

## *committee agenda*



# **Epping Forest District Council**

## ***District Development Control Committee Tuesday, 5th October, 2010***

**Place:** Council Chamber, Civic Offices, High Street, Epping

**Time:** 7.30 pm

**Democratic Services Officer:** Simon Hill, The Office of the Chief Executive  
Tel: 01992 564249 Email: [shill@eppingforestdc.gov.uk](mailto:shill@eppingforestdc.gov.uk)

### **Members:**

Councillors B Sandler (Chairman), G Mohindra (Vice-Chairman), A Boyce, Mrs P Brooks, K Chana, D Dodeja, C Finn, Mrs R Gadsby, A Green, J Hart, J Markham, Mrs M McEwen, R Morgan, H Ulkun and J Wyatt

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**A BRIEFING WILL BE HELD FOR THE CHAIRMAN, VICE-CHAIRMAN AND GROUP SPOKESPERSONS OF THE COMMITTEE, AT 6.30 P.M. IN COMMITTEE ROOM 1 PRIOR TO THE MEETING**

### **1. WEBCASTING INTRODUCTION**

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chief Executive will read the following announcement:

“This meeting will be webcast live to the Internet and will be archived for later viewing. Copies of recordings may be made available on request.

By entering the chamber’s lower seating area you consenting to becoming part of the webcast.

If you wish to avoid being filmed you should move to the public gallery or speak to the webcasting officer”

**2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 5 - 6)**

General advice to people attending the meeting is attached together with a plan showing the location of the meeting.

**3. APOLOGIES FOR ABSENCE**

**4. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.

**5. DECLARATIONS OF INTEREST**

(Assistant to the Chief Executive) To declare interests in any item on this agenda.

**6. MINUTES (Pages 7 - 10)**

To confirm the minutes of the last meeting of the Committee held on 3 August 2010 (attached).

**7. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

**8. PLANNING APPLICATION EPF/1237/10 - 41 LONDON ROAD, STANFORD RIVERS - SIDE EXTENSION TO BUNGALOW AND LOFT CONVERSION INCLUDING 3 REAR DORMER WINDOWS (AMENDED APPLICATION) (Pages 11 - 16)**

(Director of Planning and Economic Development) To consider the attached report.

**9. PLANNING APPLICATION EPF/1370/10 - LAND AT BRENT HOUSE FARM, HARLOW COMMON, NORTH WEALD - DEMOLITION OF BUILDINGS AND RELATED USES AND CONSTRUCTION OF EIGHT RESIDENTIAL DWELLINGS. (Pages 17 - 36)**

(Director of Planning and Economic Development) To consider the attached report.

**10. EXCLUSION OF PUBLIC AND PRESS**

**Exclusion:** To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the

Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

**Confidential Items Commencement:** Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

**Background Papers:** Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

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## **Advice to Public and Speakers at Council Planning Subcommittees**

### **Are the meetings open to the public?**

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

### **When and where is the meeting?**

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and members of the Subcommittee.

### **Can I speak?**

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting.** Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak, you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

### **Who can speak?**

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

Sometimes members of the Council who have a prejudicial interest and would normally withdraw from the meeting might opt to exercise their right to address the meeting on an item and then withdraw.

Such members are required to speak from the public seating area and address the Sub-Committee before leaving.

### **What can I say?**

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

If you are not present by the time your item is considered, the Subcommittee will determine the application in your absence.

### **Can I give the Councillors more information about my application or my objection?**

**Yes you can but it must not be presented at the meeting.** If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website [www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk). Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

### **How are the applications considered?**

The Subcommittee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

### **Further Information?**

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

## EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** District Development Control Committee    **Date:** 3 August 2010

**Place:** Council Chamber, Civic Offices, High Street, Epping    **Time:** 7.30 - 7.45 pm

**Members Present:** B Sandler (Chairman), G Mohindra (Vice-Chairman), A Boyce, K Chana, C Finn, Mrs S Jones, J Markham, Mrs M McEwen, R Morgan and J M Whitehouse

**Other Councillors:** -

**Apologies:** Mrs P Brooks, D Dodeja, Mrs R Gadsby, A Green, J Hart and J Wyatt

**Officers Present:** S G Hill (Senior Democratic Services Officer), G J Woodhall (Democratic Services Officer) and S Solon (Principal Planning Officer)

### 9. WEBCASTING INTRODUCTION

The Assistant to the Chief Executive reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

### 10. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Committee noted that Councillor J M Whitehouse was substituting for Councillor P Brooks and that Councillor S Jones was substituting for Councillor A Green at the meeting.

### 11. DECLARATIONS OF INTEREST

No declarations of interest were made pursuant to the Council's Code of Conduct.

### 12. MINUTES

**Resolved:**

That the minutes of the meeting held on 8 June 2010 be taken as read and signed by the Chairman as correct record.

### 13. ANY OTHER BUSINESS

There was no further business to be considered at the meeting other than that specified on the agenda.

**14. PLANNING APPLICATION EPF/0504/10 - MATTHEWS YARD, HARLOW ROAD, MORETON**

The Committee considered an application referred to it by Area Planning Subcommittee East its meeting on 2 June 2010 with a recommendation that planning permission be granted. The application sought approval for demolition of existing dwellings and the erection of 7 dwellings at Matthews Yard, Moreton, currently the site of one dwellings and a commercial building.

The Subcommittee had recommended approval to the application but had asked that officers seek a view from the developer to see if a contribution towards the provision of affordable housing was possible.

The committee noted the response to the request from the developer as to the viability of the scheme and noted that they had now agreed to contribute towards proposed highways improvement works and that this would be controlled by an additional condition. The applicant had also signed a unilateral undertaking relating to the rear of the site and removal of hardstandings and buildings on that land.

The Committee concurred with the view of the Subcommittee that the scheme was acceptable given the improvement to the site and green belt land.

