

AREA PLANS SUB-COMMITTEE 'EAST'

13 May 2015

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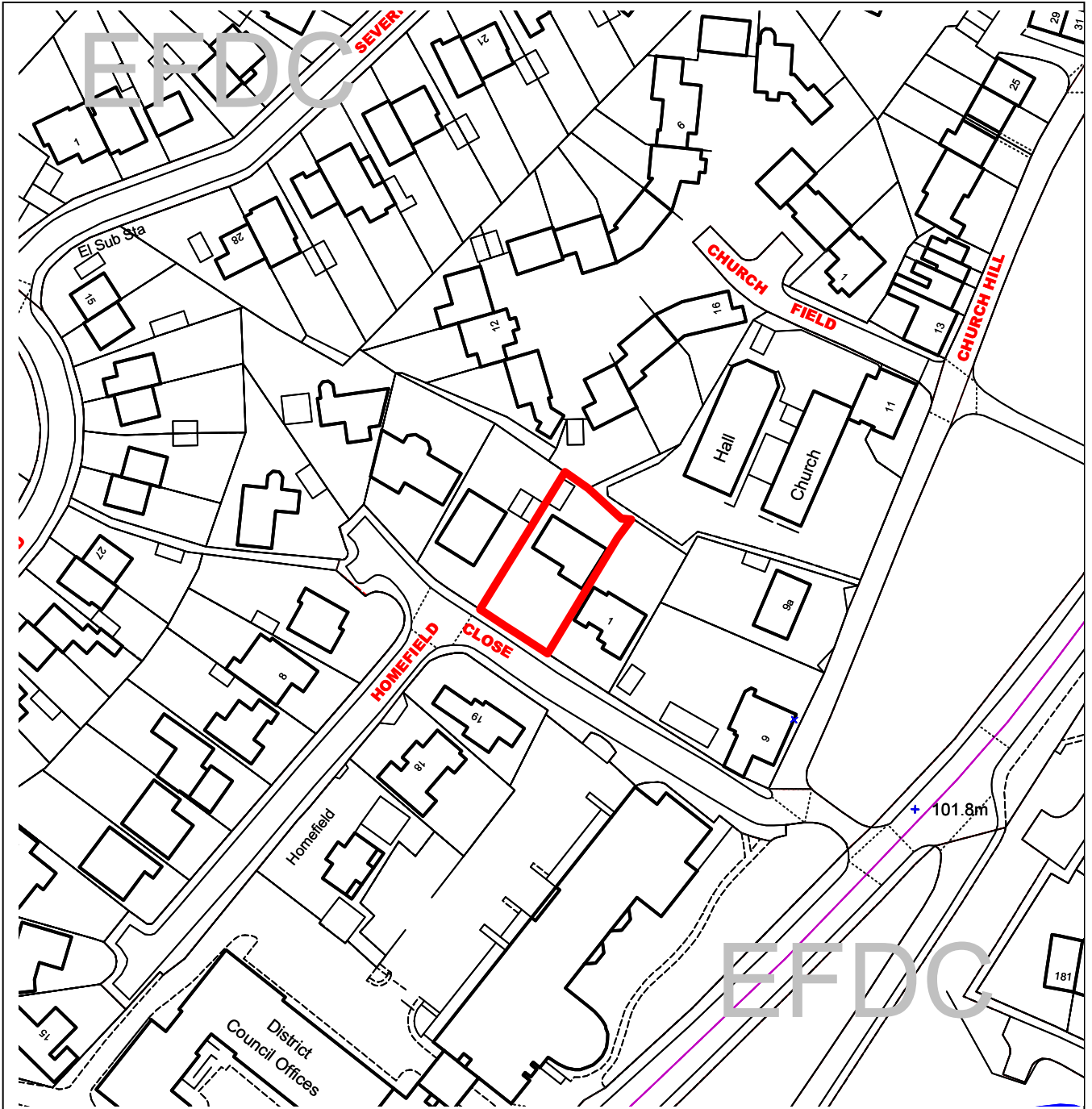
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Epping Forest District Council

AGENDA ITEM NUMBER 1



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Application Number:	EPF/0433/15
Site Name:	2 Homefield Close Epping, CM16 4RB
Scale of Plot:	1/1250

Report Item No: 1

APPLICATION No:	EPF/0433/15
SITE ADDRESS:	2 Homefield Close Epping Essex CM16 4RB
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr Jimmy McDougall
DESCRIPTION OF PROPOSAL:	(i) Loft conversion incorporating front and rear dormer windows with juliet balcony (ii) first floor front extension (iii) demolition of existing garage to rear and erection of double garage to front (iv) change to fenestration to ground floor rear and roof tiles and render to walls. Revised application to EPF/2979/14.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=573960

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))

Description of Proposal:

(i) Loft conversion incorporating front and rear dormer windows with juliet balcony (ii) first floor front extension (iii) demolition of existing garage to rear and erection of double garage to front (iv) change to fenestration to ground floor rear and roof tiles and render to walls. Revised application to EPF/2979/14.

Description of Site:

The application site is a detached bungalow located on the northern end of Homefield Close, Epping. The neighbour at 1 Homefield Close is set further back into its plot and benefits from a loft conversion with a rear dormer window and integral garage to the western side of the property. 3 Homefield Close is set further forward than the application dwelling. The site is located within an EFDC flood risk assessment zone.

Relevant History:

EPU/0004/59 – Erec of Bungalow plot 2 – Approved

EPU/0168/64 – Erec of Garage – Approved

EPU/0016/72 – New Entrance Porch – Approved

EPF/2979/14 - (i) Loft conversion incorporating front and rear dormer windows with juliet balcony (ii) first floor front extension (iii) demolition of existing garage to rear and erection of double garage with room in roof to front (iv) change to fenestration to ground floor rear and roof tiles and render to walls - Refused

Policies Applied:

CP2 Protecting the quality of the rural and built environment

DBE1 – Design of New Buildings

DBE2 – Effect on neighbouring properties

DBE9 – Loss of amenity

DBE10 – Residential extensions

U2B – Flood risk assessment zones

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Consultation Carried Out and Summary of Representations Received:

TOWN COUNCIL – Objection on the grounds that the proposed double garage in the front garden will be overly prominent in the street scene and will result in a loss of amenity for neighbouring properties contrary to policies DBE9 and DBE10. There is sufficient space on the plot to develop a new garage to the side or rear of the property

Committee also noted that the proposed alterations to the house will result in the loss of another bungalow in a street that is at present a street of bungalows. The current policy of the District Council of routinely granting permission for bungalows to be converted into houses will eventually result in the loss of this type of accommodation from the town.

8 neighbouring residents have been consulted and no responses have been received.

Main Issues and Considerations:

The main issues of consideration in this instance are the character and appearance of the proposal in relation to the host dwelling and surrounding area and the potential impact on the living conditions of neighbouring occupiers and any landscaping issues.

The proposed development is for:

- Loft conversion incorporating front and rear dormer windows with juliet balcony
- First floor front extension
- Demolition of existing garage to rear and erection of double garage to front
- Change to fenestration to ground floor rear and roof tiles and render to walls.

Character and Appearance

The proposed rear dormer window associated with the loft conversion would extend for much of the rear roofslope but given that it would be set down from the ridge, up from the eaves and not be visible from public areas, including from the rear of the Church and hall to the north due to high screening, this element is considered acceptable.

The front dormers are small and complement the front of the dwelling.

The first floor front extension again complements the design of the dwelling and does not project any further forward than the existing footprint and is considered to be in keeping with the host dwelling and surrounding area.

The re-siting of the garage is not objected to in principle. The previously submitted application was refused on the grounds of the garage's size and siting, only 200mm lower than the main dwelling and only approximately 1.5m back from the pavement. It was considered that this element of the proposal would have appeared overly dominant when viewed from within the streetscene which in turn would have detracted from the character of the area.

However, officers considered that the way forward was to remove the dormers and space in the roof of the garage which in turn would reduce its height and bulk. The height has been reduced to 3.7m with an eaves height of 2.25m. This would now be approximately 2m lower than the main dwelling. In addition, the garage has been set back 3.9m from the pavement (an additional 2.4m into the site) in order to further soften its impact when viewed from within the streetscene.

It is now considered that this aspect of the proposal overcomes the previous reason for refusal.

The alterations to the fenestration, roof tiles and walls are considered acceptable.

The proposal therefore would comply with policies CP2 and DBE10 of the adopted Local Plan and Alterations.

Living Conditions

The proposed rear dormer will not result in a material loss of amenity to neighbouring occupiers by reason of its siting and position of the dwelling further into its plot than the Nos 1 and 3 Homefield Close. Similarly the front dormer would not overlook private areas.

The front extension would increase the height of the existing ridge to match the main ridge but would not project any further forward than the neighbour at 1 Homefield Close. There would be no material impact on the living conditions of that neighbour.

The garage, although sited in the front garden of the property, would not result in a material impact on their living conditions due in part to an existing conifer hedge within the application site on the shared boundary. Were this to be either removed or reduced in height to a point where the garage became visible to the neighbours, it is still not considered to significantly detract from their amenities as a 45 degree line from the mid point of the nearest front window would not be compromised.

However in order to soften the impact of the garage a condition could always be added to a permission seeking the retention of the hedge in line with the submitted drawings that shows this to be the case.

The neighbours at 3 Homefield are located too far from the garage for their living conditions to be materially harmed.

The alterations to the fenestration, tiles and walls would have no material impact on neighbouring amenity.

Response to Objections

The concerns raised by the Town Council relating to the garage's design and impact on neighbouring amenity have been considered above. In response to the loss of a bungalow, the dwelling can accommodate rooms in the loft under permitted development as there is no need to raise the ridge. In addition there is no Local Plan policy which seeks to restrict the loss of bungalows in the district. The building will still have the appearance of a bungalow with a low roof height and not a full height house. Its appearance in the street scene is acceptable and makes a sustainable use of an existing building. .

Conclusion:

In conclusion, the development is in accordance with the policies contained within the Adopted Local Plan and Alterations and the NPPF. It is therefore recommended that permission be granted subject to conditions.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Steve Andrews
Direct Line Telephone Number: 01992 564337***

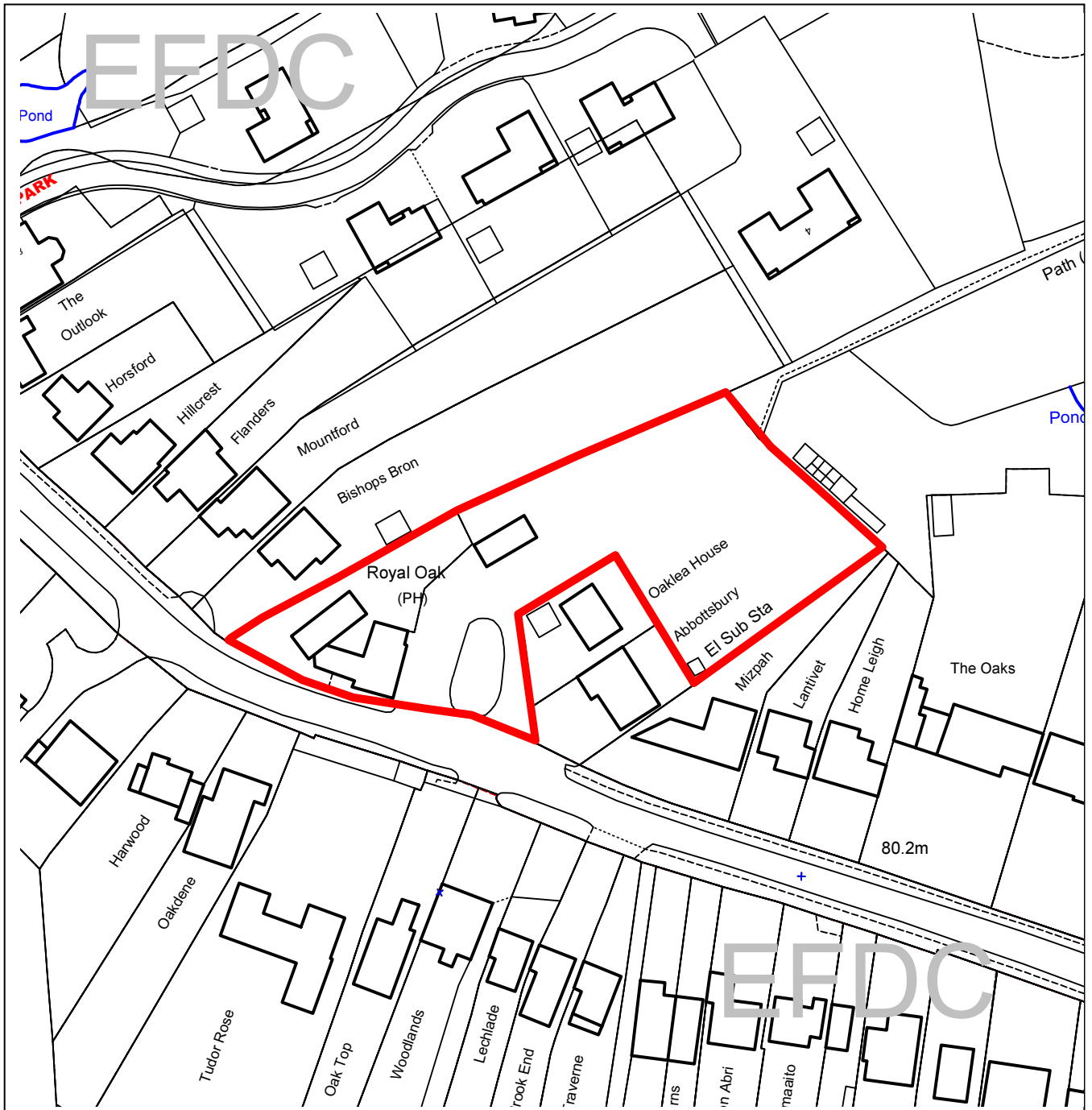
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

AGENDA ITEM NUMBER 2



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Application Number:	EPF/0090/15
Site Name:	Royal Oak P.H. Oak Hill Road, Stapleford Abbots, Romford ,RM4 1JL
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0090/15
SITE ADDRESS:	Royal Oak Public House Oak Hill Road Stapleford Abbots Romford Essex RM4 1JL
PARISH:	Stapleford Abbots
WARD:	Passingford
APPLICANT:	Mr D Morgan
DESCRIPTION OF PROPOSAL:	Erection of five dwellings (Revised application to outline consent EPF/1024/14)
RECOMMENDED DECISION:	Refuse Permission

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=573173

REASON FOR REFUSAL

- 1 The proposed development results in an unacceptable increase in built form on the site, resulting in a cramped and urban density of development in an otherwise rural area, to the detriment of the openness of the Green Belt and contrary policies CP2 and GB2A of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.
- 2 The proposed development results in an unacceptable relationship between the proposed new dwellings (in particular plot 1) and neighbouring properties, namely Oaklea and Abbotsbury. The development would result in an unacceptably overbearing and dominant impact on the outlook from these neighbouring properties and result in significant loss of amenity. This impact would be further exacerbated in the neighbouring garden areas, contrary to policies CP2, DBE2 and DBE9 of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.

This application is before this Committee since the recommendation conflicts with a previous resolution of a Committee (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(i))

Description of Site:

The application site comprises a tarmacadam surfaced car park which previously served the Royal Oak public house. It is situated to the rear of the public house and (with the exception of the pub) is surrounded by residential gardens. There are a number of mature oaks and willows close to the side edges and a tree within the site and also a tree to the rear of 'Abbotsbury' which has grown at an angle and is consequently low to the ground.

The site is located within the Metropolitan Green Belt. Public Footpath no. 33 runs through the site.

Description of Proposal:

This application seeks planning permission for the erection of 5 detached two storey dwellings.

Two would be located to the north of the access road (and diverted public footpath) and three to the south. The plots would have gardens ranging in size from 110sqm to 190sqm.

The current application is a full plans application. The proposals would provide a three bedroom dwelling on plot 3, and four bedroom properties on remaining plots. The properties provide generous living areas and a roofspace that is capable of future conversion.

The proposals permit two parking spaces per unit (plots 1-3 and 5 this would be in tandem) and two visitor spaces.

The application site plot is unchanged from that previously assessed under EPF/1024/14.

Relevant History:

EPF/2190/13. Outline application for five detached dwellings with garages. Application withdrawn.

EPF/1023/14. Rationalisation of public house grounds and revised access. Approved 01/07/2014.

EPF/1024/14. Outline application for five dwellings including determination of access, layout and scale. Approved 19/09/14.

Policies Applied:

Core Policies

- CP1 – Achieving Sustainable Development Objectives
- CP2 - Protecting the Quality of the Rural and Built Environment
- CP3 – New Development
- CP6 – Achieving Sustainable Urban Development Patterns
- CP7 – Urban Form and Quality
- CP9 - Sustainable Transport

Design and the Built Environment

- DBE1 – Design of New Buildings
- DBE2 – Detrimental Effect of Existing Surrounding Properties
- DBE4 – Development in the Green Belt
- DBE6 - Car Parking
- DBE8 – Private Amenity Space
- DBE9 – Excessive Loss of Amenity for Neighbouring Properties

Housing

- H2A – Previously Developed Land
- H3A – Housing Density Mix
- H4A - Dwelling Mix
- H5A – Affordable Housing
- H6A - Site Thresholds for Affordable Housing
- H7A - Levels of Affordable Housing

Landscape and Landscaping

LL1 – Character, Appearance and Use

LL7 – Promotes the Planting, Protection and Care of Trees

LL10 – Adequacy of provision for Retention

LL11 – Landscaping Schemes

Nature Conservation

NC4 - Nature Conservation

Sustainable Transport

ST4 – Road Safety

ST6 – Vehicle Parking

Green Belt

GB1 – Green Belt Boundary

GB2A – Development in the Green Belt

GB7A - Conspicuous Development

Implementation

I1A - Planning Obligations

Community Facilities

CF12 – Retention of Community Facilities

Also relevant are the policies and planning principles contained within the National Planning Policy Framework ('The Framework').

Summary of Representations:

Notification of this application was sent to Stapleford Abbots Council and to 42 neighbouring properties. In addition, a site notice has been erected at the entrance to the site.

The application has attracted the following responses:

STAPLEFORD ABBOTTS PARISH COUNCIL. The Parish Council Objected to this application for the following reasons.

1. The proposal was considered an overdevelopment of the plot.
2. The proposed larger houses would mean more cars per house. The current planning application for the public house was for 32 vehicles. Recent observations at weekends and functions at the public house had shown over 60 cars attending. This congestion had been corroborated by the publican with the reaction of temporary signs directing the overflow of vehicles to the land earmarked for development. Should this trend continue, on street parking was inevitable on the busy Oak Hill Road and neighbouring areas. The Council suggested the District Council Planning Officer carry out a site visit during the busier opening times and/or at the weekend.
3. The shared access to the site for both the Royal Oak's patrons and the larger dwellings proposed only served to increase concerns for highway safety.
4. The purchase of an adjoining garden to facilitate this proposed scheme was a cause for concern, as this would involve Green Belt land.

Objections have been received from the following properties:

6 KENSINGTON PARK, 8 KENSINGTON PARK, OAKLEA HOUSE AND ABBOTTSBURY. These representations are also on behalf of MIZPAH and TWO PROPERTIES OPPOSITE the Public House (address not supplied).

The objections raised relate to the lack of sufficient parking being retained at the public house, consultation issues, proximity of the proposed dwellings to neighbouring properties and associated loss of amenities, outlook, privacy and overshadowing. Overlooking from windows, no provision of screening loss of rural character, impact on property value, inappropriate development in the Green Belt, not previously developed land, insufficient parking for the new dwellings and inappropriate location in relation to local facilities.

Issues and Considerations:

This application should be considered in the context of the recent outline approval for five dwellings under EPF/1024/14. This application approved the access, layout and scale of the five units put forward at the time.

The main issues to be considered are the acceptability of the development within the Metropolitan Green Belt; matters relating to affordable housing, impacts on the character and appearance of the area and on neighbouring amenity; the acceptability of the loss of the existing car parking; highways and access; trees and landscaping.

Green Belt

The site is located within the Metropolitan Green Belt, where development is inappropriate unless it benefits from an exception. The Council has previously determined that this site can be developed as an infill plot, which is surrounded by property on three sides.

During the assessment of the previous application, the Council considered that the development would have an impact on openness due to the introduction of the scale of the new built form. Officers concluded the openness of the site would be considerably reduced following the completion of the proposed development and that this built form would be readily visible from the public footpath which runs through the site. However, as it is previously developed land in the curtilage of the pub and importantly, it is infill development, it is not inappropriate development in the Green Belt.

The previous application was considered on balance acceptable. The current proposals increase the scale of the built form. The previous application had an area of footprint of approximately 311.5sqm (the area of all footprints plus the garage). The current application has a footprint area of approximately 441.5sqm (the area of all footprints. Please remember the garage is now omitted and this footprint is a full two storeys). This is a significant increase in footprint and when considered across two floors the volume of increase is considered unacceptable. It is further exacerbated by the roof bulk.

On a new development, to the rear of existing properties, in a rural Green Belt location, this scale of development is out of character and the increase proposed would have a significant adverse impact on openness, beyond that previously proposed. This is detrimental to the character of the Green Belt.

Affordable Housing

National policies relating to affordable housing have recently been revised for developments of 10 units or less and as a result of these revisions, affordable housing is not required for the proposed development. In addition to this point, the previous application on this site made no affordable housing provision.

Character and Appearance

The pattern of development surrounding the site generally consists of good sized detached dwellings, set within fairly large plots (the immediately adjacent 'Oaklea House' and Abbotsbury' have shorter gardens, possibly these gardens have been truncated in the past by separation from the application site). The original scheme considered by the Council in 2014 proposed smaller plot sizes, but these still provided good levels of amenity and this initial development would not appear cramped. The application currently before Members reduces the garden areas as follows:

	EPF/1024/14 Previously approved	EPF/0090/15 Current application
Plot 1	321sqm	190sqm
Plot 2	150sqm	180sqm
Plot 3	185sqm	161sqm
Plot 4	162sqm	110sqm
Plot 5	175sqm	122sqm

Plot 2 is the only property to benefit from a larger garden. The proposed garden areas do roughly meet the Council's minimum requirement of 20sqm per habitable room, however this is a minimum standard and does not reflect the surrounding local character.

The result of the smaller gardens is a more cramped overall form of development, particularly as the footprint of the buildings has increased; meaning the ratio of development to open space has increased. This results in a more dense form of development than previously approved and the buildings are closer to the boundaries with Oaklea House and Abbotsbury, both these properties have uncharacteristically shallow garden depths for this area.

The proposed revised layout and scale of development is thus considered an increase beyond what is acceptable for this location. Officers consider the proposed development would be out of character in this location, having smaller cramped plots and a more urban scale and form than previously approved. Also the absence of more reasonable garden provision results in a poor setting for the proposed dwellings. This is considered out of character with the wider area and unacceptable for development backing onto open Green Belt.

Neighbouring Amenity

The layout of the current application results in a significantly closer relationship between the proposed property on plot 1 and the neighbours at Oaklea and Abbotsbury. The previous application in 2014 sited a 2 storey property 16m away from the rear wall of Oaklea, with a garage plus loft room at 9.5m separation. The proposals would locate a two storey dwelling (capable of providing loft accommodation) 12.5 from the rear wall of Oaklea, for a width of 11m. The entire width of the neighbouring plot is 16.5m. The result would be a scale and bulk of development that is not acceptable in such close proximity to the boundary. Officers note the application site is to the north of neighbouring properties, but even with a favourable orientation, the proposals would still result in a degree of dominance that would detract from the residential amenities of the neighbouring property. Whilst the garage building was previously closer, this was of a smaller scale and provided a degree of separation to achieve an improved outlook not present in the current layout proposed.

The proposed new dwelling also provides a landing window in the flank, again at this proximity, this is not acceptable, even if obscure glazed and fixed closed, the perception of overlooking would be unacceptable.

The prominence of such large properties with such shallow garden depths in close proximity to one another would also adversely impact on the outlook of properties at Abbotsbury and Mizpah, but to a far lesser degree than the harm arising to Oaklea, which is by far the closest property.

Loss of public house car parking

The proposed development would result in the loss of a substantial area of car parking for the existing public house. This has been previously assessed by the Council and considered acceptable. The proposals now being considered do not alter the parking arrangements to the public house from that previously considered acceptable, therefore it is concluded the revision to the parking is acceptable.

Highways, Access and Public Right of Way

Officers at Essex County Council have been consulted on the application and do not raise any objection, subject to the imposition of planning conditions.

The application provides two parking spaces per unit plus two visitor spaces, this accords with planning policy requirements.

Those planning conditions will include requiring the provision of a footpath extension from the pub to the access, the diversion of the existing footpath through the site and the provision of residential Travel Information Packs for each of the dwellings.

Trees and Landscape

The Council's Tree and Landscape Officer has been consulted on the application and raises no objection. Standard planning conditions are proposed in order to secure tree protection (the most significant tree being an oak located on adjacent land) and additional landscaping. Trees have been removed along the boundary of the site with Bishops Brow to secure an acceptable level of outlook for the dwellings proposed at plots 4 and 5. However, these works were undertaken following discussion with the Council's Trees Officer who agreed that their condition was such that their retention could not be required.

Contaminated Land

Historic uses of the land including a stables, repair garage and pond have potential to result in the presence of contaminated land. This may be dealt with by the imposition of planning conditions requiring further investigation and, if necessary, remediation.

Conclusion:

In light of the above appraisal, the proposed development as now set out is considered an unacceptable scale of increase in development in the Green Belt. This has an unacceptable adverse impact on openness and the revisions result in a cramped and overdeveloped site that detracts from rural character in this location. This issue is further exacerbated by the small garden areas provided. The proposed revisions also result in a relationship with neighbouring properties that is unacceptable. The proposed scale and bulk of the built form is unacceptable at such close proximity with neighbours. The result being a dominant and overbearing development when viewed from neighbouring properties and a loss of amenity to the nearest neighbours particularly Oaklea and Abbotsbury. The loss of amenity is both in terms of outlook from these properties and in terms of loss of amenity in the garden areas.

Officers note the concerns locally regarding housing prices, but this may not be considered in the planning process. Issues raised in relation to parking at the neighbouring public house are also

noted, however the parking provision for the public house is unchanged from the previous application which was approved.

