by the Bat Conservation Trust.

40 **Ecology**

The PEA notes that the application site has potential to support Protected Species and recommends that a range of surveys are carried out prior to any vegetation clearance or disturbance to the site. The applicant suggests that the required surveys can be conditioned as this is an outline application. However National Planning Policy Guidance for 'Protected Species and Development: advice for local planning authorities' (updated September 2022) states that local planning authorities *".. should not usually attach planning conditions that ask for surveys. This is because you need to consider the full impact of the proposal on protected species before you can grant planning permission"*.

- 41 PDF Biodiversity proposals seek to improve ecological value and species diversity within the RLCP. It would therefore be important to know whether Protected Species are present on or close to the application site. This would then inform the extent of the proposed development and future details of the scheme and enable the potential implications on Protected Species to be assessed by the LPA. Government Circular 06/2005: Biodiversity and Geological Conservation states

*'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.'*

This outline application does not constitute exceptional circumstances and the surveys outlined within the PEA should be undertaken and form a material consideration for EFDC.

- 42 The Landscape Strategy Plan includes a number of features to enhance and support biodiversity on site and the DAS includes the list provided in the PEA of 'general biodiversity enhancement' recommended 'prior to protected species surveys'. The DAS notes that the Council's SVLP Development Management Policy DM1 'Habitat Protection and Improving Biodiversity' requires developments to have a net gain for biodiversity. There has been no calculation

of the baseline biodiversity units or indication of any net gain or loss as a result of the PEA survey work and this should be addressed.

**43 Conclusion**

The proposed residential development will replace areas of hardstanding, and other previously developed land and reclaim an area of landfill. It will change the current landscape character of the application site, although the openness of the site is already impacted by the adjacent residential development of The Chimes immediately to the north. The current application offers opportunities to provide a substantial enhancement to the boundaries of the site so as to potentially improve the landscape character of the Regional Park and buffer the new areas of residential development (including those currently under construction) from the wider Park to the south and east.

- 44 However, the outline applications have not included sufficient information to enable an assessment of the full impact of the proposal on protected species as recommended by the PEA and government guidance. There are also concerns about the layout of the development as shown on the indicative masterplan, included for information purposes as part of the outline proposals. This has highlighted the need to set development parameters at the outline stage to ensure the built aspects of the proposals are set well back from the boundaries that the site shares with sensitive areas of the Regional Park in particular along its eastern boundary with the fishing lake. This matter should be raised with the applicant as soon as possible. It is therefore recommended that a holding objection is made to enable the ecological surveys to be undertaken and their findings considered and for the applicant to consider the matters raised in relation to setting back development from the site boundaries. The recommendation also covers the Authority's position should the Council be minded to grant consent and proposes a series of relevant conditions including S106 contributions.

**ENVIRONMENTAL IMPLICATIONS**

- 45 These are addressed in the body of the report.

**FINANCIAL IMPLICATIONS**

- 46 There are no financial implications arising directly from the recommendations in this report.

**LEGAL IMPLICATIONS**

- 47 Planning applications referred to this Authority are submitted under the consultative arrangements of Section 14 (4-7) of the Lee Valley Regional Park Act 1966. The Act requires a local planning authority to consult with the Authority on any planning application for development, whether within the designated area of the Park or not, which might affect any part of the Park.
- 48 The Park Act enables the Authority to make representations to the local planning authority which they shall take into account when determining the planning application.

**RISK MANAGEMENT IMPLICATIONS**

- 49 There are no risk management implications arising directly from the

recommendations in this report.

## **EQUALITY IMPLICATIONS**

50 There are no equality implications arising directly from the recommendations in this report.

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## **PREVIOUS COMMITTEE REPORTS**

Upper Lee Valley Planning Committee	ULV/96/15	Planning Consultation from Epping Forest District Council. Demolition of Existing Garden Centre/Commercial Buildings and Erection of 27 Dwellings with Associated Parking and Landscaping. Site of Former Chimes Garden Centre, Old Nazeing Road, Broxbourne, EN10 6RJ	30/04/15
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## **APPENDICES ATTACHED**

Appendix A	Plan of the application site
Appendix B	Indicative Masterplan
Appendix C	Landscape Strategy Plan
Appendix D	S106 Schedule indicative costings

## **LIST OF ABBREVIATIONS**

EFDC	Epping Forest District Council
DAS	Design & Access Statement
TA	Transport Assessment
SVLP	Submission Version Local Plan
PDF	Park Development Framework
RLCP	River Lee Country Park
NPPF	National Planning Policy Framework
LPA	Local Planning Authority
PEA	Preliminary Ecology Appraisal

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-  Application Site
-  Park Boundary

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Appendix B Proposed Masterplan for application site



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**Landscape Precedents**



A more naturalised space comprising clusters of native shrub and scattered medium / large native broadleaf trees set in managed meadow. This area would create a landscaped interface between the river and the proposals

Species-rich, native shrub and tree planting defines the interface between Phases 2 and 3. The planting will create a wildlife corridor through the site as well as providing a landscape buffer for existing residents of the existing phases

Central public open space forms the green heart of the whole Chimes development, incorporating a bowling green and children's play area located in a landscaped setting. Areas of varied grassland present opportunities for informal recreation as well as biodiversity enhancements. The proposals would also seek to introduce opportunities for community food production through orchard and allotment style provision in this area.

Proposed built form offset from the eastern boundary to ensure that the existing mature treescape can be retained. Additional native tree and understory planting would be incorporated to reinforce the landscaped interface between the site and the ponds to the east.

Opportunities to introduce green wall features onto the built elevations of the apartments to enhance biodiversity provision and soften the interface between the proposals and properties to the west as well as the fishing lakes to the east

**Play & Trim Trail Precedents**



**Suggested Species Palette**

- Boundary Trees**
  - Common Alder
  - English Oak
  - Field Maple
  - Goat Willow
  - Whitebeam
  - Wild Cherry
- Mixed Native Hedgerow & Shrub Areas**
  - Blackthorn
  - Dogwood
  - Field Maple
  - Hawthorn
  - Hazel
  - Spindle
  - Weythring Tree
- Street Trees**
  - Fastigate Hornbeam
  - Field Maple 'Eborak'
  - Rowan
  - Silver Birch
- Ornamental Shrubs**
  - Clematis
  - Hebe
  - Lavender
  - Phloxia 'Red Robin'
  - Potentilla
- Grass Mixes**
  - General Meadow Mix (Emergent & Flowering Lawn (WFT-Species-Rich)

Proposed green walls  
Areas of native shrub planting extend green corridors into and across the site creating defensible boundaries between plots and contributing positively to local biodiversity. Wildflower grassland margins will form an appropriate interface between amenity spaces and the wildlife corridors.

Proposed gated access to increase connectivity to the wider setting but maintain security for residents

Scale 1:1,250 at A3



**Key**

- Site Boundary
- Proposed Trees
- Proposed Native Hedgerow
- Proposed Native Shrub
- Proposed Ornamental Shrub
- Proposed Wildflower Grassland
- Proposed Flowering Lawn
- Proposed Bowling Green
- Proposed Trim Trail Equipment Locations



The Chimes Site, Old Hazle Road  
Landscape Strategy P1  
Lifestyle Care & Community



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Checked: CHC