The Committee agreed it had been demonstrated that a requirement to make a contribution to the provision of affordable housing in connection with this particular scheme would result in the scheme becoming unviable with the consequence that its benefits for the locality would not be realised.

**Resolved:**

That subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the cessation of the existing transport yard use of land to the rear of the site and the removal of hardstanding and buildings and restoration to grass, planning permission be granted subject to the following 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. Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
3. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes, A, B, C, and E shall be undertaken without the prior written permission of the Local Planning Authority.
4. Prior to the commencement of the development details of the proposed surface materials for the access and parking areas. shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.



5. The carriageway of the proposed estate road shall be constructed prior to the commencement of the erection of any dwelling proposed to have access from such a road. The footways commensurate with the frontage of each dwelling shall be completed prior to occupation of the dwellings they are to serve.

6. 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 (staff) and visitors vehicles.

7. Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted. Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

8. All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the 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.

9. Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

10. The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting,

or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority. The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

11. Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.

12. Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garages hereby approved shall be retained so that they are 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.

13. Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.

14. Before any preparatory demolition or construction works commence on site a mitigation strategy for the site shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.

15. The development hereby approved shall not be commenced until measures have been secured to enable the provision of highway improvements to the locality necessitated by the development.

REASON: To ensure improvements to the highway adjacent to the site to facilitate pedestrian movement in the interests of achieving sustainable development and in the interests of highway safety.

**CHAIRMAN**

## **Report to District Development Control Committee**

**Date of meeting: 5<sup>th</sup> October 2010**



**Epping Forest  
District Council**

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**Subject: Planning Application EPF/1237/10 – 41 London Road, Stanford Rivers  
- Side extension to bungalow and loft conversion including 3 rear dormer windows (Amended application)**

**Officer contact for further information: K Smith Ext 4109  
Committee Secretary: S Hill Ext 4249**

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### **Recommendation:**

**That the Committee agrees the recommendation to grant planning permission subject to the following 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 extension, shall match those of the existing building.**
- (3) A line of ridge tiles shall remain across the full width of the roof of the main dwelling. As shown on the approved plan (50210/03 rev.D) the rear dormer windows shall be located below the ridge tiles.**

### **Report Detail**

1. This application was reported to Area Plans East on Wednesday 4<sup>th</sup> August 2010. Members of that Committee sought clarification of the Council's Green Belt policy and referred the application to the District Development Control Committee for determination.

### **Planning Issues**

2. The report that was prepared for the Area Planning Committee is attached.
3. With regard to clarification of the relevant Green Belt planning policies, applications for residential extensions are considered against policy GB2A of the adopted Local Plan and Alterations, which identifies 'a limited extension to an existing dwelling' as an appropriate development within the Green Belt. This policy basis differs from that which was applied to the extant planning permission for a similar development in April 2009 (which was also subject to Policy GB14A but was not saved in the July 2009 review of the Local Plan Alterations).
4. When the extant planning permission (EPF/0432/09) was granted, some consideration was given to the volume of the existing garages, which were required to be demolished to facilitate the proposed extension. This formed part of the

Officer's assessment, as necessitated by the then relevant policy GB14A. As Members of Plans East correctly observed, had these garages been demolished prior to the consideration of that planning application, their volume would not have been taken into consideration in the calculation.

5. The garages have now been demolished. However, this current planning application must be considered in relation to all material considerations, at this time. Planning Policy is clearly a relevant consideration and as discussed above, policy GB2A identifies 'a limited extension to an existing dwelling' as an appropriate development within the Green Belt. Bearing in mind the loss of the garages, it may be argued (as advocated by the Parish Council) that the extension is no longer 'a limited extension' in relation to the *existing* dwelling. However, another material consideration is the extant planning permission, upon which development has commenced. This provides the applicant with a likely fall-back position, under which a very similar extension, of an equal size, could be constructed. In the Planning Officer's opinion, this fall back position provides justification for allowing this proposed development within the Metropolitan Green Belt.

### **Conclusion**

6. Should the Committee grant planning permission it should be subject to conditions requiring the commencement of the development within three years, the use of matching external materials and a condition requiring that a line of ridge tiles remain above the proposed dormer windows.

**Extract from Planning Schedule of Area Plans Subcommittee East**

<b>APPLICATION No:</b>	EPF/1237/10
<b>SITE ADDRESS:</b>	41 London Road Stanford Rivers Ongar Essex CM5 9PH
<b>PARISH:</b>	Stanford Rivers
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mr Kevin Cole
<b>DESCRIPTION OF PROPOSAL:</b>	Side extension to bungalow and loft conversion including 3 rear dormer windows (Amended application)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**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 extension, shall match those of the existing building.

*This application is before this Committee since the recommendation differs from the anticipated views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).*

**Description of Proposal:**

This application seeks planning permission for a side extension and loft conversion to the bungalow which, although material changes, would be very similar to the plans which were approved in April last year. The extension would be approximately 7.6 metres in width and would have a hipped roof. The loft space of both the existing building and proposed extension would be used to provide habitable accommodation. Three pitched roof dormers are proposed in the rear roof slope and roof lights are proposed in the front and side roof slopes.

The notable changes between this proposal and the approved scheme are:

- fenestration changes;
- the slightly lowered position of the rear dormers;
- alterations to the internal layouts at ground and first floor (including the enlargement of the space used as habitable accommodation at first floor level) and
- alteration to the front elevation consisting of a relocated gable projection.

It is the fenestration revisions and relocated gable which are the variations that are considered to be material deviations from the approved plans.

The last application, which was refused permission earlier this year proposed the addition of a full gabled roof to the proposed extension and an additional rear dormer. These elements are removed from this revised application.

### **Description of Site:**

The application property is a semi detached dwelling which is currently similar in size and style to the adjacent dwelling. The site is bordered to the south by an industrial building and separated from it by 2.0m fencing. The rear of the site is well screened by existing tree cover. The entire site is within the Metropolitan Green Belt.

### **Relevant History:**

EPF/0605/85 - Detached garage. Grant Permission (with conditions) - 07/06/1985.