Suggested Conditions

Should Members disagree with Officers on the proposed recommendation, the conditions should be attached to any permission as per the previous application. Namely conditions should be attached in relation to:

3 year time limit to start works, requirement to complete the development approved under EPF/1023/14 for Royal Oak Public House prior commencement of works, details of materials, removal of permitted development rights, hard and soft landscaping, tree protection, FRA for surface water, Contamination conditions as appropriate, hours of construction and requirement for a construction method statement.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

Planning Application Case Officer: Ms Jenny Cordell

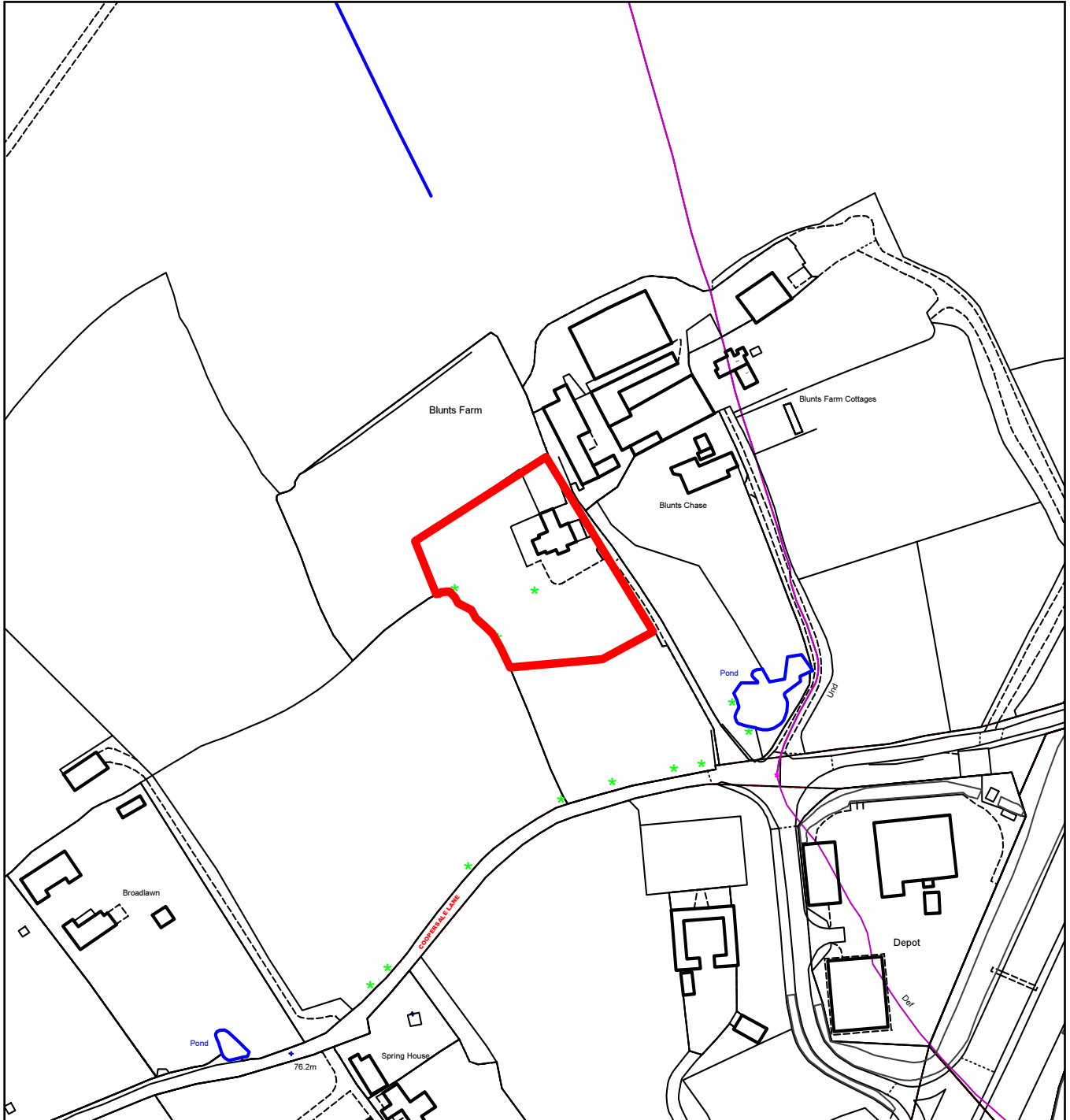
Direct Line Telephone Number: (01992) 564481

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

AGENDA ITEM NUMBER 3



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Application Number:	EPF/2898/14
Site Name:	Blunts Farm, Coopersale Lane Theydon Bois, CM16 7NT
Scale of Plot:	1/2500

Report Item No: 3

APPLICATION No:	EPF/2898/14
SITE ADDRESS:	Blunts Farm Coopersale Lane Theydon Bois Essex CM16 7NT
PARISH:	Theydon Bois
WARD:	
APPLICANT:	Mr Mark Swan
DESCRIPTION OF PROPOSAL:	Replacement dwelling house.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=572094

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: FIM P2_01 rev A, FIM P2_02 rev A and FIM P2_03 rev A
- 3 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 4 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The

report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 5 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 6 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 7 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 8 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

- 9 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 10 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 11 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions, roof enlargement or outbuildings generally permitted by virtue of Classes A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 13 Other than that previously approved in writing by the Local Planning Authority, no external lighting shall be provided at the application site.
- 14 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the integral garage that forms part of the dwellinghouse hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 15 The means of enclosure of the site boundaries, including any gates, shall only be in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Existing post and rail fencing enclosing the southern and eastern site boundaries shall be retained.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))

Description of Site:

The application site comprises land at the western edge of Blunts Farm and is accessed directly off Coopersale Lane by a private drive that also provides access to lower lying land and redundant agricultural buildings to the north of the site. The application shows the drive is within the applicant's ownership but is excluded from the application site.

The site comprises a house and its curtilage, the house being situated towards the north-east corner of the curtilage. The site location plan has been amended since the application was first submitted to restrict it to the curtilage of the existing house. A grassed field last used as paddock separates the application site from Coopersale Lane. The house itself is predominantly two-storey with a single-storey northern projection and prior to its partial demolition had a volume of approximately 1200 cubic metres. It has a gabled roof, with a ridge height previously noted to be 8m. Its principal elevation faces to the south with a parking area in front of it.

The house is partially demolished in connection with the implementation of a previous consent, ref EPF/0386/08, to erect a replacement house. Work stopped before the house was substantially demolished and the approved house was not built.

The site is within the Green Belt and Coopersale Lane is identified as a protected lane on the proposals map of the Local Plan. There are three preserved trees on the western site boundary and one in the approximate centre of the site.

Description of Proposal:

It is proposed to erect a two-storey replacement house. In addition to a substantial reduction in the proposed curtilage of the house described above, the proposed house itself has been significantly reduced in size since the application was submitted.

The house would be sited on the footprint of the existing house but its principal elevation would face north with a parking area beyond it. The house would be of similar height to that it would replace and it would also have a gabled roof. The front elevation would contain a pair of bays with hipped roofs over. The rear elevation (the elevation that would be that seen at a distance from Coopersale Lane) would contain a centrally positioned bay with a hipped roof. The rear elevation would have lower eaves such that the first floor would appear to be predominantly contained within the roof space.

The house would have a volume of 1036 cubic metres and a floor area of 281 square metres. Its ridge height would be 7.85m.

Relevant History:

Blunts Farm as a whole has considerable planning history, however, the only planning decisions relevant to the current application are as follows:

EPO/0152/64	Outline application for farmhouse	Approved
EPO//0152A/64	Details of farmhouse	Approved
EPF/1240/04	Removal of Agricultural tie	Approved
EPF/1594/05	Demolition of existing house and erection of replacement	Refused
EPF/1123/06	Demolition of existing house and erection of replacement	Withdrawn

EPF/1763/06	Demolition of existing house and erection of replacement Refused, and subsequent appeal dismissed	
EPF/0386/08	Replacement dwelling.	Approved

Policies Applied:

CP2	Quality of Rural and Built Environment
CP3	New Development
GB2A	Development in the Green Belt
GB15A	Replacement Dwellings
HC4	Protected Lanes, Commons and Village Greens
RP4	Contaminated Land
H2A	Previously Developed Land
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
LL10	Adequacy of Provision for Landscape Retention
ST4	Road Safety
ST6	Vehicle Parking

NPPF

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 5

Site notice posted: Yes.

Responses received:

(Note, the responses reported are those to a re-consultation on the latest revised plans)

THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY: Objection

The Society strongly urges refusal of this application on the grounds that it does not comply with Local Plan Policy GB15A(iii) because it seeks to expand a possible very small residential curtilage into the rest of the wider Green Belt agricultural field.

Should consent be granted it is recommended that permitted development rights be removed for extensions and outbuildings in the interest of safeguarding the openness of the Green Belt.

THEYDON BOIS ACTION GROUP: Objection

The red line boundary is still around the whole of the agricultural field (excluding the paddock) in which the house stands. Evidence in the form of previously submitted plans and aerial photographs indicates the curtilage of the existing house is much smaller. The proposal is therefore contrary to Local Plan Policy GB15(iii).

Conditions to deal secure fencing to mark the residential curtilage of any house approved should be applied in order to prevent encroachment into the field, which would harm the openness of the Green Belt. Conditions should also be used to secure demolition of the existing house prior to commencement of the new house and to remove permitted development rights for extensions and outbuildings.

THEYDON BOIS PARISH COUNCIL: Objection

We note the amended plans, however, the proposed residential curtilage of the new house is a substantial increase over the original building's curtilage, and is therefore contrary to Policy GB15-A Part 3.

Should this be approved however, we recommend that the following conditions are applied:

1) Removal of permitted development rights; 2) Retention of all post and rail fences; 3) An appropriate landscaping scheme; 4) Removal of existing hard standing around the existing house before landscaping, and 4) Any lighting scheme to be low level.

Main Issues and Considerations:

The main issue raised by the proposal is its consequences for the Green Belt.

The application site is outside of Flood Risk zones 2 and 3 and the house itself is previously developed land. In terms of its design and appearance the proposal would be consistent with that of other houses in the locality. The degree to which it is set back from Coopersale Lane together with the fact that the house would be in the same position as the existing house will ensure there is no adverse consequence for the heritage value of Coopersale Lane. In terms of access and off-street parking, the proposal complies with adopted standards and would cause no harm to the interests of highway safety. Standard conditions can be used to properly safeguard preserved trees on the site and potential for the development to be affected by land contamination.

Consequences for the Green Belt

Planning policy relating to the Green Belt makes clear that the erection of replacement buildings are not inappropriate development provided the new building is in the same use and is not materially larger than the one it replaces.

In this case the new building would be used as a dwellinghouse and it would replace a dwellinghouse. Furthermore, the new building would have a 150mm lower ridge height than the existing building and achieve a reduction in built volume of some 160 cubic metres. On those facts, therefore, the proposal would demonstrably be smaller than the house to be replaced and the new building would be used for the same purpose as the existing building.

However, objectors have raised the question of whether the proposed house would have a materially larger garden than the existing house, making reference to criterion (iii) of Local Plan and Alterations Policy GB15A. Policy GB15A states the replacement of existing dwellings in the Green Belt may be permitted where, amongst other things, the proposal would not result in the size of private garden of the replacement house exceeding that which it replaces.

Aerial photographs of the site taken in 2000 and 2009 show the appearance of the proposed curtilage to be distinct from land to the north and the paddock to the south. Objectors maintain that within that area the curtilage of the original house was restricted to the parking area in front of it and an area of land rear of the main rear elevation, but did not include any significant land to the west of the house or south of the parking area. That is at odds with the appearance of mown grass across the entire proposed curtilage that can be seen in the aerial photograph taken in 2000. The 2000 and 2006 aerial photographs also show a clear distinction between the paddock and the proposed curtilage by way of a distinct difference in grass and a substantial fence separating the two. That is shown more clearly in oblique angle photography.

Objectors draw attention to a much less substantial post and wire fence around land north of the house. Given its lack of substance, it is not likely to be a good indication of the limitations of the garden for the house, particularly where it is clear the remaining land was not being cultivated for

the purposes of agriculture or used for horse keeping. At best the fence would have been a subdivision of the garden and not a boundary between different uses.

Moreover, plans accompanying the application to build the original farmhouse (EPO/0152A/64) do not show any garden area different to that proposed in the present application.

Members are advised the planning permission given for a replacement house in 2008, EPF/0386/08, is a material consideration. In that case the approved plans clearly show the application site included the garden to the house presently proposed together with the paddock south of it, the access drive and land on the east side of the drive. They also show (approved drawing SP-01 rev A) the proposed garden area within the application site would be very similar to that presently proposed.

Following consideration of all the evidence available it is concluded the proposal would not result in the size of private garden of the replacement house exceeding that which it replaces and it would certainly not exceed the size of private garden approved under planning permission EPF/0386/08.

The Applicant has indicated he has no objection to reducing the size of the curtilage of the proposed house such that it is smaller than that of the existing house. However, the Case Officer opposed the reduction on the basis that it would not be appropriate as it would result in odd shaped parcels of "left over" land at the edge of the existing curtilage that are not well related to any other property and consequently difficult to put to any beneficial use that would also safeguard the living conditions of the proposed house.

On the basis of the above analysis, the proposal is considered to not be inappropriate development in the Green Belt.

Conclusion:

The proposal is not inappropriate development in the Green Belt. It would not have a materially greater impact on openness than the house it would replace and it is acceptable in all other respects. It is therefore concluded that the proposal complies with relevant planning policy and it is recommended that planning permission be granted subject to necessary conditions.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

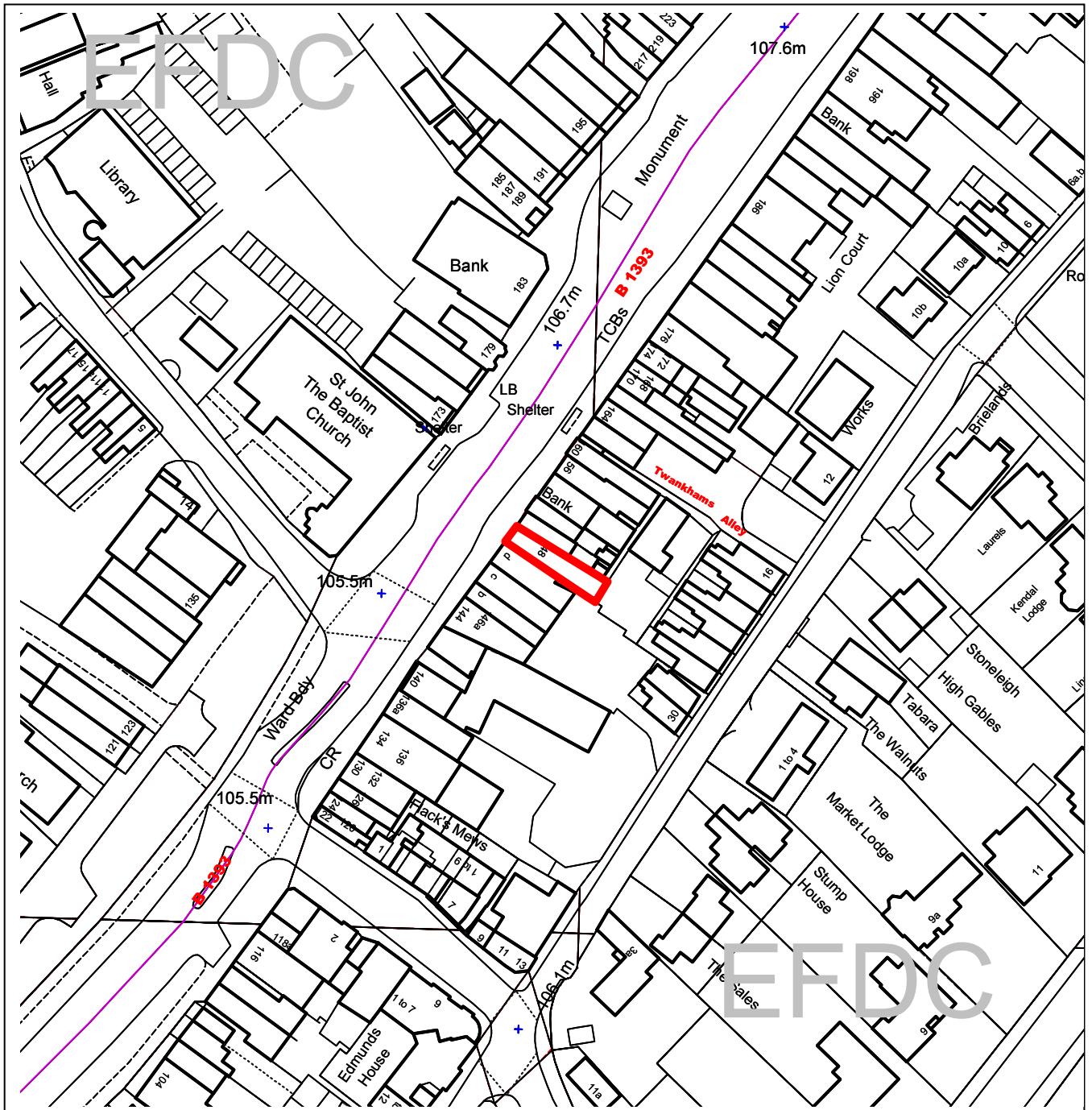
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

AGENDA ITEM NUMBER 4



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Application Number:	EPF/0389/15
Site Name:	148 High Street Epping, CM16 4AG
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/0389/15
SITE ADDRESS:	148 High Street Epping Essex CM16 4AG
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Ross Berndes
DESCRIPTION OF PROPOSAL:	Change of use from retail unit as approved under planning reference EPF/1992/14 to part A1 use and part A3 use
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=573881

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1438/02f, 1438/08
- 3 The area of the premises coloured blue and indicated as 'Retail Area' on the drawing no. 1438/02f shall be used solely for A1 (retail) use and for no other purposes, and the unit as a whole shall only be used as either a mixed use of A1 (retail) and A3 (restaurants and cafes) or for A1 (retail) use and for no other purpose (including any other purpose in any Class of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site:

The application site is a ground floor retail unit with a recently granted residential use on the first floor located on the southern side of Epping High Street within the identified key retail frontage and within the Conservation Area. The building has a pitched roof over most of the frontage with a small flat roofed element to the side, adjacent to more modern two storey development. To the rear is a large flat roofed red brick two storey extension. Pedestrian access to the rear can be

taken from Twankhams Alley and vehicular access (for deliveries) is from a service yard and parking area that serves a number of units accessed off Hemnall Street

Description of Proposal:

The application is for the change of use of the ground floor retail unit to a mixed use part A1 and part A3 use. The front 22.5m² of the ground floor would be retained for retail use whilst the rear 18.5m² is proposed for use as a café area (although both would be under one ownership). This café area would then lead to the kitchen and toilet area with the residential flats previously approved under EPF/1992/14 beyond and above.

Relevant History:

EPF/1136/14 - Conversion of retail shop/office/showroom to retail and two flats - withdrawn 21/07/14

EPF/1992/14 - Conversion of retail shop and first floor office/showroom to retail unit (to High Street) and two flats (resubmission of EPF/1136/14) – approved/conditions 14/11/14

SUMMARY OF REPRESENTATIONS

15 neighbouring properties were consulted and a site notice was displayed on 20/03/15.

TOWN COUNCIL – Object. There is a proliferation of cafes in Epping and a diminishing number of retail shops. The vitality of the town centre relies on there being a ‘diverse retail offer’ (NPPF para 23). The High Street is under threat as a shopping centre. The District Council needs to take steps to protect the remaining retail space in the High Street.

Policies Applied:

CP1 - Achieving sustainable development objectives
CP2 - Protecting the quality of the rural and built form
CP6 - Achieving sustainable urban development patterns
HC7 - Development within the Conservation Area
TC3 - Town centre function
TC4 - Non-retail frontage
DBE2 - Effect on neighbouring properties
DBE9 - Loss of amenity

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Issues and Considerations:

The main issues to consider are the impact of the development on the Town Centre/key retail frontage, the conservation area, and regarding the potential impact on surrounding properties.

Town Centre:

The site is within the Key Frontage and as such policy TC4 is of particular importance in any judgement. This is a long established policy which aims to protect primary shopping areas from excessive amounts of non-retail uses. A fall below 70% retail or more than two adjacent units in non-retail use is considered undesirable. Whilst the most recent Town Centre Survey figures (October 2013) for non-retail uses in the Key Frontage in Epping indicate that 31.8% of the

frontage is in non-retail, which is already contrary to the aims and objectives of this policy, the proposed change of use would retain the front section of the unit for A1 use. The development could be conditioned to ensure that the unit can only be used as a mixed use A1/A3 or as a sole A1 use but for no other purpose (including a sole A3 use) and that the front section of the ground floor, as indicated on Drawing No. 1438/02f, remains in A1 use. This would guarantee that the retail frontage is not lost on the site and would ensure that the A1 use remains as the dominant use.

There have been several recent changes to the permitted development regulations with one of the aims being to facilitate the conversion of units within town centres to other uses. The clear aim is to ensure the planning system plays a part in kick-starting growth and aiding the emergence of the British economy from recession. Paragraph 23 of the NPPF still suggests that Local Authorities should set policies which identify primary shopping areas and which recognise town centres as the heart of the community. This would suggest that long term such policies should remain. However countless reports point to the fact that in the near future “*retail will have a diminished role in town centre activity*” and that town centres “*should become community hubs with housing, education, entertainment and leisure facilities*” (The Planner November 2013). The recent mooted changes to the system aiming to facilitate switches from retail to alternative uses point to a trend continuing in the direction of a much more multi-faceted town centre. In a recent appeal decision in Warrington for a change of use from A1 to A3 an Inspector described the local key Frontage policy as “*an aspiration in the face of current realities*” (APP/M0655/A/13/2198097). He determined that a use which secured an active presence in the Key Frontage and encouraged footfall should be promoted. A mixed A1/A3 use would certainly encourage more footfall than the current vacant A1 use and would continue to retain a primary retail frontage to this unit.

The comments received from the Town Council with regards to the proliferation of cafes in Epping is considered to be a matter of market forces rather than a serious threat to the long term vitality and viability of the town centre, particularly given the proposed retention of over 55% of the floorspace remaining as retail floor space.

Conservation area:

There are no concerns regarding the proposed change of use as it is in keeping with the internal character and appearance of the property and there would be no external alterations required for the proposed development. Therefore the application would not have any detrimental impact on the conservation area.

Impact on neighbours:

Whilst the application site has consent for residential flats to the rear and on the first floor it is not considered that the provision of a small café as part of the ground floor unit would be unduly detrimental to the amenities of these neighbours by way of noise or odour nuisance given the small scale of the proposal. The proposed café would serve hot drinks, some hot food, sandwiches, cakes, etc. and therefore would not result in adverse cooking odours. Furthermore the kitchen area serving the unit is very small and would not be of a size likely to result in any intensive A3 activity. Should there be any future nuisance as a result of the proposed use then this can be dealt with by Environmental Health.

Conclusion

Since the majority of the ground floor would be retained for A1 use, which would form the frontage onto the High Street, it is not considered that the proposed change of use would have an adverse impact on the vitality and viability of the town centre or have any detrimental impact on the amenities of surrounding residents. Therefore it is considered that the proposed development

complies with guidance contained within the NPPF and the relevant Local Plan policies and the application is recommended for approval.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

Planning Application Case Officer: Graham Courtney

Direct Line Telephone Number: 01992 564228

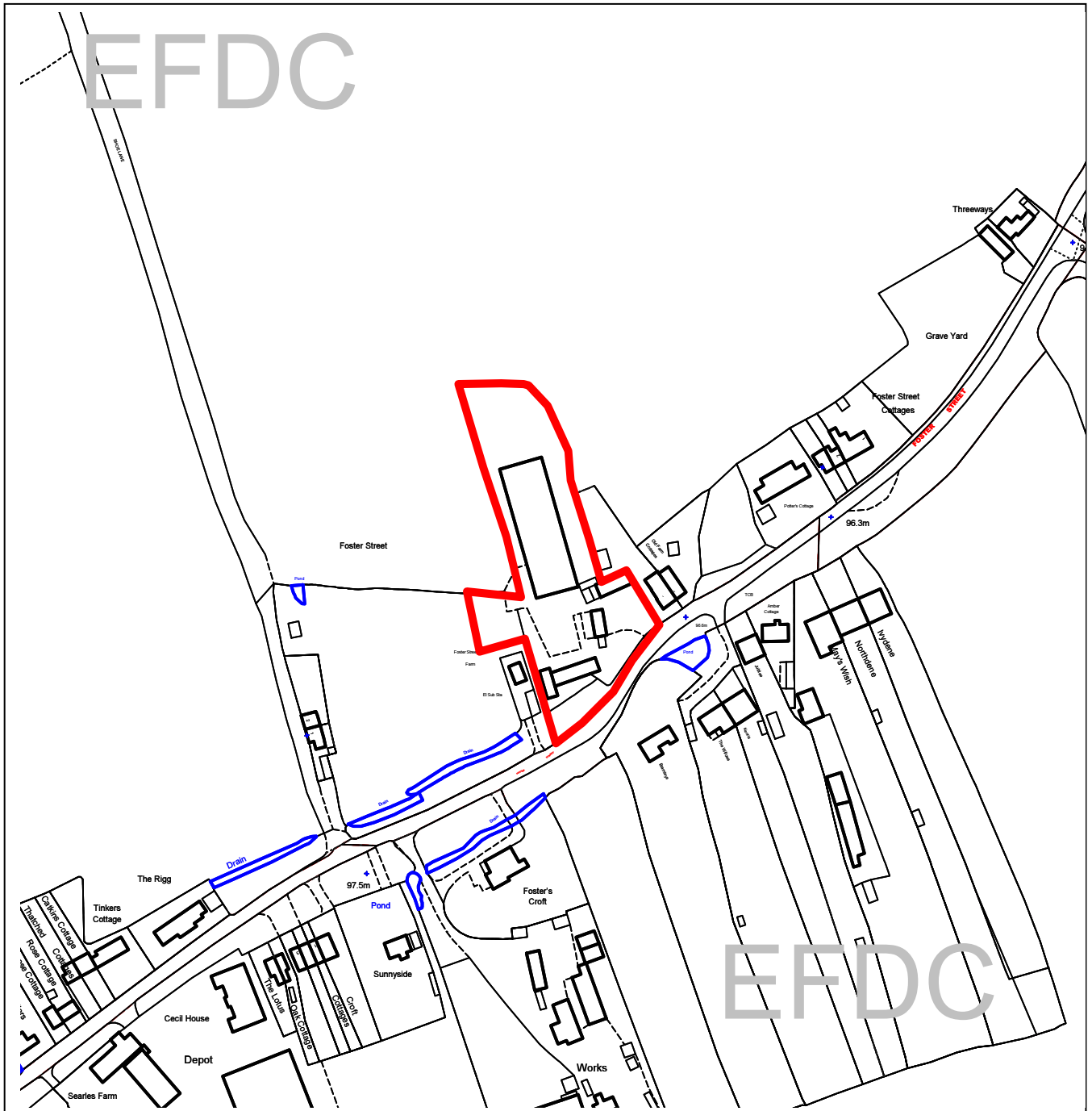
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

AGENDA ITEM NUMBER 5



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Application Number:	EPF/2516/14
Site Name:	Foster Street Farm, Foster Street Harlow, CM17 9HS
Scale of Plot:	1/2500

Report Item No: 5

APPLICATION No:	EPF/2516/14
SITE ADDRESS:	Foster Street Farm Foster Street Harlow Essex CM17 9HS
PARISH:	North Weald Bassett
WARD:	Hastingwood, Matching and Sheering Village
APPLICANT:	Anderson Design & Build & C.J.Pryor Ltd
DESCRIPTION OF PROPOSAL:	Application for full planning permission to redevelop site with enabling residential development to provide 9 residential units together with associated car parking, open space and refuse and recycling facilities. (Enabling development for linked application EPF/2517/14).
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=570012

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1457_0090 A, 139/PL/01A, 139/01/SS/02A, 139/01/SS/01A, 139/PD/04/01, 139/PD/04/02, 139/PD/03/02, 139/PD/03/04
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 The development shall be carried out in accordance with the flood risk assessment (Stomor Civil Engineering Consultants, Ref ST2331/FRA-1408-Foster Street Revision 0, August 2014) and drainage strategy submitted with the application, unless otherwise agreed in writing with the Local Planning Authority.
- 6 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to

clean vehicles immediately before leaving the site.

- 7 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garages hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions or outbuildings generally permitted by virtue of Class A, B or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 9 The recommendations within the Phase 1 Habitat Survey dated April 2014, submitted by DF Clark Bionomique Ltd, as stated within section 1, Summary, items i - ix concerning birds, great crested newts, bats and recommendations for future lighting and landscaping, shall be followed.
- 10 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 11 Prior to the commencement of development, including any ground works or demolition, details of a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for the following clear of the highway:
 - safe access into the site
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - wheel and underbody washing facilities

The approved Statement shall be adhered to throughout the construction period.

- 12 Prior to first occupation of the development the developer shall implement and retain in perpetuity the access arrangements for the proposed development, as shown in principle on Stomor drawing no.ST-2331-03-D, to include but not limited to:
 - 2.4m x 120m visibility splays.
- 13 Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport.
- 14 All turning heads required for refuse and fire tender use shall comply with the dimensions within the Essex Design Guide for a Size 3 Turning Head.
- 15 The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that roads. The carriageways and footways shall be constructed up to and including base course surfacing. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.
- 16 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 17 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 18 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems,

archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 19 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 20 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 21 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 22 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since it is an application that is considered by the Director of Governance as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(k)) since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1,

Appendix A.(d)) since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g)) and since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)

Description of Site:

The application site comprises a 0.57 hectare parcel of land on the northern side of Foster Street and is part of a small enclave of development consisting of a mix of commercial sites (including the application site, the C.J. Pryor Ltd site on the southern side of Foster Street, and Fosters Croft to the south of the application site) a public house (the Horn and Horseshoes, which is somewhat detached from the Hamlet) and approximately 50 residential dwellings (some of which are detached from the centre of the Hamlet). The site is currently owned by C.J. Pryor Ltd, although at the time of the Officer site visit it appeared to be occupied by AMA Scaffolding. Nonetheless the site constitutes previously developed land.

The site currently contains a large former agricultural building (equivalent to one-and-a-half storeys in height) and various smaller storage buildings. Immediately adjacent to the site to the east are No's. 1 and 2 Old Farm Cottages (No. 1 of which adjoins the site). To the west and north of the site is open agricultural land and to the south (on the opposite side of Foster Street) are residential properties.

The site benefits from an existing single access from Foster Street and is bound along the site frontage by low level fencing. The remainder of the boundaries are intermittently planted with vegetation and trees which offers some screening to the site.

The site lies within the Metropolitan Green Belt.

Description of Proposal:

Consent is being sought for the redevelopment of the site to provide 9 residential units with associated car parking, amenity space, access roads and associated facilities.

