

Theydon Bois Action Group

PROTECTING THE VILLAGE OF THEYDON BOIS

Theydon Bois Action Group c/o

28 October 2010

Mr John Preston
Civic Offices
High Street
Epping
Essex
CM16 4BZ

Reference EPF/1134/10

*The creation of a commuter car park providing 179 car parking spaces (including 13 disabled spaces), access road, access bridge, lighting, security centre, CCTV installations, landscaping and drainage works.
Land off Abridge Road (ex Old Foresters Club) Theydon Bois Essex CM16 7NN.*

Dear Mr Preston

Thank you for your recent letter regarding the above planning application. Theydon Bois Action Group and its members welcome the opportunity to comment on this application as consultees. We wish to object most strongly.

This application by Parkeng Limited for a large-scale commuter car park is inappropriate development in the Metropolitan Green Belt and would irreversibly harm openness. It also seeks a change of use from Agriculture to Assembly/Leisure (Class D2). D2 includes use as: cinemas, concert halls, bingo halls, dance hall, swimming bath, skating rink, gymnasium or other area for indoor or outdoor sports or recreations, not involving motorised vehicles or firearms, this is not appropriate development in the Green Belt which would set a very dangerous irreversible precedent for the future use of this land and the Green Belt locally.

The development team, Parkeng Limited, have many of the same directors as Blunts Farm Estates Limited formerly Parsonage Golf Limited. The access road from the proposed car park to the Abridge Road is via the land known as Blunts Farm and is owned, according to the application, by Trustees of the H and ML Smith 1991 Settlement c/o Mr P Newman. As you are fully aware they have caused the people of Abridge, Theydon Bois and North Weald untold disruption, they have a total disregard for the health and safety of residents or of their local environment. Those responsible for the destruction of Blunts Farm have been labelled as 'unscrupulous' by the chairman of the Environment Agency Sir John Harman who also said *"It's an example of an unscrupulous operator looking to run a landfill site while avoiding the appropriate planning and environmental controls by claiming the so-called golf-course' exemption. By flouting the conditions of the exemption for landscaping, this unscrupulous operator has been able to bring tens of thousands of tons of waste onto the site and may have made up to £20m by doing so. I wouldn't want to see the operator get away with this abuse without suffering substantial financial loss."*

Whilst she was Parliamentary Under Secretary of State Baroness Andrews confirmed to Eleanor Laing MP that *'It is for the LPA to decide whether or not to take into account a developer's previous conduct when considering a planning application.'*

TBAG ask that you consider both the opinions of Baroness Andrews and Sir John Harman when considering this application.

The previous application by Parkeng for a smaller commuter car park (156 spaces) EPF/2439/08, was refused as it was contrary to policies PPG2, GB2A, GB7A, CP2, DEB1, DBE4, LL2, LL3, ST2,ST4 and RST3. This application is ostensibly no different and therefore does not comply with the same policies. There are no very special circumstances why this project should go ahead. We recognise that the applicant has made some attempt at addressing the previous reasons for refusal, but a perceived shortage of commuter parking spaces does not represent very special circumstances and the fact remains that this is land within the Metropolitan Green Belt.

The applicant's track record is one of failing to complete developments they have had permission to undertake and EFDC has been obliged to issue several Enforcement Notices, concerning misuse of this and adjacent sites. In particular, two Enforcement Notices have been issued for this site: *'Without planning permission: the stationing of a portable building approximately 21m x 9 m in size and a caravan on the land'* and *'without planning permission: the construction of a new building measuring approximately 1.6m x 2.1m x 2.3m.'* This case has been delayed several times, 12th March, 16th April, 14th May, 11th June, 27th September 2010 and is currently due at Chelmsford Crown Court on 6th December. The current occupier of this site, who has allegedly purchased the land subject to planning permission, although none has been applied for, also demolished the building on the site. The occupier has been told that it is unlikely that he will be granted permission for a new build in the Metropolitan Green Belt having demolished the original building first.

All previous planning applications for this site and the adjacent site over which the proposed access roadway runs have expired.

The construction of the proposed roadway from much further to the East onto the Abridge Road will cause even greater loss of openness, as it will be up hill and would be visible from most of the rest of the village. It would run adjacent to Parsonage Farmhouse and the barn 10 metres north which are both Grade II listed buildings. The proposed development would cause unacceptable harm to the setting of these listed buildings contrary to Policies HC2, HC12, CP1, CP2, and RST19 of the Epping Forest District

Local Plan 1998 and Alterations 2006 and Policy ENV6 of the Regional Spatial Strategy for the East of England 2008. Furthermore, figure 9.2a of the *Settlement Edge Landscape Sensitivity Study* indicates that Theydon Bois has six pre- 18th Century fields, including one adjacent to this site and several very close to this site.