EPF/0930/07 - Single storey side extension. Grant Permission (With Conditions) - 19/06/2007.

EPF/0963/08 - Single storey side extension to replace existing detached garages. (Amended application). Withdrawn Decision - 18/06/2008.

EPF/0432/09 - Side extension to bungalow and loft conversion incorporating 3 rear dormer windows. Grant Permission (With Conditions) - 16/04/2009.

EPF/1731/09 - Side extension with integral garage and loft conversion with dormer window to rear. (replacing existing garages.). Withdrawn Decision - 26/09/2009.

EPF/0265/10. Side extension including integral garage and loft conversion with rear dormer windows. Refused 31/03/2010.

### **Policies Applied:**

#### **Adopted Local Plan and Alterations**

CP2 – Protecting the Quality of the Rural and Built Environment.

DBE4 – Design in the Green Belt.

DBE9 – Loss of Amenity.

DBE10 – Design of Residential Extensions.

GB2A – Development in the Green Belt.

### **Summary of Representations:**

Notification of this application was sent to Stanford Rivers Parish Council and to 6 neighbouring properties.

This consultation does not close until 2<sup>nd</sup> August. Accordingly any comments received will be verbally reported at the Committee meeting. The Parish Council objected to the previous planning application.

14 GARDENFIELDS. Objection. Loss of privacy to rear garden as the rear facing dormers will overlook our property. Also potential overlooking into our lounge. Also concerned that the size of the extension would double the existing footprint and be out of character in the green belt.

## **Issues and Considerations:**

The main issues in this case are:

- the impacts of the proposed development on the amenities presently enjoyed by the occupiers of neighbouring dwellings;
- the acceptability of the design in relation to the character and appearance of the area; and
- the impacts on the open and rural character of the Metropolitan Green Belt.

### **Neighbouring Amenity**

The alterations to the approved scheme are such that there would not be any additional harm to the amenities of the occupiers of neighbouring dwellings. The proposed dormer windows are in similar positions to the approved plans, but would be at a slightly lower level (by approximately 10 cm).

The concerns of the occupiers of 14 Gardenfields are noted. However, the dormers would be positioned over 20 metres from the rear boundary of the site with this property and as a result of this distance it is not considered that the level of overlooking would be material.

### **Character and Appearance**

The overall design of this proposal reflects that of the existing dwelling. It is not considered that the alterations to the approved scheme increase the impact of the proposed development on the character and appearance of the area. To the contrary, it is considered that the relocated gable on the front elevation improved the balance of the property, by adding some symmetry.

The application drawings show that the overall roof of the building would be slightly lower than shown in the approved drawings. As both sets of drawings show that the ridge line of the extension would be in line with both the existing dwelling and adjoining semi, it is considered that this is just a discrepancy between plans. It is, however, considered to be important that the proposed rear dormers do not protrude above the ridge. This element of the design may be secured by the use of a planning condition, requiring that the dormers sit below the ridge tile, as shown on the submitted plans.

### **Green Belt**

The site is located within the Green Belt, where limited extensions to residential properties are acceptable. The bulk of the proposed extension remains similar to that of the approved scheme, which proposed additions resulting in an increase of approximately 47% to the original dwelling.