The development proposes 2 no. three bed, 5 no. four bed and 2 no. five bed properties. The proposed dwellings would be two storeys in height (the original submitted plans for up to three storey dwellings has been amended to lower the height of the buildings) and would consist of a pair of semi-detached and a single dwelling fronting onto Foster Street with a linear development of detached dwellings to the rear of these. A small pond would be sited in the south eastern corner of the site and the site access would be relocated to allow for better visibility splays.

This application has been submitted as an 'enabling development' (along with EPF/2518/14 - Foster Street South) to fund the relocation of the C.J. Pryor Ltd business to a new site off the A414 near junction 7 of the M11 (EPF/2517/14). Whilst each of the three applications is being dealt with in isolation these are intrinsically linked.

Relevant History:

CLD/EPF/2029/04 – Application for certificate of lawfulness for the existing use of land as a depot for the maintenance and repair of plant and machinery – lawful 01/04/05

Policies Applied:

CP1 - Achieving sustainable development objectives
CP2 - Protecting the quality of the rural and built environment
CP3 - New development
CP6 - Achieving sustainable urban development objectives
CP8 - Sustainable economic development
CP9 - Sustainable transport
GB2A - Development in the Green Belt
GB7A - Conspicuous development
H2A - Previously developed land
H3A - Housing density
H4A - Dwelling mix
NC4 - Protection of established habitat
DBE1 - Design of new buildings
DBE2 - Effect on neighbouring properties
DBE4 - Design in the Green Belt
DBE8 - Private amenity space
DBE9 - Loss of amenity
LL2 - Inappropriate rural development
LL10 - Adequacy of the provision of landscape retention
LL11 - Landscaping scheme
ST1 - Location of development
ST2 - Accessibility of development
ST4 - Road safety
ST6 - Vehicle parking
RP3 - Water quality
RP4 - Contaminated land
RP5A - Adverse environmental impacts
U3A - Catchment effects

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Consultation Carried Out and Summary of Representations Received:

144 neighbouring properties were consulted and a Site Notice was displayed on 10/12/14.

PARISH COUNCIL – OBJECT. The houses are 3 storey and are not rural in character, they are visually out of keeping with other properties in the area, it represents overdevelopment of the site. There is serious concern at the comments regarding that it would be necessary to look for alternative means of ventilation because of the noise and the windows should be kept shut. There are a lack of sufficient parking spaces, including a lack of visitor parking. The proposal would generate more traffic throughout the day. The site is on a dangerous corner. Lack of public transport.

HARLOW DISTRICT COUNCIL - NO OBJECTION. The quantum of residential development proposed is very high in the context of Foster Street, which consists of primarily ribbon residential development and the notable Pryor Group site.

There are few facilities and amenities within a short distance of the site. The sustainability of the locations of the development is therefore questioned. The Sustainability Statement does not allay Harlow Council's concern that the sites are in unsustainable locations. The statement also

confirms that the Harlow District would have the closest facilities and amenities to the sites. It is therefore likely that the residential development would impact on a number of services within Harlow. It is pivotal that the NHS, Police and Fire Service have the opportunity to make requests for contributions/obligations to offset the additional pressure on these services. Bus operators should also be consulted.

It is acknowledged that the residential development is proposed to enable the relocation of the Pryor Group, however it is not considered that this warrants additional pressure on services in Harlow to be disregarded.

The impact on the Harlow District is otherwise considered to be insignificant. Subject to the above organisations being consulted, Harlow Council has no objection to the planning applications under references EPF/2516/14 and EPF/1518/14.

LETTERS OF SUPPORT:

ROBERT HALFON (MP) – Support the application since the relocation of the business from Foster Street to Harlow Gateway South will provide a site more suited to the activities of a growing civil engineering company and allow it to remain local. Pryor Group provides local employment and the move will no doubt result in further employment as the business grows. Foster Street is a residential area and is more suited for 74 houses than a civil engineering business, particularly since the surrounding roads are not suitable for Pryor Group's vehicles.

HAYGARTH, HARLOW COMMON – Support the application. The Pryor lorries travelling to and from the Foster Street sites cause disturbance from noise, vibrations and dust, since the existing Pryor site have been allowed to expand in their current location to the detriment of neighbours, Harlow Common is a narrow country road not suited for heavy vehicle use and the provision of houses would be a more appropriate use of the Foster street sites, and since the application site at Harlow Gateway is currently an eyesore and is hidden from public view by large wooden hoardings and serves no useful purpose.

BRAMLEYS, FOSTER STREET – Support the application as this would ensure that the Pryor Group's heavy goods vehicles no longer need to travel along Foster Street and Harlow Common as these are not suitable roads for such traffic. Furthermore this would remove the disruption currently caused to neighbouring residents and would allow for the existing local business to remain in the area.

HORN AND HORSESHOES, FOSTER STREET – Support the application as this would ensure that the Pryor Group's heavy goods vehicles no longer need to travel along Foster Street and Harlow Common as these are not suitable roads for such traffic. Furthermore this would remove the disruption currently caused to neighbouring residents and would allow for the existing local business to remain in the area.

ST MARY MAGDALENE VICARAGE, HARLOW COMMON – Support the application as this would ensure that the Pryor Group's heavy goods vehicles no longer need to travel along Foster Street and Harlow Common as these are not suitable roads for such traffic. Furthermore this would remove the disruption currently caused to neighbouring residents and would allow for the existing local business to remain in the area.

MARTIN, HARLOW GATEWAY – Support the application as this would ensure that the Pryor Group's heavy goods vehicles no longer need to travel along Foster Street and Harlow Common as these are not suitable roads for such traffic. Furthermore this would remove the disruption currently caused to neighbouring residents and would allow for the existing local business to remain in the area.

SIX RESPONSES FROM PRYOR EMPLOYEES – Support the application since this development would cater for an expanding business that has outgrown its existing site, would remove the disturbance to existing neighbours surrounding the Foster Street sites, and since the road network surrounding the existing sites are not suitable for heavy traffic. The business provides local jobs and it is important that it stays in the area and the Harlow Gateway site has better public transport links. Furthermore, the development of the Foster Street sites would not only fund the move but would also provide additional housing.

LETTERS OF OBJECTION:

3 FOSTER STREET – Object as Foster Street is a busy unclassified road and the amount of extra traffic generated by the proposed development would be a road safety hazard and would add to the existing congestion. The proposed street lighting would not be appropriate in this semi-rural area and will cause light pollution. The large new development would also be out of scale with the surrounding properties and out of keeping with the area as a whole.

FOSTER STREET RESIDENT – Object. The suggestion that the noise and pollution of the current lorries coming out of the Foster Street site is a nuisance to neighbours is absolutely inaccurate. I live very near to the Pryor site and have spoken to several neighbours and we do not experience any noise, current issues or problems. It is considered that the proposed redevelopment of the sites for housing would have an equal or greater impact on neighbours' amenities than the existing business. The residential development would result in an increase in vehicle movements and there are no local facilities or public transport. The design of the proposed development would result in a loss of privacy to neighbouring residents and would be out of keeping with the village.

1 THATCHED COTTAGES, FOSTER STREET – Object since the residents of Foster Street, Harlow Common and the whole village of Hastingwood have nothing to gain from the proposed developments. The entire proposal is ill-thought through and there is no justification or thought to local residents, purely a profit factor. The resulting traffic from the proposed housing development would be far greater and more harmful than the existing situation.

11 PARK AVENUE – Object since the redevelopment of the Foster Street sites would result in increased traffic over the established use, as the proposed development at Harlow Gateway would introduce nuisance to surrounding residents in this location, there would be additional traffic disruption on an already busy and strained road, there would be long terms effects on the adjacent woodland, and whilst the proposal would create more housing and jobs this should not be at the expense of existing residents.

2 FOSTER STREET – Object as the proposed housing developments on Foster Street would result in an increase in vehicle movements and the development at the Harlow Gateway site would cause major traffic congestion on the A414.

FOSTERS CROFT, FOSTER STREET – Object as this is a small village of about 40 houses and the addition of 74 new houses would have a devastating effect. There would be a significant increase in traffic problems and it would be preferable to see the Pryor business expand than suffer from the proposed residential development.

IVYDENE, FOSTER STREET – Object as part of the Foster Street south development would be on a paddock area, since the proposed new business site is not much bigger than the existing site, water pressure is already an issue in this rural location, there are not enough parking spaces for the proposed development, the dwellings are out of character with the area and some are three storeys, there would be an increase in traffic movements, there is not adequate local infrastructure, and since the Harlow Gateway development would add to the existing traffic issues at the M11 junction.

THE WILLOWS, FOSTER STREET – Object as the access would create an additional hazard to highway safety, concern that there is no gas line to the site, and that the proposed finish of the dwellings would be out of character with the area.

Issues and Considerations:

Principle of the development:

The application site is located within the Metropolitan Green Belt and is used as a depot for the maintenance and repair of plant and machinery (although at the time of the Officer's site visit it appeared to be occupied by a company called AMA Scaffolding).

The National Planning Policy Framework (the Framework) identifies that the erection of buildings within the Green Belt constitutes inappropriate development with a number of exceptions, which includes:

- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

Paragraph 80 of the Framework sets out the five purposes of the Green Belt as follows:

1. *To check the unrestricted sprawl of large built-up areas;*
2. *To prevent neighbouring towns merging into one another;*
3. *To assist in safeguarding the countryside from encroachment;*
4. *To preserve the setting and special character of historic towns; and*
5. *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

The definition of previously developed land is provided within Annex 2 of the Framework and reads:

Previously developed land: *Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreational grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.*

Given the lawful use of the site and presence of buildings and hardstanding the application site would constitute previously developed (brownfield) land. The above stated exception to inappropriate development allows for the redevelopment of brownfield land provided it “*would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development*”.

‘Impact on the Green Belt’ would cover many factors, including increased activity and type of use, however one of the key considerations is with regards to the level of built development on a site. The existing permanent buildings on the site have a total footprint of 1308.5m² and are a mix of single storey and (equivalent) one-and-a-half storey buildings. The combined footprint of all proposed dwellings and detached garage buildings would total some 843.5m². Although the

proposed dwellings would be two storeys in height, and therefore would be slightly more visually prominent than the existing low structures on site, the 35% reduction in built form on the site and removal of the existing large former barn would counter any additional visual impact from the increased height. The proposed redevelopment of the site would also involve the removal of large areas of hardstanding and open storage and the introduction of additional landscaping. As such it is considered that the proposed redevelopment of this previously developed site for nine dwellings would not result in any additional harm to the openness of the Green Belt and therefore does not constitute inappropriate development.

Very special circumstances argument:

The applicant has submitted this proposal as part of a wider scheme that relates to an 'enabling development' to allow for the existing C.J. Pryor Ltd business currently sited at the Foster Street south site to relocate to a new site at the Harlow Gateway (subject to application Ref: EPF/2517/14). As part of this entire scheme the applicant has put forward the following factors to constitute 'very special circumstances' for the proposed scheme (summarised as follows):

- The existing C.J. Pryor Ltd operations currently located on this site is within a small rural hamlet proximate to residential properties and the heavy plant machinery and traffic movements from the use of these operations generates noise disturbance and traffic congestion for local residents and is considered a 'bad neighbour'.
- The established company are embarking on a period of significant growth and are unable to expand in their current location since the existing sites are not suitable to accommodate this growth and due to the further impact that this would have on local residents.
- C.J. Pryor Ltd employ approximately 100 people at their current Foster Street sites and the relocation to the application site would facilitate growth in these employment figures to the benefit of local people.
- The redevelopment of the application site (and the Foster Street south application Ref: EPF/2518/14) would fund the relocation of the business to the Harlow Gateway site.
- The proposed redevelopment would provide additional housing to the area.

Since the redevelopment of the application site for nine dwellings is not considered to constitute inappropriate development no very special circumstances would be required regarding this particular application. Therefore these matters are not addressed within this application (however a full assessment of these can be found in the report regarding EPF/2518/14, elsewhere on this agenda).

Sustainable location:

The application site is located in a small rural Hamlet that does not benefit from any significant public transport links or local facilities (with the exception of a public house). As such all trips to and from the site would be by way of private vehicles.

One of the key principles of Planning, as laid out within the National Planning Policy Framework, is that decision-makers should "*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in location which are or can be made sustainable*". Local Plan policies CP1, CP3, CP6, CP9 and ST1 also promote developments that utilise sustainable forms of transport and reduce the need to commute.

When viewed as an isolated site (rather than as part of the wider scheme involving all three sites) the level of vehicle movements from the proposed residential development would be similar to the expected levels of commercial traffic using the lawful site. Whilst the proposal would result in an unsustainable form of development not well served by local facilities or public transport it is considered that the small scale of the development would ensure that any harm would be limited

and the increase in the level of residential vehicle commuting would be offset by the commercial vehicle movements removed from this site. Therefore it is considered on balance that the redevelopment of this small site for a low density housing development would not be contrary to the Government guidance or Local Plan policies regarding sustainability.

Highways:

The application site has an existing use that generates commercial traffic. The levels of residential traffic that would result from the proposed development would be broadly similar and therefore would not have any further detrimental impact on the highway in terms of safety, efficiency and capacity than the existing use.

The application proposes to relocate the access further to the west of the site frontage in order to optimise visibility splays. This would provide improved visibility and geometry of the access in order to serve the development and therefore the Highway Authority has concluded that the proposal will not be detrimental to highway safety or capacity at this location or on the wider highway network.

The proposed dwellings would all benefit from at least two off-street parking spaces in the form of parking bays and garages and there would be 3 dedicated visitor parking spaces throughout the site. Furthermore there would be adequate additional space within the site for further informal parking if required. This level of off-street parking provision complies with the requirements of the Essex County Council Parking Standards (2009).

Visual impact:

The application site currently contains a number of former agricultural (now commercial) buildings and open storage and is currently a visually unappealing site. Whilst the introduction of a linear row of dwellings to the rear of the site would result in some visual encroachment in this rural area the proposal would reduce the level of built form on the site and would allow for additional landscaping to assist in softening and screening the site.

The (revised) proposed dwellings would be no higher than two storeys in height and would be fairly traditional in terms of the scale and design and therefore are not considered to be detrimental to the overall appearance of the area. There is adequate private amenity space provided for each of the dwellings and the houses would be adequately spaced and of a relatively low density so as to retain the rural character of this area.

Loss of amenity:

It is accepted that the application site is not an ideal location for commercial development and whilst it is not considered that the removal of the commercial uses from this (and the Foster Street south) site is sufficient enough to outweigh the harm to the Green Belt as identified in EPF/2517/14 & EPF/2518/14 the removal of this commercial site would be of some benefit to surrounding neighbours.

Although the proposal would introduce residential development on this site, much of which would face towards the neighbouring property to the west, the proposed houses would be a minimum of 9m and maximum of 11m from the shared boundary with No. 1 Old Farm Cottage. Furthermore any subsequent landscaping scheme proposed for the site (by way of condition) can require the provision of additional landscaping and screening along the eastern boundary to mitigate any possible loss of privacy and overlooking as a result of the proposed development.

Loss of employment:

The proposed redevelopment of this site would involve the loss of a commercial employment site. Whilst the National Planning Policy Framework seeks to secure economic growth the above stated exception to inappropriate development regarding redevelopment of previously developed land states "*whether redundant or in continuing use*" (my emphasis) and makes no requirement to provide alternative sites for those lost through such redevelopment. Also recent changes to the General Permitted Development Order have introduced the right to convert various commercial and business premises to a variety of alternative uses (including residential use) however has no caveat that the existing business use must no longer be required on the site or be relocated elsewhere. Therefore despite the clear push from Central Government to promote and encourage economic growth the same Government are continuing to allow for existing and well established commercial sites to be redeveloped or changed to alternative uses without any concern for the loss of these employment uses. As such it is not considered that the loss of the existing employment use is a material planning consideration in this instance.

Affordable housing:

The National Planning Practice Guidance states that "*contributions for affordable housing and tariff style planning obligations... should not be sought from developments of 10-units or less, and which would have a maximum combined gross floorspace of no more than 1000m² (gross internal area)*". Since the application proposes less than ten residential developments and would have a total gross internal floor area of less than 1000m² no affordable housing provision can be sought for this proposal.

Ecological impacts:

Habitat surveys were undertaken and submitted regarding the proposed development. Subject to the undertaking of the mitigation and recommendations contained within these documents it is considered that there would be no detrimental impact on existing habitats in or around the site.

Other matters:

Flooding:

A Flood Risk Assessment was submitted with this application, which is considered to be acceptable. However additional details are required with regards to surface water drainage, which can be adequately dealt with by condition.

Contamination:

A Phase 1 Contaminated Land Report has been submitted with the application that identifies potentially unacceptable risks from land contamination to the proposed sensitive domestic receptors on the site. This report has recommended that intrusive site investigations are carried out to quantify the risks and determine what remedial measures are required.

As the existing commercial activities at the site are ongoing, there is the potential for further contaminating activities to take place during the period between the June 2014 site walkover and the commencement of any development. Also more detailed information on historic potentially contaminating activities is required. Therefore the Phase 1 report would need to be revised prior to the commencement of work, and additional Phase 2 and Remediation Reports would need to be submitted as required. This matter can be dealt with by conditions.

All proposed properties would require a 180 litre waste container, a 180 litre food and garden waste container and a 55 litre glass container. The properties would also need space to store recycling sacks. The proposed layout of the development appears to allow for this.

The roadways onto the development must be of sufficient structure to withstand the weight of a 32 tonne waste collection vehicle. The widths of the roadways must be adequate so that the collection vehicle can manoeuvre safely without obstruction. The waste operatives should not have to pull waste container more than 25 metres from the property to the collection vehicle.

Conclusion:

The proposed redevelopment of this previously developed (brownfield) site would not result in any greater harm to the openness of the Green Belt and would not cause any significantly greater impact on the character and appearance of this rural area. The amount of resulting vehicle movements would be broadly similar to the expected commercial vehicle movements of the existing site and the relocation of the access would improve the sightlines of the site and overall highway safety of this stretch of Foster Street.

Whilst the provision of housing on this site would introduce some additional overlooking to the immediately neighbouring dwelling the distances involved and ability to insist on additional landscaping along the eastern boundary would ensure that any loss of amenity would not be excessive.

The proposed development would provide adequate off-street vehicle parking and private amenity space to serve future occupants and, whilst not situated within a sustainable location, the small scale of the proposal and off-setting of the existing commercial use on the site would ensure that the development would be sufficient in terms of sustainability. As such the proposal complies with the National Planning Policy Framework and the relevant Local Plan policies and is recommended for approval.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

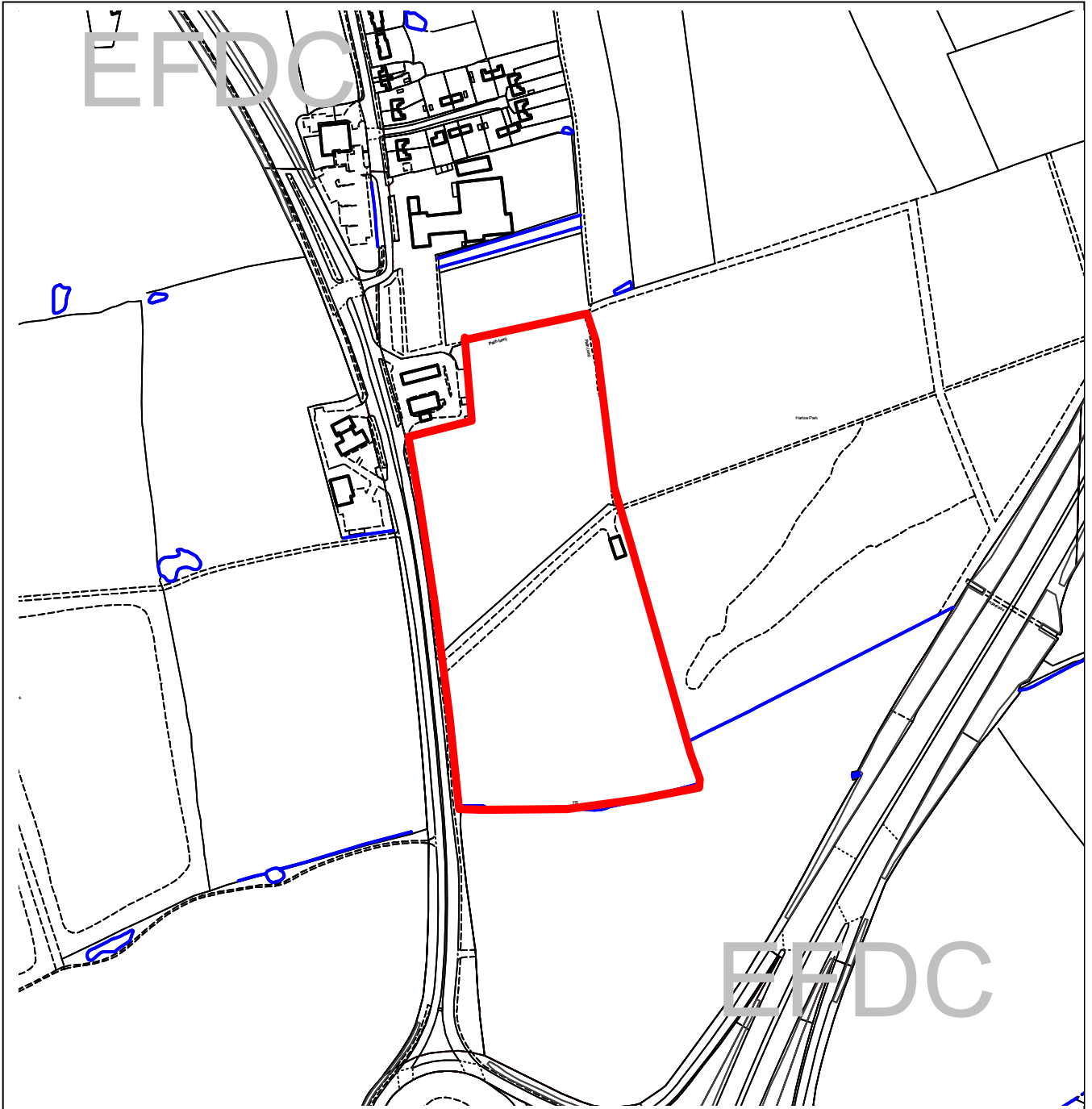
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

AGENDA ITEM NUMBER 6



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Application Number:	EPF/2517/14
Site Name:	Land at Harlow Gateway South A414 London Road, Harlow
Scale of Plot:	1/5000

Report Item No: 6

APPLICATION No:	EPF/2517/14
SITE ADDRESS:	Land at Harlow Gateway South A414 London Road Harlow Essex
PARISH:	North Weald Bassett
WARD:	Hastingwood, Matching and Sheering Village
APPLICANT:	Anderson Design & Build & C.J.Pryor Ltd
DESCRIPTION OF PROPOSAL:	Proposed development of Plot A of site for B1 (business) and B8 (storage and distribution) purposes by C.J. Pryor Ltd. see also linked enabling development proposals EPF/2516/14 and EPF/2518/14)
RECOMMENDED DECISION:	Refuse Permission

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=570013

REASON FOR REFUSAL

- 1 The application site is located within the Metropolitan Green Belt and the proposed development would constitute inappropriate development harmful to the openness of the Green Belt. No very special circumstances exist that clearly outweighs the harm from the development and therefore the proposal is contrary to the guidance contained within the National Planning Policy Framework and CP2 and GB2A of the adopted Local Plan and Alterations.
- 2 The proposed development, due to the bulk, scale and nature of the works, would result in a detrimental impact on the character and appearance of this rural edge of settlement location, contrary to the guidance contained within the National Planning Policy Framework and policies CP1, CP2, LL2 and LL3 of the adopted Local Plan and Alterations.

This application is before this Committee since it is an application that is considered by the Director of Governance as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(k))

Description of Site:

The application site comprises a 2.45 hectare parcel of open land that is partly laid out to grass and partly covered by hardstanding. Whilst the site has formerly been used as a Highways Compound during works to the M11 this was carried out under Part 13 of the General Permitted Development Order. Furthermore an Enforcement Notice was served and upheld in 2008 requiring the cessation of use as a works depot, which was complied with. As such the lawful use of this site is for horticultural (agricultural) purposes.

The application site is located a short distance from the town of Harlow and in close proximity to junction 7 of the M11. The originally submitted proposal was for a larger site that included outline consent for four additional commercial/industrial sites (Plots B-E) as well as a full planning application for a new commercial site (Plot A) for use by C.J. Pryor Ltd, who are seeking to relocate from their existing two sites in Foster Street, Hastingwood, however the application has been amended and the outline proposals for Plots B-E has been removed. Therefore this application now only relates to the full planning application for Plot A.

Due to the above the amended application site is detached from the neighbouring built development to the north and would be located approximately 170m from the BP filling station and some 245m from Vanwise, which is a vehicle sale and hire business. These sites form the edge of Harlow Common, which is a small detached enclave of residential dwellings and commercial sites on the edge of Harlow Town that is itself located within the Metropolitan Green Belt. The edge of Harlow Town (the extensive built up area outside of the designated Green Belt) is approximately 850m north of the application site.

The site benefits from an existing access from the A414 and is currently enclosed by fencing.

The site lies within the Metropolitan Green Belt and is adjacent to a County Wildlife Site that is subject to a blanket Tree Preservation Order. Whilst the site is located within Flood Zone 1 it is greater than 1 hectare in size and therefore a Flood Risk Assessment was required and the Environment Agency has been consulted.

Description of Proposal:

Consent is being sought for the change of use of the site to B1 (business) and B8 (storage and distribution) to allow for C.J. Pryor Ltd to relocate from their existing two sites in Foster Street to this site. The proposal would include the erection of a two storey office building to the front (west) of the site, a warehouse style shed on the southern side of the site, and an electrical sub-station and pump station. The majority of the remainder of the site would provide parking for staff and operatives cars (102 spaces) along with plant and machinery. There would be storage space for recycling skips and other facilities and a large wash down and fuelling station within the centre of the site. The outskirts of the application site would be landscaped. The site would be served by the existing access point from the A414 by way of a new road system.

The proposed office building would measure 50m in length and 9.95m in depth, with an additional 1.35m deep single storey entrance lobby, and would have a mono-pitched roof to a maximum height of 9.38m and a minimum height of 7.14m. The building would be steel clad with aluminium windows and guttering.

The proposed warehouse style shed would measure 49.4m in length and 29.8m in depth and would have a shallow pitched roof to a ridge height of 11.8m and an eaves height of 9.17m. This building would also be steel clad with aluminium windows and guttering and would incorporate a partial mezzanine first floor.

This application has been submitted with two applications to redevelop the existing C.J. Pryor Ltd sites in Foster Street for residential use (EPF/2516/14 & EPF/2518/14). These are intrinsically linked since the applicant proposes the two residential developments as 'enabling development' for this proposal.

Relevant History:

With the exception of the enforcement history on the site with regards to the former Highways Compound, there is no other relevant planning history relating to this site.

Policies Applied:

CP1 - Achieving sustainable development objectives
CP2 - Protecting the quality of the rural and built environment
CP3 - New development
CP6 - Achieving sustainable urban development objectives
CP8 - Sustainable economic development
CP9 - Sustainable transport
GB2A - Development in the Green Belt
GB7A - Conspicuous development
NC2 - County wildlife sites
NC4 - Protection of established habitat
DBE1 - Design of new buildings
DBE4 - Design in the Green Belt
LL2 - Inappropriate rural development
LL3 - Edge of settlement
LL11 - Landscaping scheme
ST1 - Location of development
ST2 - Accessibility of development
ST4 - Road safety
ST6 - Vehicle parking
RP3 - Water quality
RP4 - Contaminated land
RP5A - Adverse environmental impacts
U3A - Catchment effects

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Consultation Carried Out and Summary of Representations Received:

144 neighbouring properties were consulted and several Site Notices were displayed in Harlow Common on 10/12/14.

PARISH COUNCIL – OBJECT. The Parish Council has been advised that the building that CJ Pryors currently occupy is being sub-let to a number of businesses therefore the site is big enough suggesting that the main reason given for the move (lack of opportunity to expand) is not wholly correct. The proposal would create a large Industrial Campus/Seedbed centre. There are traffic concerns with access to the site especially in view of the fact that lorries/vehicles coming off at Junction 7 would have to go down to Southern Way and turn round at the traffic light horseshoe junction to access the site. There would be extra traffic if the Latton Priory proposal goes ahead with 2500 additional homes. Concern at the effect the proposal would have on the adjacent woodland. No one has ever complained to the Parish Council about traffic problems or concerns generated by Pryors. Concern that the supporting documentation for this application is contradictory in that in one sentence the sale of sites B, C, D and E are required as part of the Enabling Development argument, yet these proceeds from the sale of this land (£51 million) have not been factored in to the calculations.