Permission for this access road was granted assuming the volume of traffic for a golf club and not Phase One of a 350 space commuter car park. It should not be assumed that permission granted for a golf course access can be transferred for access to a large scale commuter car park, these uses are not the same and the permission should not be simply transferred.

It is also important to note that plots of land have been sold on the adjoining site in a 'land-banking' operation that the District Council have been forced to acknowledge as follows:

"These commonly advertise small plots of agricultural land for sale, on the internet, by phone or through the use of leaflets / brochures or newspaper articles. These parcels of land are advertised as potential investment opportunities. The premise is that planning permission for a new housing development can be sought and if approved, the value of the land should increase at which point it could be sold on to a developer for a substantial profit, or the purchasers could build their own homes. The sales information often gives the impression that planning permission is shortly to be granted, or the use of the land is to be changed via the Development Plan process.

There are examples all over the UK of such schemes, where unsuspecting buyers have purchased plots of land believing that the value will increase significantly. There is no example to date where planning permission has been granted for all or part of an area of land that has been divided into plots in this way. Purchasers are left with a piece of land with agricultural land value, and very little prospect of being able to sell it on or develop it.

Investigations into these types of schemes have been carried out by the Financial Services Authority (FSA), Trading Standards and several national newspapers. Some that have claimed to be able to seek planning permission for a "collective" of plot owners have been closed down. Such "collective investment schemes" need to be authorised by the FSA to be legal.

Castra Land is currently advertising plots of land for sale on land within the Blunts Farm area in Theydon Bois. However, the planning policy position has not changed:

- The land is entirely within the Green Belt, and therefore the normal restrictions on development apply;*
- The areas of land are isolated from the existing built area of Theydon Bois, and the services it provides*
- No means of access has been shown to the parcels of land. Policy CP3 would require this is addressed before any planning application could be made;*
- The land has been submitted to the District Council under the "Call for Sites" exercise, but this does not mean that there is any certainty that this land will be allocated for development purposes.*
- The allocation of 3,500 new homes for Theydon Bois claimed by the vendors refers to the requirement previously contained in the East of England Plan for the whole District over the period 2001-2021. On 6 July 2010, Regional Spatial Strategies were revoked, and it is now for*

local planning authorities to determine the appropriate number of new houses for their area. The Council will take this forward via the Local Development Framework.

Castra Land does not offer to seek planning permission for plot owners, nor does it give any guarantee that planning permission will be forthcoming. However, Planning Officers have received a number of calls about the land available, and feel it is important that people should be advised of the true planning policy situation."

Parkeng have sought to misinform and mislead with this application. For example they have attempted to associate themselves with Transport for London but TfL confirmed in an email to TBPC dated 27th August that *'The flyer proposing a new car park in Theydon Bois has not been produced by TfL, this is not a TfL initiative and the proposed site is not TfL land.'* TfL have also confirmed that they have no intention of opening the westbound entrance to the station making the disabled parking bays ineffective. They have also quoted out of context Eric Pickles MP who confirmed that it was *'certainly not my intention'* to endorse in any way the development of a large scale commuter car park on Metropolitan Green Belt. Councillor Anthony Jackson has also confirmed that *"I do not condone development on green field sites in the Green Belt unless there are very special considerations"* as correspondence submitted with the application implies.

The application does not show that this development presents a financially viable or sustainable business opportunity without the support of yet further development. A solid business plan has not been presented to justify an intrusion of this scale onto the Green Belt.

The site has no access directly onto the Abridge Road parallel to the railway line. Mr Robin L Jones, the owner of this land confirms in his objection to the application dated 16th June 2010 that; *'The proposed electric taxi pick up points would utilise my land and while there is a deeded right of way to the sports ground where this development is planned there are certain covenants regarding its use. The use is for a track 12ft in width and was intended as an access to the playing fields. It is not intended for a commercial venture on the scale envisaged. Parkeng were well aware of these encumbrances when they purchased the site because they approached me on more than one occasion with a view to buying land for a fresh access. I declined their offer. This is a blatant change of use of green belt land.'* Parkeng have suggested the use of an electric taxi to transport commuters from the car park to the station footbridge in order to address limitations in their previous application EPF/2439/08. If they are unable to use the access point to the station footbridge owned by Mr Jones, and if they are unable to use the main access onto the Abridge Road via the golf course access, because of the prohibition of the right hand turn, they have therefore not addressed the limitations of the earlier application.

Theydon Bois has a 'Dark Sky' policy as accepted by the Planning Inspectorate in case reference APP/J1535/05/1172217 and as laid out in the Theydon Bois Village Design Statement. For the Applicant to achieve the recognized national standard for a Car Park would require high levels of illumination typically > 15 -20 Lux which is alien to the local environment and would clearly result in a loss of Visual Amenity. The implementation of any form of illumination in this area will have an adverse impact on this intrinsically dark area of the village. It can also be assumed that it will be necessary to light the new proposed junction onto the Abridge Road, which will also have a detrimental impact on this intrinsically dark area.

The applicant alleges the existence of a Traffic Regulation Order by Essex County Council (Abridge Road, Theydon Bois) (Prohibition of Right Hand Turn and No Entry) Order 200* but this has not been passed. A

prohibition of right hand turn from the proposed car park would mean any cars leaving the site would have to turn left then travel to the mini roundabout in Abridge before being able to travel in a Westerly direction. This would increase traffic in a known bottleneck of Abridge and may lead to cars using private drives on the Abridge Road in which to turn round. The Abridge Road is unlit and has a national speed limit (60mph).

Local authorities are expected to promote sustainability through encouraging modal shift and the use of alternative forms of travel to the car, mainly public transport, walking and cycling. Clearly there is a conflict between the objective of this Application and government guidance.

It is also likely that commuters wishing to gain access to the proposed commuter car park will travel via Coopersale Lane to avoid congestion on alternative approach routes. Coopersale Lane is a Quiet Lane and any extra use will have an adverse impact. Most of the roads that may be used to access this site have Environmental Weight Restrictions of 7.5 mgw.

We have read and analysed both the *Needs Assessment* report and the survey provided by the applicant in support of the need for this parking facility and would cast grave doubts as to their validity. To summarise, the survey used responses from a mere 64 individuals the demographics of whom are clearly heavily biased. The resulting figures therefore appear skewed and render the survey one-sided and misrepresentative in the extreme. The prospect for car usage that the report makes pains to demonstrate will result in a significant increase in private car usage representing a gross contradiction of current Government policy.

It is not Essex County Council policy to provide parking for commuters at 'interchange' points i.e. train, tube, and/or bus stations. ECC's policy is to advocate the use of Public Transportation by commuters for the whole route that includes the journey to the 'interchange'. This is in line with the objective of reducing congestion. Neither Essex County Council nor the District Councils have a 'duty' to provide parking for commuters. ECC would encourage commuters to look at the entire journey they make and consider how this may be made most efficiently from all aspects, which includes the impact of a vehicle being parked for an extended period around a workplace or town centre or at an interchange point. The County spends significant sums supporting public transport operation in outlying areas, where commercial services may not be viable, so that more areas do have access to appropriate public transport.

The construction of the proposed development would cause unacceptable detrimental impact on public rights of way (Footpath's 4 and 5) and the ELD '*Landscape and Visual Impact Assessment*' acknowledges this ('Visual Analysis' 6.2.2 - 6.2.2.2 and 6.2.7 - 6.2.7.2) by recognising the high 'receptor sensitivity' and high 'magnitude of effect' on the footpaths which is not outweighed by any proposed benefits contrary to Policy RST3 of the EFD Local Plan 1998 and Alterations 2006. Footpath 4 and 5 are not correctly marked on the plan where they commence on the east side of the railway line.

The proposed development would cause unacceptable visual harm, light pollution and aural harm to the amenity of neighbouring occupiers in Forest Drive and Dukes Avenue contrary to the requirements of Policy RP5A DB9E and ST4 of the Epping Forest District Local Plan 1998 and Alterations 2006 and CP2, DEB1, DBE4, LL2 and LL3 of the Adopted Local Plans and Alterations.

This application is against Green Belt policy, Epping Forest Local Plan and Alterations, Regional Spatial Strategy, the Theydon Bois Dark Sky Policy, Theydon Bois Village Design Statement, Transport White

Paper 'A New Deal For Transport: Better For Everyone' and Essex County Councils Public Transport Policy. It is financially and environmentally unsustainable, will increase private car usage locally and bring no benefit to local residents or businesses.

The applicant has not shown that this proposal would achieve any benefits that would outweigh the harm to the openness of the Green Belt and no very special circumstances have been demonstrated.

It is essential that this application is the subject of close scrutiny relative to all the points made in this strong objection.

For the reasons above we strongly urge you to refuse this application.

Yours sincerely

Jacqueline Dodman
Secretary TBAG