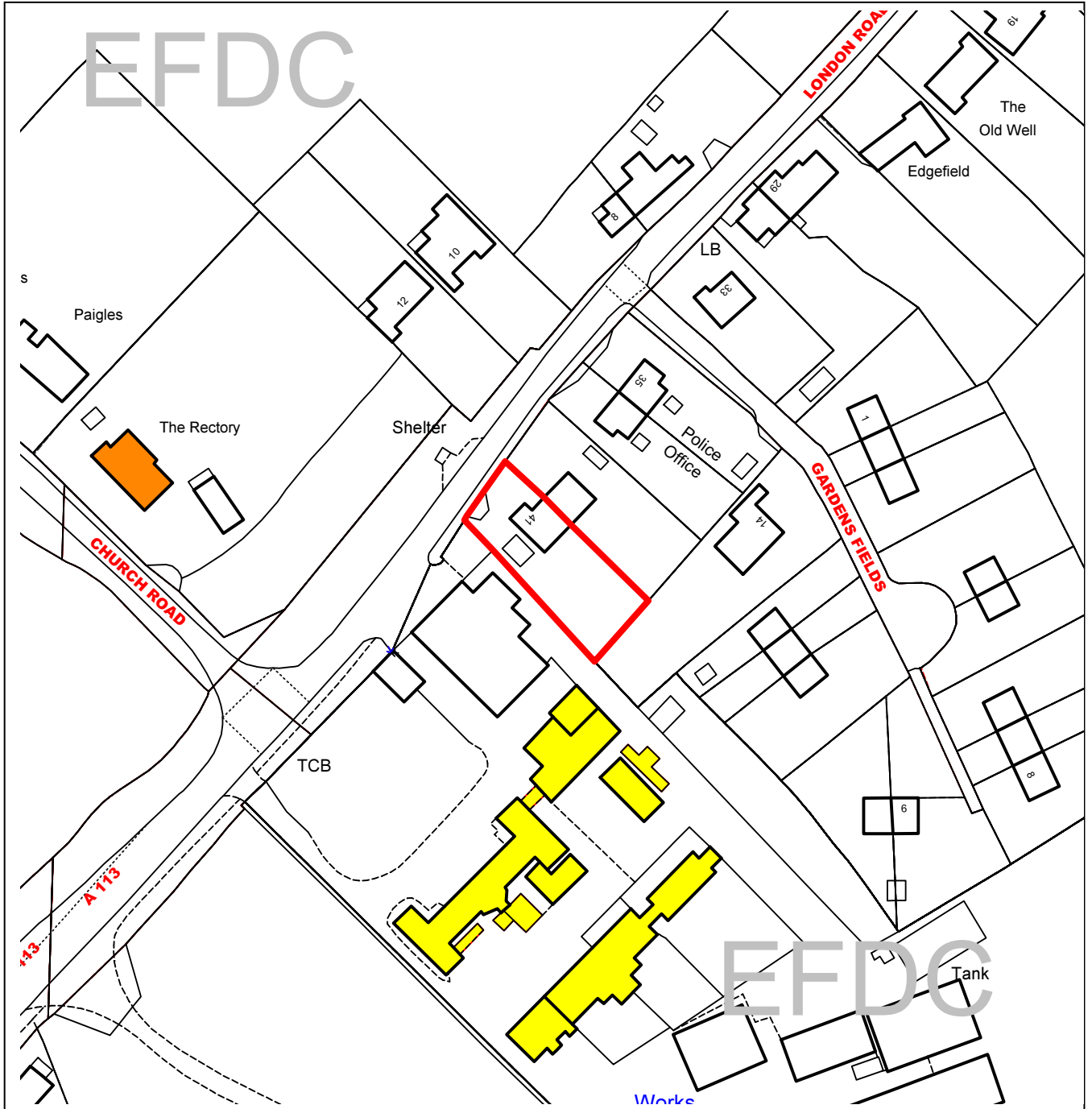
## **Conclusion:**

In light of the above appraisal, it is considered that the minor alterations to the approved plans will not result in any material harm to either the amenities enjoyed by the occupiers of neighbouring dwellings or to the character and appearance of the street scene or to the open character of the Metropolitan Green Belt. It is, therefore recommended that planning permission be granted.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>5</b>
Application Number:	EPF/1237/10
Site Name:	41 London Road, Stanford Rivers CM5 9PH
Scale of Plot:	1/1250





## **Report to District Development Control Committee**

**Date of meeting: 5 October 2010**

**Subject: Planning Application EPF/1370/10 – Land at Brent House Farm, Harlow Common, North Weald - Demolition of buildings and related uses and construction of eight residential dwellings.**

**Officer contact for further information: N Richardson Ext 4110  
Committee Secretary: S Hill Ext 4249**

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### **Recommendation(s):**

**That the Committee agrees the recommendation of Area Plans Sub-Committee East to grant planning permission subject to:**

**(a) a planning obligation through Section 106 of the Town and Country Planning Act 1990 to secure the following contributions, to be completed within 6 months of the date of this decision:**

- £50,000 contribution towards off-site affordable housing provision, and**
- £50,000 contribution to be transferred to North Weald Parish Council to be spent on community benefit in the local area,**

**(b) the following 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 development or preliminary groundworks of any kind shall take place until the applicant/developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.**

**Reason:- The site lies a short distance from previous archaeological findings where any remains are irreplaceable and are an interest of acknowledged importance which may be highly vulnerable to damage or destruction. Unless the Local Authority is satisfied that a proper scheme for investigation has been agreed the remains should be left undisturbed.**

- (3) Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.**

**Reason:- To ensure a satisfactory appearance in the interests of visual amenity.**

- (4) Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.**

**Reason:- To avoid the deposit of material on the public highway in the interests of highway safety.**

- (5) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B, C and E shall be undertaken without the prior written permission of the Local Planning Authority.**

**Reason:- The site is within the Metropolitan Green Belt and permission is only granted due to very special circumstances. Additions and outbuildings may have an adverse impact on the openness of the this part of the Green Belt and/or the character of the area and therefore the specific circumstances of this site warrant the Local Planning Authority having control over any further development.**

- (6) Prior to the commencement of the development details of the proposed surface materials for the access, turning and parking areas shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.**

**Reason:- To ensure that a satisfactory surface treatment is provided in the interests of highway safety and visual amenity.**

- (7) A flood risk assessment 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 programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment.**

**Reason:- The development is of a size where it is necessary to avoid generating any additional flood risk downstream of the storm drainage outfall.**

- (8) Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should**

any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

Reason:- Since the site has been identified as being potentially contaminated and to protect human health, the environment, surface water, groundwater and the amenity of the area.

- (9) Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

Reason: To enable appropriate consideration to be given to the impact of the intended development upon adjacent properties.

- (10) Prior to occupation of the proposed development, the applicant/developer shall be responsible for the provision of a Travel Information and Marketing Pack for sustainable transport to be approved by the Local Planning Authority in liaison with Essex County Council.

Reason: In the interests of promoting sustainable development and transport in accordance with policy in F.32 in the Essex Road Passenger Transport strategy 2006/11.

- (11) The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting

including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development.

- (12) The development, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction-Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

The statement must explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the LPA.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

Reason:- To comply with the duties indicated in Section 197 of the Town & Country Planning Act 1990 so as to ensure that the amenity value of the existing tree is potentially maintained by the provision of an adequate replacement tree.

- (13) Before any preparatory demolition or construction works

commence on site, a mitigation strategy for the site shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.

Reason: The submitted initial ecology assessment dated July 2009 as submitted by ELMAW Consulting , reveals no protected species present, but all new development should minimise damage to biodiversity to accord with PPS9: Biodiversity and Geological Conservation.

- (14) Details of trees, shrub and hedges present around the perimeter of the site to be retained shall be submitted to and agreed in writing to the Local planning Authority, prior to work commencing on site, inclusive of site clearance. No tree, shrub, or hedge which are shown as being retained on the agreed details/plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (B.S.3998: 1989).

If any tree 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 shall be planted at the same place, and that tree, shrub, or hedge shall be of such size, specification, and species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree 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.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, to ensure a satisfactory appearance to the development, reduce its visual impact on the openness of the surrounding countryside and safeguard the amenities of the adjacent occupants of the neighbouring house to the immediate east of the site.

#### **Report Detail**

1. This application has been referred by the Area Plans Sub Committee East with a recommendation for approval, following their meeting held on 15 September 2010. The report to the sub-committee carried a recommendation from officers to approve planning permission and the planning merits of the case.

## Planning Issues

2. The report that was prepared for the Area Planning Committee is attached.

3. Sub-Committee East agreed that the development represented in principle inappropriate development in the Metropolitan Green Belt, but considered that there were unusual very special circumstances that merited the development in outweighing any harm to Green Belt openness. In particular, it gave great weight to the following:

- The application site is brownfield, being commercial in nature.
- A Lawful Development Certificate has been issued, confirming that the lawful use of the application site is for car related uses (vehicle repairs, breaking, storage, servicing), which can operate on the whole of the application site without restriction, i.e. 24 hours a day and seven days a week.
- A substantial operator tenant, seeking a location in the Harlow area with proximity to the motorway junction, is prepared to operate the site as a car breakers yard, particularly as it has no planning restrictions and could operate at all times.
- Residential development will bring forward amenity benefits to local residents.
- The application proposals would repair land in the Green Belt and improve the openness of the Green Belt.
- That the scheme would remove the existing lawful use, for a garage and transport yard, unrestricted by planning conditions that could otherwise be recommenced with significantly adverse impact on residential amenity and traffic flows.
- That the proposed development has less visual impact on openness than the current situation.
- The site is heavily screened from public vantage points and the buildings and the remaining open use of the site, which has a lawful non-conforming and potentially unneighbourly use, harms the openness of the Green Belt.
- The housing development was attractive and in keeping with local vernacular style and design.
- It was supported by the Parish Council and letters of support and no objections from the local community. (a late representation from Robert Halfon MP for Harlow, supporting the planning application, was verbally reported at the meeting).

4. Conclusive support of the application from the Committee members left only a debate on how the £100,000 planning contribution being offered by the applicant towards affordable housing should be best served for the local community. The Parish Council addressed the Members and put forward a strong argument of how the contribution could be used locally, including refurbishment work to Hastingwood

Village Hall (£60,000). The Sub-Committee agreed that the contribution should be split equally, so that £50,000 should go towards affordable housing projects in the district and £50,000 to North Weald Parish Council for local projects.

### **Conclusion**

5. Should the Committee grant planning permission it should be subject to the list of conditions that were reported to Plans Sub-Committee East and the financial planning obligation to be controlled by a legal agreement.

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## Extract from Area Plans East Agenda of 15 September 2010

<b>APPLICATION No:</b>	EPF/1370/10
<b>SITE ADDRESS:</b>	Land at Brent House Farm Harlow Common North Weald Essex CM17 9ND
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>APPLICANT:</b>	C K Property Investments
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of industrial buildings and associated structures, removal of authorised use of site for car repair, storage and related uses, and replacement with construction of eight residential dwellings, together with associated parking and landscaping.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=519534](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=519534)

### 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 development or preliminary groundworks of any kind shall take place until the applicant/developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
- 3 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 4 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of

Part 1, Class A, B, C and E shall be undertaken without the prior written permission of the Local Planning Authority.

- 6 Prior to the commencement of the development details of the proposed surface materials for the access, turning and parking areas shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.
- 7 A flood risk assessment 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 programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment.
- 8 Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

- 9 Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 10 Prior to occupation of the proposed development, the applicant/developer shall be responsible for the provision of a Travel Information and Marketing Pack for sustainable transport to be approved by the Local Planning Authority in liaison with Essex County Council.
- 11 The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

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The statement must explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the LPA.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

- 13 Before any preparatory demolition or construction works commence on site, a mitigation strategy for the site shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.

- 14 Details of trees, shrub and hedges present around the perimeter of the site to be retained shall be submitted to and agreed in writing to the Local planning Authority, prior to work commencing on site, inclusive of site clearance. No tree, shrub, or hedge which are shown as being retained on the agreed details/plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (B.S.3998: 1989).

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hedge shall be of such size, specification, and species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree 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.

*This application is before this Committee since it is an application for residential development of 5 dwellings or more and is recommended for approval (Pursuant to Section CL56, Schedule A (d) of the Council's Delegated Functions).*

### **Description of Proposal:**

The proposed development is for the demolition of a number of industrial buildings and large expanse of hard standing, including removal of long standing derelict caravans, scrap and rubbish, to be replaced by a proposed residential development of eight detached two-storey dwellings, consisting of a mix of three and four bedrooms, plus car parking.

### **Description of Site:**

The application site is located 150m south of Harlow Common, via an existing access road which at its top end serves an existing residential house, Brent House Farm. The access road continues beyond this house and its numerous outbuildings, along the western boundary and into a 0.8 hectare site consisting of six long established buildings on the site, which originally served as agricultural buildings when first built in 1958. However, it was established by a 1969 appeal that the buildings had been used for car repairs and associated use since 1963. These and the rest of the site were occupied and used up until a year ago for car, plant and machinery related purposes, including repair, breaking, storing and servicing, until the previous owner of the site went into administration.

The site boundary is heavily vegetated with trees and shrubs. It is in a rural Green Belt location where there are a scattering of residential dwellings. It is just east of the M11 motorway, set further east, but parallel, with a group of houses in Mill Street. South of the site, beyond the vegetation, are open fields. To the east of the site there is a large house in substantial grounds, known as Waterlees.

### **Relevant History:**

1958 - buildings built for agricultural purposes.

1969 - appeal against the serving of an enforcement notice in respect of unauthorised car repair, storage at the site - vehicle related use had continued since 1963 and had become "established" - appeal quashed.

EPF/2212/09 - Lawful Development Certificate – Use of existing units and adjoining land for the service, repair, maintenance and storage of motor vehicles, plant and machinery and/or parts of motor vehicles, plant and machinery – Agreed use to be lawful, December 2009

### **Policies Applied:**

#### **Local Plan Policies:**

DBE1 Design of New Buildings

DBE2 Detrimental Effect on Existing Surrounding Properties  
DBE4 Development in the Green Belt  
DBE6 Car Parking  
DBE8 Private Amenity Space  
DBE9 Loss of Amenity for Neighbouring Properties  
LL10 Adequacy of Provision for Retention of Landscaping  
LL11 Landscaping Schemes  
CP1 Sustainable Development  
CP2 Protecting the Quality of the Rural and Built Environment  
CP3 New Development  
H1A Housing Land Availability  
GB2A Development in Green Belt  
GB7A Conspicuous Development  
GB16A Affordable Housing  
E4A Employment  
I1 Planning Obligations

### **SUMMARY OF REPRESENTATIONS:**

17 neighbouring properties were consulted and a site notice erected at the front of the site on Harlow Common.

NORTH WEALD PARISH COUNCIL - Strongly support, subject to the withdrawal of the already issued Certificate of Lawful Development and a section 106 agreement which would benefit the community of Hastingwood. Subsequent comments received: The Developer has offered a Commuted Sum of £100,000 but confirm that the site is not suitable for affordable housing. There is No Affordable Housing Need in Hastingwood. However the proposed commuted sum which is being suggested by the developer would be of immense benefit to the community of Hastingwood. The Village Hall in Hastingwood is well used however it is in urgent need of refurbishment and the Parish Council has assisted in the last two years with grant aid. This money could be used to refurbish the hall for the benefit of the residents of Hastingwood. The Parish Council would be happy to hold and administer the money.

Letters of support or no objections have been received from the following:

HASTINGWOOD ACTION GROUP - Support, existing car business use of site off little more than a country lane would be out of place in the countryside and rural settlement particularly as associated large and heavy commercial vehicles would make the site an eyesore that detracts from the Green Belt. Local Plan policy E4A makes clear that housing is preferred option on redundant employment land and is in a well established settlement. Traffic associated with proposed use would be less, lighter, quieter and less harmful environmentally. Type of housing much needed in the area, well designed and in keeping.

WILLOW COTTAGE, HASTINGWOOD ROAD - Support change of use, current alternative of HGV vehicles using country lanes from the site is not acceptable.

1 HASTINGWOOD VILLAS, HASTINGWOOD ROAD - Support change of use, alternative of heavy vehicles using our country lanes and destroying our roads is unthinkable.

AMBER COTTAGE, HASTINGWOOD ROAD - Support, as above.

THE BUNGALOW, MILL STREET - Support, as above.

GREENWAYS FARM, FOSTER STREET - Support, as above.

MILL LODGE, MILL STREET - No objection to proposed houses, but object to lawful use of site as a scrap yard/breakers business. Roads not suitable for more large lorries/ heavy plant.

1 WALNUT COTTAGES, MILL STREET - No objection to building of houses on this brownfield site as it will remove the unauthorised use of the site for car repairs, storage and related uses. Over

past years have had no end of disturbance from the site through banging and crashing. Do object to houses on undeveloped land or farmland.

4 WALNUT TREE COTTAGES - Horrified at thought site can become a breakers yard because of noise, pollution and safety. Roads too narrow with little visibility ahead because of twists and turns in the road. No objection to domestic housing and therefore endorse the proposal.

LITTLE CAM, MILL STREET - Eight houses would certainly be more preferable than the lawful car and motor vehicle business, which would be detrimental to this area.

WOODLANDS, MILL STREET - Object to site being used as a car breakers business, which is not fitting for the countryside and the people who live in such a rural area; support therefore the development houses on the site.

DORSELY HOUSE, FOSTER STREET - Support houses, as the authorised use as a breakers yard would make roads here heavy with traffic, ruin the edges of the lanes.

GREENWOOD, MILL STREET - Car breakers is totally inappropriate as would lead to increase in traffic and heavy vehicles. Support better use as a housing development.

THE LINKS, FOSTER STREET - In favour of the proposed development for residential housing. Most certainly NOT in favour of keeping the site for industrial use and all of the unpleasantness this brings to the local area and the unpleasant knock on effects of increased traffic and heavy duty vehicles spoiling the common.

### **Issues and Considerations:**

The main issues relate to whether there are very special circumstances sufficient to overcome the harm to the Green Belt that would result from the development, loss of an employment site, the design and impact on the character of the area, impact on neighbouring amenity, highways issues, and need for affordable housing.

#### **Green Belt**

The site is within the Metropolitan Green Belt and the proposed development is clearly not one of those which are deemed appropriate, it is therefore by definition harmful and should be resisted unless there are very special circumstances applicable in this instance that would outweigh this harm. The applicants have accepted that the proposal is inappropriate, but argue that there are very special circumstances.

These are:-

- The application site is brownfield, being commercial in nature.
- A Lawful Development Certificate has been issued, confirming that the lawful use of the application site is for car related uses (vehicle repairs, breaking, storage, servicing), which can operate on the whole of the application site without restriction, i.e. 24 hours a day and seven days a week.
- A substantial operator tenant, seeking a location in the Harlow area with proximity to the motorway junction, is prepared to operate the site as a car breakers yard, particularly as it has no planning restrictions and could operate at all times.
- Residential development will bring forward amenity benefits to local residents.
- The application proposals can repair land in the Green Belt and improve the openness of the Green Belt.

- That the scheme would remove the existing lawful use, for a garage and transport yard, unrestricted by planning conditions that could otherwise be recommenced with significantly adverse impact on residential amenity and traffic flows.

- That the proposed development has less visual impact on openness than the current situation.

The site is heavily screened from public vantage points and the buildings and the remaining open use of the site, which has a lawful non-conforming and potentially unneighbourly use, harms the openness of the Green Belt. The proposal for 8 houses would compare with the 840 square metres area of the buildings to be removed from the site and although they would be more scattered across the site, there is historical evidence to show that the vehicle repair, breaking, storage of cars, lorry parts, plant and machinery extended over the whole site, which is predominantly hardstanding. This is borne out by previous enforcement investigation and evidence supplied to justify on the balance of probability, the lawful use certificate issued last year. The total impact of the development on the Green Belt would not be as extensive or as significant as the existing buildings and its associated use, but the existing built development is located to one side of the site, whereas the proposed development would be more spread out over the area. In this respect the proposal would be contrary to policy GB2A of the Local Plan. Whether the application should be refused or approved will depend on the strength of the very special circumstances to outweigh this in principle harm.

#### Effect on the Visual Amenity of the Green Belt and the Character of the Area

The application site is set well back from the road and adjoined by residential properties to the north, east and a cluster of houses to the west in Mill Street. Given this previously developed land in the Green Belt, maintaining the openness of the Green Belt and the countryside is of paramount importance.

The proposed development would comprise of detached houses located around an access road that would finish roughly centrally within the site. The density of 10 dwellings per hectare is not inappropriate having regard to neighbouring residential properties and the design of the 3 different hipped roof house plans (2 of which are double fronted) will be constructed of traditional Essex materials (mix of house types - black weather-boarding, smooth coloured render, red brick and smooth cream render with stone cills) which accords with the principles of the Essex Design Guide, which is adopted Supplementary Planning Guidance to the Local Plan, and is of a high standard. Each house would have a double garage with a forecourt and private garden area of around 180 square metres. A water feature is proposed, providing visual interest within the site.

The proposed development will improve the appearance of the existing site, and whilst it is well screened by existing vegetation around the perimeter of the site, glimpsed views from neighbouring land would result in significant improvement to the appearance of the site and the amenities of the adjacent occupants of residential properties. In this respect, the proposal would be beneficial to the character and appearance of this part of the countryside and accord with Local Plan policy DBE1.

The termination of the lawful use and replacement with a quality housing development, that are spacious within their plots and relation to each other, would in comparison, have a greater respect for its setting. Whereas housing on a virgin greenfield site would be at odds with wider landscape setting and clearly contrary to the open character of the Green Belt, this proposal is not only well screened from views from outside the site, but they are of a design that reflects local traditional form and detailing and therefore complies with policy DBE4.

#### Loss of an employment site

The policies of the Local Plan as contained in E4A and E4B seek to retain or re-use existing employment sites, where these are appropriate. Whilst the previous use of this site would have provided employment, and the loss of employment opportunities from village and rural areas is generally to be resisted, in this instance, given the intrusive nature of the lawful use, the proximity of residential units to the site and the nature of the surrounding road system, it is considered that this is a non conforming and potentially harmful use. Given the costs that would be incurred in decontamination of the site to enable redevelopment for alternative employment uses, it is not considered that such development is likely to be economically viable at the small scale development that would be appropriate in this location. Furthermore, considerable weight has to be given to the local objections from residents opposed to the lawful use, which if used to its full potential for car related uses or taken up by a prospective tenant to use it as a car breakers yard, would be significantly unneighbourly by reason of noise, disturbance and traffic, resulting in likely environmental and amenity issues. Policy E4A can allow for housing, for example, where there are material conflicts with adjoining land uses, as demonstrated in this case.

#### Impact on neighbouring amenity

The proposal has been designed to ensure that there is no overlooking of adjacent properties and that there is adequate distance between the new buildings and existing dwellings to ensure that there is no adverse impact on amenity. Further planting would help to plug some gaps in the hedge, which would ensure against undue overlooking. It is considered that the removal of the existing buildings and lawful use of the site will have a positive impact in terms of residential amenity, thereby complying with policies DBE2 and DBE9.

#### Highway Issues

The applicant has submitted a Transport Assessment (TA) which concludes that the redevelopment would result in a significant material decrease in traffic compared with the authorised car repair related lawful use and therefore reduce the demand on the capacity of junctions nearby. Essex County Highways have raised no objections. They concur with the TA, concluding that the lawful use would have generated significantly higher vehicle movements than the proposed eight houses and would have consisted of a wide range of types including HGV's. The existing entrance to the site would be used, which passes directly past the existing dwelling at Brent House Farm, so comparatively less traffic movement would have less disturbance on this occupier or on the traffic movement to and from their site. The proposed garages and spaces meet the latest adopted standards, providing at least 2 spaces per house.

#### Sustainability

The site is not a particularly sustainable location for new development, in that any residents are likely to be heavily reliant on the private car for their everyday needs, but it is considered that the existing lawful use as a car repair/ breakers yard related business is similarly unsustainable and if used to full extent would result in more additional trips and traffic, including HGV's being drawn into the rural area. There are bus stops about 0.6 miles walk distance with links to the main town centre of Harlow (Monday to Friday every 15 minutes). On balance therefore it is considered that the reuse of this previously developed land for a small housing development should not be resisted on sustainability grounds.

#### Other Issues

The site, given its previous use, is potentially contaminated and there is a need for additional surveys to be carried out and potential remediation work, but this can be adequately controlled by condition.



A Phase 1 habitat survey was submitted with the application, which concludes that the site is of low habitat value and not of ecological importance, but suggests precautionary measures that can be taken to ensure that there is no harm to protected species. This again is recommended to be controlled by condition.

The Lawful Development Certificate cannot be withdrawn, as suggested by the Parish Council, should the housing development be granted and implemented, then the site's lawful use for car related uses will be extinguished.

The proposal does not include any provision for affordable housing on site. Policy H7A states that where the population of a settlement is less than 3,000 and in conjunction with Policy H6a(ii) affordable housing should be sought as follows a) 50% of the total of new dwellings on a Greenfield site; b) on a previously developed site 33% where an application is made for 3 units and 50% for applications of 4 or more new dwellings. Technically therefore on this scheme, that is on previously developed land and has a net increase of 8 dwellings, there is an argument that development should be seeking 50% or 4 units to be affordable. Planning Officers do not consider this an appropriate site for affordable housing; however, given a general requirement for affordable housing in the district there is still a policy requirement for a contribution which in this case is met by the offer of £100,000 by the applicant. There is also a car breaking operator prepared to pay a substantial commercial rent for a 15 year period, which the applicant submission states will generate a significant value and given also the site will need to be fully decontaminated to allow residential development, this would also no doubt generate a significant cost.

The Parish Council do not consider this to be a suitable site for affordable housing, confirming that in respect of policy GB16 (that states small-scale affordable housing schemes within the smaller settlements may be granted as an exception to the normal policy of restraint in the Green Belt), not all locations are appropriate and would be expected to be supported by the local parish council. The Parish Council actually consider that in this instance the proposed contribution would be better spent in the local community and have identified where this would have benefits locally.

### **Conclusion:**

The proposed residential development is inappropriate for the Green Belt by definition. However, this is the only policy objection. The very special circumstances in this case are rather unique. There is a non-conforming and poor neighbour lawful use of the site for car repairs and the applicant has put on hold negotiations with a car breakers operation that falls within the lawful use, and therefore does not require planning permission. Such a use, particularly with unrestricted operating hours, would be detrimental to the amenities of the local residents in terms of noise and disturbance through frequent heavy goods movement and car crushing/ repairs. The local residents and the Parish Council have made clear their fear over this likelihood and it is desirable also in the interest of the countryside and the Green Belt to have this use removed by a more visually and good neighbour development.

The housing proposal is a high quality design and spacious layout, which whilst a little isolated and non-sustainable in relation to the need for affordable housing, shops, services and businesses (though there is a public house in walking distance), is comparatively more sustainable in terms of traffic movement than the lawful use. It will be more in keeping with its surroundings and given existing trees and vegetation around the perimeter of the site means that it will have limited impact on the surrounding open landscape. The proposed small housing development would be more appropriate than the lawful use and any adverse impact on openness is significantly smaller and the very special circumstances put forward are sufficient to outweigh this reduced harm.

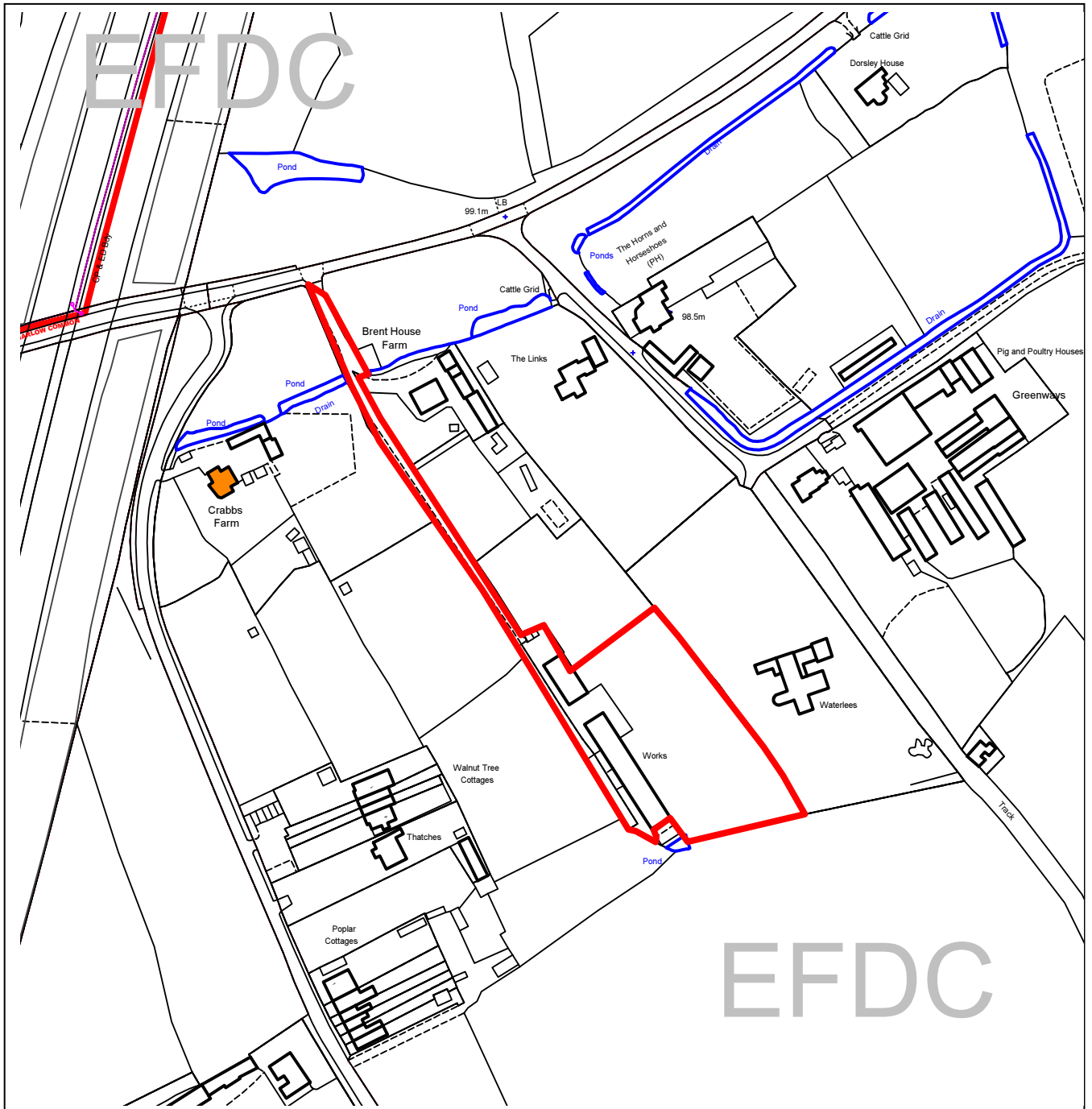
Local residents and the Parish Council support the proposed development. Members though should consider whether the commuted sum being offered is appropriate for affordable housing provision off-site or provided locally for the benefit of the community of Hastingwood. The

application is recommended for approval, subject to the financial contribution and necessary, relevant conditions.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	
Application Number:	EPF/1370/10
Site Name:	Land at Brent House Farm, Harlow Common, CM17 9ND
Scale of Plot:	1/2500

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