In response to the reconsultation regarding the amendment to the application the PARISH COUNCIL responded as follows:

Members agreed to continue to OBJECT to this application. However as Plots B - E had been removed from this application the Parish Council would remove its objection in relation to Plots B - E at the current time, concern is voiced that the Parish Council had been advised by the developers that the development of Plots B - E in relation to application numbers EPF/2516/14 & EPF/2517/14 & EPF/2518/14 were all fundamental to Enabling Development and it is also suggested that the District Council look at the Financial Viability Report in relation to all three of the applications.

HARLOW DISTRICT COUNCIL - OBJECT. The site is located within the Green Belt and at one of the key entrances into Harlow. Section 9 of the National Planning Policy Framework (NPPF) is resolute in its need to protect the Green Belt and only provides for very specific exceptions (detailed within paragraphs 89 and 90). The development is not considered to meet any of the exception criteria.

It is noted that there is a hardstanding on part of the site and that the NPPF accepts that redevelopment of brownfield land which would not have a greater impact on the openness of the Green Belt may be considered exceptional, however there are no buildings currently on site and the open character of the Green Belt prevails. The proposal would likely result in large buildings and sheds being erected on the land. The large two storey buildings proposed for the part of the application made in full show that the impact on the openness of the Green Belt would be greater than the existing hardstanding. The impact would be significant.

The proposal must therefore be considered to be inappropriate development. In accordance with NPPF paragraph 87 the development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

[Paragraph detailing why it is considered that there is no substantive requirement for the outline element of Plots B - E has been removed as it is no longer relevant]

The Pryor Group would be located on the southernmost proposed plot. If it were to be the only plot to be developed it would sit in an isolated position and sever the Green Belt to the north of the plot. This would clearly be harmful to the Green Belt. As the other plots are proposed in outline only, it cannot be confirmed whether and when any development of the other plots will take place.

The proposed landscaping scheme would not be able to adequately screen the development and the proposed landscaping scheme would only act to further compromise the openness of the Green Belt.

There is no evidence to suggest that the Pryor Group could not occupy a location which is closer to the northern boundary of the site. The Noise Assessment appears to suggest that a B1 or B8 use could operate from Plot E with minimal noise mitigation measures required. Whilst development of the more northerly parts of the site would also likely be significantly harmful to the Green Belt, the impact on openness would likely be lessened and the Green Belt would not be severed. The applicant has failed to demonstrate why Pryor Group must be located on Plot A, and less harmful alternatives appear apparent. Special circumstances do not exist to warrant the location of Pryor Group in such an inappropriate location.

In addition, it is considered that the design of the buildings does little to recognise that the site is at a pivotal entrance to Harlow. The office building would be the first visible building leading into town. The building appears typical of any business park; there are no exceptional design elements. The building would be clad in metallic silver effect cladding with steel composite cladding above. These materials are unbecoming of the Green Belt and surrounding open countryside character. The brise soleil would appear heavy, project significantly and emphasise the horizontal bulk of the building. The mass of the building would appear great and the form of the

building is too ordinary. The building would not constitute a positive gateway feature, or be respectful of the character of its surroundings.

The development would have a significant impact on Junction 7 of the M11, the A414 and wider highway network. This would particularly be the case if there is uptake on the land at plots B - E. Junction 7 is currently at capacity and the Highways Agency, in conjunction with Harlow and the Local Highway Authority, are currently considering options associated with a new junction to the north of Harlow to enable any further growth to occur within the District.

Like the associated residential application, the scale of the development is likely to impact on services within Harlow.

In response to the reconsultation regarding the amendment to the application HARLOW DISTRICT COUNCIL responded as follows:

Due to the design of the proposal, the harm to the Green Belt and lack of any special circumstances which indicate that the harm should be outweighed, Harlow Council wishes to object to the planning application.

LETTERS OF SUPPORT:

ROBERT HALFON (MP) –Support since the relocation of the business from Foster Street to Harlow Gateway South will provide a site more suited to the activities of a growing civil engineering company and allow it to remain local. Pryor Group provides local employment and the move will no doubt result in further employment as the business grows. Foster Street is a residential area and is more suited for 74 houses than a civil engineering business, particularly since the surrounding roads are not suitable for Pryor Group's vehicles.

HAYGARTH, HARLOW COMMON – Support the application. The Pryor lorries travelling to and from the Foster Street sites cause disturbance from noise, vibrations and dust, since the existing Pryor site have been allowed to expand in their current location to the detriment of neighbours, Harlow Common is a narrow country road not suited for heavy vehicle use and the provision of houses would be a more appropriate use of the Foster street sites, and since the application site at Harlow Gateway is currently an eyesore and is hidden from public view by large wooden hoardings and serves no useful purpose.

BRAMLEYS, FOSTER STREET – Support the application as this would ensure that the Pryor Group's heavy goods vehicles no longer need to travel along Foster Street and Harlow Common as these are not suitable roads for such traffic. Furthermore this would remove the disruption currently caused to neighbouring residents and would allow for the existing local business to remain in the area.

HORN AND HORSESHOES, FOSTER STREET – Support the application as this would ensure that the Pryor Group's heavy goods vehicles no longer need to travel along Foster Street and Harlow Common as these are not suitable roads for such traffic. Furthermore this would remove the disruption currently caused to neighbouring residents and would allow for the existing local business to remain in the area.

ST MARY MAGDALENE VICARAGE, HARLOW COMMON – Support the application as this would ensure that the Pryor Group's heavy goods vehicles no longer need to travel along Foster Street and Harlow Common as these are not suitable roads for such traffic. Furthermore this would remove the disruption currently caused to neighbouring residents and would allow for the existing local business to remain in the area.

MARTIN, HARLOW GATEWAY – Support the application as this would ensure that the Pryor Group's heavy goods vehicles no longer need to travel along Foster Street and Harlow Common as these are not suitable roads for such traffic. Furthermore this would remove the disruption currently caused to neighbouring residents and would allow for the existing local business to remain in the area.

SIX RESPONSES FROM PRYOR EMPLOYEES – Support the application since this development would cater for an expanding business that has outgrown its existing site, would remove the disturbance to existing neighbours surrounding the Foster Street sites, and since the road network surrounding the existing sites are not suitable for heavy traffic. The business provides local jobs and it is important that it stays in the area and the Harlow Gateway site has better public transport links. Furthermore, the development of the Foster Street sites would not only fund the move but would also provide additional housing.

LETTERS OF OBJECTION:

11 PARK AVENUE – Object since London Road and Park Avenue are used for long stay car parking for lift sharing commuters and London Road is a cut through from the A414. The proposed industrial development would increase the level of on-street parking on these roads. The development would result in a loss of open land and could have a detrimental impact on wildlife. Furthermore the necessity and viability of the scheme is questioned since there are currently a high number of offices and light industrial units within Harlow currently available, many of which have been vacant for a number of years, and therefore there is no justification to develop this area of Green Belt Land.

16 PARK AVENUE – Object. Whilst the application site has been a blot on the landscape for many years the previous temporary use of the site does not warrant the permanent loss of this Green Belt site to commercial use. The development would result in a significant number of vehicles, particularly heavy lorries, using the surrounding roads and the nearby 'hamburger' roundabout, and there is a risk that illegal U turns would take place from lorries accessing the site from the M11 junction. These roads are already heavily congested. However the biggest objection is due that this constitutes inappropriate development and would lead to the further urbanisation of this rural area.

GREENWAYS, FOSTER STREET – Object as there is no valid reason to redevelop the existing Foster Street sites to housing based on trucks and other industrial traffic being a local nuisance. Whilst the occupants of the houses opposite the entrance would probably wish for less traffic the site has been in existence for at least 50 years. Furthermore the proposed residential development would likely result in just as much harm from traffic movements, etc.

FOSTER STREET RESIDENT – Object. The suggestion that the noise and pollution of the current lorries coming out of the Foster Street site is a nuisance to neighbours is absolutely inaccurate. I live very near to the Pryor site and have spoken to several neighbours and we do not experience any noise, current issues or problems. It is considered that the proposed redevelopment of the sites for housing would have an equal or greater impact on neighbours amenities than the existing business.

1 THATCHED COTTAGES, FOSTER STREET – Object since the residents of Foster Street, Harlow Common and the whole village of Hastingwood have nothing to gain from the proposed developments. The entire proposal is ill-thought through and there is no justification or thought to local residents, purely a profit factor. The resulting traffic from the proposed housing development would be far greater and more harmful than the existing situation.

THE RIGG, FOSTER STREET – Object. Whilst it is stated that the proposed relocation is to allow for an expansion of the business the site appears smaller than the existing Foster Street sites.

Also the proposal would result in additional traffic at the already busy M11 roundabout and will cause more traffic at the Southern Way/Potter Street roundabout.

11 PARK AVENUE – Object since the redevelopment of the Foster Street sites would result in increased traffic over the established use, as the proposed development at Harlow Gateway would introduce nuisance to surrounding residents in this location, there would be additional traffic disruption on an already busy and strained road, there would be long term effects on the adjacent woodland, and whilst the proposal would create more housing and jobs this should not be at the expense of existing residents.

2 FOSTER STREET – Object as the proposed housing developments on Foster Street would result in an increase in vehicle movements and the development at the Harlow Gateway site would cause major traffic congestion on the A414.

ROSE COTTAGE – Object as the two housing developments are a gross overdevelopment within the Hamlet, would be inappropriate development in the Green Belt, and due to the increased traffic and highway safety concerns since all residents would have cars due to the lack of local facilities.

IVYDENE, FOSTER STREET – Object as part of the Foster Street south development would be on a paddock area, since the proposed new business site is not much bigger than the existing site, water pressure is already an issue in this rural location, there are not enough parking spaces for the proposed development, the dwellings are out of character with the area and some are three storeys, there would be an increase in traffic movements, there is not adequate local infrastructure, and since the Harlow Gateway development would add to the existing traffic issues at the M11 junction.

MEAD HOUSE, HARLOW COMMON – Object as this is overdevelopment in the Green Belt, the redevelopment of the Foster Street sites would be unsustainable, and since the proposals would cause additional traffic and highway safety problems.

Issues and Considerations:

Principle of the development:

The application site is located within the Metropolitan Green Belt whereby the erection of buildings constitutes inappropriate development that is, by definition, harmful to the Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) lays out a list of exceptions to inappropriate development, which includes:

- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

Whilst the application site contains a large area of hardstanding and has previously been used as a Highways Depot whilst works were undertaken on the M11, the lawful use of this area is for horticultural (agricultural) purposes. Since the definition of previously developed (brownfield) land as laid out within Annex 2 of the NPPF specifically excludes "*land that is or has been occupied by agricultural or forestry buildings*" this site would not constitute previously developed land. Due to this the proposed development of this site as a B1/B8 compound would clearly constitute inappropriate development.

Furthermore, although currently enclosed by fencing, the application site is a relatively undeveloped and open parcel of land that, whilst laid to hardstanding, only contains a single agricultural building in the northeast corner. The erection of approximately 2000m² of commercial

buildings, which would reach maximum heights of 9.38m and 11.8m, and the use of the site for the proposed purposes constitutes a substantial level of development that would result in significant physical harm to the openness and character of the Green Belt in this location.

Paragraph 80 of the NPPF sets out the five purposes of the Green Belt as follows:

6. *To check the unrestricted sprawl of large built-up areas;*
7. *To prevent neighbouring towns merging into one another;*
8. *To assist in safeguarding the countryside from encroachment;*
9. *To preserve the setting and special character of historic towns; and*
10. *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

Although the proposed application site (since its amendment removing Plots B - E) would be detached from the edge of the enclave known as Harlow Common, and removed from the main edge of Harlow town, it is nonetheless considered that the very nature of the proposed development of this site would conflict with the above purposes in that the additional large scale development to the south of Harlow, beyond the current urban boundary (and beyond the slightly detached enclave of Harlow Common), would clearly result in additional urban sprawl that would encroach into the currently open countryside. It is appreciated that the rural nature of the site is slightly compromised due to the presence of the A414 to the west, the M11 to the east, and the junction 7 roundabout to the south, however these are essential road networks the presence of which does not significantly alter the general rural nature of the site. Furthermore the presence of the adjacent woodland and prevalence of rolling agricultural fields to the east, west and south of the site counter the presence of the more urban features such as the road network and sporadic enclaves of development.

Although the site is within a short distance from the town of Harlow, and as such is also considered to be an 'edge of settlement' location, such open Green Belt areas are of even greater importance since they provide important green gateways and are often important transitional land between the rural countryside and the urban towns. Therefore it is to sites such as this, that the above five purposes of the Green Belt are most relevant.

There is considered an argument that the development of this site for industrial purposes would not meet purpose no. 5 in that it would encourage the use of an undeveloped edge of town site rather than the recycling or derelict or other urban land, however a Site Search document has been submitted with the application regarding alternative available sites, which will be dealt with in detail below.

Paragraph 88 of the Framework states that "*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt*". Therefore, due to the above, the harm to the Green Belt as a result of the proposed development would be given substantial significant weight and permission would only be granted for this scheme if sufficient very special circumstances exist that clearly outweigh this harm.

Very special circumstances argument:

The applicant states that the redevelopment of this site, a large proportion of which is covered in hardstanding, would not impact on the open character of the Green Belt and feels that the "*the proposed development of the site accords with the prevailing and established pattern of commercial development in the vicinity*" and also notes that the site has previously been identified for commercial/employment development. Despite the above the factors that the applicant consider constitute 'very special circumstances' on this site are summarised as follows:

- The existing C.J. Pryor Ltd operations are currently located within a small rural hamlet (Foster Street, Hastingwood) proximate to residential properties and the heavy plant machinery and traffic movements from the use of these operations generates noise disturbance and traffic congestion for local residents and is considered a 'bad neighbour'.
- The established company are embarking on a period of significant growth and are unable to expand in their current location since the existing sites are not suitable to accommodate this growth and due to the further impact that this would have on local residents.
- C.J. Pryor Ltd employ approximately 100 people at their current Foster Street sites and the relocation to the application site would facilitate growth in these employment figures to the benefit of local people.
- A site search has been undertaken and there are no alternative suitable sites within the catchment area of C.J. Pryor Ltd to facilitate a new site.

Neighbouring amenities:

It is accepted that the two existing commercial sites in Foster Street are not an ideal location for such an intensive commercial development such as the C.J. Pryor Ltd operations and there is an appreciated benefit to the redevelopment of these two sites to residential housing (although the full assessment of this is undertaken under EPF/2516/14 & EPF/2518/14). However it is not considered that there is such a detrimental impact as a result of the existing sites to outweigh the significant harm to the Green Belt that would occur from the provision of a new commercial site on a currently undeveloped and open site.

Whilst a noise assessment has been undertaken with regards to this proposal this appears to purely assess the potential impact from the proposed development on surrounding noise sensitive locations in close proximity to the application site. A noise assessment has also been submitted with regards to the two Foster Street redevelopments (EPF/2516/14 & EPF/2518/14), however again these appear to assess noise impact to possible future residents of the two Foster Street sites. Reference is made within the submitted Planning Statement to a noise assessment, however the quoted section cannot be located within the submitted noise assessment so it is unclear as to what document this refers to.

Nonetheless, the Planning Statement refers to a noise survey and relies on this as part of the justification for the proposed development of this Green Belt site. However it is not considered that this concludes that there is significant harmful noise nuisance from the existing Foster Street operations. Whilst this noise assessment is stated to conclude that "*on the face of it, there would be a major positive impact on the night time traffic noise climate local to the Pryors site entrance if Pryors were to relocate and be replaced by a residential development*" it actually calculates that "*Pryors pre-0700 hours traffic gives rise to a level of 54 dB LAeq,8hr (which describes the steady sound level, in dBA that has equivalent energy to the variable level over an 8 hour period), free-field at the row of three Cottages (assumedly Thatched, Catkins and Tinkers Cottages, opposite the entrance). If this were repeated every day, then it would equate to an 'LNight' value similarly of 54 dB*". Whilst the World Health Organisation (WHO) guidance recommends a longer-term 40 dB LNight to protect the public from adverse health effects that recorded 54 dB LNight value would nonetheless be within the Interim Target level of 55 dB specified in the WHO Night Noise Guidelines for Europe. Furthermore it estimates that if C.J. Pryors Ltd were to remain on this site and expand as desired then this would increase the fleet of tipper lorries to forty and states that "*if there were to be a 12% increase in tipper lorry departures (and corresponding staff car arrivals) at the Foster Street site, the LNight value from Pryor vehicle movements would reach the 55 dB threshold of the WHO Night Noise Guidelines. **This is not to say that there would be a significant deterioration in the noise climate**, but it does indicate that expansion may have to be restricted*" (my emphasis).

Furthermore, it should be noted that within the submitted Noise Assessment by Sharps Redmore for this application it is stated that "*Sharps Redmore understand that tipper lorries do not routinely leave or return before 0530 hours at the earliest*" so it is considered that any estimated increase in noise as stated above would only be relevant to the period between 0530 and 0700. In addition to this the Sharps Redmore Noise Assessment submitted with the two applications to redevelop the Foster Street sites recorded measurements around these sites of 55 db LAeq,T and 58 dB LAeq,T for the daytime (0700 to 2300) and 53 dB LAeq,T and 55 dB LAeq,T for night-time (2300 to 0700) and highlighted that "*the wind direction carried-over M11 traffic noise and thus yielded a representatively high level of ambient sound. Wind from the east would result in a lower sound level*" and concluded that "*the existing level of ambient sound on the proposed residential sites has been sampled and found to be of a moderately elevated nature as a result of M11 noise carry-over. The south-westerly breeze during the survey was representative of conditions that prevail in much of the UK. The steady, continuous level of traffic noise was not perceived as intrusive. Local traffic noise and local commercial noise was minimal*". It also states in the conclusion that "*the night-time ambient sound levels were not substantially lower than daytime. This arose from the rapid rise in M11 traffic noise from before dawn*". As such this noise assessment suggests that the majority of noise nuisance around the Foster Street sites occurs from the nearby M11 rather than the C.J. Pryor Ltd operations and the recorded and estimated noise (if the business were to expand in its existing site) are shown to be within the WHO Night Noise Guidelines. Therefore it is not considered that there is a significant enough nuisance that results from the existing Foster Street sites to justify the need for C.J. Pryor Ltd to relocate to the application site. Whilst there may be some benefits from this proposal this would not be sufficient to clearly outweigh the substantial harm from the proposal inappropriate development within the Green Belt.

With regards to the level of vehicle movements the Foster Street sites have an existing use that generates a significant amount of traffic, most of this being construction vehicles HGV's and van, in the morning and late afternoons along Foster Street. Whilst the relocation of the existing commercial use would remove the current heavy vehicle movements to and from the site, a residential development of this scale would actually generate slightly more traffic overall. Although it is accepted that the removal of the existing construction vehicles from Foster Street and Harlow Common would be a benefit to all users of the highway it is not considered that this would outweigh the harm to the Green Belt that would result from the proposed development since any benefit from removing the C.J. Pryor Ltd operations vehicles from Foster Street (and the surrounding roads) would be largely outweighed by the additional residential vehicle movements that would result from the proposed redevelopment of these sites and therefore would not be sufficient to offer any significant benefits to local residents.

Response from neighbouring residents to the Foster Street site (and those along Harlow Common, which is part of the current route of the lorries serving the existing sites) are somewhat split, with some neighbours stating that there are current issues of disturbance and nuisance as a result of the established business and others claiming that the existing use of the Foster Street sites does not cause significant disturbance and nuisance. Furthermore comments have been received from local residents concerned that the proposed residential development of the Foster Street sites would result in increased traffic movements and matters of disturbance.

Growth of C.J. Pryor Ltd operations site:

One of the key factors with regards to the entire proposal appears to be the desire for C.J. Pryor Ltd to relocate from their existing Foster Street sites since the business is stated to be embarking on a period of significant growth however are unable to expand in their current location. It is therefore proposed that the two existing Foster Street sites are redeveloped for housing in order to enable the relocation of the business and to fund the development of the application site. A Viability Appraisal has been submitted with regards to the proposed 'enabling development' and is assessed as part of EPF/2516/14 & EPF/2518/14.

Given that the two existing commercial sites in Foster Street are proposed for redevelopment to housing to fund this proposal there would be no Green Belt 'offset' or trade with regards to openness. Therefore whilst the three applications are intrinsically linked for the purposes of assessing the harm to the Green Belt the proposed development on this site must be assessed in and of itself.

Although paragraph 14 of the Framework clearly states that a presumption in favour of sustainable development (which includes economic sustainability) should be "*seen as a golden thread running through both plan-making and decision-taking*" there is the stated exception of where "*specific policies in this Framework indicate development should be restricted*" with a footnote giving examples of such restrictions, which includes "*land designated as Green Belt*". Therefore whilst the Framework seeks to secure economic growth this clearly should not be at the expense of the openness of the Green Belt. Furthermore the exception to inappropriate development regarding redevelopment of previously developed land states "*whether redundant or in continuing use*" (my emphasis) but makes no requirement to provide for alternative sites for those lost through such redevelopment. Also recent changes to the General Permitted Development Order have introduced the right to convert various commercial and business premises to a variety of alternative uses (including residential use) however has no caveat that the existing business use must no longer be required on the site or would be relocated elsewhere. Therefore despite the clear push from Central Government to promote and encourage economic growth the same Government are continuing to allow for existing and well established commercial sites to be redeveloped or changed to alternative uses without any concern for the loss of these employment uses. As such it is not considered that the relocation of the existing business is of such fundamental importance to clearly outweigh the significant harm to the Green Belt.

In addition to the above there are some misgivings regarding the ability for the existing Foster Street sites to accommodate business growth since it appears that much of the two existing sites are in fact rented out to other companies (at the time of the Officer's site visit there were advertisements for Thornwood Motor Group, Boytons Cross Motor Group and Capital Glaziers at the Foster Street south site and the Foster Street north site appeared to be occupied by AMA Scaffolding). Surely if C.J. Pryor Ltd were in need of additional space to allow for expansion of the business then the removal of these other companies and complete use of the existing sites for C.J. Pryor Ltd's operations would assist in this matter. Furthermore the entire site area proposed for redevelopment under EPF/2518/14 includes the currently open paddock area immediately adjacent to the existing Foster Street south site and has a site area of 2.7 hectares, which is larger than this application site. Whilst there would be concerns regarding the impact on the openness of the Green Belt from any expansion into this currently open and undeveloped parcel of land such a proposal would have less overall impact on the openness of the Green Belt (since the current three applications propose the encroachment into this parcel of land as well as the development of the Harlow Gateway site). Despite this there have been no discussions or considerations with regards to expanding the business into this adjoining area of land, which is currently sandwiched between the existing C.J. Pryor Ltd operations site and a commercial works site to the east. Although such an expansion would not benefit the neighbours with regards to removing the existing noise and traffic movements currently experienced as a result of the C.J. Pryor Ltd operations, as assessed above it is not considered that the harm from this is significant.

Loss of employment:

The existing business is stated to employ approximately 100 members of staff, which would likely increase should the business expand. Whilst the loss of an existing local employer would not be desirable the release of a currently open and undeveloped parcel of Green Belt land to allow for the stated expansion of an existing business that currently has two nearby operational sites cannot be outweighed by the threatened loss of such employment. Such exceptional circumstances would

set a dangerous precedent for similar arguments to be put forward on swathes of Green Belt land throughout the District.

Despite the above comments with regards to Central Government guidance not requiring the relocation or retention of existing businesses and the misgivings with regards to the suitability of the existing sites, any benefits to the existing commercial business through expansion (and the wider, but nonetheless relatively small scale, employment benefits to the local area) cannot outweigh the much wider harm that would result from the loss of open Green Belt land.

Site search:

A site search document has been submitted that justifies that there are no suitable alternative available sites for the C.J. Pryor Ltd to relocate to. Whilst this appears to be a relatively exhaustive search there are some issues of concern with this assessment, primarily the lack of any assessment regarding part development of the assessed sites.

The intended C.J. Pryor Ltd relocation site proposed here measures 2.5 hectares in area (which is only marginally larger than the stated 2.25 hectare existing site as referred to within the April 2014 Site Search document) however the alternative sites assessed within the Site Search document range from 11.5 to 60 hectares in size. Several of the alternative sites have been considered unsuitable for various designations, however it appears that the designations often only cover part of the sites. No assessment appears to have been undertaken on the partial redevelopment of the less constrained parts of these larger sites. Additionally some of the alternative sites have been discarded due to adjacent residential properties. However, given the large scale of these sites compared to what is actually required by C.J. Pryor Ltd there is the possibility that suitable buffer land could be retained between the proposed industrial uses and surrounding housing land to suitably mitigate against any harm from the business. No assessment of such possibilities appears to have been undertaken.

Notwithstanding the above concerns, as stated above the desire for C.J. Pryor Ltd to relocate from their current site is not considered sufficient to outweigh the exhaustive harm from the proposed development and therefore the stated lack of any suitable alternative sites is given little weight in this application.

Furthermore, in terms of the positioning of the application site, there is no justification provided as to why the proposed C.J. Pryor Site should be located at the southern end of the original site area rather than be relocated towards the northern end (since the original outline application for Plots B - E has now been withdrawn), which would be less dissected from the nearby settlement and would result in less encroachment and visual impact on the Green Belt. Whilst it is appreciated that the existing entrance to the site and the hardstanding area is located within the application site it is not considered that these factors alone justify such an isolated and detached development site. The provision of an industrial site in this single plot would inevitably lead to further applications for additional development to infill between the application site and the settlement of Harlow Common, which would further decrease the openness of the Green Belt.

Gateway development:

Within the submitted application and throughout discussions with the applicant a further matter put forward is that the proposed development would form part of a strategic 'gateway development' into Harlow. Reference has been made to the Council previously agreeing the suitability of the site for development at an Executive Committee however this report was dated 25 February 2002. Given that this previously decision was over 12 years ago it is considered that only limited weight would be given to this. The identification of this site within the Council SLAA for possible employment use also does not mean that any application prior to the adoption of the new Local Plan should automatically be looked at favourably. Whilst the SLAA does identify the site as 'available,

achievable and deliverable' it is currently viewed as "*suitable but within Green Belt*", much the same as various sites throughout the District. Irrespective of this, strategic decisions for large scale developments on sites such as the Harlow Gateway should be undertaken through the Local Plan adoption process as opposed to on an *ad-hoc* basis such as this, particularly since this site may need to be assessed in conjunction with other larger development on the edge of Harlow and would need to be included in any subsequent infrastructure considerations.

Additionally any such strategic Harlow Gateway application would likely be on a larger scale than this 2.5 hectare detached site and it would be expected that any such proposal would offer an innovative and exceptional development that provides a positive gateway feature into Harlow. The provision of a B1/B8 heavy machinery compound with an uninspired office building and warehouse would be unlikely to meet such criteria. Harlow District Council have raised strong objections to the proposed development, not least due to the above reason in that this proposal would "*not constitute a positive gateway feature or be respectful of the character of its surroundings*".

Conclusion on Green Belt matters:

Due to the above it is not considered that the particular matters put forward to support this application, either individually or when considered cumulatively, would provide exceptional circumstances that would clearly outweigh the substantial harm from the proposed development of this Green Belt site. Therefore there are no very special circumstances that outweigh this inappropriate development and as such the proposal fails to comply with Government Guidance and Local Plan policy.

Highways:

The proposed development of Plot A would not have a detrimental impact upon the highway network as the majority of the vehicle movements to and from the site are already on the network and do not coincide with the traditional am/pm peak times. The access for the proposal can be designed to the speed of the road and will provide appropriate visibility and geometry to serve the development. As such the Highway Authority concludes that the proposal will not be detrimental to highway safety or capacity at this location or on the wider highway network.

Whilst serious concerns have been raised with regards to the existing capacity of junction 7 of the M11 and at present the Highways Agency, in conjunction with Harlow and ECC Highways, are considering options associated with a new junction to the north of Harlow to enable further growth to occur, the Highways Agency have nonetheless raised no objection to the proposed development.

Visual impact:

The application site is a highly visible and prominent site when entering Harlow from the south and, whilst currently enclosed by fencing, the site is predominantly open and undeveloped. To the east of the site is Harlow Park, an extensive area of woodland which is protected by a woodland Tree Preservation Order. To the west are three additional extensive woodlands – Latton Park, Mark Bushes and Rundell's Grove, again all of which are protected by TPO's. All of these woodlands are ancient woodlands and County Wildlife Sites.

The development of Harlow generally falls within a natural 'bowl' in the landscape however this proposal would move the built environment outside that area and on to the ridge. This ridge plays an important role in the wider landscape as it acts as a visual screen between Harlow and the surrounding countryside.

The Harlow Area Landscape and Environmental Study (Chris Blandford Associates, September 2004) identifies key conservation and enhancement opportunities in this area. In particular the emphasis is on the desire to 'bridge the gap' between the important habitats the woodland blocks provide, and to reinforce the visual containment of the ridge in the setting of Harlow. It also highlights the desirability of maintaining the largely undeveloped /'green' character and well defined edge/back drop to Harlow's townscape by avoiding development on the visually sensitive open ridge slopes and the distinctive ridge-top skyline. This is also important in retaining the largely rural nature of the wider countryside when viewed from the south of the ridge. Since this site is particularly sensitive due its prominence within the landscape and as it forms a 'gateway' into Harlow it is essential that any proposed development of this area forms an exceptional and innovative entrance to Harlow Town and also makes allowance for the wider landscape setting.

The proposed development on this site would introduce two very large buildings in the form of an office block and warehouse with the remainder of the site primarily consisting of parking (for both cars and plant/heavy vehicles) and areas for washing down, servicing and fuelling the plant and vehicles. It is not considered that the proposed development of this prominent pivotal entrance site would create a positive gateway feature nor would it respect the character and appearance of its surroundings. The proposed office building would appear fairly typical to any office building located within a business park and the warehouse building is similarly of a standard design and similar examples can be seen on industrial estates throughout the country. However in this edge of settlement, rural location a 9.38m high mono-pitched office building and an 11.8m high warehouse building, both of which would be clad in metallic silver effect cladding, would be unbecoming of the Green Belt and the surrounding open countryside character.

The overall scale and mass of the buildings would appear intrusive within this prominent location and would be exacerbated by the visual separation between the application site and the edge of the settlement and the abundance of open parking and storage of large vehicles and machinery. The proposal offers no exceptional design elements or innovative elements to the site that would serve as an exceptional gateway development into Harlow Town.

Whilst mitigation has been proposed through landscaping, due to the size of the proposed new buildings and scale of the site it is not considered that the visual harm from the proposal can be adequately mitigated through additional landscaping. Therefore the proposal would have a detrimental impact in the character and appearance of this rural edge-of-settlement location that is contrary to Government guidance and Local Plan policies.

Sustainable location:

Whilst there are some concerns with regards to the location of the proposal, since the footway along the A414 stops before the entrance to this site and public transport serving the site is fairly limited, given the proposed use of the site and when compared to the existing C.J. Pryor Ltd sites in Foster Street (which this would replace), it is not considered that the inability for staff to travel to work by sustainable transport measures is significantly harmful in this instance.

Ecological impacts:

The application site is located adjacent to a County Wildlife site and, given its current condition, is likely to attract various species of wildlife. Habitat surveys were undertaken and, subject to the undertaking of the mitigation and recommendations contained within these documents, it is considered by both the Council's Ecological Officer and Natural England that there would be no detrimental impact on existing habitats in or around the site.

Other matters:

Flooding:

Whilst the application site is located within Flood Zone 1 it is larger than 1 hectare in size and therefore was submitted with a Flood Risk Assessment. The principle of the development is considered acceptable by the Environment Agency and the Council's Land Drainage Section however additional details are required with regards to foul and surface water drainage, which can be adequately dealt with by condition.

Contamination:

A Phase 1 Contaminated Land Report has been submitted with the application that identifies only Low to Negligible risks to the proposed development on this site. Since the end user is a non-sensitive managed commercial/industrial use risks from contamination are low and therefore it is the developer's responsibility to ensure safe development and it is not necessary to regulate any land contamination risks under the Planning Regime.

Archaeology:

The Essex Historic Environment (EHER) Record shows that the proposed development lies within an area known to contain archaeological remains. A watching-brief during the partial topsoil strip of the site in 1991 recovered prehistoric flint flakes and medieval and post-medieval pottery shards (EHER 17796-8). On the opposite side of the road is a probable site of pottery production in the medieval and post-medieval period relating to the Harlow Metropolitan Ware pottery industry (EHER 3764). Given the existing evidence and the intrusive nature of the proposed development there is the potential that archaeological features and deposits will be disturbed or destroyed. On this basis a condition requiring archaeological evaluation would be required.

Education:

Since the number of proposed employees on the site is greater than 25 there would be a resultant need for early years and childcare places in the locality which current data on sufficiency in the area shows is unlikely to be met by the existing provision. Therefore, on the basis of 100 full time equivalent employees (since any increase in employee numbers is unknown) a contribution for early years and childcare places of £46,572 (index linked from April 2014 using the PUBSEC index) would be required by way of a legal agreement.

Conclusion:

The proposed development of this undeveloped horticultural (agricultural) site would clearly constitute inappropriate development that is, by definition, harmful to the openness of the Green Belt. Furthermore the bulk, scale and visual impact of the proposed development would be physically harmful to the openness of the Green Belt and would be detrimental to the character and appearance of this rural edge-of-settlement location. The desire for C.J. Pryor Ltd to relocate from their existing sites in Foster Street is not considered an exceptional circumstance that outweighs the substantial harm from the development and any benefits to local residents in Foster Street through the removal of the existing sites or increased employment benefits from an expansion of the existing business would not be sufficient to clearly outweigh the wider harm from the inappropriate and harmful development of this site.

Whilst the Council would not wish to see the established employment use of C.J. Pryor Ltd lost from the local area the proposed development fails to comply with the National Planning Policy Framework and the relevant Local Plan policies and the relocation of this business cannot be permitted to the detriment of the wider area. Therefore the proposed development is recommended for refusal.

Should Councillors disagree with the above recommendation and consider that planning approval should be granted for the application then this matter would need to be decided at District Development Management Committee and should be subject to a legal agreement regarding the required financial contributions and to link the scheme with EPF/2518/14 and subject to various conditions to deal with matters such as surface water drainage, landscaping, etc.

Is there a way forward?

Given the designation of the site as an undeveloped parcel of Green Belt land it is not considered that there is any way forward with regards to the proposed development. Whilst still inappropriate development the relocation of the proposed site at the northern end of the wider site would be less dissected from the nearby settlement and would result in less encroachment and visual impact on the Green Belt. Alternatively the applicant should seek to promote the Harlow Gateway site as a strategically important 'Gateway Development' through the preparation of the Local Plan and its supporting evidence.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

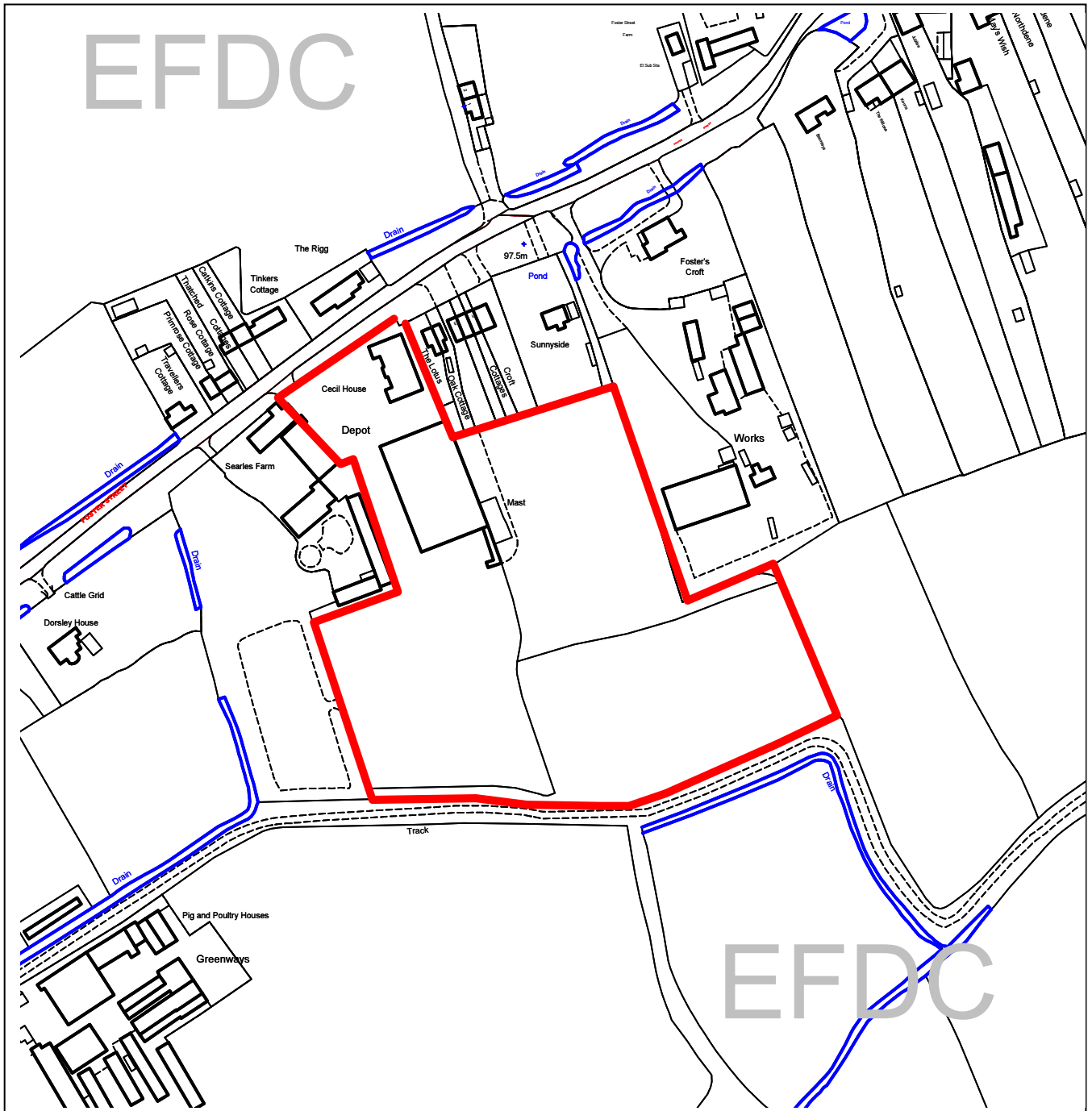
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

AGENDA ITEM NUMBER 7



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Application Number:	EPF/2518/14
Site Name:	C. J. Pryor, Cecil House Foster Street, Harlow, CM17 9HY
Scale of Plot:	1/2500

Report Item No: 7

APPLICATION No:	EPF/2518/14
SITE ADDRESS:	C. J. Pryor Cecil House Foster Street Harlow Essex CM17 9HY
PARISH:	North Weald Bassett
WARD:	Hastingwood, Matching and Sheering Village
APPLICANT:	Anderson Design & Build & C.J.Pryor Ltd
DESCRIPTION OF PROPOSAL:	Application for full planning permission to redevelop site with enabling residential development to provide 65 residential units together with associated car parking, open space and refuse and recycling units (Enabling development for linked application EPF/2517/14).
RECOMMENDED DECISION:	Refuse Permission

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=570014

REASON FOR REFUSAL

- 1 The application site is located within the Metropolitan Green Belt and the proposed development would constitute inappropriate development harmful to the openness of the Green Belt. No very special circumstances exist that clearly outweighs the harm from the development and therefore the proposal is contrary to the guidance contained within the National Planning Policy Framework and CP2 and GB2A of the adopted Local Plan and Alterations.
- 2 The proposed development, due to the scale, density and location of the proposed housing, would fail to conserve and enhance the character and appearance of this rural area, contrary to the guidance contained within the National Planning Policy Framework and CP1, CP2 and LL2 of the adopted Local Plan and Alterations.
- 3 The proposed development fails to make provision for affordable housing in line with the Council's affordable housing requirements. The proposed development is not considered to constitute 'enabling development' and therefore the application is contrary to the guidance contained within the National Planning Policy Framework and H5A, H6A and H7A of the adopted Local Plan and Alterations.
- 4 The proposal would result in an unsustainable form of development outside the existing urban area that is not well served by public transport or local services and would therefore result in an increase in vehicle commuting contrary to the guidance contained within the National Planning Policy Framework and policies CP1, CP3, CP6, CP9 and ST1 of the adopted Local Plan and Alterations.

This application is before this Committee since it is an application that is considered by the Director of Governance as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(k))

Description of Site:

The application site comprises a 2.7 hectare L-shaped parcel of land on the southern side of Foster Street and is part of a small enclave of development consisting of a mix of commercial sites (including the application site, the C.J. Pryor Ltd site on the northern side of Foster Street, and Fosters Croft to the east of the application site) a public house (the Horn and Horseshoes, which is somewhat detached from the Hamlet) and approximately 50 residential dwellings (some of which are detached from the centre of the Hamlet). The site consists in part of approximately 1.23 hectares of previously developed land, currently occupied by C.J. Pryor Ltd as their main headquarters, with the remainder of the site (the eastern section) consisting of open and undeveloped paddock land.

The site currently contains a two storey office building, a large warehouse style building and a part single storey/part two storey storage building. Immediately adjacent to the site to the west is Searles Farmhouse, the house and grounds of which adjoin the entire western boundary of the site, to the east (of the paddock) is a commercial site and to the north are residential dwellings (some of which share a boundary with the site and some of which are located on the opposite side of Foster Street). To the south of the site is open agricultural land.

The site benefits from an existing single access from Foster Street and is screened along the site frontage (approximately 70m - excluding the entrance) by a Leylandii hedge. The site also contains a telecommunications mast adjacent to the southeast corner of the warehouse style building.

The site lies within the Metropolitan Green Belt and whilst it is located within Flood Zone 1 it is greater than 1 hectare in size and therefore a Flood Risk Assessment was required and the Environment Agency has been consulted.

Description of Proposal:

Consent is being sought for the redevelopment of the site to provide 65 residential units with associated car parking, amenity space, access roads and associated facilities.

The development proposes a mix of two, three, four and five bed properties. The proposed dwellings would be two storeys in height (the original submitted plans for up to three storey dwellings has been amended to lower the height of the buildings) and would be laid out around a spine road that circulates around the site with a small mews in the south eastern corner. There would be no properties over two storeys in height.

This application has been submitted as an 'enabling development' (along with EPF/2516/14 - Foster Street North) to fund the relocation of the C.J. Pryor Ltd business to a new site off the A414 near junction 7 of the M11 (EPF/2517/14). Whilst each of the three applications is being dealt with in isolation these are intrinsically linked. Since this application is being put forward as an 'enabling development' there is no affordable housing being proposed on this site.

Relevant History:

The application site has a long history relating to the established use of the site, including the erection and extension of commercial buildings. Since the use of the site and presence of

commercial buildings on the western section of the application site is accepted the specifics of these previous applications are not considered directly relevant to this application.

Policies Applied:

CP1 - Achieving sustainable development objectives
CP2 - Protecting the quality of the rural and built environment
CP3 - New development
CP6 - Achieving sustainable urban development objectives
CP8 - Sustainable economic development
CP9 - Sustainable transport
GB2A - Development in the Green Belt
GB7A - Conspicuous development
H2A - Previously developed land
H3A - Housing density
H4A - Dwelling mix
H5A - Provision for affordable housing
H6A - Site thresholds of affordable housing
H7A - Levels of affordable housing
NC4 - Protection of established habitat
DBE1 - Design of new buildings
DBE2 - Effect on neighbouring properties
DBE4 - Design in the Green Belt
DBE8 - Private amenity space
DBE9 - Loss of amenity
LL2 - Inappropriate rural development
LL10 - Adequacy of the provision of landscape retention
LL11 - Landscaping scheme
ST1 - Location of development
ST2 - Accessibility of development
ST4 - Road safety
ST6 - Vehicle parking
RP3 - Water quality
RP4 - Contaminated land
RP5A - Adverse environmental impacts
U3A - Catchment effects

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Consultation Carried Out and Summary of Representations Received:

144 neighbouring properties were consulted and a Site Notice was displayed on 10/12/14.

PARISH COUNCIL – OBJECT. There are many houses which are 3 storey within the development which are not in keeping with the area, these are not rural in character, they are visually out of keeping with other properties in the area, it represents overdevelopment of the site. They are totally out of character with the street scene. There are a lack of sufficient parking spaces, lack of visitor parking. Insufficient amenity space. The proposal would generate a lot more traffic throughout the day, especially with the number of houses. There is a lack of public transport to the site.

In relation to all three of the applications: EPF/2516/14 & EPF/2517/14 & EPF/2518/14 which would include the Enabling Development and S106 contribution details, Members felt that if these applications were to be granted then a substantial S106 for a Community Benefit to the residents of Hastingwood should be granted and discussions should be held with the Parish Council in order that this can be taken further.

HARLOW DISTRICT COUNCIL - NO OBJECTION. The quantum of residential development proposed is very high in the context of Foster Street, which consists of primarily ribbon residential development and the notable Pryor Group site.

There are few facilities and amenities within a short distance of the site. The sustainability of the locations of the development is therefore questioned. The Sustainability Statement does not allay Harlow Council's concern that the sites are in unsustainable locations. The statement also confirms that the Harlow District would have the closest facilities and amenities to the sites. It is therefore likely that the residential development would impact on a number of services within Harlow. It is pivotal that the NHS, Police and Fire Service have the opportunity to make requests for contributions/obligations to offset the additional pressure on these services. Bus operators should also be consulted.

It is acknowledged that the residential development is proposed to enable the relocation of the Pryor Group, however it is not considered that this warrants additional pressure on services in Harlow to be disregarded.

The impact on the Harlow District is otherwise considered to be insignificant. Subject to the above organisations being consulted, Harlow Council has no objection to the planning applications under references EPF/2516/14 and EPF/2518/14.

LETTERS OF SUPPORT:

ROBERT HALFON (MP) – Support the application since the relocation of the business from Foster Street to Harlow Gateway South will provide a site more suited to the activities of a growing civil engineering company and allow it to remain local. Pryor Group provides local employment and the move will no doubt result in further employment as the business grows. Foster Street is a residential area and is more suited for 74 houses than a civil engineering business, particularly since the surrounding roads are not suitable for Pryor Group's vehicles.

HAYGARTH, HARLOW COMMON – Support the application. The Pryor lorries travelling to and from the Foster Street sites cause disturbance from noise, vibrations and dust, since the existing Pryor site have been allowed to expand in their current location to the detriment of neighbours, Harlow Common is a narrow country road not suited for heavy vehicle use and the provision of houses would be a more appropriate use of the Foster street sites, and since the application site at Harlow Gateway is currently an eyesore and is hidden from public view by large wooden hoardings and serves no useful purpose.

BRAMLEYS, FOSTER STREET – Support the application as this would ensure that the Pryor Group's heavy goods vehicles no longer need to travel along Foster Street and Harlow Common as these are not suitable roads for such traffic. Furthermore this would remove the disruption currently caused to neighbouring residents and would allow for the existing local business to remain in the area.

HORN AND HORSESHOES, FOSTER STREET – Support the application as this would ensure that the Pryor Group's heavy goods vehicles no longer need to travel along Foster Street and Harlow Common as these are not suitable roads for such traffic. Furthermore this would remove the disruption currently caused to neighbouring residents and would allow for the existing local business to remain in the area.

ST MARY MAGDALENE VICARAGE, HARLOW COMMON – Support the application as this would ensure that the Pryor Group's heavy goods vehicles no longer need to travel along Foster Street and Harlow Common as these are not suitable roads for such traffic. Furthermore this would remove the disruption currently caused to neighbouring residents and would allow for the existing local business to remain in the area.

MARTIN, HARLOW GATEWAY – Support the application as this would ensure that the Pryor Group's heavy goods vehicles no longer need to travel along Foster Street and Harlow Common as these are not suitable roads for such traffic. Furthermore this would remove the disruption currently caused to neighbouring residents and would allow for the existing local business to remain in the area.

SIX RESPONSES FROM PRYOR EMPLOYEES – Support the application since this development would cater for an expanding business that has outgrown its existing site, would remove the disturbance to existing neighbours surrounding the Foster Street sites, and since the road network surrounding the existing sites are not suitable for heavy traffic. The business provides local jobs and it is important that it stays in the area and the Harlow Gateway site has better public transport links. Furthermore, the development of the Foster Street sites would not only fund the move but would also provide additional housing.

LETTERS OF OBJECTION:

ESSEX AREA RAMBLERS – Object. Whilst there is no objection to the redevelopment of the brownfield land the construction of houses on the adjoining meadow would be inappropriate within the Green Belt.

NORTHWEALD BASSETT RURAL PRESERVATION SOCIETY – Object as only part of the site is currently in commercial use and the whole site is within the Green Belt and as such the green field part of the site is unsuitable for residential redevelopment. 65 residential units would constitute an overdevelopment of the site and would add considerably to the traffic use on the surrounding country roads.

TINKERS COTTAGE, FOSTER STREET – Object since the site is in the Green Belt and the number of residential dwellings would result in a major increase in vehicle traffic. The statement that the proposed scheme is to allow for the business to expand is false since the existing site is larger than the proposed Harlow Gateway site. Surely this would be the preferable site for housing development. Furthermore the provision of dwellings on this site would result in overlooking of the surrounding neighbouring properties.

AMBER COTTAGE, FOSTER STREET – Object since the proposal would greatly increase the population of the area, there are no local amenities or public transport, schools, etc. The increased number of vehicles would result in increased highway safety issues and more noise and other forms of pollution and the dwellings would put a greater strain on water supplies and power.

3 FOSTER STREET – Object as Foster Street is a busy unclassified road and the amount of extra traffic generated by the proposed development would be a road safety hazard and would add to the existing congestion. The proposed street lighting would not be appropriate in this semi-rural area and will cause light pollution. The large new development would also be out of scale with the surrounding properties and out of keeping with the area as a whole.

GREENWAYS FARM, FOSTER STREET – Object as the proposed development would impact on the rural environment and would result in greater highway safety and traffic issues. It is considered that a maximum of 10 houses should be allowed on the site to ensure that any development is in keeping with the area.

FOSTER STREET RESIDENT – Object. The suggestion that the noise and pollution of the current lorries coming out of the Foster Street site is a nuisance to neighbours is absolutely inaccurate. I live very near to the Pryor site and have spoken to several neighbours and we do not experience any noise, current issues or problems. It is considered that the proposed redevelopment of the sites for housing would have an equal or greater impact on neighbours amenities than the existing business. The residential development would result in an increase in vehicle movements and there are no local facilities or public transport. The design of the proposed development would result in a loss of privacy to neighbouring residents and would be out of keeping with the village.

1 THATCHED COTTAGES, FOSTER STREET – Object since the residents of Foster Street, Harlow Common and the whole village of Hastingwood have nothing to gain from the proposed developments. The entire proposal is ill-thought through and there is no justification or thought to local residents, purely a profit factor. The resulting traffic from the proposed housing development would be far greater and more harmful than the existing situation.

11 PARK AVENUE – Object since the redevelopment of the Foster Street sites would result in increased traffic over the established use, as the proposed development at Harlow Gateway would introduce nuisance to surrounding residents in this location, there would be additional traffic disruption on an already busy and strained road, there would be long terms effects on the adjacent woodland, and whilst the proposal would create more housing and jobs this should not be at the expense of existing residents.

2 FOSTER STREET – Object as the proposed housing developments on Foster Street would result in an increase in vehicle movements and the development at the Harlow Gateway site would cause major traffic congestion on the A414.

FOSTERS CROFT, FOSTER STREET – Object as this is a small village of about 40 houses and the addition of 74 new houses would have a devastating effect. There would be a significant increase in traffic problems and it would be preferable to see the Pryor business expand than suffer from the proposed residential development.

1 WALNUT TREE COTTAGE, MILL STREET – Object since the number of additional houses would be out of character with the area, the development would result in increased traffic, and since there are inadequate local facilities and services to cope with the proposal.

ROSE COTTAGE – Object as the two housing development are a gross overdevelopment within the Hamlet, would be inappropriate development in the Green Belt, and due to the increased traffic and highway safety concerns since all residents would have cars due to the lack of local facilities.

IVYDENE, FOSTER STREET – Object as part of the Foster Street south development would be on a paddock area, since the proposed new business site is not much bigger than the existing site, water pressure is already an issue in this rural location, there are not enough parking spaces for the proposed development, the dwellings are out of character with the area and some are three storeys, there would be an increase in traffic movements, there is not adequate local infrastructure, and since the Harlow Gateway development would add to the existing traffic issues at the M11 junction.

Issues and Considerations:

Principle of the development:

The application site is located within the Metropolitan Green Belt and currently consists of two separate parcels of land. The western half of the site is currently occupied by C.J. Pryor Ltd and is predominantly laid to hardstanding and contains a two storey office building, a large warehouse

style building and a part single storey/part two storey storage building. The eastern part of the site consists of open and undeveloped paddock land. The National Planning Policy Framework (the Framework) identifies that the erection of buildings within the Green Belt constitutes inappropriate development with a number of exceptions, which includes:

- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

Paragraph 80 of the Framework sets out the five purposes of the Green Belt as follows:

11. *To check the unrestricted sprawl of large built-up areas;*
12. *To prevent neighbouring towns merging into one another;*
13. *To assist in safeguarding the countryside from encroachment;*
14. *To preserve the setting and special character of historic towns; and*
15. *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

The definition of previously developed land is provided within Annex 2 of the Framework and reads:

Previously developed land: *Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreational grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.*

Given the lawful use of the western part of the site and presence of buildings and hardstanding this half of the application site would constitute previously developed (brownfield) land, however the eastern section of the site does not constitute previously developed land.

The above stated exception to inappropriate development only allows for the redevelopment of brownfield land provided it “*would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development*”. Whilst ‘impact on the Green Belt’ would cover many factors, including increased activity and type of use, one of the key considerations is with regards to the level of built development on a site.

Although the existing site contains some very large commercial buildings along with vehicle and heavy plant parking and outdoor storage the level and spread of built form that would result from the proposed development would clearly have a greater impact on the openness of the Green Belt, particularly with regards to the encroachment of development into the currently undeveloped and open paddock area forming the eastern half of the site. As such the proposed redevelopment of this site would not fall within the above exception and therefore constitutes inappropriate development.

The Framework states that “*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*” and that “*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to*

the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

Paragraph 88 of the Framework states that "*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt*". Therefore, due to the above, the harm to the Green Belt as a result of the increased level and spread of built form from the proposed redevelopment would be given substantial and significant weight and permission should only be granted for this scheme if sufficient very special circumstances exist that clearly outweigh this harm.

Very special circumstances argument:

The applicant states that the redevelopment of this site is primarily an 'enabling development' to allow for the existing business to relocate to a new site at the Harlow Gateway (subject to application Ref: EPF/2517/14). In addition the applicant considers the following factors to constitute 'very special circumstances' for the proposed development (summarised as follows):

- The existing C.J. Pryor Ltd operations currently located on this site is within a small rural hamlet proximate to residential properties and the heavy plant machinery and traffic movements from the use of these operations generates noise disturbance and traffic congestion for local residents and is considered a 'bad neighbour'.
- The established company are embarking on a period of significant growth and are unable to expand in their current location since the existing sites are not suitable to accommodate this growth and due to the further impact that this would have on local residents.
- C.J. Pryor Ltd employ approximately 100 people at their current Foster Street sites and the relocation to the application site would facilitate growth in these employment figures to the benefit of local people.
- The redevelopment of the application site (and the Foster Street north application Ref: EPF/2516/14) would fund the relocation of the business to the Harlow Gateway site.
- The proposed redevelopment would provide additional housing to the area.

Enabling development:

The proposed redevelopment of the two existing Foster Street sites is submitted as an enabling development to facilitate the relocation of C.J. Pryor Ltd to a new site near the M11 junction 7, off the A414. The number of proposed dwellings and resultant spread of built form into the current greenfield paddock on the western side of the site is stated to be the minimum necessary in order to fund the relocation of the existing business.

There is currently no Government guidance or policy that allows for 'enabling development' except in connection with the restoration of heritage assets. Nonetheless such proposals have been accepted as a recognised mechanism for delivering public benefit. Examples of such within the District are EPF/0817/12, whereby eight dwellings were permitted in order to fund the replacement of the existing rugby club in Thornwood, and EPF/0853/14, whereby 60 dwellings were permitted in order to fund the construction of an autistic spectrum disorder school in Chigwell. The applicant has stated a further example within the submitted Planning Statement, being a dual appeal at the sites of the London Irish Training Ground and Hazelwood Golf Centre, Sunbury-on-Thames, which was for residential development to fund the redevelopment of sport and community facilities. The quoted sections of the Inspector's judgement are as follows:

The club cannot fund the proposals from its own resources. This is not professional football and there is no state funding for new sports facilities away from the Olympics so enabling development is the only way by which the scheme as a whole can proceed. The mixed-use development on The Avenue would fund the infrastructure needs of that new community

and the community gains in terms of public open space, LEAP and MUGA as well as paying for the scheme at Hazelwood.

The public benefit from the proposals, and the need to fund them through enabling development, outweigh the harm to other policy interests that arise, although it is acknowledged that striking that balance in any given case is a matter of planning judgment for the decision maker. The need for enabling development is not exclusive to the repair of heritage assets, although that may be the most common context. There is no Government policy on this matter, but advice has been prepared by English Heritage. This may assist the decision maker by providing useful analogies, but it cannot be directly applied because there is no 'place' or 'heritage asset' in the sports.

In this case the significance of the Club as a provider of rugby to the national game, to the amateur game, as a provider of quality sporting experience to the young and to schools is beyond question, such that the Club and its facilities is the 'place' for the analogy with English Heritage guidance. The Club is the sole provider of the sport and for the sport within the Borough. Like many sporting providers it operates through the medium of a private members club. To survive it is essential that it devises and follows a business model and programme.

Most heritage assets are privately owned and the policy of English Heritage permits the provision of enabling development when it would otherwise be uneconomic for the owner to maintain the asset. That is because of the perceived public interest in securing the future of the heritage asset. Here the benefit to the game and to the community is clearly established. A minimum level of community benefit is secured through the S106 Agreement. What is being sought by way of enabling subsidy is no more than is required for the provision of the facilities. The rest of the gain derived from the development of The Avenue is being returned to the community by other routes, such as the provision of affordable housing, landscaped public open space, play facilities, a health centre and a Care Home. There is no suggestion that there is some other means by which the Club could provide the facility or some other business model it should follow that would reduce the need for enabling development.

Although this particular appeal was unsuccessful, based on other matters for consideration, the principle for enabling development is clearly established and agreed by the Inspector.

Whilst it is accepted that 'enabling development' can be considered in relation to other forms of development other than simply for the restoration of Heritage Assets it is nonetheless considered that such development should only be used as a mechanism for delivering public benefit. All of the above examples of accepted enabling development provide for some form of community facility that would have wider benefits. However the proposed relocation of C.J. Pryor Ltd to the Harlow Gateway site is in itself inappropriate development harmful to the openness of the Green Belt and the visual appearance of the area and would provide no community benefit to the wider area.

Although it is recognised that the expansion of a local business would provide economic benefits to the applicant and would have knock on economic benefits to the wider area (through the retention of a local employer and the retention/creation of jobs) it is not considered that such benefits, the vast majority of which would be to the private company of C.J. Pryor Ltd, should be considered at the expense of the Green Belt. Furthermore whilst a legal agreement could be undertaken to ensure that the development of the Harlow Gateway site and the relocation of C.J. Pryor Ltd to this site takes place there is no mechanism to guarantee the long term occupation of the site by this business. Furthermore, despite the statements of the applicant there can be no guarantee that the relocation of the existing commercial use to the new site would result in either additional job creation or that the jobs would be taken up by 'local people'.

Given the above it is not considered that the proposed redevelopment of this site, which constitutes inappropriate development harmful to the openness of the Green Belt (and is considered unacceptable for other reasons as assessed below) can be considered as an 'enabling development' to fund for further inappropriate and harmful development elsewhere in the Green Belt. Particularly since the proposed development that this application would fund would have no wider community benefit.

Neighbouring amenities:

It is accepted that the application site (and the Foster Street north site) are not an ideal location for such an intensive commercial development such as the C.J. Pryor Ltd operations and there is an appreciated benefit to the redevelopment of these two sites to residential housing, however it is not considered that there is such a detrimental impact as a result of the existing use to outweigh the significant harm to the Green Belt that would occur from the proposed redevelopment.

A noise assessment has been submitted with regards to the proposed redevelopment (along with EPF/2516/14) however this appears to assess potential noise impact on the future residents of the sites. Reference is made within the submitted Planning Statement to a noise assessment however the quoted section cannot be located within the submitted noise assessment so it is unclear as to what document this refers to.

Nonetheless it is not considered that the stated survey justifies a significant harmful noise nuisance from the existing Foster Street operations. Whilst this noise assessment is stated to conclude that *"on the face of it, there would be a major positive impact on the night time traffic noise climate local to the Pryors site entrance if Pryors were to relocate and be replaced by a residential development"* it actually calculates that *"Pryors pre-0700 hours traffic gives rise to a level of 54 dB LAeq,8hr (which describes the steady sound level, in dBA that has equivalent energy to the variable level over an 8 hour period), free-field at the row of three Cottages (assumedly Thatched, Catkins and Tinkers Cottages, opposite the entrance). If this were repeated every day, then it would equate to an 'LNight' value similarly of 54 dB"*. Whilst the World Health Organisation (WHO) guidance recommends a longer-term 40 dB LNight to protect the public from adverse health effects the recorded 54 dB LNight value would nonetheless be within the Interim Target level of 55 dB specified in the WHO Night Noise Guidelines for Europe. Furthermore it estimates that if C.J. Pryors Ltd were to remain on this site and expand as desired then this would increase the fleet of tipper lorries to forty and states that *"if there were to be a 12% increase in tipper lorry departures (and corresponding staff car arrivals) at the Foster Street site, the LNight value from Pryor vehicle movements would reach the 55 dB threshold of the WHO Night Noise Guidelines. **This is not to say that there would be a significant deterioration in the noise climate**, but it does indicate that expansion may have to be restricted"* (my emphasis).

The Sharps Redmore Noise Assessment submitted with to this application recorded measurements around both this site and the Foster Street north site of 55 dB LAeq,T and 58 dB LAeq,T for the daytime (0700 to 2300) and 53 dB LAeq,T and 55 dB LAeq,T for night-time (2300 to 0700) and highlighted that *"the wind direction carried-over M11 traffic noise and thus yielded a representatively high level of ambient sound. Wind from the east would result in a lower sound level"* and concluded that *"the existing level of ambient sound on the proposed residential sites has been sampled and found to be of a moderately elevated nature as a result of M11 noise carry-over. The south-westerly breeze during the survey was representative of conditions that prevail in much of the UK. The steady, continuous level of traffic noise was not perceived as intrusive. Local traffic noise and local commercial noise was minimal"*. It also states in the conclusion that *"the night-time ambient sound levels were not substantially lower than daytime. This arose from the rapid rise in M11 traffic noise from before dawn"*.

It can be concluded from this noise assessment that the majority of noise nuisance around the Foster Street sites occurs from the nearby M11 rather than the C.J. Pryor Ltd operations and the

recorded and estimated noise (if the business were to expand in its existing site) are shown to be within the WHO Night Noise Guidelines. Therefore it is not considered that there is a significant enough noise nuisance that results from C.J. Pryor Ltd in this location to justify such an intensive redevelopment of the site. As such, whilst there may be some benefits from this proposal this would not be sufficient to clearly outweigh the substantial harm from the proposal inappropriate development within the Green Belt.

With regards to the level of vehicle movements, the site has an existing use that generates a significant amount of traffic, most of this being construction vehicles HGV's and van, in the morning and late afternoons along Foster Street. Whilst the relocation of the existing commercial use would remove the current heavy vehicle movements to and from the site a residential development of this scale would actually generate slightly more traffic overall. Although it is accepted that the removal of the existing construction vehicles from Foster Street and Harlow Common would be a benefit to all users of the highway it is not considered that would outweigh the harm to the Green Belt that would result from the proposed development since any benefit from removing the C.J. Pryor Ltd operations vehicles from Foster Street (and the surrounding roads) would be largely outweighed by the additional residential vehicle movements that would result from the proposed redevelopment of these sites and therefore would not be sufficient to offer any significant benefits to local residents.

Response from surrounding residents to the proposed redevelopment of this site are somewhat split, with some neighbours stating that there are current issues of disturbance and nuisance as a result of the established business and others claiming that the existing use of the Foster Street sites does not cause significant disturbance and nuisance. Furthermore comments have been received from local residents concerned that the proposed residential development of the Foster Street sites would result in increased traffic movements and matters of disturbance.

Growth of C.J. Pryor Ltd operations site:

One of the key factors with regards to the entire proposal appears to be the desire for C.J. Pryor Ltd to relocate from their existing Foster Street sites to the Harlow Gateway site since the business is stated to be embarking on a period of significant growth however are unable to expand in their current location.

Whilst paragraph 14 of the Framework clearly states that a presumption in favour of sustainable development (which includes economic sustainability) should be "*seen as a golden thread running through both plan-making and decision-taking*" there is a stated exception of where "*specific policies in this Framework indicate development should be restricted*" with a footnote giving examples of such restrictions, which includes "*land designated as Green Belt*". Therefore whilst the Framework seeks to secure economic growth, this clearly should not be at the expense of the openness of the Green Belt. Furthermore the exception to inappropriate development regarding redevelopment of previously developed land states "*whether redundant or in continuing use*" (my emphasis) but makes no requirement to provide alternative sites for those lost through such redevelopment. Also recent changes to the General Permitted Development Order have introduced the right to convert various commercial and business premises to a variety of alternative uses (including residential use) however has no caveat that the existing business use must no longer be required on the site or would be relocated elsewhere. Therefore despite the clear push from Central Government to promote and encourage economic growth the same Government are continuing to allow for existing and well established commercial sites to be redeveloped or changed to alternative uses without any concern for the loss of these employment uses. As such it is not considered that the relocation of the existing business is of such fundamental importance to clearly outweigh the significant harm to the Green Belt.

In addition to the above there is some misgivings regarding the ability for the existing Foster Street sites to accommodate business growth since it appears that much of the two existing sites are in fact rented out to other companies (at the time of the Officer's site visit there were advertisements

for Thornwood Motor Group, Boytons Cross Motor Group and Capital Glaziers at the Foster Street south site and the Foster Street north site appeared to be occupied by AMA Scaffolding). Surely if C.J. Pryor Ltd were in need of additional space to allow for expansion of the business then the removal of these other companies and complete use of the existing sites for C.J. Pryor Ltd's operations would assist in this matter. Furthermore the proposed redevelopment of this site includes the encroachment of development into the currently open paddock area to the west of the existing C.J. Pryor Ltd compound, which raises the proposed site area to 2.7 hectares. This entire application site is larger than the proposed new business site at the Harlow Gateway.

Whilst the expansion of the established business into this open paddock land would raise concerns regarding the impact on the openness of the Green Belt such a proposal would nonetheless have less overall impact on the openness of the Green Belt than the proposed enabling development since the current applications would result in both the encroachment into this parcel of land as well as the development of an open and undeveloped site at the Harlow Gateway. There appears to have been no discussions or considerations with regards to expanding the business into this adjoining area of land, which is currently sandwiched between the existing C.J. Pryor Ltd operations site and a commercial works site to the east. Although such an expansion would not benefit the neighbours with regards to removing the existing noise and traffic movements currently experienced as a result of the C.J. Pryor Ltd operations, as assessed above it is not considered that the harm from this is significant.

Loss of employment:

The existing business is stated to employ approximately 100 members of staff, which would likely increase should the business expand. Whilst the loss of an existing local employer would not be desirable this threatened loss of such employment cannot be considered as an exceptional circumstance to allow for inappropriate development within the Green Belt. Such exceptional circumstances would set a dangerous precedent for similar arguments to be put forward on swathes of Green Belt land throughout the District.

Furthermore, despite the above comments with regards to Central Government guidance not requiring the relocation or retention of existing businesses and the misgivings with regards to the suitability of the existing sites, even if this factor were considered to clearly outweigh the harm from the proposed inappropriate development there is no mechanism to guarantee the long term occupation of the site by this business. Furthermore, despite the statements of the applicant, there can be no guarantee that the relocation of the existing commercial use to the new site would result in either additional job creation or that the jobs would be taken up by 'local people'. Therefore this matter can only be given limited weight in the consideration.

Provision of additional housing:

Whilst the need for additional housing is a material planning consideration, Community Secretary Eric Pickles previously announced that "*the Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the Green Belt*". As such, irrespective of whether the Council has a demonstrable five year land supply it is not considered that the issue of housing supply alone would be sufficient to outweigh the harm from the development.

In addition to the above, the provision of 65 additional dwellings in this small rural Hamlet, which currently only contains approximately 50 dwellings (some of which are detached from the centre of the built up enclave) is not considered to be an appropriate location for such a level of additional housing provision. The existing enclave is not well served by sustainable transport methods and has almost no local facilities (with the exception of the nearby public house). Whilst this matter is

dealt with in more detail below it is considered that the provision of such a number of houses in this location would in itself be contrary to policy and therefore such matters cannot be considered to clearly outweigh the identified harm to the Green Belt.

Conclusion on Green Belt matters:

Due to the above it is not considered that the particular matters put forward to support this application, either individually or when considered cumulatively, would provide exceptional circumstances that would clearly outweigh the substantial harm from the intensive proposed redevelopment of this Green Belt site. Whilst in principle there would be no objection to the redevelopment of the previously developed (eastern) part of the site, provided the level of built form (i.e. number of properties) would not result in a greater impact on the openness of the Green Belt, there are no very special circumstances that outweigh the harm that would result from the encroachment into the undeveloped western half of the site and the scale of the proposed development. As such the proposal fails to comply with Government Guidance and Local Plan policy.

Affordable housing:

Since the application site is located within a settlement with a population of less than 3,000 and proposes the erection of more than ten dwellings Local Plan policy H7A requires 50% of the total number of dwellings to be affordable. The Council currently has in excess of 1,500 applicants on its Housing Register and, as evidenced by the National Housing Federation in their annual 'Home Truths' studies, the ratio of average property prices (and lower quartile property prices) to average earnings in Epping Forest District is consistently the highest in Essex – and is within the highest three local authority districts in the East of England.

The application proposes no affordable housing to be provided on site and no financial contributions towards off-site affordable housing. This is because the proposed redevelopment of the site has been put forward as an 'enabling development' to fund the relocation of C.J. Pryor Ltd to the Harlow Gateway site.

The application has been submitted with a Viability Submission. This states that the quantum of residential development (both this application and the proposed redevelopment of the Foster Street north site) is necessary to support the relocation of C.J. Pryor Ltd to the Harlow Gateway site and concludes that the proposed residential development cannot support a policy compliant 50% affordable housing planning obligation contribution and subsidise the desired relocation of the existing business to the Harlow Gateway site.

This viability submission has been independently assessed and it is agreed that, based on the premise that this development is a pure enabling development to fund the relocation of C.J. Pryor Ltd, it would be unviable for the proposed residential development to provide 50% affordable housing.

However the key consideration in the application is whether it should be accepted that the proposed residential development cannot deliver its planning obligation with regards to affordable housing in order to assist a commercial business to relocate in order to expand its business. As outlined above it is not considered that this proposal should be considered as an enabling development since there would be no community benefit as a result of the proposed schemes. The Council have not requested nor require the relocation of the existing commercial business and whilst it is recognised that there may be some benefit to the removal of the existing use from the Foster Street sites these benefits would not be significant enough to outweigh the requirement to meet the affordable housing obligations.

Should the desire of C.J. Pryor Ltd to relocate be taken out of the equation then it is considered that the proposed redevelopment of this site would provide enough deficit to enable affordable housing to be provided on site. The proposed 'enabling development' case for the proposed development is not considered sufficient enough to overcome the requirement to provide affordable housing and, as such, it is considered that the proposal fails to comply with Local Plan policies H5A, H6A and H7A.

Sustainable location:

The application site is located in a small rural Hamlet that does not benefit from any significant public transport links or local facilities (with the exception of a public house). As such all trips to and from the site would be by way of private vehicles.

One of the key principles of Planning, as laid out within the National Planning Policy Framework, is that decision-makers should "*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in location which are or can be made sustainable*". Local Plan policies CP1, CP3, CP6, CP9 and ST1 also promote developments that utilise sustainable forms of transport and reduce the need to commute.

Given that the existing Hamlet (and surrounding sporadic developments) totals approximately 50 dwellings the proposed erection of 65 new houses of this site would more than double the size of this small rural settlement. The level of vehicle movements overall as a result of the proposed residential development would be slightly higher than the existing commercial use on the site and, since the existing business is being relocated, the existing commercial vehicle movements are not being replaced, just moved elsewhere. As such the proposal would result in an unsustainable form of development that would significantly increase the level of vehicle commuting contrary to the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies.

Highways:

The application site has an existing use that generates a significant amount of traffic, most of this being construction vehicles, HGV's and vans, and the key vehicle movements occur in the morning and late afternoons along Foster Street. Whilst the removal of construction vehicles along Foster Street and Harlow Common would be a benefit to all users of the highway a residential development of the scale proposed would nonetheless generate slightly higher levels of traffic overall than the existing use. Due to this it is considered that the general traffic impact of the proposed development would not have any further detrimental impact on the highway in terms of safety, efficiency and capacity than the existing use, however it would also not be significantly more beneficial to the surrounding area.

The access for the proposal is being improved and provides appropriate visibility and geometry to serve the development and therefore the Highway Authority has concluded that the proposal will not be detrimental to highway safety or capacity at this location or on the wider highway network.

The proposed dwellings would all benefit from at least two off-street parking spaces, which complies with the requirements of the Essex County Council Parking Standards (2009), however only 12 visitor parking spaces are proposed throughout the site. The Parking Standards requires 0.25 visitor spaces per dwelling (rounded up) and, given the relatively isolated and unsustainable location of the site, such standards would be expected to be met. Therefore there should be 17 visitor parking spaces provided for this residential development, along with adequate residential parking. Although 12 visitor spaces are shown on the plans the proposed internal road system and the layout of the properties would allow for sufficient on-street parking within the development site to accommodate the additional 5 visitor spaces required and therefore it is not considered that this issue would warrant a reason to refuse the application.

Visual impact:

The application site is relatively well screened from the road frontage and along all other boundaries, however the eastern part of the site is nonetheless currently laid to hardstanding and contains several commercial buildings, heavy vehicles and outdoor storage. As such this part of the site is somewhat visually intrusive within this small rural settlement. The western part of the site however is currently green and open land which, whilst sandwiched between the existing C.J. Pryor Site and the adjacent Fosters Croft commercial site, aids the open and rural character of the area and assists in physically separating the two large business sites and stopping these visually merging into a single large developed area.

The proposed residential development would be no higher than two storeys in height and, in isolation, the proposed dwellings would not be considered detrimental to the overall appearance of the area. Furthermore it is recognised that there would be some visual benefits through the removal of the existing commercial uses and buildings on the site. However the density and layout of the proposed residential development and the encroachment into the existing green open paddock area would result in a relatively urban and intense form of development that would fail to retain the overall open character of this rural Hamlet.

Whilst some additional screening and softening could be achieved through landscaping the overall scale of the proposed development is such that it is considered that the visual harm from the proposal cannot be adequately mitigated through additional landscaping. Therefore the proposal would have a detrimental impact in the character and appearance of this rural location that is contrary to Government guidance and Local Plan policies.

Loss of amenity:

As stated above, the benefits of removing the existing commercial use on this site would be largely outweighed by the impact from such a significant number of residential dwellings. The proposal would introduce built development on a currently undeveloped parcel of land to the rear of adjacent residential dwellings that currently do not suffer from any development to the rear, and the provision of 65 dwellings on this site would result in increased noise and activity.

The proposed housing layout would result in car parking areas being located immediately adjoining existing neighbouring properties and would introduce two storey dwellings backing onto the neighbouring residents. Irrespective of this, given the layout of the proposed site, the depth of the neighbours and proposed garden areas, and the ability to insist on suitable mitigation (such as fencing and vegetation), it is not considered that the proposed residential development would result in any significantly greater harm to the amenities of surrounding neighbours when compared to the existing commercial site.

Ecological impacts:

Habitat surveys were undertaken and submitted regarding the proposed development. Subject to the undertaking of the mitigation and recommendations contained within these documents it is considered by both the Council's Ecological Officer and Natural England that there would be no detrimental impact on existing habitats in or around the site.

Other matters:

Flooding:

Whilst the application site is located within Flood Zone 1 it is larger than 1 hectare in size and therefore was submitted with a Flood Risk Assessment. The principle of the development is

considered acceptable however additional details are required with regards to foul and surface water drainage, which can be adequately dealt with by condition.

Contamination:

A Phase 1 Contaminated Land Report has been submitted with the application that identifies potentially unacceptable risks from land contamination to the proposed sensitive domestic receptors on the site. This report has recommended that intrusive site investigations are carried out to quantify the risks and determine what remedial measures are required.

As the existing commercial activities at the site are ongoing, there is the potential for further contaminating activities to take place during the period between the June 2014 site walkover and the commencement of any development. Also more detailed information on historic potentially contaminating activities is required. Therefore the Phase 1 report would need to be revised prior to the commencement of work, and additional Phase 2 and remediation Reports would need to be submitted as required. This matter can be dealt with by conditions.

Archaeology:

The Essex Historic Environment (EHER) Record shows that the proposed development lies within an area with potential to contain archaeological remains. The development area includes part of the historic Searles Farm, which is first recorded in 1390. The historic cartographic evidence shows that the site was possibly moated, as well as a number of buildings. Given the existing evidence and the intrusive nature of the proposed development there is the potential that archaeological features and deposits will be disturbed or destroyed. On this basis a condition requiring archaeological evaluation would be required.

Education:

Since the two Foster Street sites are within close proximity and are submitted as part of a wider scheme involving three application sites the cumulative capacity of 74 houses has been taken into account in accordance with Essex County Council's policy.

With regards to early years and childcare provision, the latest sufficiency data indicates that there is unlikely to be sufficient early years and childcare provision in the locality to serve the needs of the proposed developments.

The proposed developments are located within the Harlow Group 1 (Potter Street/Old Harlow/Church Langley) forecast planning group. The forecast planning group currently has an overall capacity of 1,920 places, of which 360 places are in temporary accommodation. The Harlow Group 1 forecast planning group is forecast to have a deficit of 439 permanent places by the school year 2018-19. There will therefore be insufficient primary school places for the children likely to be generated by the developments.

The proposed developments are located within the Harlow secondary forecast planning group 1. The forecast planning group currently has an overall capacity of 5,770 places. The Harlow secondary forecast planning group 1 is forecast to have a deficit of 135 places by the school year 2018-19. In addition the forecast planning group is forecast to exceed the combined total of its Published Admission Numbers in the Year 7 age group, the normal year of admission to secondary schools, from the school year 2017-18. There will therefore be insufficient secondary school places for the children likely to be generated by the developments.

In view of the above a Section 106 agreement would be required with regards to a financial contribution to mitigate the impact on education. On the basis of 74 qualifying houses the early years and childcare contribution would be £82,264, the primary school contribution would be

£240,493 and the secondary school contribution would be £243,564, giving a total of £566.321 index linked to April 2014 costs using the PUBSEC index.

Healthcare provision:

The proposed development is likely to have an impact on the services of two GP practices operating within the vicinity of the application site. These practices with their currently occupied floor areas do not have capacity for the additional growth resulting from this development. In order to mitigate the 'capital cost' to NHS England for the provision of additional healthcare services arising directly as a result of the development proposal a financial contribution of £21,400 would be required.

Waste:

All proposed properties would require a 180 litre waste container, a 180 litre food and garden waste container and a 55 litre glass container. The properties would also need space to store recycling sacks. The proposed layout of the development appears to allow for this.

The roadways onto the development must be of sufficient structure to withstand the weight of a 32 tonne waste collection vehicle. The widths of the roadways must be adequate so that the collection vehicle can manoeuvre safely without obstruction. The waste operatives should not have to pull waste container more than 25 metres from the property to the collection vehicle.

Conclusion:

The principle of redeveloping the existing C.J. Pryor Ltd site (the eastern section of the application site) may be considered acceptable provided any redevelopment does not result in any greater harm to the openness of the Green Belt, however the scale and intensity of the proposed development and the encroachment into the undeveloped western paddock area (which is not previously developed 'brownfield' land) would constitute inappropriate development harmful to the Green Belt. Furthermore the introduction of an additional 65 dwellings in this small Hamlet would constitute an unsustainable development that would result in an increase in the level of vehicle commuting and would detrimentally impact on the character and appearance of this rural area. The proposed residential development also fails to provide any affordable housing contrary to the affordable housing policy obligations.

The desire for C.J. Pryor Ltd to relocate from this site to new premises at the Harlow Gateway is not considered to be exceptional circumstances that outweigh the substantial harm from this development and it is not considered that this proposal should be considered as an 'enabling development' since this would simply assist a commercial business to expand and does not provide any wider community benefits. Any minor benefit to local residents in Foster Street through the removal of the existing sites or increased employment benefits from an expansion of the existing business would not be sufficient to clearly outweigh the wider harm from the inappropriate and harmful development of this site.

Whilst the Council would not wish to see the established employment use of C.J. Pryor Ltd lost from the local area the proposed redevelopment fails to comply with the National Planning Policy Framework and the relevant Local Plan policies and such unacceptable and inappropriate development cannot be permitted to the detriment of the wider area simply to allow for the relocation of a commercial business. Therefore the proposed development is recommended for refusal.

Should Councillors disagree with the above recommendation and consider that planning approval should be granted for the application then this matter would need to be decided at District Development Management Committee and should be subject to a legal agreement regarding the

required financial contributions and to link the scheme with EPF/2517/14 and subject to various conditions to deal with matters such as contaminated land, surface water drainage, landscaping, etc.

Is there a way forward?

Given the Council is not seeking C.J. Pryor Ltd to relocate away from the existing Foster Street sites the quantum of development proposed to enable this development is not considered to be required in order to allow for the redevelopment of this site. Therefore a lower density residential redevelopment of just the eastern half of the site (the brownfield land) that provides on-site affordable housing may be considered as an appropriate use of this site.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

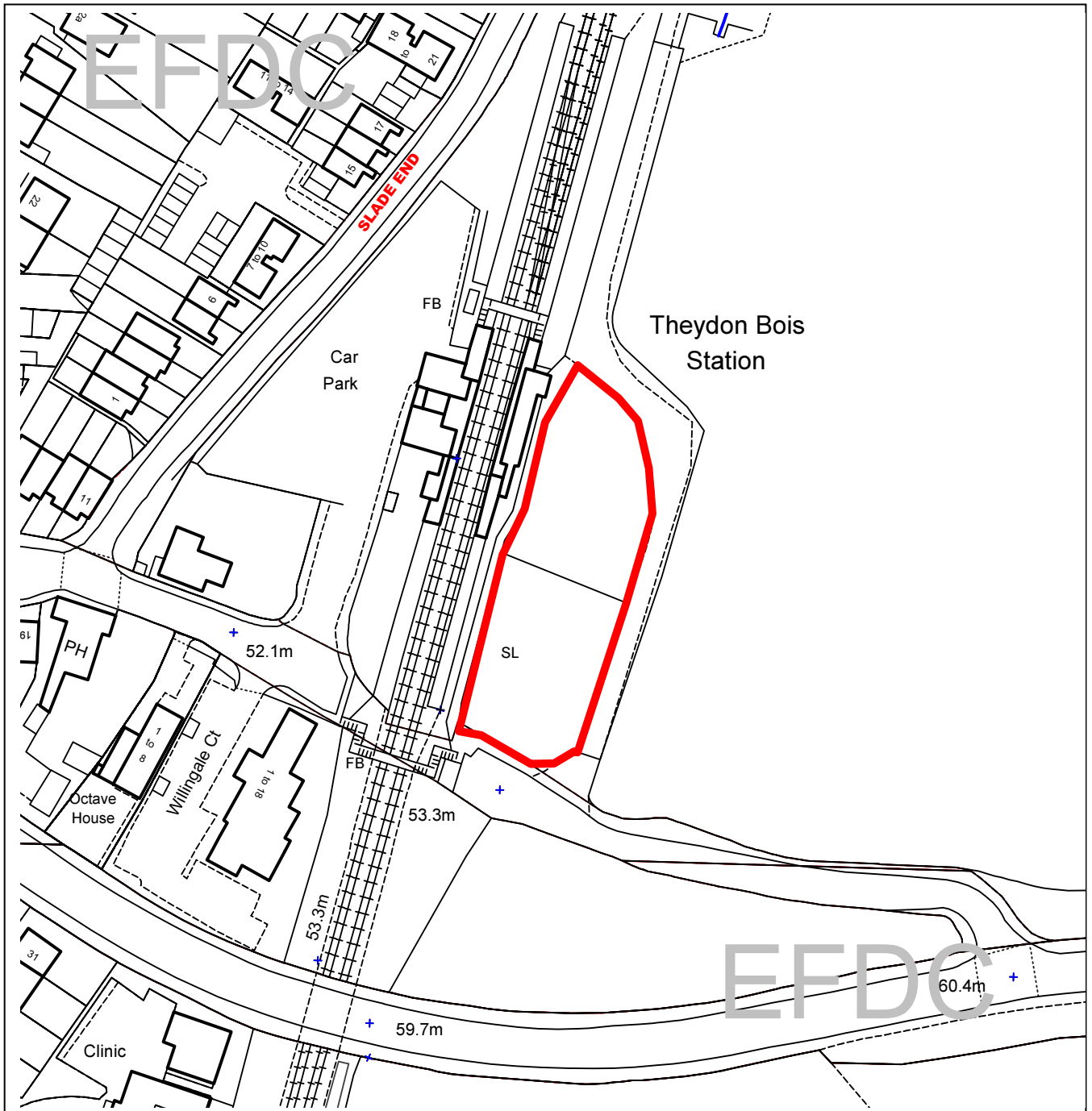
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

AGENDA ITEM NUMBER 8



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Application Number:	EPF/2905/14
Site Name:	Land to the East of Theydon Bois Station, Theydon Bois, CM16 7HR
Scale of Plot:	1/1250

Report Item No: 8

APPLICATION No:	EPF/2905/14
SITE ADDRESS:	Land to the East of Theydon Bois Station Station Approach Theydon Bois Essex CM16 7HR
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Transport for London - Louise Bending
DESCRIPTION OF PROPOSAL:	Prior approval notification under Part 11, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 in order to construct a station commuter car park including associated alterations to the existing access - Land to the east of Theydon Bois station
RECOMMENDED DECISION:	Prior Approval Required and Granted (with Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=572130

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: PB0244/101 received 20-01-15, PB0244/102 and TB_LOC_001 received 20-01-15.
- 3 Prior to the installation of the lighting columns, details of the angle of light and its area coverage shall be submitted and agreed in writing by the local planning authority. The details as agreed shall be carried out thereafter.
- 4 Prior to their installation on site, details of the design and appearance of the pay and display machines and associated signage shall be submitted and agree in writing by the local planning authority. The details as agreed shall be carried out thereafter.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council function, Schedule 1, Appendix A.(g)) and since it for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council function, Schedule 1, Appendix A.(f).)

Description of Site

Open area of land, enclosed by a 2 metre high mesh fence, immediately east of Theydon Bois Station in the ownership of Transport for London (TfL). Until the 1960's it was used as allotment gardens but more recently by TfL for storage. Vehicular access to the site and adjacent land is from Station Approach, south-east of the site, downhill from Abridge Road. The site and open adjacent land has pedestrian access via a footbridge over the railway line into the built up village on the western side of the track. There is a public footpath from the footbridge that runs adjacent to the site. The site and open land to the north and west on this side of the railway line is in the Metropolitan Green Belt.

Description of Proposal

Prior approval notification application to use the site as a station commuter car park including alterations to the existing access by the removal of a part of kerb to form a vehicle entry/exit point. The submitted layout shows provision for 80 vehicles to park in designated bays on a gravel surface with the manoeuvring and circulation area in tarmac. There will be some boundary planting, floodlighting on 10m high columns replacing existing pole lighting and two pay and display machines which are all shown on revised proposed plans.

Relevant History

None relevant to this site

Policies Applied

As this is an application for prior approval and not an application for planning permission, development plan policies are not directly applicable to the decision making process. However, in considering the prior approval the following policies are relevant:

National Planning Policy Framework 2012

Local Plan: DBE1 – Design of New Buildings, DBE2 – Effects on neighbouring properties, DBE4 – Design in the Green Belt and DBE6 – Car parking in new development.

Consultation carried out and summary of representations received

THEYDON BOIS ACTION GROUP (TBAG) – Strong Objection. Plans not detailed to provide sufficient detail for this type of prior approval application in respect of fencing, lighting, lux levels, landscaping/trees or hardware to operate pay and display car park; no provision for safe entry and exit of pedestrians via unlit public highway. Not satisfied requirement of prior approval because proposal could be reasonably carried out elsewhere on the land by extending existing car park onto adjacent land owned by applicant; layout and number of proposed car parking spaces does not comply with parking standards and give rise to safety concerns for car manoeuvring in the car park; not satisfied other requirement of prior approval because will be injurious to amenity of the neighbourhood – sensitive rural setting and proposed car park be first urbanising feature beyond urban edge of the village and harm landscape character; proposed lighting columns contrary to Dark Skies recommendations of Theydon Bois Village Design Statement causing light pollution visible from surrounding area causing loss of amenity; noise pollution caused from vehicular movement to livestock, users of footpath, train platform customers; use of gravel exacerbate flood risk in this area, contamination of lower water table; full survey required to ensure safety of vehicles into and out of Station Hill, anticipated loss of existing unrestricted 45 vehicles in Station Hill is injurious to amenity of neighbourhood. Further comments in second letter of 7 January 2015: Advice from TBAG Counsel: not permitted by GPDO upon which they are relying and TfL need to

submit a full planning application in place of prior approval notification, threat of judicial review if carry on and our remit is to protect Green belt around Theydon Bois.

THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY (TBDRPS) – Strong Objection. Comments made very similar to TBAG above with addition comments on matters including the following:- Believe application not correctly submitted because part of strip of road land beyond the entrance to be in different private ownership and TfL only own 15ft of 20ft width; show trees planted into fence line with no root growth and threat to soft landscaping which is inherent part of good design; introduce significant amount of hard standing which would exacerbate drainage problems and no indication of surface water run off; Station Hill is narrow access route and parking measures would have to be introduced on the road, there are restricted sightlines into access to Abridge Road and no adequate assessment of safety of access and egress to the site during peak times, car park would attract a significant number of motorists to the site. Application has been incorrectly submitted and negative impacts would result in poor quality and substandard development, injurious to amenity of the area. Further comments in second letter of 10 January 2015: restriction of the prior approval where it states in the provisions of Part 11 of the GPDO 1995 “building” taken to include provision such as a car park.

THEYDON BOIS PARISH COUNCIL - Strong Objection. *GPDO, Part 11, Class A, A.2.(a) - “the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land”* - Does not comply because there is sufficient scope to extend the existing car park onto previously developed land within the ownership of the applicant, particularly if main aim is to increase car park capacity or if TfL’s aim is to move the car park to the east side of the station in order to develop the west side, then the actual car park capacity could actually fall; *GPDO, Part 11, Class A, A.2.(b) - “ the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury”* - does not comply because car park in Green Belt adjacent to an open field in which horses regularly graze would injure the amenity of the neighbourhood, floodlight be highly intrusive in Village renowned for its Dark Skies Policy, Access road in current condition is wholly unsuitable for that purpose, junction between Station Hill and the main Abridge Road would give rise to severe safety concerns, particularly at peak periods and when turning right onto Abridge Road near a blind bend where the speed limit is 60 mph. Also, design of the proposed allocation of approx 80 parking spaces would not comply with adopted parking standards and give rise to safety concerns when cars manoeuvre in the car park. Believe application has been incorrectly submitted and due to its design and location would be injurious to the amenity of the neighbourhood contrary to the provisions of part 11 of the GPDO. Application should be refused.

CAMPAIGN TO PROTECT RURAL ESSEX - Strong objection, outside urban footprint of the village, open floodgate for further intrusions in the Green Belt, adding more capacity for car parking would add pressure on this part of central line as overcrowded, pedestrians approach the site via an unlit public highway, room to extend present car park, Government policy that brownfield land should be developed before green field or Green Belt land, parking sizes and layout not adequate, surface water will be an issue, harm to local amenity - landscape character of surrounding countryside, Grade 2 Listed Building 350m away, light pollution, users of footpath 4; highway safety concerns, should be a full planning application.

LOUGHTON RESIDENTS ASSOCIATION - Object, because it would make it even harder for Loughton & Debden station commuters to get a seat (or even onto the trains), concerned site borders on Green Belt land and would reduce openness of the area.

33 FOREST DRIVE - Do not want car park or more cars.

2 HILL ROAD - Strong opposition. Development completely unacceptable, already car park on western side so cannot see why need another and why on Green Belt so cannot be concreted

over, access is narrow and hazardous, already dangerous for traffic with the crossroads by the zebra crossing in Theydon, extra access add to hazards. quite wrong for it to be described as D2 in the application, until last year there were many trees on the site which tfl have torn up. Was this done legally? There is already a car park to the west of the station and big ones in Epping and Debden. It is a fact that most of the people parking there and in Station Hill do not live in Theydon Bois or for that matter Epping but are driving from place such as Harlow which already has a perfectly adequate train service but is more expensive. If you let them build yet another car park then this will establish a precedent for developing all the land to the east of the station. Station Hill is very narrow and the turning out onto the busy Abridge Road almost hidden, create a significant traffic hazard.

Darren Johnson - GREEN PARTY MEMBER OF LONDON ASSEMBLY - As proposed works are not limited to operational rail works, but wider impacts on the local community, such as local congestion and air pollution, it is inappropriate for TfL to use a Prior Approval Application for Permitted Development under GPDO 1995 Part 11. Have written to TfL to strongly urge them to submit a full and proper planning application.

Comments on Revised Plans:

TBAG - Changes do not overcome our strong objection set out before. Plans still not detailed etc, extra matters raised - disagree with TfL statement that western station car park is at capacity and not extendable further because restaurant owner adjacent car park was asked some years ago by TfL the prospect of extending it, also scope to utilise Station House garden area which is under TfL ownership and scope for at least 40 additional parking spaces, new 80 space car park would encourage longer commuter journeys; anticipated loss of existing unrestricted free parking for 45 vehicles in Station Hill which have very little impact on adjacent fields and screened by existing hedgerows and trees.

TBDRPS - Strong objection remains with comments made as previous, including similar comments to TBAG above but in addition state TfL could make greater use of under-used car park at Debden station, Burton Road and Vere Road in this part of Loughton (table included of vacancy from 2011).

THEYDON BOIS PC - Note minor changes regards ownership, but major concerns not overcome and should be the subject of a full planning application rather than the prior approval process. We re-state our reasons for objections as per original letter of 8 January 2015.

Other Comments:

ESSEX COUNTY COUNCIL - From a highway and transportation perspective, the Highway Authority has no comments to make. However, if permission is granted, the applicant liaise with Essex highways with the aim of implementing parking restrictions along station Hill to help maintain access into the site to the benefit of all users of the road.

Issues and considerations

In response to objections raised in early January to the application, TfL revised the plans in respect of the site boundary and land outside their site in their ownership. Changes were also made to the proposed layout plan for the car park including suggested boundary planting of soft landscaping, replacement floodlighting and retention of existing mesh fencing.

Accepting the Prior Approval Application

The application has been made under Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 (GPDO) – (which is now set out in Part 18 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England))

Order 2015 from 15 April 2015) which concerns 'development under local or private acts or orders'. TfL are exercising their permitted development rights for development authorised by local or private Acts of Parliament. A copy of Part 18 is appended to this report.

EFDC, TFL and TBAG have each taken their own independent Counsel's advice and perhaps unsurprisingly there is a difference of opinion as to whether or not TfL is able to benefit from the Permitted Development rights granted by Part 11.

The difference between the parties stems from the interpretation of the Epping Railways Act 1859, the Railways Clauses Consolidation Act 1845 and the Eastern Counties Railway (Epping Lines) Act 1862. This is a technical argument and the Committee is being asked to determine the application on the basis of the legal advice that the Council has received, which in brief is that the proposed development is authorised by Act of Parliament and as such permitted development.

On the basis of the legal advice given to the Council, officers considered that the proposed development is permitted development and accepted and registered the prior approval application.

In the event that the Committee accepts this prior approval application as validly made and grants prior approval it can be expected that the decision will be subject to a challenge by judicial review by TBAG. This may also be the case if the application is accepted but refused as the point in issue is whether or not a prior approval application was valid regardless of outcome. It is also possible that if the Committee rejects the prior approval application on the basis that the proposed development is not permitted development that TfL will seek to judicially review that decision. If the Committee decide to determine the prior approval application and refuses it then that decision is likely to be the subject of a planning appeal by TfL.

Determination of the Prior Approval

Under the terms of Part 11, details must be submitted to the Council for prior approval of the detailed plans and specifications for (a) the erection, alteration or extension of a building or bridge or (b) the formation, laying out or alteration of a means of access to any highway used by vehicular traffic in order for the development to be permitted where (a) or (b) is triggered by the development, otherwise it is permitted development and a prior approval application would not need to be submitted and the development goes ahead without any Council approval.

In this case, there is no bridge being erected, altered or extended but there is a "building", which is considered further below. There is proposed an alteration to the access used by vehicular traffic. The new car park site does have an opening in the south-east corner of the site, but a piece of kerbing that is partly across this opening will have to be removed to create a vehicular crossover. Prior approval under Part 11 is therefore required.

In determining the application, the Local Planning Authority has to decide whether to raise no objections (and grant prior approval) or to raise objections under the criteria set out in Part 11 of the GPDO. Class A2 of Part 11 of the GPDO states that prior approval should not be refused (or conditions imposed) unless the Local Planning Authority considered the development:

- (a) 'could reasonably be carried out elsewhere on the land' or
- (b) 'the design or external appearance of any building would injure the amenity of the neighbourhood' and can reasonably be modified.

The Council therefore has to be satisfied that (a) or (b) or both are made out in this case. As you can see, the considerations are limited, unlike a planning application for planning permission. Other issues, including need for parking, highway safety, pedestrian safety in and around the car park, car parking design standards, commuters difficulty in finding a seat further down the line,

sustainability, impact on horses grazing on neighbouring land, Dark Sky policy, field run-off etc. are not matters for which the prior approval can be refused or considered.

(a) *the development ought to be and could reasonably be carried out elsewhere on the land*

TfL own land on both sides of the railway line and the platform. There is an existing 69 space car park on the west side and a compound area in narrowing land immediately north of it. As this is used for operational requirements for the railway, this is not available for the car park and is far smaller than the land proposed so that it could not reasonably be provided here. There is land to the south of the current car park occupied by a restaurant building and land to the rear. TfL state that this is subject to an existing lease arrangement with the restaurant operator and would not be sizeable enough for the parking sought. Similarly, the garden area to Station House is also not large enough to accommodate the development. The combination of the two would not satisfy the requirement of this proposed development and officers consider that it is not readily available or of a size to provide a commuter car park for 80 cars.

(b) *“the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury”.*

The development proposed is a surface car park, laid out for 80 cars to park. Apart from this, it is proposed to have kerbstone edging alongside the existing mesh fence, the proposed alteration to the access into the site, 8 no. floodlights, 4 each on two new 10m high columns and two pay and display machines.

“Building” is the key word here - there is no bridge, aqueduct, pier or dam proposed. The objectors claim that the car park proposed is a building. There is though a definition of “building” in the GPDO and is defined as including *any structure or erection* but does not include *plant or machinery or fencing*. Counsel advice agrees with Officers that the surface of the car park itself is not a structure or erection. The proposed car park includes floodlighting on poles, which could be classed as structures, but the remainder is machinery (the pay and display machines) or non-buildings in the case of the car park. To clarify, the only building being erected is the floodlights on the 10 metre columns.

Given the scale, nature, surrounding topography and location of the proposed car park and that the floodlights are replacement for existing structures on the proposed site, it is not considered that the design or external appearance of the floodlights would harm or injure the character and appearance of the area or to any remote heritage assets, in this case. Detail of the floodlighting appearance and spill can be conditioned, but the lux level (20) is lower than the lighting on the adjacent platform (30 lux) and not positioned to face towards the nearest residents. Similarly, a condition could control the appearance of the machinery on site, although prior approval is not required for this. In this respect the design and appearance of the replacement floodlights would not be contrary to the stated policies of the Local Plan or the NPPF.

Other matters

As the floodlighting is the only building proposed, the design and appearance of the car park is not for consideration.

However, given the objectors have raised these as issues, officers comments are as follows.

Cars already park down Station Hill and are more visible to the main road than where the car park is proposed. The car park cannot function unless the cars currently parked along Station Hill are prevented from doing so and therefore TfL will have to liaise with Essex Highways with the aim of implementing parking restrictions along Station Hill to maintain access to and from the site.

There are no residential properties affected by the proposed development, the nearest of which are on the other side of the railway line and station to the west and the access to the car park does not directly pass these properties. There is railway activity and lighting of the station in between.

The countryside to the north and west is open and views of the car parking area will clearly be visible from the public footpath but the design and appearance of the floodlights will not result in undue harm. In respect of the objections raised concerning the Green Belt, if this was an application for planning permission, then the issue of openness of the Green Belt would be a consideration and by definition be deemed inappropriate development. However, under the tight criteria for consideration in this case, this issue of inappropriateness is not relevant to the determination of the prior approval.

TfL have confirmed that there is no intention of closing the existing car park and redeveloping it so that the proposal is not a replacement. The application site has also been for operational purposes by TfL in the recent past.

Summary

This is permitted development and the prior approval is required only because of the alteration at the site access to the highway by the removal of a section of kerbing and the erection of the floodlight columns, which are in any case replacements. The plans of the development are adequate in terms of its detail. It does not appear that a development of the size should and could be reasonably carried out elsewhere on the land at the station in TfL's ownership. Whilst understanding the objections raised by the parish council and other bodies and groups, the limitations on this prior approval means that many of their objections are not material to determination of this submission. In conclusion, Officer's raise no objection and recommend grant of the prior approval.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Nigel Richardson
Direct Line Telephone Number: 01992 564110***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

PART 18 Miscellaneous development

Class A – development under local or private Acts or Order

Permitted development

A. Development authorised by—

(a) a local or private Act of Parliament,

(b) an order approved by both Houses of Parliament, or

(c) an order under section 14 or 16 of the Harbours Act 1964 (orders for securing harbour efficiency etc, and orders conferring powers for improvement, construction etc of harbours)(a),

which designates specifically the nature of the development authorised and the land upon which it may be carried out.

Conditions

A.1 Development is not permitted by Class A if it consists of or includes—

(a) the erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam; or

(b) the formation, laying out or alteration of a means of access to any highway used by vehicular traffic,

unless the prior approval of the appropriate authority to the detailed plans and specifications is first obtained.

A.2 The prior approval referred to in paragraph A.1 is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that—

(a) the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or

(b) the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

Interpretation of Class A

A.3 For the purposes of Class A, “appropriate authority” means—

(a) in Greater London or a metropolitan county, the local planning authority;

(b) in a National Park, outside a metropolitan county, the county planning authority; and

(d) in any other case, the district planning authority(b).

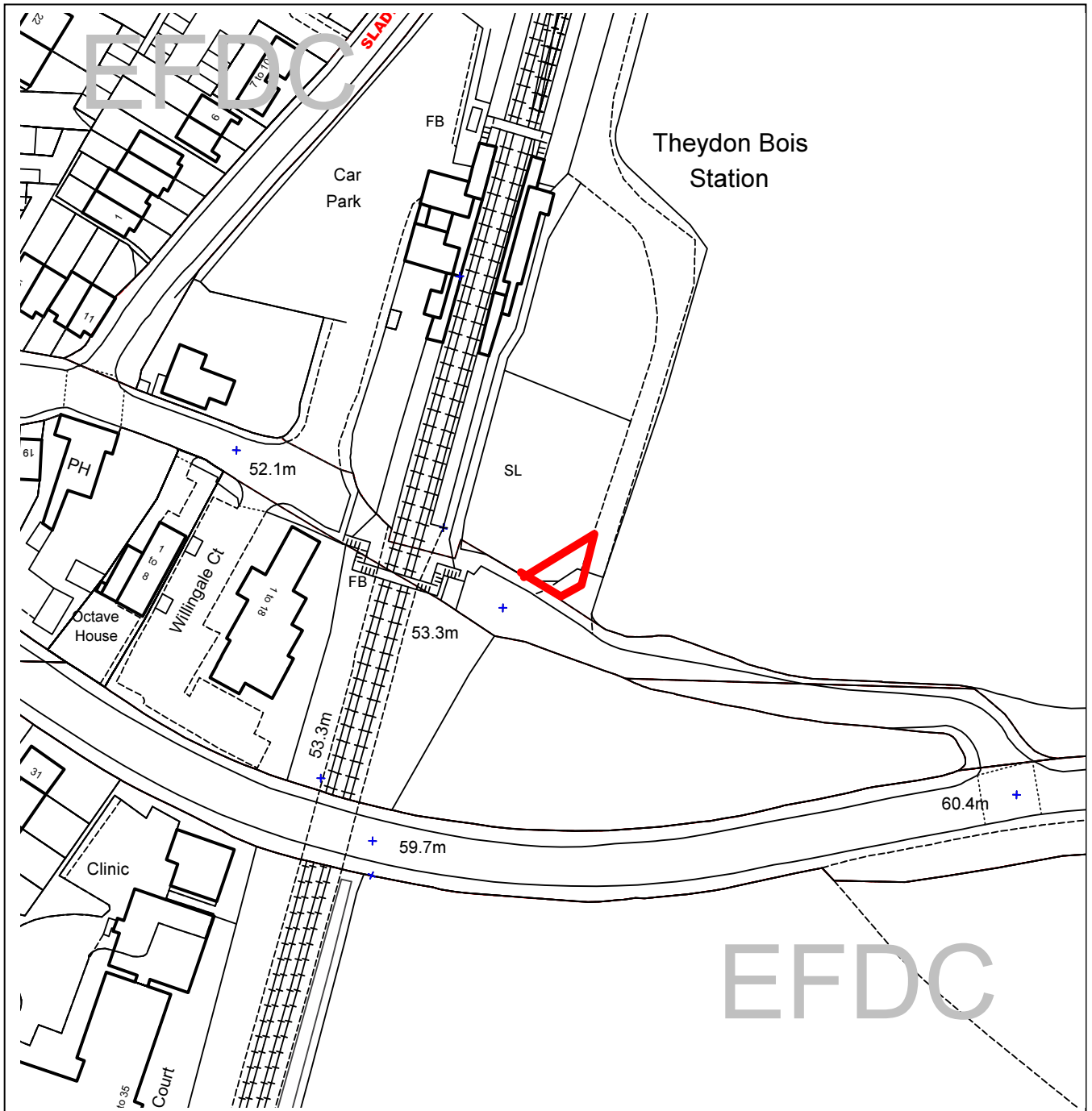
(a) 1964 c. 40. Relevant amendments are Schedules 6 and 12 to the Transport Act 1981 (c. 56), section 46 of the Criminal Justice Act 1982 (c. 48), Schedule 3 to the Transport and Works Act 1992 (c. 42), Schedule 2 to the Planning Act 2008 (c. 29), Schedule 21 to the Marine and Coastal Access Act 2009 (c. 23) and S.I. 2006/1177 and 2009/1941.

(b) See section 1(1) of the Act; which was amended by section 31 of the Greater London Authority Act 2007 (c. 24). There are other amendments not relevant to this Order.



Epping Forest District Council

AGENDA ITEM NUMBER 9



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Application Number:	EPF/0477/15
Site Name:	Land to East of Theydon Bois Station Station Hill, Theydon Bois

Report Item No: 9

APPLICATION No:	EPF/0477/15
SITE ADDRESS:	Land to East of Theydon Bois Station Station Hill Theydon Bois Essex
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Nicholas Arnott
DESCRIPTION OF PROPOSAL:	Minor alterations to the existing vehicular access from Station Hill through the delivery of a dropped kerb of 2.4 metres in width and the installation of a pedestrian gate for improved access to the station's operational land.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=574094

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: TB_LOC_001, TB_BLO_001, PBO244_102.dwg.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site

Open area of land, enclosed by a 2 metre high mesh fence, immediately east of Theydon Bois Station in the ownership of Transport for London (TfL). Until the 1960's it was used as allotment gardens but more recently by TfL for storage. Vehicular access to the site and adjacent land is from Station Hill, south-east of the site, downhill from Abridge Road. The site and open adjacent land has pedestrian access via a footbridge over the railway line into the built up village on the western side of the track. There is a public footpath from the footbridge that runs adjacent to the site. The site and open land to the north and west on this side of the railway line is in the Metropolitan Green Belt.

Description of Proposal

Planning application to alter an existing vehicular access by removing an existing footway which spans across the left-hand half of the entrance to the site. A new pedestrian gate is proposed left of the footway alteration in the existing fence. The work is described in the supporting statement to the application as an improved access for “operational purposes”.

Relevant History

None relevant to this site.

Policies Applied

National Planning Policy Framework 2012

Local Plan: ST4 - Road safety, ST7 – Extension or improvements to existing roads

Consultation carried out and summary of representations received

THEYDON BOIS ACTION GROUP (TBAG) – Strong Objection. This is an attempt to bypass an undetermined prior approval application which has not been determined in law, clear land is not for operational purposes given TfL attempts to construct a car park, site rarely been used for operational purposes - small part used back in 2005 in respect of works to Station buildings and therefore existing access is more than adequate, object therefore as no justification for removal of this section of public footway, leads to public footpath No.4 widely used by walkers and this footway is particularly important for pedestrian safety given it is used by many people.,

THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY (TBDRPS) – Last application in 1998 for telecommunication tower which was refused and did not seek any changes to the access, last major use of site was in 2005 in association to improvements to the station so operational use was rare and present access has been more than adequate, pedestrians at risk from vehicles turning as this is a no-through road if curb was dropped and pavement removed which is heavily used by pedestrians.

THEYDON BOIS PARISH COUNCIL - Strong Objection. Independent report commissioned by the Parish Council concludes that application should be refused as it fails to meet the requirements of para.32 of NPPF 2012 and Local Plan policy ST3. Although application appears to be for a minor alteration and if granted implications are severe and Council has duty to consider wider implications, highway safety is material considerations and whilst not stated to be for the construction of the car park does not mean that the effect it will have if granted will not be severe, should be considered as if it were a car park and full transport assessment is required, safety concerns as road heavily used by pedestrians and pavement is only safe access available, use of land by TfL is very occasional.

1A THE GREEN - Strong objection, question validity of application in respect of details on the application form relating to foul sewage, access adequate for skips which are on site and therefore not vacant, states no trees adjacent but there are in the landscape, no detail of hours of opening and concerned if at weekends late at night etc for local residents, site area is wrong, CIL section not correct, junction marking not necessary in rural environment and not needed if not for vehicles, accompanying letter to the application state “Essex County Council Highways’ Department is aware of the forthcoming application and TfL Property will work with them to bring this to delivery.” - assumed that the “forthcoming application” is the application EPF/2905/14 for an 80 space car park to be developed using unlawful permitted development rights therefore application is little more than a connivance between TfL, EFDC and ECC to facilitate TfL in its commercial activities contrary to the law and stated Government planning policies and could give rise to serious complaints, only consulted parish council and not consistent with prior approval application,

inconsistency regard use class between both applications, loss of safe pedestrian walkway would be detrimental to residents and visitors and would cause pedestrians to walk across a wider roadway at the Old Foresters/Station Hill junction, application for a crossover is an attempt to commence work on car park application circumventing the correct procedure of a full planning application, application states no parking so why the application.

Other Comments:

ESSEX COUNTY COUNCIL - The application is only for some minor alterations to an existing vehicular access onto an unclassified, very lightly used, no-through road and is facilitating access for the lawful use of the site. Consequently the proposal is not detrimental to highway safety or efficiency. From a highway and transportation perspective the Highway Authority has no comments to make on this proposal.

Issues and considerations

The main issue is one of highway safety.

The proposal is to remove a 2.4m length of pavement in front of the entrance to the site to form a 4.8m wide level vehicular access. The pavement runs from the footbridge to the west where it is wider and ends at this point where it is at its narrowest, stopping halfway across the site entrance.

The proposed pedestrian gate will access onto the pavement and is acceptable. There is a pair of existing gates at the site entrance and the removal of the pavement would allow vehicles to enter the site without bumping up the pavement. Despite the stated issue of pedestrian safety by the objectors, there will be no harm caused and if anything it will create a visual stop to allow pedestrians to pause before the site entrance should vehicles enter.

Road markings are also proposed inside the site entrance to highway adopted standards. As it is an existing access there are no highway safety issues although the applicant will work with the ECC Highway section to ensure any further design safety issues are considered. This is not a through road and vehicular movement is low so that there is little conflict with other traffic.

Clearly the current prior approval application for a commuter car park at this site is also on this agenda and the timing of this application understandably has influenced the grounds of objections received. TfL however, has stated that the removal of part of the footway is for operational purposes but should it be granted then it does remove the main barrier for the permitted development use of the site as a car park. Officers can only consider the planning application on the merits of which it has been submitted and not on speculation of how it may be used, hence there is no requirement for a transport assessment which would be required for a major development.

Details on application form are not all relevant to the proposed removal of the footway (foul sewage, parking spaces, drainage, trees that could influence the development, hours of operation for the use) and application is valid. Coding is for DCLG return and footway crossing issue is a minor application of Other category - it has absolutely nothing to with defining the use of the site and is of no consequence to the determination of the application. .

In conclusion, there is no objection to the minor highway works as assessed on its own highway safety merits and it complies with the Local Plan policies ST4, ST7 and the NPPF. Granting permission would allow two way traffic to enter and leave the site safely. It is recommended for approval.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

**Planning Application Case Officer: Nigel Richardson
Direct Line Telephone Number: 01992 564110**

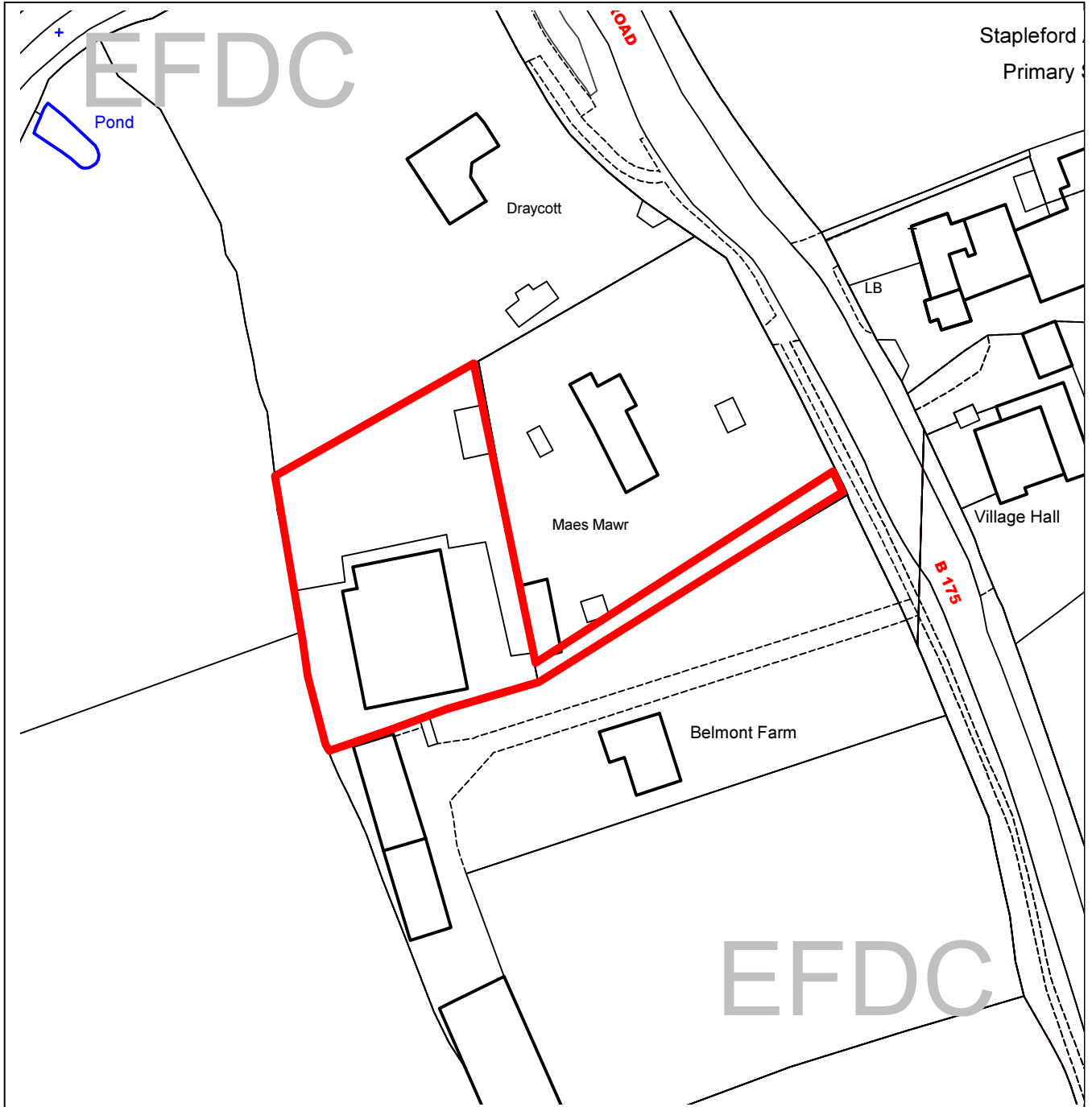
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

AGENDA ITEM NUMBER 10



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Application Number:	EPF/0252/15
Site Name:	Maes Mawr, Stapleford Road Stapleford Abbots, RM4 1EJ
Scale of Plot:	1/1250

Report Item No: 10

APPLICATION No:	EPF/0252/15
SITE ADDRESS:	Maes Mawr Stapleford Road Stapleford Abbots Essex RM4 1EJ
PARISH:	Stapleford Abbots
WARD:	Passingford
APPLICANT:	Mr Alan Mason
DESCRIPTION OF PROPOSAL:	Demolition of existing barn, stables and shed, and erection of two, two storey detached dwellings and garages, with associated access and landscaping works (revised design) Revised application to EPF/1824/14.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=573555

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 3 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

- 6 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 7 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 8 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 9 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of

any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

- 10 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 11 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 13 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A. (g))

Description of site

i

Maes Mawr is located within a ribbon of development in the area of Stapleford Abbots. Currently in the vicinity of the site is a large two storey dwelling. To the rear of the dwelling is a very large metal clad barn, with an approximate floor area of 537 sqm which is used for equestrian activities, this forms part of the application site. There is a small stable block attached to the barn and much of this area is covered in hard standing. There is another barn on the adjacent site to the south. The application site is located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

Description of proposal

The proposed development is to remove the existing barn to the rear of Maes Mawr and all other outbuildings to the rear, and to erect two detached, two storey dwellings with detached garages.

Relevant History

EPF/0769/82 - Erection of barn – Refused

EPF/0132/83 - Replacement stables incorporating exercise area, horse box storage, and ancillary storage - Approved

EPF/1824/14 – Demolition of existing barn and erection of two dwellings – Refused

Policies Applied

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

CP3 – New development

DBE1 – Design of new buildings

DBE2 – Effect on neighbouring properties

DBE3 – Design in urban areas

DBE4 – Design in the Green Belt

DBE8 – Private amenity space

DBE9 – Excessive loss of amenity to neighbouring properties

ST4 – Road safety

GB2A – Development in the Green Belt

GB7A – Conspicuous development

ST6 – Vehicle parking

H2A – Previously developed land

RP4 – Contaminated land

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to the relevant policies in existing plans according to the degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Consultation Carried Out and Summary of Representations received

4 Neighbours consulted – NO COMMENTS RECEIVED

STAPLEFORD ABBOTTS PARISH COUNCIL – OBJECTION – the development is considered to be inappropriate development in Green Belt land. The Council is also concerned for highway safety by the proposed creation of an additional access road directly opposite the village hall as there is daily congestion from on parking on Stapleford Road to drop off/collect children from the adjacent primary school.

Issues and Considerations

The dwellings provide a good standard of residential accommodation and will not harm the living conditions of any existing neighbours.

This is a revised application following a refusal of planning permission under EPF/1824/14, which was refused for the following reasons:

- 1. The proposed dwellings would be inappropriate development in the Metropolitan Green Belt and would result in a significantly higher and more bulky building that would be detrimental to the open character and appearance of the Metropolitan Green Belt and harmful to its visual amenities. Insufficient very special circumstances exist to clearly outweigh the harm from the development and as such the proposal is contrary to the guidance contained within the National Planning Policy Framework and policies CP2, GB2A, GB7A and GB15A of the adopted Local Plan and Alterations.*

2. *The proposed dwellings by reason of their height, bulk, scale and design would appear excessively prominent and out of character with its locality. As such the development would appear in stark contrast to other properties in the locality, therefore it is contrary to the guidance contained within the National Planning Policy Framework and policies CP2, GB7A and DBE4 of the Adopted Local Plan and Alterations.*
3. *The location of the proposed new dwellings will constitute a form of development which will be heavily reliant on the use of vehicles for everyday activities. Therefore the development constitutes an unsustainable location contrary to policies CP1 and ST1 of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework*
4. *The application was not accompanied by the relevant documentation to demonstrate that trees have been fully considered and therefore the Council is unable to assess the consequences of the development for the trees on the site. For this reason the proposal fails to demonstrate the proposal would not result in harm to trees, contrary to policy LL10 of the Adopted Local Plan and Alterations.*

It is necessary to determine whether the revisions in this application have overcome the previous reasons for refusal.

The Green Belt

In the previous application, the development was considered to be inappropriate development in the Green Belt as the applicant had not proven that the existing barn constituted previously developed land and the Council did not hold records on its erection or use. The Council therefore assumed it was an agricultural used site, or last used as such, which does not constitute previously developed land.

The applicant has now submitted relevant documentation of signed statements from former users of the existing barn, who state that it has been in use as an equestrian riding centre for over ten years. As such the barn benefits from existing use rights and is not an agricultural building. Having regards to the provisions of the National Planning Policy Framework (The Framework, CLG, 2012) the barn falls within that which constitutes previously developed land and is therefore the principle of housing is not inappropriate in this location.

The second part of this reason for refusal relates to the fact that the replacement dwellings would appear significantly high and bulky and therefore harm the openness of the Green Belt. The revised application has dropped the ridge height of the proposed dwellings by 1m, to that which is not significantly higher than the existing barn. Although the volumes of the proposed dwellings are relatively high, they will have no greater impact on the openness of the Green Belt than the existing barn. As such the first reason for refusal has been overcome by the revised application.

Design

The second reason for refusal related to the position, excessive height, bulk and scale of the proposed dwellings in relation to the character of the existing street scene. Dropping the height of the ridge by 1m results in the buildings now reading as one and a half storey properties and one of the proposed houses has been sited away from the rear boundary, which lessens the spread of built development towards the fields at the rear. Indeed, Maes Mawr which sits in front of the application site is also a one and a half storey dwelling. Furthermore the floor area and volume of the proposed dwellings will not be dissimilar to the properties in the street scene. The proposed design therefore will not appear at odds with the existing street scene and the second reason for refusal has been overcome.

Sustainability

The third reason for refusal relates to the fact that the site was not considered to be a sustainable location for residential development in the previous submission. Although the proposed location of the new dwellings has not changed from the previous application, the Council now accepts that the existing barn constitutes previously developed land. As such, the development is no longer inappropriate development in this location and consequently the use of the barn for residential purposes will cause no greater harm to sustainability objectives than the existing use of the barn.

Furthermore, given that the building constitutes previously developed land; its potential reuse for other operational changes of use, such as for business, commercial etc. would not be inappropriate when put into the context of the existing use of the site. Therefore it is possible that planning permission would be given for a different use, which would not have the same criteria for sustainability as residential use. As such the applicant has a significant fall back position which supports an argument for the reuse of the site for two dwellings.

It is worth considering also that the Prior Notification regulations under Class Q of Part 3 of the General Permitted Development Order allow for the change of use of agricultural buildings to residential use having regards to certain criteria, one of which is its sustainability. The majority of agricultural buildings within the district are located in rural locations with little access to everyday amenities without the use of a private vehicle. The National Planning Policy Guidance (NPPG) amended in March 2015 clarified the Governments view on sustainability issues when assessing these particular types of application:

When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval. (NPPG, 2015)

Although these regulations are not applicable to this application, it is clear through the guidance of the NPPG (2015) that the Government will allow changes of use for developments which could arguably be located in less sustainable locations than this application site. As such, in the context of its location, the use of the site for residential purposes will not cause significant harm to any sustainable objectives, given that residential uses are common in the immediate locality. This guidance update supersedes a recent appeal decision case for planning permission for six new dwellings on Esperanza Nursery which is under 1km from the application site, the inspector concluded that:

It is likely that the occupants of the new houses would be reliant on private cars as their principle means of transport. I am also aware that essential services such as schools, healthcare facilities and shops are at least a car ride away...The appeal site nor the adjoining village can reasonably be described as a sustainable location. (The proposal) would not accord with the aims of Local Plan Policy CP1 which seeks to achieve sustainable development objectives, nor Policy CP3 which seeks to ensure that new development is accessible by sustainable means of transport.

The application site is located further away than Esperanza Nursery is to the main settlement of Stapleford Abbots and therefore it could be argued that it is in a less sustainable location. Access to everyday services for this site will certainly be almost entirely dependant on the use of a private vehicle (except to the primary school which is located opposite Maes Mawr). However it is no less sustainable than any other dwelling in Stapleford Abbots and it is sited on previously developed land. As such the harm to sustainability objectives, when the proposal is put into the context of the existing use of the site and considering the fall back position that the applicant has, will not be significant. On balance therefore, Officers are satisfied that there will be no harm to the

sustainability objectives of The Framework (CLG,2012) or policies CP1 and CP3 of the Adopted Local Plan and Alterations.

Trees and Landscaping

The final reason for refusal was due to the lack of required information on trees and landscape protection. The applicant has now submitted this information which demonstrates that there will be no harm caused to any existing trees on site. As such this final reason for refusal has been overcome and conditions are required on tree protection and details of hard and soft landscaping.

Highway issues

The Parish Council has raised concern regarding the potential harm to highway safety as a result of this application. However, the dwellings will utilise an existing access with good visibility onto Stapleford Road. Furthermore, the dwellings will not generate significantly more vehicle movements than the existing use as a horse riding arena. As such there will be no harm to the efficiency or safety of the public highway.

Conclusion

The revised application has overcome the previous reasons for refusal. However, it is a balanced recommendation with regards to the sustainability of providing two houses in this location, but it is previously developed land and with the changes made to the proposal compared with the previous refusal, it will not harm the visual amenities of the locality and adjacent countryside. It is therefore recommended that planning permission is granted.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: James Rogers
Direct Line Telephone Number: 01992 564 371***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

AGENDA ITEM NUMBER 11



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Application Number:	EPF/0363/15
Site Name:	214-216 High Street Epping, CM16 4AQ
Scale of Plot:	1/1250

Report Item No: 11

APPLICATION No:	EPF/0363/15
SITE ADDRESS:	214-216 High Street Epping Essex CM16 4AQ
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Martin Richards
DESCRIPTION OF PROPOSAL:	Extend retail shop at ground floor and basement to be retail use. Part conversion of ground floor shop to residential flats, conversion of first floor offices and store to flats and erection of a two storey side/rear extension to provide additional accommodation (total five flats) (Revised application following refused application ref: EPF/2372/14).
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=573816

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1458/01, 1458/02, 1458/03E, 1458/04c, 1458/05a, 1458/06A, 1458/07, 1458/08B
- 3 Prior to the occupation of the residential unit referred to as Flat 2 on the approved plans, the first floor windows within the south eastern elevation shall be blocked up and retained as such thereafter.
- 4 The two storey side/rear extension shall be externally finished in yellow stock bricks and bond to match that of the existing building. Details of the junction between the new extension and the existing red brick building shall be submitted to and approved in writing prior to the commencement of the development, and shall be carried out in accordance with the approved details.
- 5 The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
- 6 Additional drawings that show details of proposed new windows and doors, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.

- 7 The approved rooflights shall be conservation style rooflights only.
- 8 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 9 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 10 The loading/unloading area shown on the approved plan shall be retained free of obstruction for the servicing of the retail unit on the ground floor of the building.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g)) and since it is an application that includes residential development consisting of 5 dwellings or more and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(d))

Description of site:

The application site consists of the large two storey linear building located on the south eastern side of the High Street. The site currently contains a retail unit (occupied) at ground floor level with vacant offices on the first floor. The site is located within the designated Town Centre of Epping (with the shop being in the key frontage) and Epping Conservation Area. There is currently side access to the ground floor by way of a private access road between No. 214/216 and No. 218 High Street, however this access is not within the applicant's ownership and also serves the car park for No. 218 (Nationwide Building Society). There is a 'courtyard' style yard that currently provides parking, bin storage and access to the retail unit.

Adjoining the site to the southwest is No. 208-212 High Street, which has recently been redeveloped and now contains a restaurant at ground floor and eight residential flats on the first and second storeys. To the immediate rear of the site is a residential property (No. 2 Hemnall Street) that benefits from a small rear garden bordered to the northwest by the existing single storey storage area serving No. 214-216. There is a large tree within this garden that is protected due to its location within the conservation area.

Description of proposal:

Consent is being sought for a two storey side/rear extension, a roof addition and a new roof to the existing single storey rear building to allow for the extension of the retail store at ground floor and basement and for the conversion of part of the ground floor, the first floor offices and the roof area into five residential flats, with associated external alterations and development, including the erection of a detached bin store.

The proposed two storey side/rear extension would measure a maximum of 2.2m in width and 6.8m in depth and would have a hipped roof with a ridge height to match the ridge of the existing rear projection (8.5m). The proposed roof addition would infill between the existing double ridge roof on the front section of building. This would create a crown roofed infill with pitched slopes to the flank and would not extend above the height of the existing ridges.

The proposed conversion would reduce the existing retail space, which currently occupies the entire ground floor, to an area measuring a maximum of 29.2m in depth (including the kitchen and WC to the rear) and 7.1m in width. The application also proposes to open up the existing basement store/office and utilise this as part of the retail space. The remainder of the building would be utilised as five residential flats consisting of one no. 2 bed flat on the ground floor, and one no. 2 bed flat and three no. 1 bed flats on the first floor (with Flats 4 and 5 having their bedrooms located within the extended roofspace/second floor).

The application also proposes to install a new roof over the existing single storey rear projection that would be hipped and would reach a ridge height of 5.4m. The development would replace some existing ground floor doors with windows and would involve the insertion of some new flank windows on ground and first floor level, along with six rooflights within various roof slopes. The proposed flats would be served by a proposed detached bin store located within the 'courtyard' area and would retain a servicing area and side access to the ground floor retail unit.

Relevant History:

EPF/2372/14 - Extend retail shop at ground floor and basement to be retail use. Part conversion of ground floor shop to residential flats, conversion of first floor offices and store to flats and erection of a two storey side/rear extension to provide additional accommodation (total six flats) – refused 23/01/15

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built form
CP6 – Achieving sustainable urban development patterns
DBE9 – Loss of amenity
TC3 – Town centre function
HC6 – Character, appearance and setting of Conservation Areas
HC7 – Development within Conservation Areas
ST1 – Location of development
ST6 – Vehicle parking

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Consultation Carried Out and Summary of Representations Received:

8 surrounding properties were consulted and a Site Notice was displayed on 06/03/15.

TOWN COUNCIL – Object. Whilst they note that the size of the retail unit has been increased and it has been provided with a means of accepting deliveries since the original proposal, they still feel

that the proposed scheme is an overdevelopment of the site. 5 flats in this building is too many in this location.

The entrance to flats 2-5 are confused and unsatisfactory. Having the only access to 4 flats opening out onto a loading bay for a retail premises and then straight onto an access road is poor design and made worse by the fact that there is a fire escape from the basement area of the retail unit exiting into the communal area of the flats. This aspect of the scheme clearly needs attention as it is in conflict with Policy ST2 'safe, pleasant and convenient access for pedestrians'.

The basement itself is not a viable retail area as it is impossible to create disabled access into it (and there are no proposals in this scheme to do so).

In relation to the proposed flats, the Town Council does not disagree that there is scope to some residential units in this location, however the density is too great. It is the opinion of Committee that the creation of a smaller development of 3 to 4 high quality homes would enhance the location as opposed to the current scheme, which in the view of Committee will not enhance the amenity of the locality but in the medium and long term is likely to be detrimental to it.

216 HIGH STREET (SUE RYDER) – Object. The reduction of the retail space proposed by this application would mean that Sue Ryder would have to vacate the site because it would become unviable for us. I am sure the loss of a major charity retailer and the current good sized shop would reduce the attraction of the town centre to shoppers and therefore overall footfall.

EPPING SOCIETY – Object as there is still no amenity space, there is no parking provision for the flats, the only space created is allocated for deliveries, this is an overdevelopment of the site, and since there will be the loss of a business space above the retail area.

Main Issues and Considerations:

The previous application to erect a two storey side/rear extension and roof enlargement and to part convert the ground floor shop to residential flats and convert the first floor offices and store to flats was refused consent at the January 2015 meeting of Area Plans East for the following reasons:

The proposed scheme would result in the loss of a large retail unit in the town centre in terms of floor space removed. Whilst a smaller retail unit will remain, this reduction in retail floor space, and the creation of two residential flats at ground level, would result in unacceptable harm to vitality and viability of the town centre due to the loss of the large unit which would be contrary to policies in the National Planning Policy Framework and policies TC3 & TC4 of the adopted Local Plan and Alterations.

The proposed development, by reason of its lack of parking and restricted vehicular access, has no off-street parking provision for customers and delivery vehicles and fails to provide any space for the safe manoeuvring of goods vehicles making deliveries to the store, or the residential flats. Accordingly, it is contrary to policies DBE6(i) and ST6 of the adopted Local Plan and Alterations and the policies of the National Planning Policy Framework

The Minutes to the decision gave the following way forward for any resubmission of the application:-

Members felt that a possible way forward was to provide a more viable retail unit in terms of floor space and more appropriate vehicle servicing arrangements.

This proposed revised plan proposes to retain a larger amount of ground floor area for retail use and has altered the external area to allow for a service area and side access to the retail store to be retained. Therefore the main issues with the application are considered to be the effect on the vitality and viability of Epping Town Centre and with regards to parking and servicing space.

Town Centre:

The existing ground floor of the entire building is currently being utilised for retail use (albeit in parts as storage, etc.). The existing basement is being used for storage purposes associated with the existing shop (currently Sue Ryder charity shop). The proposed development would change the use of the rear section of the ground floor from retail storage use to residential use and would retain the front of the site and basement for retail purposes. The two storey extension would increase the floor area of the front section of the building and the intention is to open up and utilise the basement as part of the retail floor area of the shop.

The level of retained retail floor area would be roughly the same as the existing public retail floor area since the rear section proposed for conversion is the current storage area, and the floor space lost through the installation of a kitchen and toilet would be balanced out by the proposed extension. The application also proposes to utilise the existing basement area as part of the shop. Whilst basement retail areas are commonplace in many areas (such as central London) they are not commonplace within Epping and there would undoubtedly be concerns and issues with such a use (such as disabled/pram access to this area, security). It is far more likely that the basement would be utilised as a stock/storage room than retail floorspace since the existing storage space to the rear of the site would be lost to residential development. Given that the existing public retail area of the shop would be retained for retail purposes (173m²), and storage space could be utilised within the basement area (66m²) it is considered that the proposed change of use of the rear section of the site would no longer result in unacceptable harm to the vitality and viability of the town centre due to the loss of the large unit. Therefore the revised proposal complies with the National Planning Policy Framework and Local Plan policies TC3 and TC4.

With regards to the proposed change of use of the rear ground floor and upper storeys to five flats, paragraph 23 of the NPPF highlights that Local Planning Authorities should, amongst other factors, "*recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites*". The application site is located within Epping town centre, which is one of the larger built up towns within the District and is well served by local services and amenities, and has good public transport links. The 'golden thread' that runs through the NPPF in terms of both plan-making and decision-taking is the presumption in favour of sustainable development.

The existing first floor offices and meeting rooms can only be accessed through the existing retail unit at ground floor level and therefore is considered by the applicant to be "*effectively redundant space*". Whilst there is a possibility that separate access could be obtained to this area through some internal alterations the current offices are nonetheless vacant and could be converted into two residential flats without needing planning consent. One of the aims of Central Government allowing such changes under permitted development is to facilitate the conversion of units to alternative uses to ensure the planning system plays a part in kick-starting growth and aiding the emergence of the British economy from recession. These permitted development rights include the ability to change an A2 office (or the upper floors of an A1 retail unit) into up to two flats, or to change the use of B1 (offices) into as many residential units as can be accommodated.

Concern has been raised by the Town Council that the provision of five residential flats would constitute an 'overdevelopment' of the site and they suggest that 3-4 units would be more appropriate. Paragraph 23 of the NPPF still suggests that Local Authorities should set policies to protect the vitality and viability of town centres, albeit in a more flexible way than previously required, and countless reports point to the fact that in the near future town centres "*should*

become community hubs with housing, education, entertainment and leisure facilities” (The Planner November 2013). The recent changes to permitted development allow for a much more multi-faceted town centre where the Local Planning Authority has less control over intended use, which should instead be led by market forces. As such it is considered that the principle of residential development within this type of location is considered to accord with this presumption and therefore this should be afforded significant weight.

Parking:

The Essex County Council Vehicle Parking Standards (2009) recommends that a residential scheme such as this should be served by nine parking spaces (which equates to 2 x spaces for each two bed flat, 1 x space for each of the one bed flats and 2 x visitor spaces), however it does state that *“a lower provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities”*. The Standards also state that *“in all cases provision should be made for the parking and turning of service vehicles, serving the site, off the highway”*.

This revised application proposes to retain an area of the existing side yard for use as a loading/unloading servicing area with side access into the retail unit (and access directly into the basement by way of the fire escape). The applicants appear to have a right of access to this yard. This revised site layout would be sufficient to allow for adequate servicing of the retail area and can be conditioned so that this area has to remain open and free of obstruction for this purpose. It is therefore considered that the provision of this servicing area would overcome the previous reason for refusal with regards to the lack of such a loading area.

Despite the previous reason for refusal, no off-street parking provision is proposed to serve the flats. Notwithstanding the previous decision, a residential development within a sustainable location such as this can be considered acceptable as a zero parking scheme. A similar example of this was agreed by the Planning Inspectorate on application ref: EPF/1924/12 for No. 261 High Street, Epping, which proposed the conversion of first floor offices and a bedsit into four flats. Within the appeal decision for No. 261 High Street the Inspector stated that:

No off-street parking is associated with the proposal. According to the appellants undisputed calculations, under the standards there would be a requirement for 5 spaces for the existing uses and 6 for the proposal. The parking standards document identifies that the standards can be reduced in town centre locations with good access to public transport.

The site is located within Epping Town centre. This is agreed to be a sustainable location with ready access to facilities. Notwithstanding that the existing uses are long-established, the parking demand generated by the proposal is unlikely to be significantly greater than that resulting from these uses. In this context the application of a relaxation from the normal standards would favour allowing the proposal, and there is no material conflict with the development plan in this respect.

In addition, the proposal would be a sustainable development which warrants support according to the National Planning Policy Framework. This advises that development should only be refused on transport grounds where the residual cumulative impacts are severe. There is no evidence to suggest that there would be such an impact in this case.

Therefore it is not considered that the lack of off-street parking provision in this highly sustainable location would warrant a refusal of planning consent in this instance.

Other matters:

Design:

The proposed extension and external alterations would be in keeping with the existing building. Whilst the proposed roof addition would have a flat topped crown roof this would not be visible from public view and therefore is not considered detrimental to the character of the conservation area.

The provision of a new roof over the existing single storey rear section of the building would remove the existing mono-pitched roof that is considered an eyesore and as such this element of the proposed development would be beneficial to the overall appearance of the conservation area. The external materials would need to match those of the existing building and the details of the proposed new doors and windows would need to be agreed, however these matters can be dealt with by conditions.

Amenity considerations:

The introduction of residential use on the upper storeys and the proposed new windows would introduce a different form of overlooking from an office use (since residential use would introduce activity at more sensitive times such as evenings and weekends), however the windows serving the proposed residential flats are all within the north eastern elevation (with the exception of the front first floor windows and rooflights). Since the property overlooked by this elevation appears to consist of an A2 use at ground floor with offices above, and there are very few windows within the overlooked elevation, the proposal would not result in any undue loss of privacy or overlooking.

To the immediate rear of the site is a residential property (No. 2 Hemnall Street), which has a small garden area immediately bounded by the existing single storey rear section of the application site. Whilst the introduction of a new roof on this building would result in some additional bulk the eaves height immediately adjoining this neighbour would be approximately 200mm lower than the existing height of the monopitched roof and would slope away from the neighbour's site, plus this would be a more visually appealing roof than existing. The existing first floor rear windows in the building would be removed and no new windows would overlook this neighbour's property. Therefore the proposed development would have a beneficial impact on the amenities of the neighbouring residents.

Despite the provision of a very small 'courtyard' area providing access to Flat 1, which would not constitute useable amenity space, future residents of the proposed flats would not benefit from any private or communal amenity space. However this is not unusual for flats such as these located within a town centre, as can be seen on the recently constructed flats at No. 208-212. As such it is not considered that the lack of amenity space would constitute a reason to refuse consent for the proposed development.

Landscaping:

There is a large tree located within the rear garden of the adjacent neighbour (No. 2 Hemnall Street) that is protected due to its location within the conservation area. It is not considered that the proposed development would have any detrimental impact on the health or wellbeing of this tree.

Flood risk:

The application site lies partially within an Epping Forest District Council flood risk assessment zone, however it would cause no increase in surface water runoff. Further details regarding surface water drainage are required, which can be dealt with by way of a condition.

Conclusion:

The principle of redeveloping the site for a mixed use of residential and retail use is considered appropriate to this site and it is accepted that residential use within town centres can be equally beneficial to the overall vitality and viability as offices. The revised layout and retention of the larger ground floor retail use and external servicing area would adequately overcome the previous reasons for refusal on EPF/2372/14.

Although there would be no off street parking provision or amenity space to serve the proposed flats this is not unusual for locations such as this. Therefore it is considered that the lack of parking and amenity space is considered acceptable in this instance.

The proposed development would not be detrimental to the character and appearance of the conservation area, the amenities of neighbouring properties, or the health and wellbeing of the neighbour's tree.

The suggested way forward by this committee has been followed by the applicant's latest application before you and it is considered that the proposed development is in accordance with the relevant policies within the Adopted Local Plan, which are consistent within the National Planning Policy Framework, and the application is therefore recommended for approval.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk