



***District Development Management Committee
Wednesday, 10th June, 2015***

You are invited to attend the next meeting of **District Development Management Committee**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping
on Wednesday, 10th June, 2015
at 7.00 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

Gary Woodhall
The Directorate of Governance
Tel: 01992 564470
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors B Sandler (Chairman), B Rolfe (Vice-Chairman), A Boyce, H Brady, R Butler, J Hart, R Jennings, S Jones, H Kauffman, J Knapman, Y Knight, A Mitchell MBE, G Mohindra, C C Pond and J M Whitehouse

SUBSTITUTE NOMINATION DEADLINE:

16:00

1. WEBCASTING INTRODUCTION (Pages 5 - 8)

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

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

(Director of Governance) To be announced at the meeting.

4. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23 JULY 2002)

(Director of Governance) To report the appointment of any substitute members for the meeting.

5. DECLARATIONS OF INTEREST

(Director of Governance) To declare interests in any item on the agenda.

6. MINUTES (Pages 11 - 20)

To confirm the minutes of the last meeting of the Committee held on 8 April 2015.

7. EPF/2516/14 - FOSTER STREET FARM, FOSTER STREET (Pages 21 - 38)

(Director of Governance) To consider the attached report 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) (DEV-007-2015/16).

8. EPF/2517/14 - LAND AT HARLOW GATEWAY SOUTH, LONDON ROAD (A414) (Pages 39 - 60)

(Director of Governance) To consider the attached report for the 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) (DEV-008-2015/16).

9. EPF/2518/14 - C J PRYOR, CECIL HOUSE, FOSTER STREET (Pages 61 - 84)

(Director of Governance) To consider the attached report 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 facilities (enabling development for linked application EPF/2517/14) (DEV-009-2015/16).

10. EPF/3006/14 - FYFIELD BUSINESS AND RESEARCH PARK, FYFIELD ROAD, CHIPPING ONGAR (Pages 85 - 106)

(Director of Governance) To consider the attached report for outline planning permission for mixed use redevelopment comprising the retention of part of existing business park and community facilities, provision of new car parking to serve retained uses, extension to existing cafe to provide 140m² new retail space, and provision of recreational facilities including relocated MUGA play area and junior football pitch, and the removal of other existing buildings on site and the erection of 105 no. residential dwellings together with associated car parking, public open space, landscaping as well

as construction of a new site access, including a roundabout off Fyfield Road.

11. EPF/2664/14 - WILLOW PARK FARM, MILLERS LANE, CHIGWELL (Pages 107 - 118)

(Director of Governance) To consider the attached report for the Demolition of buildings at Willow Park Farm and the erection of a new detached dwelling (DEV-002-2015/16).

12. EPF/0294/15 - COUNCIL DEPOT SITE AND ADJACENT LAND OFF LANGSTON ROAD, LOUGHTON (Pages 119 - 126)

(Director of Governance) To consider the attached report concerning reserved matters for the redevelopment of site for retail park with associated landscaping, car parking, ground remodelling works, retaining wall structures and two accesses off Langston Road (DEV-006-2015/16).

13. EPF/3005/14 - BARKERS FARM, MOUNT END ROAD, THEYDON MOUNT (Pages 127 - 140)

(Director of Governance) To consider the attached report for change of use of former farm office and dairy building and barn to create one live/work unit (DEV-001-2015/16).

14. EPF/0343/15 - 311 HIGH STREET, EPPING (Pages 141 - 144)

(Director of Governance) To consider the attached report for the replacement of existing signage with the same size and located signs only changing colour and branding.

15. EPF/0682/15 - PINE LODGE RIDING CENTRE, LIPPITTS HILL, WALTHAM ABBEY (Pages 145 - 150)

(Director of Governance) To consider the attached report for variation of condition 2 for EPF/0377/02 - (Change of use of ground floor of stable building from riding centre, office and staff rest room to residential in connection with the residential use of the first floor) to enable the continued residential occupation of Pine Lodge should the equestrian use of the land cease (DEV-004-2015/16).

16. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 24 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.

17. EXCLUSION OF PUBLIC AND PRESSExclusion

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):

<u>Agenda Item</u>	<u>Subject</u>	<u>Paragraph Number</u>
Nil	None	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.

EPPING FOREST DISTRICT COUNCIL

**PROTOCOL FOR WEBCASTING OF
COUNCIL AND OTHER MEETINGS**



Introduction

The Council has agreed that certain meetings should be the subject of live web transmission ('web casting'), or recorded for subsequent transmission. Fixed cameras are located within the Council Chamber for this purpose and there is a mobile unit for use in other locations

This protocol has been produced to assist the conduct of web cast meetings and to ensure that in doing so the Council is compliant with its obligations under the Data Protection Act 1998 and the Human Rights Act 1998. Accordingly the following will apply to all meetings to be web cast by the Council:-

Main provisions:

1. The Chairman of the meeting has the discretion to request the termination or suspension of the webcast if in the opinion of the Chairman continuing to webcast would prejudice the proceedings of the meeting.

This would include:

- (i) Public disturbance or other suspension of the meeting;
- (ii) Exclusion of public and press being moved and supported;
- (iii) Any other reason moved and seconded and supported by the Council/Committee or Subcommittee.

2. No exempt or confidential agenda items shall be webcast.

3. Subject to paragraph 4 below all archived webcasts will be available to view on the Council's website for a period of six months. Council meetings are recorded onto DVD, which will be stored in accordance with records management procedures.

4. Archived webcasts or parts of webcasts shall only be removed from the Council's website if the Monitoring Officer considers that it is necessary because all or part of the content of the webcast is or is likely to be in breach of any statutory provision or common law doctrine, for example Data Protection and Human Rights legislation or provisions relating to confidential or exempt information.

If the Monitoring Officer has decided to take such action she must notify all elected Members in writing as soon as possible of her decision and the reasons for it via the Bulletin

Council expects the Chair of the Council and the Monitoring Officer to ensure that Council meetings are conducted lawfully. Therefore, Council anticipates that the need to exercise the power set out above will occur only on an exceptional basis.

5. Any elected Member who is concerned about any webcast should raise their concerns with the Head of Research and Democratic Services

Agenda Front Sheets and Signage at Meetings

On the front of each agenda and on signs to be displayed inside and outside the meeting room there will be the following notice:-

WEBCASTING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

Meetings of the Area Plans Subcommittees, District Development Control Committee, Licensing Committee and other 'Quasi Judicial' Hearings

In any correspondence notifying applicants, supporters or objectors of the meeting date on which an application will be heard, the following advice will be included if the particular meeting has been chosen to be web cast:-

"Please note that Council meetings may be filmed for live or subsequent broadcast via the Authority's Internet site. If you do not wish the hearing of your application to be filmed, please contact the Senior Democratic Services Officer to discuss their concerns. The Council will not film speakers if they do not wish to appear in the webcast"

Conduct of Meetings

At the start of each meeting to be filmed, an announcement will be made to the effect that the meeting is being or may be web cast, and that the Chairman may also terminate or suspend the web casting of the meeting, in accordance with this protocol. This will be confirmed by the Chairman making the following statement:-

"I would like to remind everyone present that this meeting will be broadcast live to the internet and will be capable of repeated viewing.

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery."

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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. A map showing the venue will be attached to the agenda.

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.

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 and 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.eppingforesdc.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'

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EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control **Date:** 8 April 2015
Committee

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 8.40 pm
High Street, Epping

Members Present: B Sandler (Chairman), B Rolfe (Vice-Chairman), Mrs H Brady, R Butler, K Chana, J Hart, R Jennings, Mrs S Jones, H Kauffman, J Knapman, Ms Y Knight, J Lea, J M Whitehouse, Mrs C P Pond and C Whitbread

Other

Councillors: B Surtees

Apologies: A Boyce and C C Pond

Officers Present: N Richardson (Assistant Director (Development Management)), G J Woodhall (Democratic Services Officer) and P Seager (Chairman's Secretary)

43. WEBCASTING INTRODUCTION

The Democratic Services Officer 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.

44. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Committee, in relation to the determination of applications for planning permission. The Committee noted the advice provided for the public and speakers in attendance at Council Planning Committee meetings.

45. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Committee noted the following substitutions for this meeting:

- (i) Councillor C Whitbread for Councillor A Boyce; and
- (ii) Councillor C P Pond for Councillor C C Pond.

46. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a personal interest in the following item of the agenda, by virtue of being acquainted with the public speaker through his business activities. The Councillor had determined that his interest, whilst not pecuniary, was prejudicial and would leave the meeting for the consideration of the application and voting thereon:

- EPF/2670/14 Former Carpenters Arms, High Road, Thornwood.

(b) Pursuant to the Council's Code of Member Conduct, Councillor R Butler declared a personal interest in the following item of the agenda, by virtue of being the Applicant. The Councillor had determined that his interest was pecuniary and would leave the meeting for the consideration of the application and voting thereon:

- EPF/0293/15 11 Stoney Bridge Drive, Waltham Abbey.

47. MINUTES

Resolved:

(1) That the minutes of the meeting held on 11 February 2015 be taken as read and signed by the Chairman as a correct record, subject to the following amendment:

- (a) amending minute 39(b) to show that Councillor H Brady had worked at Pine Lodge Riding Centre for one hour per week, not one day per week, and it had not been under different ownership at the time.

48. EPF/2670/14 - FORMER CARPENTERS ARMS, HIGH ROAD, THORNWOOD

The Assistant Director of Governance (Development Control) presented a report on the proposed demolition of a restaurant and the erection of 3 town houses and 2 detached houses. This application was a re-submission following the withdrawal of application EPF/1810/14.

The Assistant Director reported that the application had originally been considered by Area Plans Sub-Committee East, after a deferral for a site visit, in February 2015. The Sub-Committee had refused the application on the grounds that the erection of the two detached houses in the Green Belt would be inappropriate development for which no special circumstances had been demonstrated. The development would also have a significantly adverse impact on the openness of the Green Belt and that the proposals amounted to overdevelopment of the site. Following the vote, the application was referred to this Committee by four members of the Sub-Committee under the minority reference rules within the Constitution for a final decision.

The Assistant Director stated that the application site currently comprised a large, part two storey building whose previous two uses had been a public house and Indian Restaurant. To the rear of the building was a car park associated with the site. The building itself was outside the metropolitan Green Belt, but the car park was within it. To the north of the site, there were residential properties fronting the High Road, and a row of residential properties were on the opposite side of the Carpenters Arms Lane to the south leading to Teazle Mead. There were open fields to the east and west of the site, which was located within a flood risk assessment zone.

The application sought to demolish the existing building, last used as an Indian Restaurant but now vacant, and construct five new dwellings on the land including the car park to the rear of the existing building. Three of the new dwellings would form a terrace fronting the High Road, whilst the other two dwellings would be detached and front Carpenters Arms Lane. The three terraced houses would be three-bedroom properties, whilst the two detached houses would be four-bedroom properties. The terraced properties would have one parking space each within the front garden areas, whilst the detached properties would each have two parking spaces to the side accessed from the existing Lane; there would also be a small car park at the western end of the site with five additional spaces.

The Assistant Director listed the main issues for the Committee to consider, which were the suitability of the site, the impact on the Green Belt, the loss of the community use, the character of the area, the impact on neighbours' amenity, the impact on the existing landscaping, and the highways and parking issues related to the development.

Planning Officers had concluded that whilst the development was not in a sustainable location and involved the erection of two new buildings in the Green Belt, the harm from this development would be limited due to its location. It was also felt that the community use previously offered on this site had already been lost, and the current building would not require planning permission for a change of use. The proposed development met the required off-street parking provision and would provide sufficient private amenity space for future residents. The proposed site density was not considered to be unduly detrimental to the amenity of surrounding residents, and as the existing car park was on private land it could be made unavailable without consent. Carpenters Arms Lane was a private road and maintenance issues were a civil matter. There had been no objections raised by Highways Officers from Essex County Council, and no objection from the Council's Tree and Landscape Officers concerning the loss of the existing trees included in the proposal. Consequently, Planning Officers had felt the application complied with the National Planning Policy Framework and the relevant Local Plan policies, and therefore had been recommended for approval.

The Committee noted the summary of representations received in respect of this planning application. Eighteen letters of objection had been received, including from the Parish Council and the Epping Society. A further letter had been received which, whilst not objecting to the application, had raised a number of concerns. There had been no letters received in support of the application. Since the application had been referred to the Committee, further correspondence had been received from the local Member of Parliament enquiring about progress with the application, and informing the Council that she had received further correspondence from her constituents on the matter. The Committee heard from an objector, the Parish Council, and a representative from the applicant before proceeding to debate the application.

A local Member for Epping Hemnall informed the Committee that a full discussion on this application had taken place when it was considered by Area Plans Sub-Committee East. The existing building and its use was considered a community asset by the local residents until its closure in 2012, even if it had not been formally designated as such by the Council. Development in the Green Belt had been the key issue during the Sub-Committee's discussion. The existing building was outside the Green Belt and was suitable for redevelopment. However, the car park to the rear was in the Green Belt and was an open space, which would be impacted by the proposed development. It had been surprising that the Highways Officer had not raised any objections to the development, citing that the four accidents in the last five years within the vicinity of the location had not been due to the site or any existing residential vehicle movements along that section of the road. On balance, the Member was inclined to vote against the application.

Local members for Theydon Bois and Passingford also stated that Carpenters Arms Lane was very narrow with no pavement, and that to have houses built to the boundary as would be the case with the detached properties would be overbearing. These two houses would be built on Green Belt land with no special circumstances given for their development, thus it would be inappropriate development and both members could not support the proposal. A local Member for Chigwell Village added that the trees currently in situ made the area look greener and were important to the street scene; thus, they should not be removed. No special circumstances had been

given for the development of the detached houses in the Green Belt, and the member agreed with the overbearing aspect of having these houses built to the boundary, therefore the Member could not support the application.

One Member from Waltham Abbey North East expressed mixed views about the application. The Member was in favour of the two detached houses on the current car park area, but did not want the three trees to be removed and did not like the three terraced houses fronting the main road. The Member decided not to support the application and felt that the parking for the three terraced houses should be provided at the back, not the front. Another Member from Waltham Abbey Honey Lane felt that the area currently used as a car park should be turned over to community use.

Support for the scheme was expressed by a Member for Lower Nazeing, who felt that the car park, although in the Green Belt, was an unsightly hardstanding area. The proposals were a good design that were not overcrowded with decent sized gardens. Many front gardens were given over to car parking, as illustrated by some of the other properties in Carpenters Arms Lane, and this would make an ideal spot for a small development.

The debate concluded with members of Area Plans Sub-Committee East reiterating that the Committee had a duty to protect the openness of the Green Belt, and whilst the car park was currently an area of hardstanding, it was an open space. There were already parking problems within the Lane, which this development would exacerbate, and it was not a suitable planning argument to allow areas within the Green Belt to be developed simply because they looked unsightly.

Resolved:

(1) That planning application EPF/2670/14 at the Former Carpenters Arms, High Road in Thornwood be refused permission for the following reasons:

1. The two proposed detached dwellings were located within the Green Belt and would constitute inappropriate development within the Green Belt, harmful to the openness and character of this area. No very special circumstances exist to outweigh this harm and therefore the development failed to comply with Government guidance in the form of the National Planning Policy Framework and policies GB2A and GB7A of the adopted Local Plan and Alterations.

2. The proposed development, due to the number of dwellings and overall scale of works, would constitute overdevelopment of the site to the detriment of the character and appearance of the area, contrary to Government guidance in the form of the National Planning Policy Framework and policies CP1, CP2, CP3 and DBE1 of the adopted Local Plan and Alterations.

49. EPF/0293/015 - 11 STONEY BRIDGE DRIVE, WALTHAM ABBEY

The Assistant Director of Governance (Development Control) presented a report on the proposed erection of a single storey rear extension with a centrally located roof lantern at 11 Stoney Bridge Drive in Waltham Abbey. The application was before the Committee as the applicant was a serving District Councillor for Waltham Abbey Honey Lane.

The Assistant Director stated that the site was located on the northern side of Stoney Bridge Drive and contained a two storey semi detached dwelling. The site adjoined open fields to the east, which were within the metropolitan Green Belt.

The Assistant Director reported that the main issues for the Committee to consider were the impact on the Green Belt, the effect of the extension on the character and appearance of the existing dwelling, the effect of the development on the neighbours' living conditions, and the effect on the applicant's living conditions. Planning Officers had concluded that the proposal would cause no undue harm to amenity and complied with the national and local planning policies.

The Committee noted the summary of representations, and that the Parish Council had no objections to the development. There were no public speakers registered for this application, and the Committee felt the application was sufficiently straightforward that it warranted little debate or any additional conditions to those proposed by the Planning Officers.

Resolved:

(1) That planning application EPF/0293/15 at 11 Stoney Bridge Drive in Waltham Abbey be granted permission subject to the following conditions:

1. The development hereby permitted must be started 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.

50. EPF/2936/14 - LAND ADJ. LONGACRE COTTAGE, SCHOOL ROAD, STANFORD RIVERS

The Assistant Director of Governance (Development Control) presented a report concerning outline planning permission for a new four-bedroom dwelling with some matters reserved on land adjacent to Longacre Cottage, School Road in Stanford Rivers.

The Assistant Director reported that this application had been considered by Area Plans Sub-Committee East at its meeting in March 2015. A proposal to refuse the application had been defeated, but before the Officer's Recommendation to grant the application could be considered four Members of the Sub-Committee had invoked the Minority Reference rules in the Constitution to refer the application to the Committee with no further recommendation. However, the Sub-Committee did request that further information on 'limited infilling in villages' be provided for the Committee to consider, along with four additional highways related conditions covering issues concerning sight lines, the surface material to be used on the driveway, no discharge of surface water into the highway, and any gates to be positioned six metres back from the highway.

The Assistant Director advised the Committee that the application site was rectangular in shape and situated on the east side of the triangular village green in Toot Hill bounded by School Road, Toot Hill Road and Epping Road. The site was to the north of Long Acre Cottage, and was within both the metropolitan Green Belt and the village envelope of Toot Hill.

The Assistant Director explained that the proposal was an outline application for a new four-bedroomed dwelling. Approval was being sought for the reserved matters of access and site layout; detailed floorplans and elevations had been submitted for information purposes. The application had been submitted by the owners of the adjacent property, Long Acre Cottage.

The Assistant Director informed the Committee of the main issues to be taken into consideration for this proposal. Although paragraph 89 of the National Planning Policy Framework (NPPF) stated that new buildings within the Green Belt should be regarded as inappropriate, there were 5 exceptions listed of which one was 'limited infilling in villages'. The site was clearly within the village envelope of Toot Hill and the proposal could be considered appropriate development. The residential curtilage shown on the indicative plans was considered to be of an appropriate size, and a condition had been added to restrict the curtilage to the indicated area only and not extend into the paddock behind the site. The plans had indicated the removal of a section of the current hedge to the front of the site to improve highway visibility with the rear part of the hedge to be retained. It had been concluded that the revised frontage of the site would still be appropriate for the location and provide for safe vehicular access to and from the site. Finally, the plans indicated the provision of a garage plus a driveway area that could accommodate several vehicles, so the proposal would not give rise to on-street parking.

Consequently, Planning Officers had concluded that, although the site was located in the Green Belt, the proposal could be considered as an infill plot within a village envelope and therefore the new dwelling was an appropriate development. Consequently, outline planning permission had been recommended for approval.

The Assistant Director reported that, although limited infilling within villages was now permitted, there was no explicit definition within the NPPF. Therefore, the Sub-Committee had requested that further information be provided for the Committee to consider. There had been two recent appeal decisions on this issue within the District: at Hornbeam Lane in Sewardstone; and Pond House in Matching Green. Both appeals had been upheld with the Planning Inspector agreeing that the proposals had come within the bounds of infill development. The decision for Matching Green had particular relevance for this application as there was not a continuous line of buildings and the site also faced a village green.

The Committee noted the five representations which had been received in relation to the application. Stanford Rivers Parish Council had objected to the application, whilst two neighbouring properties had offered their support. Arboriculturists from the District Council had no objections provided their suggested tree protection conditions were included, and Essex Highways had withdrawn their objection following a site visit. The Committee heard from the applicant before proceeding to debate the application.

The local Member for Passingford highlighted that there had never been a building on this particular site and that the Parish Council was against the application. The village currently had a feel of openness and greenness about it, and the site in question was a two-acre field so this application could not be considered infilling as per the Sewardstone and Matching Green appeal decisions. The Member would oppose this application on the grounds of inappropriate development in the Green Belt. A local Member for Loughton St John's also agreed that this was not infilling and therefore would not support the application.

However, a number of other Members of the Committee were in favour of the application. A local Member for Chigwell Village emphasised that there were no detailed guidelines from the Government about what constituted limited infilling, and

the proposed development would not be out of character with the surrounding area. A local Member for Waltham Abbey North East also highlighted that the proposed building would be screened and therefore there would be little impact upon the openness of the Green Belt. The Committee also noted that the neighbours were supportive of this application. The Assistant Director added that this application was likely to set a precedent if allowed, and similar applications could be expected from both within Toot Hill and other villages in the District.

A number of Members stressed that the size of the proposed curtilage for the dwelling would need to be tightly controlled and that any extension to the size of the currently proposed curtilage would require further consent. The Assistant Director pointed out that condition 3 restricted the size of the curtilage to that currently proposed.

The Chairman highlighted the concerns of the Committee regarding the lack of a definition for 'limited infilling within villages', and that this application could set a precedent within the District. However, this particular application was practical, was in keeping with the street scene, and provided an extra dwelling within the District. Therefore, the Chairman indicated his support for the application. The Committee felt that the Government should be requested to provide a better definition of what constituted limited infilling within a village setting, and that the Council required policies on this issue within its Local Plan.

Resolved:

(1) That planning application EPF/2936/14 on land adjoining Longacre Cottage, School Lane in Stanford Rivers be granted outline planning permission, subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.
2.
 - a. Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - i. scale;
 - ii. appearance; and
 - iii. landscaping.
 - b. The reserved matters shall be carried out as approved.
 - c. Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
3. The curtilage of this proposed dwelling shall be restricted to the area edged in red as shown on the approved plan 1493/01a.
4. 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 and 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.

5. 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.

6. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1493/01a; 1493/05; and MP/LA/01 Rev A.

7. A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.

8. The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

a. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

b. Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily

implemented or confirmation provided that no unexpected contamination was encountered.

9. Prior to the first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m x 43m to the north and south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction in perpetuity.

10. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

11. There shall be no discharge of surface water onto the Highway.

12. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

51. ANY OTHER BUSINESS

The Committee noted that there was no other urgent business for consideration.

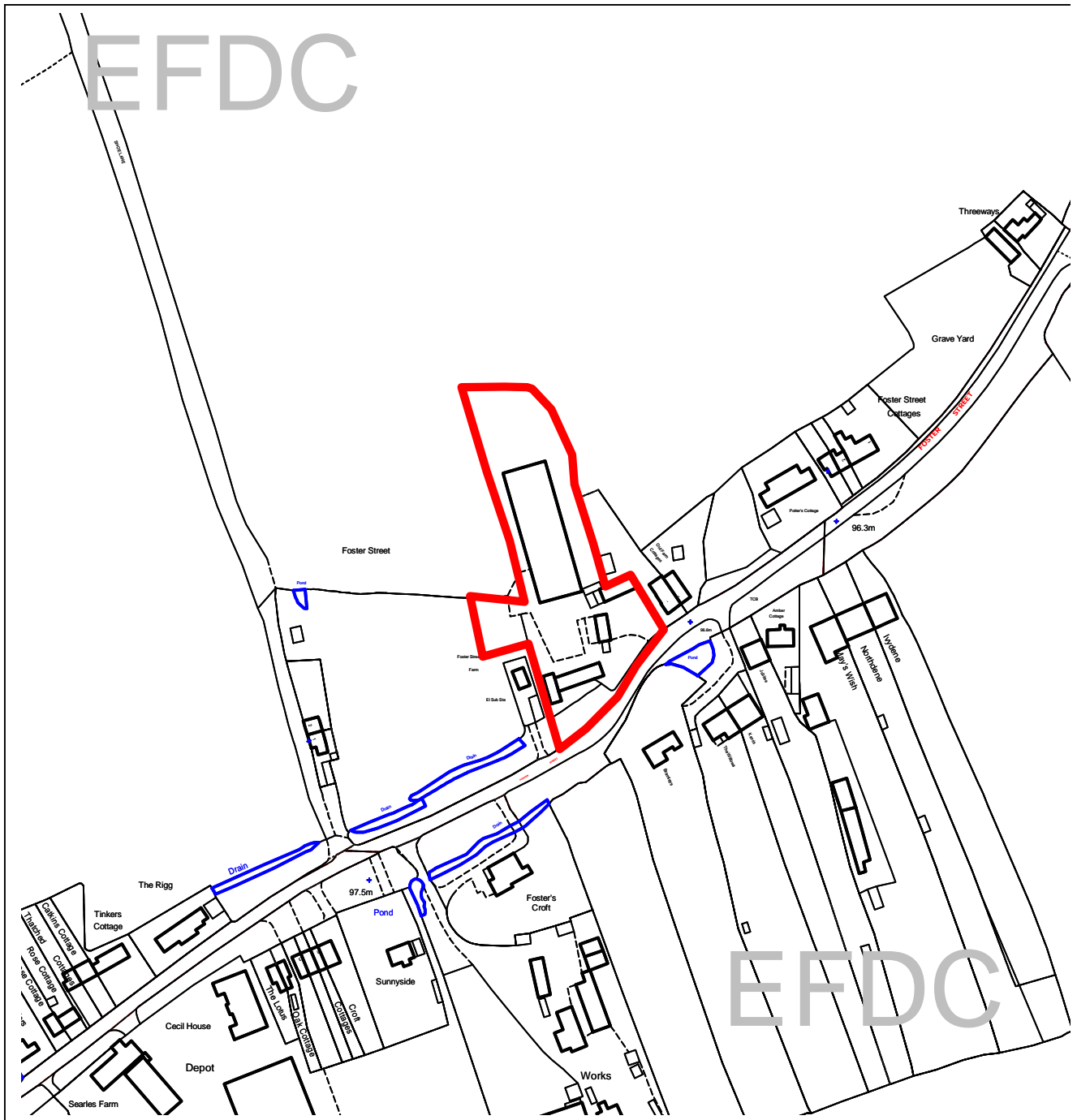
CHAIRMAN

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Agenda Item 7 Epping Forest District Council

AGENDA ITEM NUMBER



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

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**Report to District Development
Management Committee**



Report Reference: DEV-007-2015/16
Date of meeting: 10 June 2015

**Epping Forest
District Council**

Subject: EPF/2516/14 – Foster Street Farm, Foster Street, CM17 9HS – 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).

Responsible Officer: Graham Courtney (01992 564228).

Democratic Services: Gary Woodhall (01992 564470).

Recommendation:

- (1) That consent is 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. 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, 062/PD/05/01A
 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.

Report:

1. This application was put to the Area Plans Sub Committee East on 13 May 2015 however was referred directly up to the District Development Management Committee for decision without discussion given all three applications are intrinsically linked.

2. The application was put forward to Area Plans Sub Committee East with a recommendation for approval, subject to conditions. This report carries no recommendation from Members of Area Plans Sub Committee East.

Planning Issues

3. The application is made on behalf of C.J. Pryor Ltd, who are a specialised earth moving and plant hire contractor that currently operate from two sites in Foster Street. They are a local well established business and use a number of heavy good vehicles and low-loaders and state that they employ 100 people in total.

4. The company state they are expanding and the current two sites at Foster Street generates noise disturbance and traffic congestion to local residents. The company also state that the number of heavy goods vehicles is projected to increase and therefore feel that the existing Foster Street sites are inappropriate for expanded use.

5. A site search was undertaken and an alternative site identified for the company to relocate to, this being the Harlow Gateway South site on the A414 which is further from local residents and closer to the main road network (primarily the M11). The relocation of the business to this alternative site would be at a significant cost and it is put forward by the applicant that they need funding from the proposed housing developments on the two existing Foster Street sites in order to enable the relocation. It is also stated that the total number of dwellings proposed across the two sites (74 in total) is the minimum required in order to fund the proposal.

6. It is understood that initial presentations and discussions were undertaken with various officers in the Council and Councillors, including the former Director of Planning and the Chief Executive. At that time the proposed Harlow Gateway development was being referred to as the 'Beauty Parade'. However, there was understandably no suggestion that the submission of a planning application would be granted and indeed it is understood by planning officers that any indicative plans and elevations at that time were not those submitted here as a planning application.

7. This application has been submitted as one of three linked applications (along with EPF/2518/14 and EPF/2517/14). Whilst each of the three applications are being assessed separately, these are intrinsically linked because the approval of the two residential schemes (EPF/2516/14 and EPF/2518/14) to redevelop the current Pryor's sites in Foster Street would fund and enable the relocation of an expanded B1 and B8 Pryor's site on Harlow Gateway South (EPF/2517/14).

Planning Report:

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.

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, Officers conclude that no very special circumstances would be required regarding this particular application. Therefore these matters are not required to be 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 the removal of this commercial site would be of some benefit to surrounding neighbours given a relatively small number of residential units are proposed.

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. The applicant state the economic benefit of relocating the business to Harlow Gateway South (the next item on this agenda) conforms with the National Planning Policy Framework which seeks to secure economic growth. However, Officers consider that this application for 9 residential units on a previously developed site in the Green Belt has merit in itself, particularly as the Government are continuing to allow for existing and well established commercial sites to be redeveloped or changed to alternative uses without consideration over loss of 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.

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 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. In respect of the local area, there are some amenity benefits from this proposal over and above the existing business use.

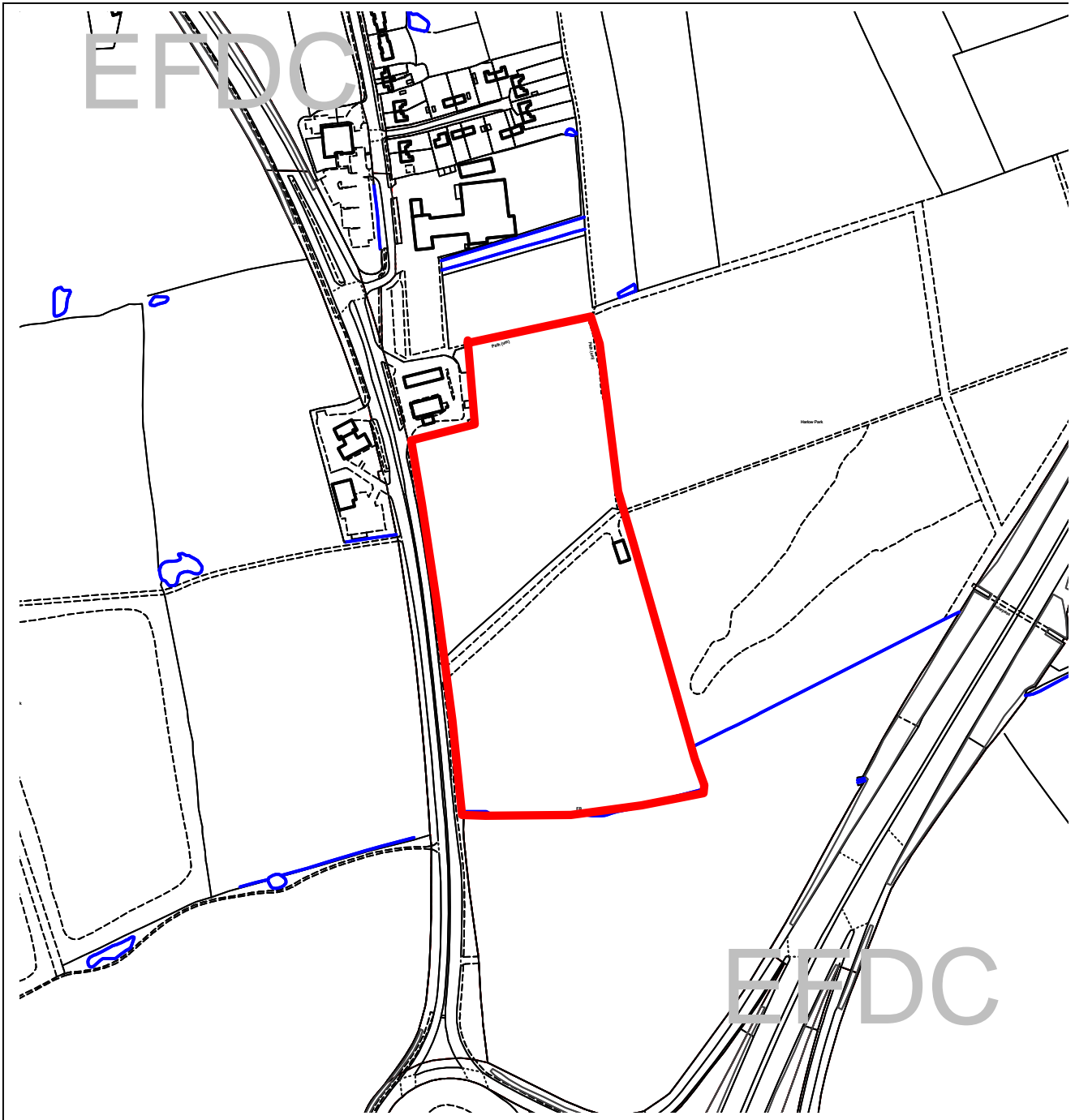
The proposed development would provide adequate off-street vehicle parking and private amenity space to serve future occupants and, whilst not situated within a sustainable location, the small scale of the proposal and off-setting of the existing commercial use on the site would ensure that the development 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.

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Agenda Item 8 Epping Forest District Council

AGENDA ITEM NUMBER



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Application Number:	EPF/2517/14
Site Name:	Land at Harlow Gateway South A14 London Road, Harlow
Scale of Plot:	1/5000

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**Report to District Development
Management Committee**



**Epping Forest
District Council**

Report Reference: DEV-008-2015/16.

Date of meeting: 10 June 2015

Subject: EPF/2517/14 – Land at Harlow Gateway South, A414 London Road – 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).

Responsible Officer: Graham Courtney (01992 564228).

Democratic Services: Gary Woodhall (01992 564470).

Recommendation:

(1) That consent is refused for the following reasons:

- 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.**

Report:

1. This application was put to the Area Plans Sub Committee East on 13th May 2015 however was referred directly up to the District Development Management Committee for decision without discussion, given the three applications are intrinsically linked.

2. The application was put forward to Area Plans Sub Committee East with a recommendation for refusal. This report carries no recommendation from Members of Area Plans Sub Committee East.

Planning Issues

3. The application is made on behalf of C.J. Pryor Ltd, who are a specialised earth moving and plant hire contractor that currently operate from two sites in Foster Street. They use a number of heavy good vehicles and low-loaders and state that they employ 100 people in total.

4. The company state they are expanding and the current two sites at Foster Street generates noise disturbance and traffic congestion to local residents. The company also state that the number of heavy goods vehicles is projected to increase and therefore feel that the existing Foster Street sites are inappropriate for expanded use.

5. A site search was undertaken and an alternative site identified for the company to relocate to, this being the Harlow Gateway South site on the A414 which is further from local residents and closer to the main road network (primarily the M11). The relocation of the business to this alternative site would be at a significant cost and it is put forward by the applicant that they need funding from the proposed housing developments on the two existing Foster Street sites in order to enable the relocation. It is also stated that the total number of dwellings proposed across the two sites (74 in total) is the minimum required in order to fund the proposal.

6. It is understood that initial presentations and discussions were undertaken with various officers in the Council and Councillors, including the former Director of Planning and the Chief Executive. At that time the proposed Harlow Gateway development was being referred to as the 'Beauty Parade'. However, there was understandably no suggestion that the submission of a planning application would be granted and indeed it is understood by planning officers that any indicative plans and elevations at that time were not those submitted here as a planning application.

7. This application has been submitted as one of three linked applications (along with EPF/2516/14 and EPF/2517/14). Whilst each of the three applications is being dealt with separately, and has been assessed in isolation, these are intrinsically linked and have also been considered as a whole.

Planning Report:

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 1995 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, which by definition in the National Planning Policy Framework, does not constitute previously developed land.

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 on non-hardstanding land 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.

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.

The previous certificate of lawful development (CLD/EPF/2319/11) confirmed that the existing roadway, one building in the north east corner of the site (outside of this red lined site), gravel parking area surrounding this building, and area of hardstanding and bunding was lawful and could remain on site without contravention of the Enforcement Notice. This is because it was concluded that the above features were on site at the time of its lawful use for agricultural purposes prior to the breach of planning subject to the Enforcement Notice. However the presence of these features do not and have not permitted any change of use of the land to any alternative purposes beyond the lawful agricultural use.

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 as 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 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.

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:

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.*

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.

A noise assessment has been undertaken with regards to this proposal that primarily assesses 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).

Annex A of the acoustic report regarding the Foster Street sites refers to the existing noise impact that results from the business currently running from the two Foster Street sites and estimates any further potential impact if the business were to expand in its current location. Whilst this noise impact is one of the key considerations with regards to the proposed relocation it is not considered that this concludes that there is significant harmful noise nuisance from the existing Foster Street operations. Although this noise assessment concludes 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 warns that *"caution must be exercised here because I do not know what other traffic uses the road at night nor whether any of that is of a heavy commercial nature"*. It also 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. Sharps Redmore even caveat this by stating that, whilst a reduction in traffic noise would be expected with the relocation of the business away from the existing Foster Street sites *"this reduction is associated solely with the existing and potential future use of the Pryor's site and excludes any other Foster Street or other (M11 for example) traffic noise"*. 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, Officers consider that the relocation of the existing business is not 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 could 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) do not outweigh the much wider harm that would result from the loss of open Green Belt land. Members would need satisfy themselves that the economic benefit of keeping a local employer in the local area and the employment that goes with it is sufficient to outweigh the in principle harm to the Green Belt and visual harm from the size and appearance of buildings onto the site.

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, despite the threat of the employer moving out of the area if the planning applications are not granted and the economic benefits of further employment opportunities. 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 lawful horticultural (agricultural) site, that does not constitute previously developed (brownfield) land, 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 by officers to be 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 decision would need to be subject to a legal agreement regarding the required financial contributions and to link the scheme with EPF/2518/14, and would be subject to various conditions to deal with matters such as surface water drainage, landscaping, etc. Apart from accepting that the development would visually look acceptable in this location and that very special circumstances do exist, then it could be that they consider the economic benefits of the development outweigh the Green Belt harm and any other harm.

Is there a way forward?

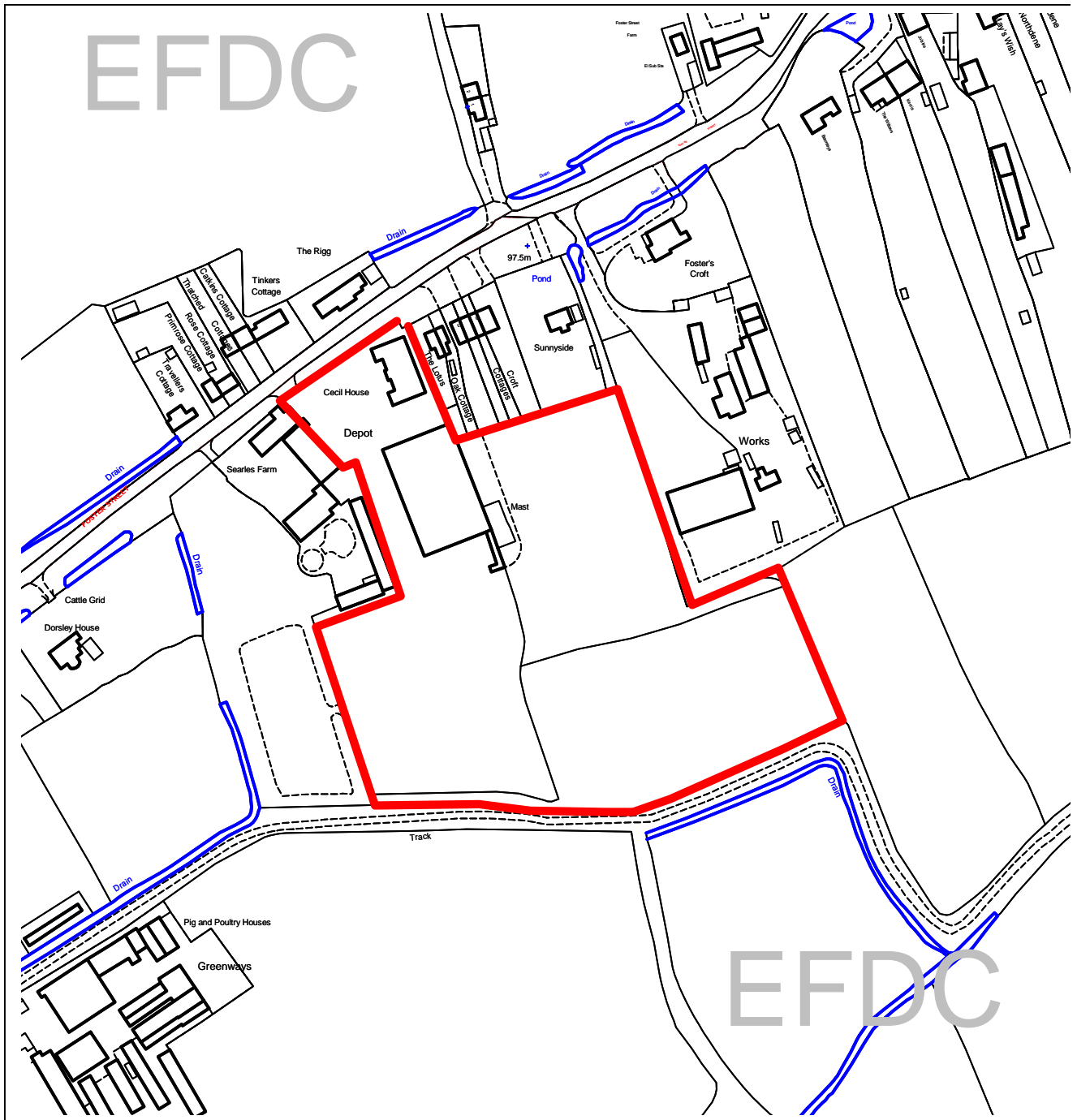
Given the designation of the site as an undeveloped parcel of Green Belt land, Officers do not consider at this stage that there is any way forward with regards to the proposed development. Whilst still inappropriate development the relocation of the proposed site at the northern end of the wider site 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.

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Agenda Item 9 Epping Forest District Council

AGENDA ITEM NUMBER



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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

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**Report to District Development
Management Committee**



**Epping Forest
District Council**

Report Reference: DEV-009-2015/16.

Date of meeting: 10 June 2015

Subject: EPF/2518/14 – C.J. Pryor, Cecil House, Foster Street, CM17 9HY – 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 facilities (Enabling development for linked application EPF/2517/14)

Responsible Officer: Graham Courtney (01992 564228).

Democratic Services: Gary Woodhall (01992 564470).

Recommendation:

(1) That consent is refused for the following reasons:

- 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.**

Report:

1. This application was put to the Area Plans Sub Committee East on 13 May 2015 however was referred directly up to the District Development Management Committee for decision without discussion, given the three applications are intrinsically linked.
2. The application was put forward to Area Plans Sub Committee East with a recommendation for refusal. This report carries no recommendation from Members of Area Plans Sub Committee East.

Planning Issues

3. The application is made on behalf of C.J. Pryor Ltd, who are a specialised earth moving and plant hire contractor that currently operate from two sites in Foster Street. They use a number of heavy good vehicles and low-loaders and state that they employ 100 people in total.
4. The company state they are expanding and the current two sites at Foster Street generates noise disturbance and traffic congestion to local residents. The company also state that the number of heavy goods vehicles is projected to increase and therefore feel that the existing Foster Street sites are inappropriate for expanded use.
5. A site search was undertaken and an alternative site identified for the company to relocate to, this being the Harlow Gateway South site on the A414 which is further from local residents and closer to the main road network (primarily the M11). The relocation of the business to this alternative site would be at a significant cost and it is put forward by the applicant that they need funding from the proposed housing developments on the two existing Foster Street sites in order to enable the relocation. It is also stated that the total number of dwellings proposed across the two sites (74 in total) is the minimum required in order to fund the proposal.
6. It is understood that initial presentations and discussions were undertaken with various officers in the Council and Councillors, including the former Director of Planning and the Chief Executive. At that time the proposed Harlow Gateway development was being referred to as the 'Beauty Parade'. However, there was understandably no suggestion that the submission of a planning application would be granted and indeed it is understood by planning officers that any indicative plans and elevations at that time were not those submitted here as a planning application.
7. This application has been submitted as one of three linked applications (along with EPF/2516/14 and EPF/2517/14). Whilst each of the three applications is being dealt with separately, and has been assessed in isolation, these are intrinsically linked and have also been considered as a whole. Also, since the applications were prepared on the Area Plans East agenda, in respect of this particular application, the Planning Report has been revised to account for the submitted noise assessment report.

Planning Report:

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.

NORTH WEALD & DISTRICT PRESERVATION SOCIETY – Object as the site is within the Green Belt, only part of the site is currently in commercial use, and since 65 residential units would be an overdevelopment and would result in an increase in traffic.

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:

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 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 undertaken with regards to this proposal that primarily assesses the potential impact on the proposed housing development. A noise assessment has also been submitted with regards to the Harlow Gateway Site (EPF/2517/14).

Annex A of the acoustic report regarding the application site refers to the existing noise impact that results from the business currently running from the two Foster Street sites and estimates any further potential impact if the business were to expand in its current location. Whilst this noise impact is one of the key considerations with regards to the proposed redevelopment of this site for housing it is not considered that this concludes that there is significant harmful noise nuisance from the existing Foster Street operations. Although this noise assessment concludes 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).*

The Sharps Redmore Noise Assessment submitted with 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".

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. Sharps Redmore even caveat this by stating that, whilst a reduction in traffic noise would be expected with the relocation of the business away from the existing Foster Street sites "*this reduction is associated solely with the existing and potential future use of the Pryor's site and excludes any other Foster Street or other (M11 for example) traffic noise*". 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 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 ration 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 Local Planning Authority 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 by officers 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 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.

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Report to District Development Management Committee

Report Reference: DEV-003-2015/16
Date of meeting: 10 June 2015



**Epping Forest
District Council**

Subject: Planning Application EPF/3006/14 – Fyfield Business and Research Park, Fyfield Road, Chipping Ongar, Essex, CM5 0GN - Outline planning permission for mixed use redevelopment comprising the retention of part of existing business park and community facilities, provision of new car parking to serve retained uses, extension to existing cafe to provide 140m² new retail space, and provision of recreational facilities including relocated MUGA play area and junior football pitch, and the removal of other existing buildings on site and the erection of 105 no. residential dwellings together with associated car parking, public open space, landscaping as well as construction of a new site access, including a roundabout off Fyfield Road.

Responsible Officer: Jenny Cordell (01992 564481).

Democratic Services: Gary Woodhall (01992 564470).

Recommendation:

(1) That consent be refused for the following reasons:

- 1** Part of the proposed built development will result in an incursion onto unbuilt areas of land within the Metropolitan Green Belt and therefore would constitute inappropriate development within the Green Belt, harmful to the openness and character of this area. No very special circumstances outweigh this in principle harm and therefore the development fails to comply with Government guidance in the form of the National Planning Policy Framework and policies GB2A and GB7A of the adopted Local Plan and Alterations.

- 2** Due to its separation and distance from schools, shopping areas and a choice of leisure facilities, the proposal will be a relatively isolated residential development, heavily reliant on private car trips and therefore the site is not sustainable for residential dwellings. The development is therefore contrary to the National Planning Policy Framework and policies CP1, CP3, CP6, ST1 and ST2 of the adopted Local Plan and Alterations.

Report:

1. This application was considered by the Area Plans Sub Committee East on 15 April 2015 where Members voted on the recommendation in the report to grant subject to 106 agreement and conditions, but the vote was lost. A motion was then put forward and seconded to refuse on the grounds that the proposed development would be unsustainable and no very special circumstances exist to outweigh the

harm to the green belt from the incursion onto currently unbuilt part of the site. This vote was won. After the vote 4 Members of the Committee stood in order to require that no action be taken on the matter until it has been considered by the District Development Management Committee (Operational Standing Order Item 13 (2) of the Constitution).

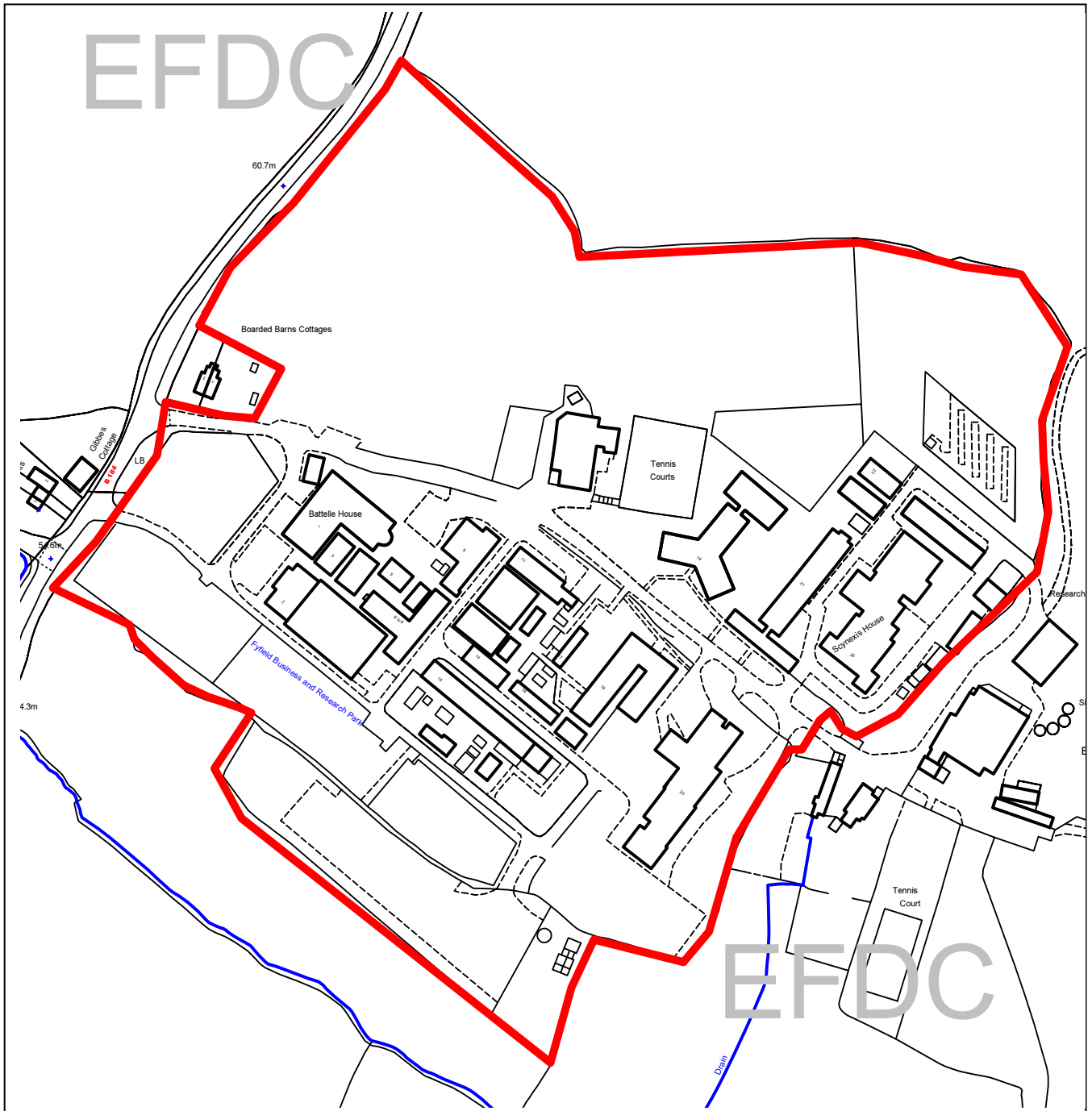
2. Members also requested more information with regard to the provision of the footpath link from the site southwards to the beginning of the built-up area of Ongar. Measured to the where the proposed link would cease at the old site entrance to the Ongar Leisure Centre, it would be 700m. The footpath link would be a continuous footpath along the eastern side of Fyfield Road (with breaks for access points) and would generally be 2m in width unless reductions are necessary due to highway width. This narrowing is however infrequent. The Applicants submitted details of the footpath link in the Transport Assessment accompanying the planning application. The application was also accompanied by a Footway Impact Assessment to assess impacts on trees, hedges, ecology and drainage. The conclusions of this study were that any impacts could be mitigated suitably with replanting, adequate ecological surveys and construction methods prior to works and the use of drainage culverts.

3. The application was put forward to Area Plans Sub Committee East with a recommendation for approval. The original report is attached in full below for consideration.



Epping Forest District Council

AGENDA ITEM NUMBER 4



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Application Number:	EPF/3006/14
Site Name:	Fyfield Business and Research Park Fyfield Road Chipping Ongar CM5 0GN
Scale of map:	1/2500

Report Item No: 4

APPLICATION No:	EPF/3006/14
SITE ADDRESS:	Fyfield Business and Research Park Fyfield Road Chipping Ongar Essex CM5 0GN
PARISH:	Ongar
WARD:	
APPLICANT:	Fyfield Joint Venture (FJV)
DESCRIPTION OF PROPOSAL:	Outline planning permission for mixed use redevelopment comprising the retention of part of existing business park and community facilities, provision of new car parking to serve retained uses, extension to existing cafe to provide 140m2 new retail space, and provision of recreational facilities including relocated MUGA play area and junior football pitch, and the removal of other existing buildings on site and the erection of 105 no. residential dwellings together with associated car parking, public open space, landscaping as well as construction of a new site access, including a roundabout off Fyfield Road.
RECOMMENDED DECISION:	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/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=572613

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:
4644 PL100 Site Location Plan
4644 PL101 Existing Site Plan
4644 PL110 P2 Site Layout
4644 PL111 P2 Residential Layout 1 of 2
4644 PL112 P1 Residential Layout 2 of 2
4644 PL120 P2 Refuse Strategy
PR119352-10H Landscape Masterplan

- 2 a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (i) appearance;
 - b) The reserved matters shall be carried out as approved.
 - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

- 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 The maximum number of dwellings permitted by this consent is 105 units of the mix specified on drawings 4644 PL110 P2, 4644 PL111 P2, 4644 PL111 P2 and 4644 PL112 P1. These dwellings permitted shall not exceed 9m in height.
- 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 Class A, C or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 The garages, car ports and parking spaces hereby approved shall be retained in perpetuity and kept free from obstruction at all times so that they are permanently available for the parking of vehicles.
- 7 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]
- 8 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]

- 9 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]
- 10 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.
- 11 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.
- 12 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for the following all 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
- 13 Prior to first occupation of the development, the provision of the access arrangements, as shown in principle on drawing PL110 Rev P2, shall be implemented, to include but not restricted to:
- The provision of the roundabout access
 - Bus stops either side of the B184 to ECC specification, to include shelters if possible.
 - Provision of a footway link from the site to tie into the existing to the south. All details to be agreed with the Highway Authority.

- 14 The existing southern access shall be permanently closed and replaced with full upstand kerbs and full depth verge, the existing northern access shall be closed to vehicular traffic with the exception of emergency vehicles, by way of bollards or other means as agreed with the Highway Authority, immediately the proposed new access is brought into use. All details to be agreed with the Highway Authority.
- 15 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- 16 There shall be no discharge of surface water onto the Highway.
- 17 No development or preliminary groundworks of any kind shall take place until the applicant 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 Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 18 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.
- 19 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.
- 20 Prior to the commencement of demolition/construction, the following should be submitted to, and approved in writing by, the Local Planning Authority:
- i) A detailed proposal for the creation of the wildlife/conservation area (including the pond) in the north-eastern area of the site. This will include mapping and species lists.
 - ii) A five-year management plan detailing the development and monitoring proposals of the north-eastern wildlife/conservation area over five years including scheduling and responsibilities.
- And the development shall be carried out in accordance with the approved details.

- 21 Prior to the commencement of demolition/construction, the following should be submitted to, and approved in writing by, the Local Planning Authority:
- i) A detailed description including mapping of the creation, position, species planting lists and future maintenance of the attenuation ponds.
And the development shall be carried out in accordance with the approved details.
- 22 Prior to the commencement of demolition/construction, the following should be submitted to, and approved in writing by, the Local Planning Authority:
- i) A detailed description of the type of lighting, positioning and recommended minimal timings of use of lighting, if any is to be used for the football pitch in the northwest area, in order to be sensitive to badgers.
And the development shall be carried out in accordance with the approved details.
- 23 Prior to the commencement of demolition/construction, the following should be submitted to, and approved in writing by, the Local Planning Authority:
- i) A proposal to address the issue of the ventilation unit on the roof of Unit 25 to avoid bats being killed recklessly.
 - ii) A copy of the application made to Natural England for a European Protected Species licence. Such application will cover the bat mitigation scheme, timing issues, material usage in the new build and details of soft-felling of trees.
 - iii) A copy of the European Protected Species licence from Natural England allowing buildings to be demolished that are being used by bats.
 - iv) Details of an artificial lighting plan to be used during and post development to include type and timings and following Natural England's guidelines.
And the development shall be carried out in accordance with the approved details.
- 24 Prior to the commencement of demolition/construction, the following should be submitted to, and approved in writing by, the Local Planning Authority:
- i) Detailed schedule of the method, timing and location of any tree felling in order to avoid the bird breeding season and details of procedure should any nests be found and details of the responsible contractor.
And the development shall be carried out in accordance with the approved details.
- 25 Prior to the commencement of demolition/construction, the following should be submitted to, and approved in writing by, the Local Planning Authority:
- i) A methodology including timings of the vegetation clearance and soil scraping of the northwest area of the site in order to be sensitive to reptiles and details of the responsible contractor.
And the development shall be carried out in accordance with the approved details.
- 26 The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed flood risk assessment (Royal HaskoningDHV, Ref: 9Y1364/R0006/310055/Egha, dated 19 December 2014) has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 27 The development be carried out in accordance with the flood risk assessment (Fyfield Business Park, Fyfield Road, Chipping Ongar Flood Risk Assessment and Surface Water Management Plan, Ref 9Y1364, 19 December 2014) and drainage strategy, including drawing no. 9Y1364/FRA/01 Revision D2 and subsequent calculations provided by Royal Haskoning DHV on 05.02.2015 submitted with the application, unless otherwise agreed in writing with the Local Planning Authority.

- 28 Prior to the commencement of works the developer shall supply the Local Planning Authority with details of surface water drainage. This should include the method of flow control with associated discharge rate, all permeable paving subbase depths, definitive volumes of the attenuation features and pipe sizes throughout the development. These details should then be approved in writing before works start and the development should be carried out in accordance with the approved details.
- 29 No development approved by this planning permission shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details in the letter dated 6th February.
- 30 All main highways and turning areas within the application site required for refuse collection shall be constructed to a standard sufficient to accommodate the weight of a fully loaded 32 tonne refuse vehicle.
- 31 Prior to the commencement of works the developer shall submit details for the proposed playing pitch layout on the proposed playing field. This shall be approved in writing and the development shall be carried out and maintained thereafter in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 32 No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority:
(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
(ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
(b) The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.
- 33 The playing field and pitches shall be constructed and laid out in accordance with the submitted details and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before first occupation of the development hereby permitted.
- 34 The artificial grass pitch hereby permitted shall not be constructed other than in accordance with the design and layout details set out in the planning application EPF/3006/14 unless otherwise agreed in writing by the Local Planning Authority.
- 35 No development shall commence until details of the design and layout of the artificial grass pitch have been submitted to and approved in writing by the Local Planning Authority. The artificial grass pitch shall not be constructed other than substantially in accordance with the approved details and shall be maintained thereafter in accordance with the agreed details.

- 36 Prior to commencement of works details shall be submitted to and approved in writing by the Local Planning Authority for the detailed design of the sports pavilion. The facilities shall be designed in accordance with Sport England's Pavilions and Clubhouses guidance note and the FA's Changing Accommodation guidance.
- 37 Prior to the commencement of works the developer shall submit to the Local Planning Authority and have approved in writing details of the car parking provision dedicated for supporting the use of the sports facilities. The details should include the layout of the car park, confirmation of the spaces dedicated to sports use and details of how the car parking will be managed. The development shall then be carried out and maintained thereafter in accordance with the approved details.
- 38 No development shall commence until details for the phasing of the development, including the provision of the playing pitch, artificial grass pitch and sports pavilion, have been submitted to and approved in writing by the Local Planning Authority. The details shall ensure that the development hereby permitted ensures a continuity of sporting provision on site and provision of sporting facilities prior to residential occupation. The development hereby permitted shall not be carried out other than in accordance with the approved details and shall be maintained in accordance with these details thereafter.
- 39 Prior to the commencement of works the developer shall provide details regarding the provision and retention of fire hydrants on the application site, the location of the fire hydrants and confirm the associated water capacity. These details shall be approved in writing by the Local Planning Authority and the development shall be carried out and maintained thereafter in accordance with the approved details.
- 40 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 41 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of 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.
- 42 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 43 Notwithstanding the detail on the approved plans, Prior to the commencement of works the developer shall provide details of provision for 44 affordable units (42% of the development) on the application site of a mix and tenure and location to be

agreed in writing by the Local Planning Authority. The development shall be carried out and maintained thereafter in accordance with the agreed details.

Subject to the applicant entering into a Section 106 Legal Agreement within 6 months for the developer contributing in respect of the following:

- 1. Financial education contribution of £116,726.00 towards early years and childcare provision, £245,700.00 towards Primary School Transport and £79,852.00 towards Secondary School Transport.**
- 2. Provision of on site affordable housing comprising 44 homes and 42% of the development with a mix reflective of on site provision with the exception of 4 bedroom units and a tenure of 70% affordable rent and 30% shared ownership.**
- 3. Provision of highway alterations comprising the stopping up of existing accesses and provision of the proposed roundabout. Provision of new bus stops on both sides of the B184 and a footpath link to Ongar.**
- 4. Provision of sporting provision as per recommendations from Sport England.**
- 5. Appointment of a residents based maintenance company for the maintenance of open spaces within the development.**

This application is before this Committee since

- i) it is an application contrary to other approved policies of the Council, and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(b))*
- ii) 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))*
- iii) 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).)*
- iv) 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 covers an area of 9.35 hectares, of which 5.65 hectares is developed, located entirely within the Metropolitan Green Belt, to the north east of Ongar. The site is occupied by Fyfield Business Park. It is surrounded by and includes many mature and established trees, which are notable in their contribution towards the character of the site. There are no Tree Preservation Orders on the site.

Land to the immediate north and south of the site is used for agriculture and there are residential properties to the west and east (on the opposite side of the B184).

The business use of the site evolved from its original use for agricultural research and development. As a result not all buildings of the site are purpose built, or indeed suitable for occupation by businesses. However, a number of employment uses are now well established on the site.

Description of Proposal:

The proposed development seeks outline permission for a mixed use redevelopment of the site comprising retention of the existing business park on the northern side of the site, community facilities, provision of new car parking to serve these uses, extension to the existing café to provide new retail space and provision of a junior football pitch and MUGA (multi use games area) play area. Other buildings on the southern side of the site are to be removed to permit the erection of 105 residential dwellings, associated parking, open space and landscaping. The proposals include the formation of a new site access and roundabout.

As an outline application the applicant seeks permission for access, landscaping, layout and scale. Matters regarding appearance would be determined at Reserved Matters stage.

Relevant History:

The site has an extensive planning history, most relevant being;

EF\2014\ENQ\01266 – Paid pre-application advice regarding the proposed scheme.

EPF/0916/14 – EPF/0920/14 (x6 applications) Prior Notification for Change of Use from Offices (B1a) to Dwelling (C3) – Prior Approval Required and Granted.

EPF/1976/13 – EPF1981/13 (x6 applications) Prior Notification for Change of Use from Offices (B1a) to Dwelling (C3) – Withdrawn

EPF/0207/11. Outline planning application for the redevelopment (in 3 phases) of Fyfield Business Park comprising the removal of all existing buildings except 2 no. office buildings, a Grade II stable block and a crèche building and existing hardcourt recreation area and changing facilities. Erection of 12 no. one and two storey office buildings equating to a gross external area of 17,071m². Construction of new site access, including a roundabout off Fyfield Road. Provision of a new cricket pitch and additional amenity space. Comprehensive landscaping scheme including new trees, shrubs and hedges. Provision of a total of 521 car parking spaces and 234 cycle parking spaces. - ALLOWED on appeal after it was refused for the following 2 reasons:

- 1) *The proposed development is inappropriate development, by definition harmful to the Green Belt. Whilst it is accepted that some redevelopment may be justified due to the history and circumstances of the site, the case put forward by the applicant is not sufficient to outweigh the very real harm to openness that would result from the significant intensification of development proposed within the site. The proposal is therefore contrary to policy GB2A of the adopted Local Plan and Alterations and to Government Guidance.*
- 2) *The applicant has failed to show that the amount of floorspace envisaged could be achieved without the construction of two storey buildings in a position that would be visually prominent and intrusive when viewed from Fyfield Road. The development would therefore be harmful to the rural character, openness and visual amenity of the area contrary to policies GB7A and LL2 of the Adopted Local Plan and Alterations.*

EPF/2200/06. Outline application for mixed use development comprising 90 no. new dwellings, retained employment, community facilities, associated parking, open space, landscaping and new access arrangements. Refused for the following reasons (and appeal dismissed):

- 1) *The site is within the Metropolitan Green Belt. The proposal represents inappropriate development and is therefore at odds with Government advice, Policy GB2 A of the adopted Local Plan and Policy C2 of the adopted Replacement Structure Plan for Essex and Southend on Sea. The latter state that within the Green Belt permission will not be given, except in very special circumstances for the construction of new buildings or for the change of use, or extension to existing buildings except for the purposes of agriculture, mineral extraction or forestry, small scale facilities for outdoor participatory sport and recreation, cemeteries or similar uses which are open in character. The application for 90 proposed new dwellings fails to comply with Policy GB2A, resulting in considerable harm to the Green Belt. No very special circumstances have been put forward by the applicant which are considered to outweigh the harm to the Green Belt.*

- 2) *The site is an isolated site to the north of Ongar in an rural area. The scheme will see the loss of employment land, promote commuting, and will not enhance the rural environment. It is poorly served by public transport and most access will be by private motor vehicle notwithstanding the proposed bus service. Therefore the proposal does not constitute a sustainable development in this rural location, contrary to policy CS1 and CS4 of the adopted Replacement Structure Plan for Essex and Southend on Sea, and CP1, 2, 3, & 9 of the Adopted Local Plan*

- 3) *There will be an unacceptable loss of employment land on the site contrary to policy BIW4 of the adopted Replacement Structure Plan for Essex and Southend on Sea and E4A of the adopted Local Plan.*

- 4) *The application contains insufficient information on highway efficiency/capacity, safety and accessibility to enable the Highway Authority to assess whether or not it complies with Structure Plan Policies CS5, T1, T3, T6 & T8*

Policies Applied:

CP1- Achieving Sustainable Development Objectives
 CP2 - Protecting the Quality of the Rural and Built Environment
 CP3 - New Development
 CP4 - Energy Conservation
 CP5 - Sustainable Building
 CP6 - Achieving Sustainable Urban Development Patterns
 CP7 - Urban Form and Quality
 CP8 – Sustainable Economic Development
 CP9 - Sustainable Transport
 GB2A – General Restraint
 GB7A – Conspicuous Development
 RP4 – Contaminated Land
 U2B – Flood Risk Assessment Zones
 U3B – Sustainable Drainage Systems
 DBE1 – New Buildings
 DBE2 – Impact of Buildings on Neighbouring Property
 DBE4 – Design and Location of New Buildings within Green Belt
 DBE5 – Design and Layout of New Development

DBE6 – Car Parking in New Development
DBE7 – Public Open Space
DBE8 – Private Amenity space
DBE9 – Amenity
H3A - Housing Density
H4A – Dwelling Mix
H5A - Affordable Housing
H6A - Site Thresholds for Affordable Housing
H7A - Levels of Affordable Housing
H8A – Availability of Affordable Housing in Perpetuity
H9A – Lifetime Homes
NC4 – Protection of Established Habitat
LL1 – Rural Landscape
LL2 – Resist Inappropriate Development
LL3 – Edge of Settlement
LL10 – Retention of Trees
LL11 – Landscaping Schemes
HC12 – Development affecting the setting of Listed Buildings
ST1 - Location of Development
ST2 - Accessibility of Development
ST4 – Road Safety
ST6 – Vehicle Parking
ST7– Criteria for Assessing Proposals (new development)
I1A – Planning Obligations

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 relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Summary of Representations

67 neighbouring consultations have been sent out and three site notices were erected on 25th February 2015. Officers have visited the site on a number of occasions during paid pre-application discussions and again on 25th February to erect site notices. A press advert was also provided for this application.

The following properties have submitted objections:

BOARDED BARNS FARM, TEES LAW (ON BEHALF OF BOARDED BARNS), FOLYATS, LITTLE FOLYATS, SHELLEY LODGE, GIBBS COTTAGE, WALSHAWS, ALISHA TOOT HILL, UPPER HERONS AND CULPEPER HOUSE IN QUEEN STREET.

The objections raised are:

Urbanisation of the Green Belt, urban sprawl, cramped development, overdevelopment of the site, proposals have small gardens and fail to increase any employment benefits on the site. The site has a dangerous absence of a safe pedestrian route to Ongar, and provision of a safe route would be a problem with ownership issues, repositioning of drainage ditches and lighting harming the Green Belt. The grid layout of the development is unsuitable in a rural area, the site is contaminated, the proposed roundabout is dangerous, the proposals would result in an increase in traffic movements locally, the road in this area floods during periods of high rainfall and in winter this is prone to freezing. The area has inadequate sewage capacity and there are concerns if the pumping station fails. There are also generic surface water concerns. Light, air and noise pollution arising from 105 homes. Inadequate infrastructure locally in terms of schools, doctors and transport. Proposed street lighting out of character in rural area (existing columns are less than 10ft), provision of housing can not ever meet demand so the cycle of provision should not be

pursued. Vehicle access issues in relation to Boarded Barns Farm, no security fencing around the residential estate and insufficient parking. A similar development in 2007 was refused and the appeal dismissed. The area does not have adequate service infrastructure and the provision of such infrastructure in a rural area is unacceptable.

The principle of redevelopment of the site is noted and the existing permissions and prior approvals from 2012 and 2014. However it is requested the setting of the listed building, Boarded Barns Farm, is carefully considered. The scale and spread of development is greater than should be permitted under paragraph 89 of the NPPF (notwithstanding the footprint), existing open areas will become enclosed gardens and the buildings extend closer to the site boundaries having a greater impact on the Green Belt. 40% of affordable housing provision on a site so isolated is inappropriate. Trees retained would be under future pressure for trimming or removal due to location in garden areas. A reduced scheme should be submitted.

A resident from Heron's Lane has raised concern that residents of this street were not consulted for this application. There is also concern that residents in Clatterford End and Fyfield were not notified. By this neighbour's own admission, the site is separated from these neighbours by approximately a mile. At this distance whilst construction or highway works may impact on vehicle movements of these residents in the short term, and these properties may be able to see the proposed development, the separation distance negates any possible significant impacts to these properties by way of overlooking, overshadowing or loss of privacy. For this reason Officers are satisfied it is not necessary to notify properties this widely of the application. Members are reminded that in addition to neighbouring letters issued, three site notices were erected around the site and advertisements were made in the local paper.

ONGAR TOWN COUNCIL: Ongar Town Council do not oppose residential development at this brownfield site and do not adopt all of the reasons for refusal suggested by some objectors, especially those concerning social rather than planning considerations. The Council do however strongly object to the application in its current form. It is anticipated that many of the issues raised concerning environmental and infrastructure issues may be resolved or be capable of resolution by way of conditions applied to any approval. The Council does not feel that the current layout and style of building are necessarily appropriate and would like to see some flexibility in any permission granted so as to retain the maximum freedom of decision making at the detailed planning stage.

The Town Council has great concern about road safety and transport issues and does not feel that the present application effectively addresses these. It is noted that the reasons cited in the developers marketing report show these as cogent reasons for the failure to attract commercial tenants. The same issues are exacerbated for residential occupation and while it is accepted that the pressure for housing means the present proposal could be financially successful, it should not go ahead without soundly developed and effectively applied measures to assure the safety of future residents who will include children and possibly disabled or vulnerable persons in numbers far greater than is the case for industrial or commercial use.

Until the access and transport issues are fully addressed the Town Council has no option but to strongly oppose this application.

Issues and Considerations:

Principle of development in the Green Belt

Development within the Green Belt is defined as inappropriate in principle as it inevitably impacts on openness and the purposes of including land in the Green Belt. The proposals are therefore inappropriate unless falling under one of a number of identified exceptions from the NPPF and local policy. Paragraph 89 of the NPPF permits the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, 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.

In this instance it needs to be considered that the proposed development extends closer to the south and west boundaries than the existing built form therefore it can be argued this has a greater impact on openness than the existing development, contrary to paragraph 89 of the NPPF. However, Members should consider that the proposals already permitted at appeal in 2012 extend to a similar location on the western boundary.

The applicant has submitted details as follows in respect to the scale of the buildings onsite:

	Footprint (sqm)	Gross External Area (sqm)*	Volume (cubic m)
Existing site	12,105	16,148	59,867
EPF/0207/11 approved at Appeal in 2012	10,575	18,950	71,762
Proposed scheme (new buildings plus those to be retained)	9,648	17,842	58,879

** Gross External Area is the area of a building measured externally at each floor level and is a measurement used by the RICS.*

From this information it is clear that the proposed new development results in less structures onsite than currently exists and less than was previously approved.

For Members ease of reference in 2006 the appeal inspector deemed that the proposal being considered at that time would result in around a 40% increase in volume of buildings. Full figures are not available for comparison as this was an outline application accompanied by less information. The 2006 proposals also sought a larger development area to accommodate the larger volume of buildings. The Planning Inspector that dismissed this appeal placed significant weight on this increase, the associated impacts to local views into and around the site and the unsustainable nature of the site. This decision was however reached prior to the adoption of the NPPF, the presumption in favour of development and the increased pressure to make provision for a 5 year supply of housing. At the time this application was also considered to result in an increase in vehicle journeys on the existing use of the site. Since this application was dismissed at appeal a greater number of traffic movements have been permitted to retain a solely employment function at the site, the need to retain employment sites is less fundamental in the NPPF and the proposals currently being considered, whilst being for a greater number of properties, result in a smaller overall volume increase than that considered in 2006. This arises from a combination of smaller buildings proposed and more demolition being involved.

Reviewing the history associated with the site and the requirements of paragraph 89 of the NPPF, it must be considered that as the development proposed extends further towards the southern boundary of the site than existing buildings and the previous consented scheme, then the proposals have a greater impact on openness and therefore should be considered contrary to paragraph 89 and policy GB2A. Consistent with the Inspector's decision in 2012, Officers conclude that as the proposed development would extend into greater areas of the site, the development would have a greater impact on openness than the existing business park or the previous approval and as a result the proposed development would constitute inappropriate development in the Green Belt. We therefore need to assess whether other factors amount to very special circumstances sufficient to outweigh this harm.

Green Belt other considerations and sustainability

When assessing impact to the Green Belt and the principle harm as established, other merits of the scheme must also be considered. Weighed against the harm to openness arising from the sprawl in the footprint of the buildings is the benefit from the clear reduction in the overall scale, volume and bulk of buildings as demonstrated by the figures above. In addition, the proposals would make effective use of a currently underutilised site which is previously developed land. This adds significant weight in favour of the scheme, this view concurs with the previous Inspector's decision in 2012.

The Council as a whole is currently seeking provision of new homes to contribute to a 5 year supply of land that is currently not met. The Council has agreed that the best way to secure such land provision is through the use of brownfield sites first. The redevelopment of this site would contribute to this wider Council objective and contribute to the Council's 5-year land supply.

The proposals must also be considered in the context of the golden thread of Sustainability underpinning the NPPF. This means that sites should be brought forward for development where they are sustainable (the presumption in favour of sustainable development paragraph 14 of the NPPF). A site is considered Sustainable if the development and site meet social, economic and environmental objectives, namely a neutral or positive balance. In this instance, the provision of housing where a 5 year land supply is absent and a development that makes provision for both market and affordable housing also meets the Council's social objectives. In respect of economic considerations, the retention of existing businesses on site, provision of structures to allow relocation of businesses where required and the ability to introduce alternate development (residential) where business units are under used, contributes to the local economy in terms of productivity and spending power locally, thus meeting economic objectives.

Considering environmental impacts, the site location is such that the separation distance from the main settlements is not desirable. The access road has no pedestrian link and as outlined above there is a sprawl across the site with the proposed buildings when compared with the existing layout. However, balanced against the harm in terms of spread is the gain in terms of the reduction in structures, the opportunity to make housing provision on brownfield land as opposed to needing to potentially release open land elsewhere in the District and the proposals to incorporate a pedestrian link along the B184 (Fyfield Road) and introduction of a bus stop, make every possible effort to improve the sustainability credentials of the site. Whilst it is appreciated the distance to Fyfield and Ongar main centres cannot be changed, the accessibility of goods and services in the Ongar centre are improved as much as possible. Considering all the above matters, Officers consider the proposals to accord with the requirement to be sustainable development and as such, the presumption in favour of development should be applied, due to the wider benefits to openness in the Green Belt and the effective use of the site making a significant provision towards housing targets and in the context of the still extant previous approval, Officers consider the wider benefits of the proposals to outweigh the in principle harm identified.

This conclusion differs from that of the Planning Inspector considering the scheme for 90 homes in 2006 and thus requires clear explanation. The Inspector in 2006 determined that the distance of the site from Ongar, even with a pedestrian footpath, was sufficient to result in dependence on private vehicles. The result being the proposals would result in an unsustainable increase in vehicular journeys. Furthermore the separation of the site from schools, shopping areas or leisure facilities was considered sufficient to result in more car journeys, thus on balance the Inspector considered the site not sustainable. Officers consider this balance to have shifted now in favour of the merits of the site. Clearly the site location and proximity to Ongar is unchanged, however the existing use onsite now has a differing baseline of vehicle movements against which the proposals should be measured. In addition weight should be given to the currently extant permission for the commercial redevelopment of the site that would increase this threshold of vehicle movements to a greater degree than the residential use now proposed. The current scheme includes a small retail unit and the site contains an established crèche.

Finally, the sports pavilion building is noted to extend into the Green Belt to the north of the site, with the proposed shop building infilling between existing buildings. Infilling development accords with policy objectives and small scale structures for open sport and recreation are appropriate within the Green Belt.

Visual Impact

The applicants have submitted information accompanying their application regarding visual impact. The proposals have been assessed by the Council's Landscaping Officer and no concerns have been raised. The proposed development would inevitably be visible from a distance, however the existing development on site is visible to the same if not a greater degree. Therefore, Officers consider there is no greater harm to local landscapes from the proposed development than currently arises.

Officers also considered concerns raised regarding lighting impacts on the Green Belt from the estate proposed and from the roundabout and associated street lights. However, were the business park fully operational and the permission as extant implemented, then impacts in respect of lighting and the Green Belt would be as great if not greater than the impacts that would arise from smaller residential properties. In addition the benefits from lighting at junctions (and roundabouts) for safety purposes outweighs any concerns in respect of the Green Belt due to being required for infrastructure. Columns had been requested at a lesser height by neighbours, however this is not possible as the columns need to meet British Standards required. Notwithstanding this, a condition could be required regarding lighting within the estate in relation to the layout.

Housing need and affordable housing

Issues relating to housing need and the 5-year supply of housing are considered above. In respect of affordable housing, the Council seeks a provision of 40% of new residential development for affordable housing under policy H7A. This amounts to 42 units. The mix of affordable units should reflect the mix of units provided on site.

In this instance the proposed development includes the provision of 4 bedroom dwellings. Demand on the housing list for 4 bedroom homes is low, and accordingly the Council's housing team have instead asked for a greater number of smaller units in lieu of the 4 bedroom units. As such the proposals would require 42% affordable housing provision amounting to 44 units. As larger homes are clearly more profitable than smaller units, this should not impact on the viability of the scheme.

The Housing team have asked that the affordable units be 70% social rented and 30% shared ownership in accordance with Council policy. They have asked that the council's standard housing terms be applied to the S106 agreement to secure this provision.

Design

The proposals allow determination of layout, scale and landscaping but matters relating to appearance are reserved.

The proposals are designed to split the site along the existing central access, retaining and providing commercial elements to the north of the site, with residential dwellings on the southern side. This divide would ensure suitable amenity provision for future occupiers and separate traffic flows to the differing uses on site in a manner that is generally desirable.

There has been some criticism of the layout suggesting that it is grid like and unsuitable in a rural area. The proposals are of a scale where it is appropriate that an approach akin to that of the Essex Design Guide is adopted and the layout proposed has been demonstrated to retain existing views through the site, namely by retaining existing open corridors. The main access route through the centre of the site and indeed the proposed tree lined avenue into the residential area are both

identified as key strategic views for retention. The grid- like form referred to then derives itself from these spinal routes that intersect the site. The Essex Design Guide encourages a layout akin to that which is proposed as making a good use of space, being easy to navigate and providing parking areas to the rear of properties to permit overlooking and easy access but preventing the streets being dominated by parking. The layout proposed is considered acceptable, to follow design guide principles, provide garden and parking areas for all units and achieve a good landscaping provision. The proposals do result in a compact, dense development, but on an isolated site without immediate visual comparison aside from scattered isolated properties, this character is not unreasonable. As proposed the layout and form provides a robust independent character that is clearly discernible from neighbouring rural plots that are more generous in scale and the opposite commercial area.

At this stage appearance details are limited but the applicant has indicated an intention to provide typical height two storey dwellings. The Design and Access Statement supplied suggests the development height on site would range from 8-9m to allow for architectural variation and interest. Similarly, outlook from units can only be assessed once full plans are provided at Reserved Matters stage, however based on the layout proposed, there is no reason adequate outlook could not be achieved.

Heritage

The site itself contains one listed building; a grade II listed late 18th century/early 19th century stable block, which was converted to a laboratory in the 1940s when the site was developed into an agricultural research centre. The immediate setting of this building will remain unchanged and, as at present, its wider setting will be as part of a larger group of buildings. The proposal will, therefore, not have any further detrimental impact on the already eroded setting of this building.

Around the edges of the proposal site are six other listed buildings, or clusters of listed buildings. These include Gibbs Cottage (grade II, 18th century cottage) and 1-3 Church Lane Cottages (grade II 16th century with 18th century alterations) to the west, and the complex of buildings forming Boarded Barns Farm to the east. It is noted the proposed built form of the development will encroach further towards the listed cottages to the west, but they still remain visually distinct from the site given their location on the opposite side of Fyfield Road and the 'buffer' of green space between the road and the proposed housing development. The proposed houses are also of a scale comparable with the cottages and will not dominate their setting. For these reasons, the settings of the cottages will not be compromised.

As described in the Heritage Assessment, other than the stable block which was incorporated into the Business Park, the complex of agricultural buildings forming Boarded Barns Farm were sold into separate ownership in the 1950s. The buildings are listed at grade II and include the 17th century farmhouse, a late 18th century stable block to the north of the farmhouse, outbuildings dating from the 18th and 19th centuries to the north east of the farmhouse (including stables, a barn and a stallion shed), and a 16th century granary and early 19th century kennels to the west of the farmhouse. Given the established difference in ownership and uses of the Business Park and Boarded Barns Farm, a distinction between the two sites already exists. This will be maintained through the retention of the existing buildings in closest proximity to the listed farm buildings. In addition, the proposed removal of the building immediately to the west of the granary and kennels buildings will improve their setting, particularly as the proposed houses will then be positioned further away from the listed buildings.

Although the proposed development will increase the number of buildings on the site, the character of the development, due to the smaller and more sympathetically designed buildings, improved landscaping, and the introduction of visual breaks in the bulk of the building forms on site, will not cause harm to the settings of the listed buildings. The local authority will also have control over the palette of materials of new buildings, which will likely enhance the current setting which comprises functional larger buildings.

Archaeology

Historic Records demonstrate the proposed development is within the historic farmstead of Boarded Barns, other finds including a Roman farmstead are known in the vicinity and there is a possibility of palaeoenvironmental deposits from the stream to the south of the site. For these reasons there is a potential for there to be archaeological deposits on the site and Essex County Council have requested a condition to secure adequate investigations before and during construction.

Neighbouring Amenity

The application site has a number of immediate neighbours, namely 1 and 2 Boarded Barn Cottages adjacent the existing site entrance, Boarded Barn Farm to the rear of the application site, and opposite the site access, Gibbs Cottage and Church Lane Cottages.

Other neighbouring properties are located further along Fyfield Road but these are more isolated from the site and whilst may be able to view the development proposed, would not be directly impacted upon in respect of immediate outlook, access matters, overshadowing or privacy.

Gibbs Cottage and Church Lane Cottages are located opposite the proposed development, near to the existing site entrance. Whilst the proposed dwellings would encroach closer than the existing built form, to a position similar to that approved at appeal in 2012, these neighbouring properties opposite would still retain good outlook and suffer no adverse impacts by way of overshadowing or loss of privacy.

Boarded Barns Cottages at the site entrance would conversely benefit to a limited degree from the proposed development. Adverse impacts arising would not differ from other properties considered above. There would clearly be some construction inconvenience associated with any development, but the proposals would relocate the main entrance to the site, installing an emergency only barrier across the existing access. This means all traffic movements associated with the retained commercial enterprises and the residential development would be better separated from Boarded Barns Cottages, meaning less noise and disturbance to these occupiers. Whilst the existing access is acceptable in policy terms, there would be clear benefit to this relocated access. For Members reference, the closest distance between the existing front corner of 1 Boarded Barn Cottages and the closest proposed new dwelling is 26m (measured building to building).

Boarded Barns Farm to the rear of the site is likely to be the property most impacted during construction as the sole access to the property is through the application site. However, as the northern side of the site is intended to remain and operate during construction, access to the site at all times is desirable. The central access road through the site is being retained, and whilst there will inevitably be some disruption during works, there is no reason the neighbouring Boarded Barns Farm could not be accessed throughout works. In respect to impacts to outlook, privacy and overshadowing, the proposed development would introduce residential uses in close proximity to the Farm and dwelling as opposed to commercial uses. This in itself is not contrary to any policy. The existing property would still be afforded more than reasonable outlook, and the development as set out, whilst likely to provide a perception of overlooking, would not result in any significant loss of privacy or overshadowing due to separation distances. This neighbour is noted to have raised concerns regarding absence of fencing preventing access over land associated with the Farm. Whilst Officers note that as a former research and development site, and now a commercial premises, security would indeed have been tight historically, however, the majority of farms around the District do not benefit from or indeed require a perimeter fence. The close relationship between the housing proposed and the farm is noted, however pest control via shooting and other methods are controlled by other laws beyond planning, and farms on the edge of settlements are not unusual elsewhere in the District. It would not be reasonable or indeed appropriate to require a

residential estate to be securely fenced. For Members reference the closest new dwelling to the closest structure on the Boarded Barns Farm site is 35m (measured building to building).

Landscaping

The proposed development has been accompanied by appropriate tree protection information and arboricultural reports. The Council's landscaping Officer has assessed the submission and is satisfied that the proposals are acceptable subject to standard conditions for tree protection during construction and hard and soft landscaping. The Landscaping Officer has also assessed the Landscape Visual Impact Appraisal and has no concerns.

Ecology

The application is accompanied by an Ecological Assessment. The Council's Country Care team have assessed the proposals and the Ecological Assessment supplied and accept the findings. The view of Officers is that the ecological merits of the proposals are acceptable subject to conditions.

Drainage

A number of interested parties have expressed concern regarding flooding both of surface water in general and of the road outside the development. The Environment Agency and the Council's Land Drainage Team have both been consulted for this application due to the scale of the development proposed. The size of the development has also resulted in consultation with Essex County Council's new SuDS (Sustainable Drainage Systems) team.

The Environment Agency has no objection subject to a surface water drainage condition. The Council's Land Drainage team have reviewed the proposals and have raised no objection, instead requesting conditions.

The County SuDS team expressed a desire for more information and objected in the interim in the absence of such information. Following submission of appropriate information the SuDS team have withdrawn their objection and sought a condition regarding surface water drainage.

The conditions proposed are considered sufficient to improve the existing surface water run-off on site and as a result, whilst surface water flooding will likely remain locally as this is an issue affecting an area wider than the application site, the proposals should result in an improvement beyond the existing local conditions.

Highways (access and parking)

The Highway Authority has been contacted regarding the proposed development and have raised no objections to the proposed development subject to conditions and the provision of a legal agreement to secure the highway alterations. The Highway Authority are satisfied that the proposals would secure highway improvements and result in a lesser volume of traffic movements that are better distributed through the day, than the extant permission for office uses. The Highway Authority have also supported the provision of a footpath along the verge of the B184 (Fyfield Road) and by supporting this application the County Council indicates the proposed road layout meets the necessary highway safety standards.

Officers have liaised to discuss the potential for reduced height lighting columns in this area as suggested by neighbouring properties. The County Council has confirmed, as set out above, that reduced height columns are not possible as they would not meet the required British Standard.

Other Matters

The Fire Services have been consulted on the application and are satisfied that the proposed access is sufficient for emergency service vehicles. More detailed arrangements for water provision and sprinklers within buildings would be dealt with under building regulations. A later more detailed response has been received from the Fire Services querying the retention of

existing hydrant points and if they are not to be retained, the provision of new hydrants. This information can be secured by condition and provision would be made as part of a mains water services for the new properties.

The Council's Contamination Officer has reviewed the proposals and concluded that it should be feasible to remediate worst case non-radioactive contamination on this site and the Radiological Feasibility Study submitted in support of the application has concluded that it is considered to be practically feasible and economically viable to remediate radioactive contamination at the site. For this reason standard contamination conditions are requested.

The Council's Refuse team have been consulted on the application. Subject to the highway being constructed to accommodate the weight of a refuse vehicle, the development is able to make adequate provision for refuse storage and collection.

Sport England have been consulted on the application due to the provision of playing pitches. Originally the provision set out fell short of the requirements of Sport England's policies. The applicant has subsequently worked with Sport England to improve the age range of the facilities on offer and make revisions to parking allocation and pitch provision sufficient for Sport England to now accept the proposals subject to matters being secured by condition and/or legal agreement.

Conclusion:

The assessment above identifies that this site and application clearly has a detailed history and range of issues to be considered. Officers have assessed the merits of the scheme and concluded that whilst there is limited additional encroachment into the Green Belt beyond that which currently exists or has been approved before, the very special circumstances of this application in respect of the benefit to openness arising from a smaller overall volume of development and the provision of much needed housing on a brownfield site outweigh any harm.

The applicant has worked extensively with Officers at the Council to provide a development that achieves best use of the site whilst reflecting most recent policy requirements and the history of the site. The proposals are noted to result in a denser form of development than other residences along Fyfield Road and in the area. The application site provides smaller plots and closer relationships between buildings. As explored above, the layout adheres to the Essex Design Guide and this approach is desirable to make the best use of the site. Officers consider this approach does not harm surrounding rural character that will still be clearly discernible from the proposed development. Mindful of the above assessment, Officers are satisfied the proposed scheme provides a suitable layout and form of development for the site and results in no significant adverse impacts sufficient to justify refusal and thus approval is recommended.

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:

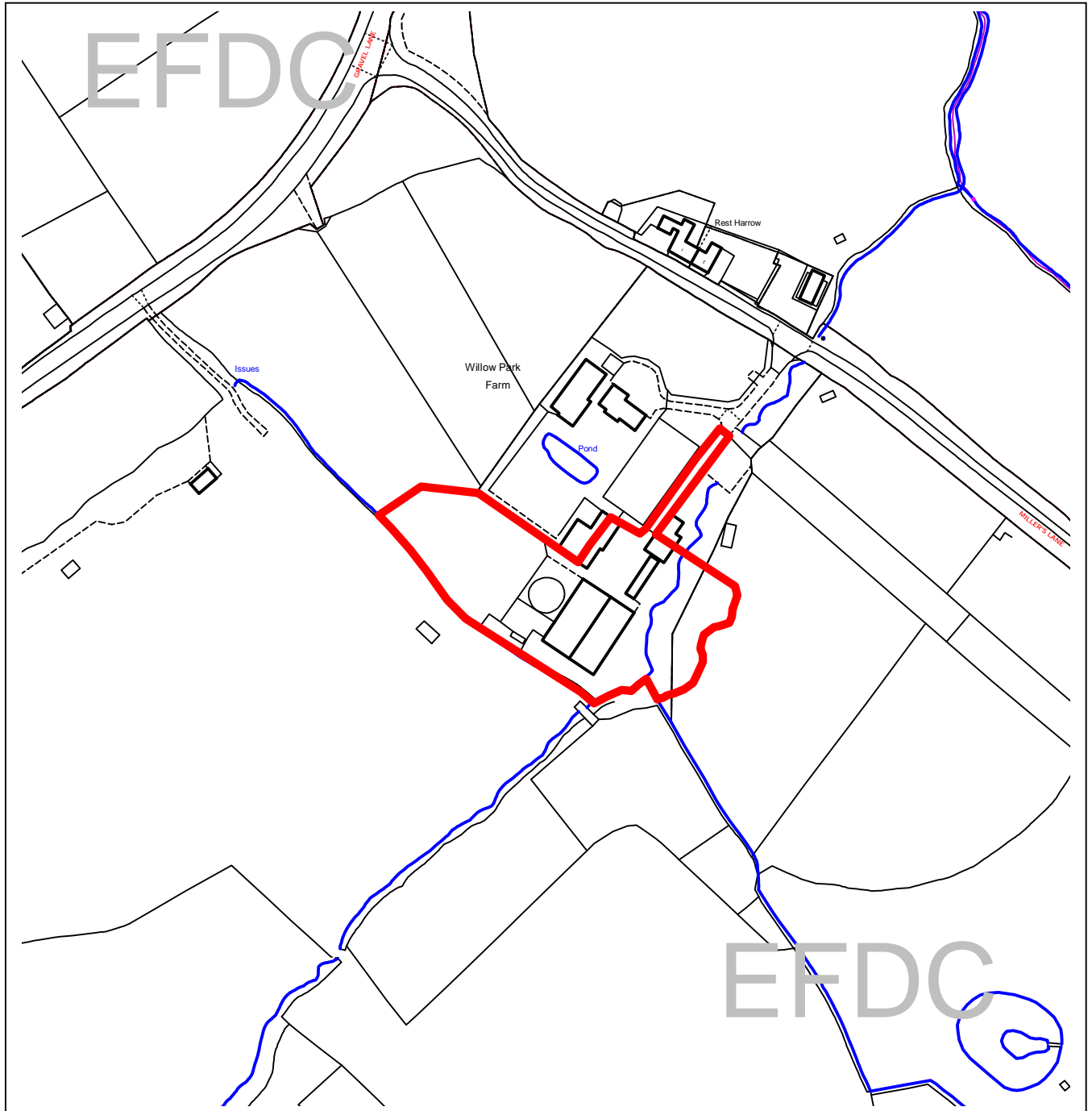
***Planning Application Case Officer: Ms Jenny Cordell
Direct Line Telephone Number: (01992) 564481***

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



Epping Forest District Council

AGENDA ITEM NUMBER



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Application Number:	EPF/2664/14
Site Name:	Willow Park Farm, Millers Lane Chigwell, IG7 6DG
Scale of Plot:	1/2500

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**Report to District Development
Management Committee**



**Epping Forest
District Council**

Report Reference: DEV-002-2015/16

Date of meeting: 10 June 2015

**Subject: EPF/2664/14 - Land at Willow Park Farm, Millers Lane, Chigwell -
Demolition of buildings at Willow Park Farm and erection of new
detached dwelling.**

**Responsible Officer: Nigel Richardson (01992 564110)
Stephan Solon (01992 564018)**

Democratic Services: Gary Woodhall (01992 564470)

Recommendation:

(1) That planning permission be refused for the following reasons:

- 1 Notwithstanding the reduction in the volume of built form the proposal would achieve, it is inappropriate development within the Green Belt and no very special circumstances in favour of it exist. Accordingly, the proposal is contrary to Local Plan and Alteration Policy GB2A, which is consistent with the policies of the National Planning Policy Framework.**
- 2 By reason of its height, bulk and siting the proposal would appear over-dominant in relation to the existing and the approved replacement house at Willow Park Farm. The poor relationship between the buildings that would arise amounts to a poor form of development that would detract from the appearance of the site to the detriment of the character and appearance of the locality. Accordingly, the proposal is contrary to Local Plan and Alterations policy DBE1, which is consistent with the national Planning Policy Framework.**

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=570892

Report:

- 1. This application was considered by the Area Plans South Sub-Committee on 1 April 2015 and after discussion, the committee agreed with the officer recommendation to refuse planning permission for the two reasons stated above.**
- 2. After the vote 4 Members of the Committee stood in order to require that no action be taken on the matter until it has been considered by the District Development Committee (Operational Standing Order Item 13 (2) of the Constitution).**

3. The report to the Sub-Committee is reproduced below and sets out the planning merits of the case and why a refusal of planning permission was recommended.

ORIGINAL REPORT:

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 the greater part of a former farm yard and adjacent open land northwest and southeast of the yard area. The former farm yard is primarily made up of 6 buildings arranged around a tarmac yard area that is accessed via a wide drive off the southwest side of Millers Lane, a short distance from its junction with Millers Lane. The buildings include 4 relatively large former barns/workshop buildings together with former stable buildings.

The site forms part of a 5.9 hectare landholding that also includes grassed fields to the northwest and southeast of the site. Millers Lane and Gravel Lane bound the landholding. A former farmhouse and associated outbuildings is situated between the application site and Millers Lane. Planning permission to erect a replacement house immediately rear of it was given on appeal in February 2013.

Land rises to the northwest and southeast of the application site, the level changes restricting views of it. Good trees/hedgerow adjacent to a watercourse known as Little London Brook on the southeast and southwest of the yard screen views from those directions.

Opposite the access to the site entrance is the former site of a redundant kennels adjacent to a pair of modest houses. It is being redeveloped to provide a detached house. Other than those developments, land on the northeast side of Millers Lane is open.

The application site is within the Metropolitan Green Belt. It is not within a conservation area or vicinity of listed or locally listed buildings.

Description of Proposal:

It is proposed to demolish all of the former farm yard buildings, including one just outside of the application site, and erect a house and adjacent garage building. The existing access to Willow Park Farm off Millers Lane would continue to serve the site. It is also proposed to carry out environmental improvements to Little London Brook including removal of the existing 21m long culvert of Little London Brook.

The proposed house and garage would be situated in the approximate position of two large existing barns, Units A and B. The house would be orientated to face the site boundary with Millers Lane. The garage block would be set forward of the house at right angles to it, in the position of Unit E and the front of Unit C. The proposed curtilage of the house would be restricted to the application site.

The house would comprise a three storey building with the second floor contained within the roof space. It would have a rectangular plan, some 26m by 15.5m. The roof would be a crown roof – flat with sloping sides – and contained by a parapet. A series of dormer windows in each roof slope would serve the upper floor rooms. The roof height of the house would be some 9.3m.

The house would have a classical appearance, the front elevation focused on a centrally positioned portico and bay over. A centrally positioned colonnaded balcony would project 3.5m from the rear elevation and single-storey wings would project 1.5m from the side elevations. Windows would be arranged symmetrically, decreasing in size on upper floors. Materials would be painted render to the ground floor, brick to the first floor and slate for the roof slopes. Stone would be used for detailing.

No details of the proposed garage building are provided other than an indication of its location, ground area and volume.

Key facts of the proposal are as follows:

Total ground/floor area of buildings to be demolished:	1375m ²
Total volume of buildings to be demolished:	5565m ³
Total ground area of buildings to be erected:	554m ²
Total 'external floor area' of buildings to be erected:	1242m ²
Total volume of buildings to be erected:	3526m ³
Total reduction in ground area:	821m ² (60%)
Total reduction in built volume:	2039m ³ (37%)

The above figures are taken from/based on those specified on the submitted drawings. Buildings to be erected are the proposed house and proposed garage building.

Details of proposed environmental improvements are set out in a report prepared by TEP (reference 4361.002 – version 2.0 dated February 2014)

Relevant History:

- EPF/0587/10 Demolition of existing house and selected outbuildings and replace them with a single-family dwelling house on a new plot served by new access. Resulting in a change of use of land from agriculture to residential. Withdrawn.
- EPF/0147/11 Demolition of existing house and selected outbuildings and replace them with a single family dwelling house. Refused on the basis that the proposal is inappropriate development in the Green Belt, harmful to its openness and to the character of the locality.
- EPF/0334/12 Erection of a replacement house immediately rear of the farmhouse. Refused, but subsequent appeal allowed, PINS ref APP/J1535/A/12/2181575. The applicant confirms he intends to build the consented house and the presently proposed house should consent be given.
- EPF/0392/12 Use of farmyard buildings for storage. Refused and subsequent appeal dismissed
- ENF/0137/11 Following the decision on the above appeal a planning enforcement notice was issued requiring cessation of storage use. An appeal

against the Notice was made on the basis that the storage use was time immune from enforcement action, PINS ref APP/J1535/C/13/2198082; and the enforcement notice was upheld with variations. A significant variation is that the Notice is not applicable to Building A, whose use was found to be time immune.

- EPF/1022/13 Demolition of buildings at adjacent former farmyard and at application site (units A, C, E, G, H and I) and erection of new detached residential dwelling, ancillary garage building, ancillary hardsurfacing and driveway, establishment of residential curtilage and formation of new vehicular access onto Millers Lane. Withdrawn
- EPF/1927/13 Demolition of buildings at adjacent former farmyard and at application site (units A, C, E, G, H and I) and erection of new detached residential dwelling, ancillary garage building, ancillary hardsurfacing and driveway, establishment of residential curtilage, formation of new vehicular access onto Millers Lane and closure of existing field access. Refused on the basis that the proposal is inappropriate development in the Green Belt, harmful to its openness and to the character of the locality.
- EPF/2031/13 Certificate of lawful development for existing use of building 'E' for residential purposes (Use Class C3 (dwellinghouses)). Withdrawn
- EPF/2067/13 Certificate of lawful development for existing use of Building 'A' for storage (Use Class B8). Withdrawn
- EPF/0473/14 Demolition of buildings at Willow Park (units A, B, C, E, F, G, H and I) and erection of new detached dwelling house on adjoining field parcel with ancillary garage building, ancillary hardstanding and driveway, formation of new vehicular access onto Millers Lane and closure of existing field access. A scheme of landscaping and ecological enhancement to Little London Brook to include 'deculverting' of section of brook. Withdrawn
- EPF/1940/14 Demolition of buildings at Willow Park Farm and erection of new detached dwelling on adjacent field. Revision to EPF/0473/14. Refused for similar reasons to EPF/1927/13

Policies Applied:

Policies contained within the National Planning Policy Framework, particularly paragraphs 79, 80, 87, 88 and 89.

The following Local Plan and Alterations policies are found to be consistent with those of the NPPF and consequently given weight:

CP2	Protecting the Quality of the Rural and Built Environment
GB2A	Development within the Green Belt
GB7A	Conspicuous Development
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
LL1	Rural Landscape
LL2	Inappropriate Rural Development
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 6

Site notice posted. Yes

Responses received: No response received from neighbours.

CHIGWELL PARISH COUNCIL: No objection – :“The Council has ***NO OBJECTION*** to this application providing the existing buildings are demolished before the new build commences, and the bricks used are of the same red colour.”

Main Issues and Considerations:

This application is recommended for refusal. It is being reported to Committee since previous decisions by Members to refuse proposals to erect the proposed house in an adjacent open field included an indication to the Applicant that an alternative scheme taking the form presently proposed may be considered more favourably. In the circumstances it is considered inappropriate to refuse the application under delegated powers.

The main issues raised by the proposal are its appropriateness in the Green Belt, impact on the openness of the Green Belt and character of the locality.

Access arrangements are acceptable and the house would exceed Council standards for off-street vehicle parking provision and garden space. Of itself, the detailed design of the house is acceptable but its consequence for the character of the locality is also a material consideration. The proposed environmental improvements are in the interests of biodiversity and can be secured by condition since they relate to land in the applicants ownership.

Appropriateness in the Green Belt:

When considering the matter of appropriateness it is first necessary to establish whether the site is previously developed land. The lawful use of the application site is primarily agriculture and the existing buildings are predominantly designed for that purpose. Building A, one of the larger buildings, was found to be in lawful use for the purpose of storage and distribution (Use Class B8) in the Inspectors decision on enforcement appeal ENF/0137/11. It also appears that the lawful use of Building E is residential, most probably as ancillary accommodation to the existing farm house. In any event, Building E was originally built as a stable building and not for the purpose of agriculture. While Buildings A and E are arguably previously developed land, since the lawful use of the remainder of the site (which is by far the greater part of it) is for agriculture it cannot be considered previously developed land.

The proposal is therefore primarily for the erection of new buildings, a dwellinghouse and ancillary garage, on land that is predominantly not previously developed land. Since the proposal is for buildings not required for agriculture or forestry and the development proposed is predominantly not on previously developed land it is

considered inappropriate development in the Green Belt.

The proposal includes the demolition of modern agricultural barns, a storage building originally built as a barn and other smaller buildings largely on the application site but also on land outside of in the site but within the applicant's ownership. The overall volume of the proposed house and garage is significantly less than that of the total volume of the buildings to be demolished while the ground area of the proposed buildings is also significantly less than the total area of the buildings to be demolished. However, the proposed house and garage would not amount to replacement buildings since their proposed use is not the same as the buildings to be demolished.

The fact that the proposed buildings are not replacement buildings reinforces the conclusion that they are inappropriate development in the Green Belt.

Impact on Openness:

The proposed demolition of buildings would enhance the openness of the Green Belt but the proposed new buildings would also significantly impact on such openness. The question of whether the harm to the openness caused by the new buildings is outweighed by the enhancement of openness arising from the demolition of buildings therefore arises.

Of the buildings to be demolished, units A, B, C and G are somewhat less prominent than the proposed house due to their lower height. At a maximum of 5m high, they are considerably lower buildings than the 9.3m high proposed house. They are nonetheless substantial structures of significant bulk. Unit E is a considerably lower structure that is situated abutting a substantial residential outbuilding serving the farmhouse at Willow Park Farm. Unit F is larger, but is also a much lower and less prominent building than the larger agricultural buildings at the former farmyard.

All those buildings are seen within the context of a farmyard and were designed and built for the purposes of agriculture. They are therefore not inappropriate development in the Green Belt and their visual impact and consequence for openness is mitigated by that fact. In the circumstances, the improvement to openness arising from their demolition would not outweigh the considerable harm caused by the proposal.

Units H and I are much smaller low buildings that are seen within the context of existing hedgerow that largely screens views of them. Moreover, they were also designed and built for the purpose of agriculture and consequently are not inappropriate development. The value of their demolition in terms of the enhancement of openness is limited and adds little to the benefits of demolishing the units at the former farmyard.

While comparisons of volume and floor area assist an assessment of impact on openness, they must be considered within the context of the site and the detail of the proposal. The proposed house would be sited in the same location as the larger existing buildings while substantial additional buildings adjacent to the position of the proposed house would also be demolished. Notwithstanding the appropriateness of the existing buildings within the Green Belt, having regard to the key facts about the volume and area of building to be demolished and erected it is concluded that the proposal would result in an improvement in openness at the application site.

That has been assessed above and the exercise does not support the applicant's

contention that the proposal would actually be beneficial to openness. Indeed, due to the prominence of the proposed buildings within the field they would be sited in the opposite is the case and, on the matter of openness, the proposal is found to be excessively harmful.

That conclusion is supported by the fact that the part of the field outside of the application site would be very unlikely to be used for agriculture in the event of the proposal being implemented. It is much more likely to be maintained as grounds for the setting of the proposed house such that the character of the entire field would become residential rather than a mix of agriculture and residential.

Character and Appearance:

Policies LL1 and LL2 seek to conserve the character and appearance of the countryside and ensure any development respects its character. The dominant characteristic of the appeal site is its development for substantial modern agricultural buildings that have a poor appearance. There is no doubt that, of itself, the proposed house, garage and associated works would have a much improved appearance than the existing buildings.

The character of the site would change dramatically as a consequence of the proposal, from one of a modern farm yard to a substantial residence in large grounds. The new character would be inconsistent with the rural character of the locality, however large dwellinghouses are not uncommon in the wider locality.

Since the proposal is considered to result in an improvement in the appearance of the site and since large houses are not uncommon in the locality it is concluded, on balance, that the change in character from agricultural use to residential would, of itself, not cause significant harm to the character of the locality. However, the scale of the proposed house would compete with that of the approved replacement farmhouse. Given its siting in relatively close proximity to it a house of the bulk and height proposed would appear odd. A smaller scale development that would appear subservient to the main approved house would appear more appropriate.

Existence of Very Special Circumstances

The minutes of this Committee's decisions to refuse planning application EPF/1927/13 and planning application EPF/1940/14 both state:

"Members found no justification for the proposal on the restricted application site but were of the view that there may be a case for development that replaced all the former farm buildings on adjacent land if the proposed house were sited in the former farmyard. The scale of any such proposal would require careful examination however."

This proposal follows the advice given by the Committee, which is carefully worded to make clear that any scheme would not necessarily gain approval. In summary, the proposal would introduce very substantial built form to replace lower, less prominent buildings that are, of themselves, not inappropriate development in the Green Belt. Set against that, the proposal would not cause significant harm to the character of the locality and it would achieve an improvement in openness that can only be achieved at the application site. Such matters amount to material considerations of significant weight but they are not of such weight that they outweigh the harm that would be caused to the Green Belt by reason of inappropriateness. Accordingly, they do not amount to very special circumstances and it is likely that such

considerations could be applied to proposals at other farm yards within the District.

The biodiversity enhancements are welcome, but they are not of such significance that they alone, or together with the reduction in built form, outweigh the harm that would be caused by reason of inappropriateness.

Since none of the matters in favour of the proposal are found to outweigh the harm it would cause, those matters do not amount to very special circumstances in favour of the development.

Whether there is a Way Forward

The minutes of the decisions to refuse applications EPF/1927/13 and EPF/1940/14 do state that there may be a case in favour of very special circumstances should the proposed house be sited in the former farmyard rather than in the adjacent open field. The minutes do go on to make clear that Members view was the scale of any such proposal would require careful examination.

The applicant now proposes siting the previously refused house in the former farmyard. Unlike previous proposals, the current proposal has the benefit of not introducing substantial built form into an open field. However, its scale would compete with that of the approved replacement house. There is no doubt it is possible to construct a significantly smaller house and that is likely to work better in design terms.

More fundamentally, such a proposal would still be inappropriate development in the Green Belt and it is also very unlikely to meet the aspirations of the applicant. In the circumstances, therefore, it appears unlikely that there is a realistic way forward that would deliver a development which meets the applicant's aspirations and complies with planning policy.

Conclusion:

The proposal is inappropriate development in the Green Belt that would appear excessively bulky and high in relation to the approved replacement house at Willow Park Farm. No very special circumstances in favour of the proposal exist. For that reason it is recommended that planning permission be refused.

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***

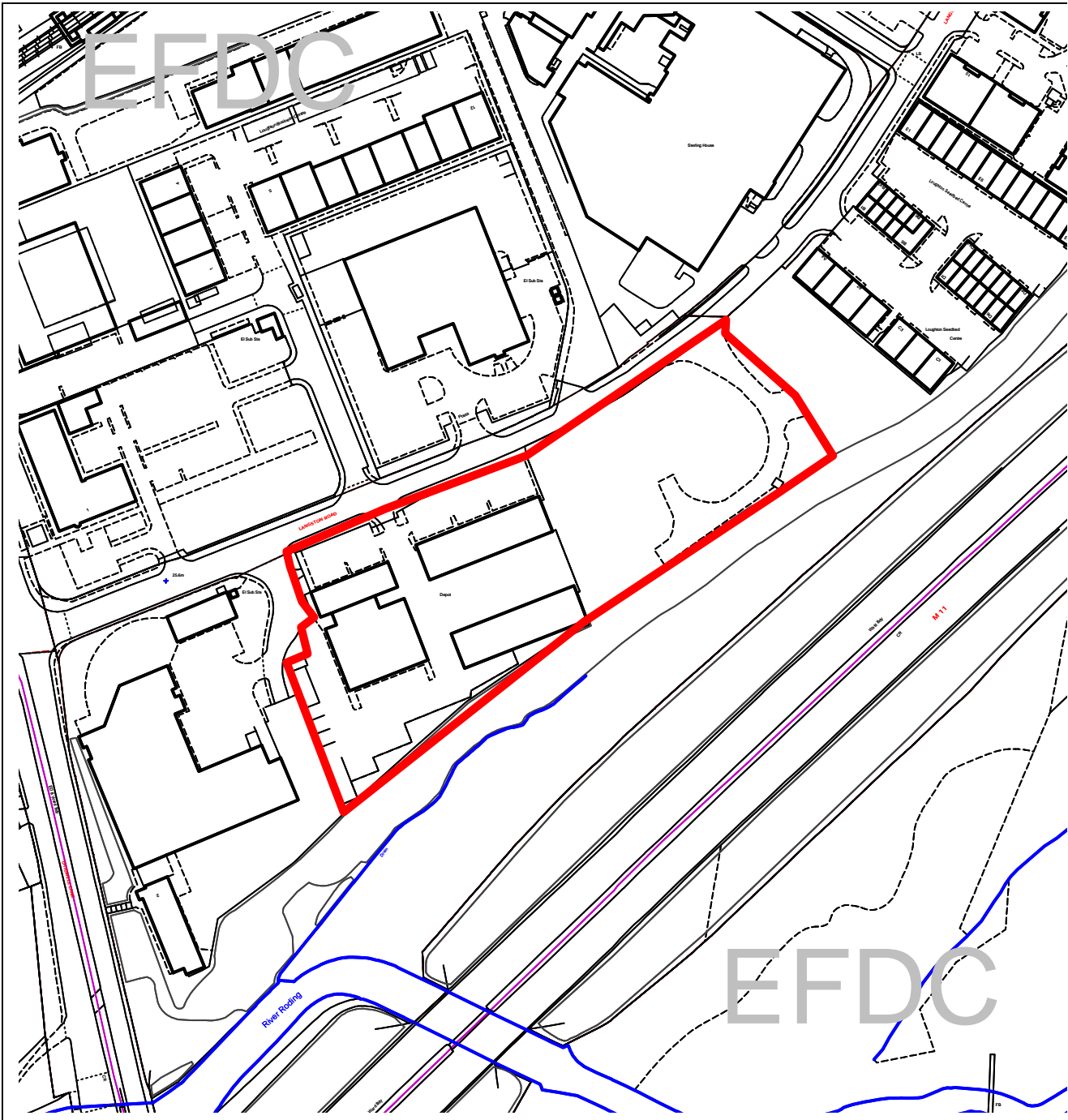
***or if no direct contact can be made please email:
contactplanning@eppingforestdc.gov.uk***

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Epping Forest District Council

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Application Number:	EPF/0294/15
Site Name:	Council Depot and Adjacent Land off Langston Road, Loughton, IG10 3TH
Scale of Plot:	1/2500

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**Report to District Development
Management Committee**

**Report Reference: DEV-006-2015/16.
Date of meeting: 10 June 2015.**



**Epping Forest
District Council**

Subject: Planning Application EPF/0294/15 – Council Depot site and Adjacent Land off Langston Road, Loughton IG10 3UE – Reserved matters application for the redevelopment of site for retail park with associated landscaping, car parking, ground remodelling works, retaining wall structures and two accesses off Langston Road (EPF/2580/10).

Responsible Officer: Jenny Cordell (01992 564481).

Democratic Services: Gary Woodhall (01992 564470).

Recommendation:

(1) That Members consider an Officer recommendation to GRANT planning permission subject to the further conditions below in addition to those imposed under outline permission EPF/2580/10 and the associated legal agreement:

- 1. The development hereby permitted will be completed strictly in accordance with the approved drawings nos:
8917 PL 001, 8917 PL 002 H, 8917 PL 003 A, 8917 PL 004 A, 8917 PL 005 C, 8917 PL 006 B, 8917 PL 007 B, 8917 PL 008 B, 8917 PL 009 A, 8917 PL 010 A, 8917 PL 020 A.**
- 2. The development shall be carried out and maintained thereafter in the materials identified in the application unless otherwise agreed in writing by the Local Planning Authority. The permitted materials are identified on drawings 8917 PL 008 B and 8917 PL 005 C and comprise for the parking area: Brushed concrete road surface, Tarmacadam parking areas and concrete paving slabs in neutral finish. Materials permitted for the building comprise: Metal profile roof in light grey, flat panel cladding in silver and dark silver, terracotta blocks, dark grey panels.**
- 3. 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.

4. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007 and any superseding act, no signage shall be erected on the application site beyond that approved as part of this application, without the prior approval of the Local Planning Authority.
5. Each unit hereby approved shall have no more than one fascia sign on each elevation. The size of each fascia sign for the units shall not exceed 11m in length by 3.3m in height, and the lettering and logos contained within shall not exceed 1.1m in height. The fascia signs shall not protrude above the ridge of the unit by more than 0.6m and the signage shall be downlit or internally illuminated only unless installed on the south-eastern elevation fronting the M11, where no illumination is acceptable.
6. The maximum luminance of the fascia signage granted consent by this Notice shall not exceed 600 candelas per square metre.
7. The maximum luminance of the totem signs granted consent by this Notice shall not exceed 1000 candelas per square metre.
8. Any signage erected facing the south-eastern elevation facing the M11 motorway shall at no time whatsoever be illuminated unless otherwise agreed in writing by the Local Planning Authority.
9. Prior to the commencement of works the developer shall submit details of proposed lighting intended for the retail park, including position, direction of lighting and spread of any overspill lighting. The development shall then be carried out in accordance with the approved particulars unless otherwise agreed in writing by the Local Planning Authority.
10. Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

Planning Report:

Application Site

The application site comprises the Council owned Langston Road Depot, which includes a depot and MOT Testing Centre and has 3 large buildings and areas of hard standing and also the adjacent site, which has historically been referred to as the 'T11' site, due to a designation within the 1998 Local Plan, which identified this site as a lorry park – Policy T11 has since been deleted.

To the south of the application site, separating it from the M11, is an area of land which is in private ownership.

To the east of the site lies the Loughton Seedbed Centre – a development of small and medium sized commercial/industrial units and to the west a BMW garage.

The rear part of the site does lie within the Metropolitan Green Belt. The whole of the application site lies within area designated by the Local Plan for business and general industrial uses.

Description of Proposal

This application seeks reserved matters consent for the redevelopment of the site with a retail park which will have a maximum retail floor space of 12,915m² as secured by the legal agreement accompanying the S106 with the outline application.

The proposed retail park would comprise a linear building sub-divided into 15 units (12 large units and unit 7 is sub-divided into 3 smaller spaces). There are restrictions preventing provision of a pharmacy or post office.

Retailers within the park are intended to be predominantly A1 comparison retailers (*Comparison retailing is the provision of items not obtained on a frequent basis. These include clothing, footwear, household and recreational goods*), although the application proposes that up to 1,000m² of the gross internal floor area may be used for the purposes of A3 retail (e.g. restaurants, cafes). The submitted Retail Statement also indicates that the units may accommodate a small amount of Class A1 convenience goods sales (*Convenience retailing is the provision of everyday essential items, including food, drinks, newspapers/magazines and confectionery*).

The units provide a footprint of 8,818sqm, with the ability to provide a mezzanine floor above to create the additional space as permitted by the previous legal agreement.

The proposed buildings would be grey, sheet metal structures with metal profile hipped roofs, slightly staggered to provide variation and double height glazing to the front. The maximum height is 11.6m and the maximum length of footprint is 243m in length.

Relevant Planning History

Planning Applications - Council depot site

EPF/0730/08. Outline application for development of the site for B1 and/or B2 and/or B8 use. Approved 03/07/2008 but not implemented.

EPF/2580/10 – Outline for the redevelopment of the site for retail park with associated landscaping, car parking, ground remodelling works, retaining wall structures and two accesses off Langston Road – Approved subject to conditions and S106.

Planning Applications - T11 Site

EPF/1450/06. Outline application to develop the land for mixed B1, B2 or B8 uses. Approved 12/10/2006 but not implemented.

EPF/1884/08. Reserved matters application for proposed Data Centre. (Mixed B1/ B8) - Details of access, appearance, layout and scale (Revised application). Approved 22/12/2008 but not implemented..

Planning Policies

The following policies from the Adopted Local Plan and Alterations are relevant to this site,

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
CP8 - Sustainable Economic Development
CP9 – Sustainable Transport
GB2A - Development in the Green Belt
GB7A – Conspicuous Development
RP4 - Contaminated Land
E1 - Employment Areas
E2 - Redevelopment/ extension for business/general industrial uses
E3 - Warehousing (in respect of E2)
DBE1 - Design of new buildings
DBE2 - Effect on neighbouring properties
DBE3 - Design in Urban areas
DBE4 - Design in the Green Belt
DBE9 - Loss of amenity
LL10 - Adequacy of provision for landscape retention
LL11 - Landscaping schemes
ST1 - Location of development
ST2 - Accessibility of development
ST3 - Transport Assessments
ST4 - Road Safety
ST6 - Vehicle Parking
ST7 - New roads and extensions or improvements to existing roads
I1A - Planning Obligations

The provisions and requirements of the National Planning Policy Framework are also relevant to this application.

Summary of Representations

146 neighbouring properties have been notified of this application and a site notice was erected at each entrance to the site.

The following responses have been received:

LRA LOCAL PLANS GROUP: We object to this application – we are very concerned about the proposed lighting of the signage facing the M11, which would be visually intrusive and out of keeping so close to Green Belt land, and would pose a distraction and hence a hazard to drivers on the M11, which is otherwise unlit on this stretch.

LOUGHTON TOWN COUNCIL: The Committee was concerned by the impact of lorries making deliveries to the retail park on local roads, especially the A1168 (Chigwell Lane) and the A121 (Church Hill/Goldings Hill leading to the High Road and Epping New Road A104), as these were regularly congested. Members also commented that as one of the units had been split into three, there were now fifteen units proposed, which would increase the number of lorry deliveries to the site. The Committee asked for a condition to restrict delivery lorry routes so the site could only be accessed from the M11.

The Committee objected to the proposed signage facing the M11, which it considered was visually intrusive and out of keeping as it bordered green belt land, and could pose a danger to highway safety by distracting drivers.

Planning Issues

Matters reserved at outline were;

- i) Layout,
- ii) Scale,
- iii) Appearance, and
- iv) Landscaping.

This application therefore focusses on these aspects only and any new matters introduced as part of this application. In this instance, the only significant new issue arising relates to advertisements and illumination. The application is accompanied by more detail in this respect than would usually be expected, thus these issues have been considered in addition.

Matters have been raised by third parties regarding access and deliveries to the site. These matters have already been agreed at outline application stage, thus the Council can not revisit these issues. Whilst more units have been provided as unit 7 is now sub-divided into three, the gross area of retail space is unchanged from that previously approved and restricted in the S106 accompanying the outline application. Thus the number of deliveries to fill the floor space proposed should not differ as a result of the subdivision.

Layout

The site layout is broadly unchanged from that indicated at outline stage. The proposals provide for 360 parking spaces (of which 18 are disabled) and a further 18 motorcycles spaces and additional cycle storage all to the front of the site, before a linear retail building, subdivided into units and delivery access to the rear. The subdivision of unit 7 has resulted in the infilling of a central parking recess previously indicated, however the parking has been provided elsewhere onsite and the change is central to the site. The result is no significant impact to street scene or the wider scheme. Officers are satisfied that the layout accords with that which was anticipated and is acceptable in policy terms and functional for use.

Scale

The building height is 11.6m and the maximum length of footprint is 243m in length, this is as anticipated from the outline application. The scale of the building is not out of keeping in this location where larger commercial units are more common. The ground level here is at the lowest point before rising up towards the motorway and the proposed retail park would be viewed in the context of the Seedbed centre, the Higgin's building and other buildings along Langston Road.

The proposed scale of development raises no concerns in respect of street scene or impact to neighbouring commercial uses.

Appearance

The proposed development will visually appear akin to neighbouring commercial properties and those typically associated with a retail park. The materials palette is neutral making uses of grey tones and at ground floor concrete paving contrasting with terracotta blocks on the walls at ground level. The proposed materials palette coupled with the building articulation are sufficient to provide a functional and as much as possible, an attractive façade. Officers are satisfied that the elevational treatment, coupled with the set back from the highway and the rising ground level behind are sufficient to ensure the proposals have no adverse impact on the street scene or the wider character of the area.

Advertisements and fascia signage are incorporated in the proposal, making clear the overall appearance of the building at this early stage as oppose to further piecemeal applications

later. This is to be commended. This also allows signage to be more uniform across the site, contributing to the overall appearance and ensures flexibility for future leases, with units able to be occupied and trading without waiting for advertisement consent as long as fascia adverts remain as outlined in this application.

A number of concerns have been raised regarding advertisements. As such a number of conditions have been incorporated. In particular there is concern about illuminated signage facing the M11. As a result of the issues raised, Officers have recommended this signage is not illuminated and secured this by condition. Further conditions regarding site illumination overall have also been imposed.

Landscaping

The Council's landscaping officer has been consulted on this application and has requested a condition regarding hard and soft landscaping. Details available at this stage are sufficient to indicate landscaping is possible, but information supplied regarding landscape detailing conflicts between drawings and fails to be accompanied by an implementation programme linked to the development schedule. Thus more landscaping information is still required.

Retail areas typically have limited planting and landscaping due to their functional nature, but imposition of the landscaping condition will ensure that any provision made is meaningful and effective in a space that can be enhanced by landscaping.

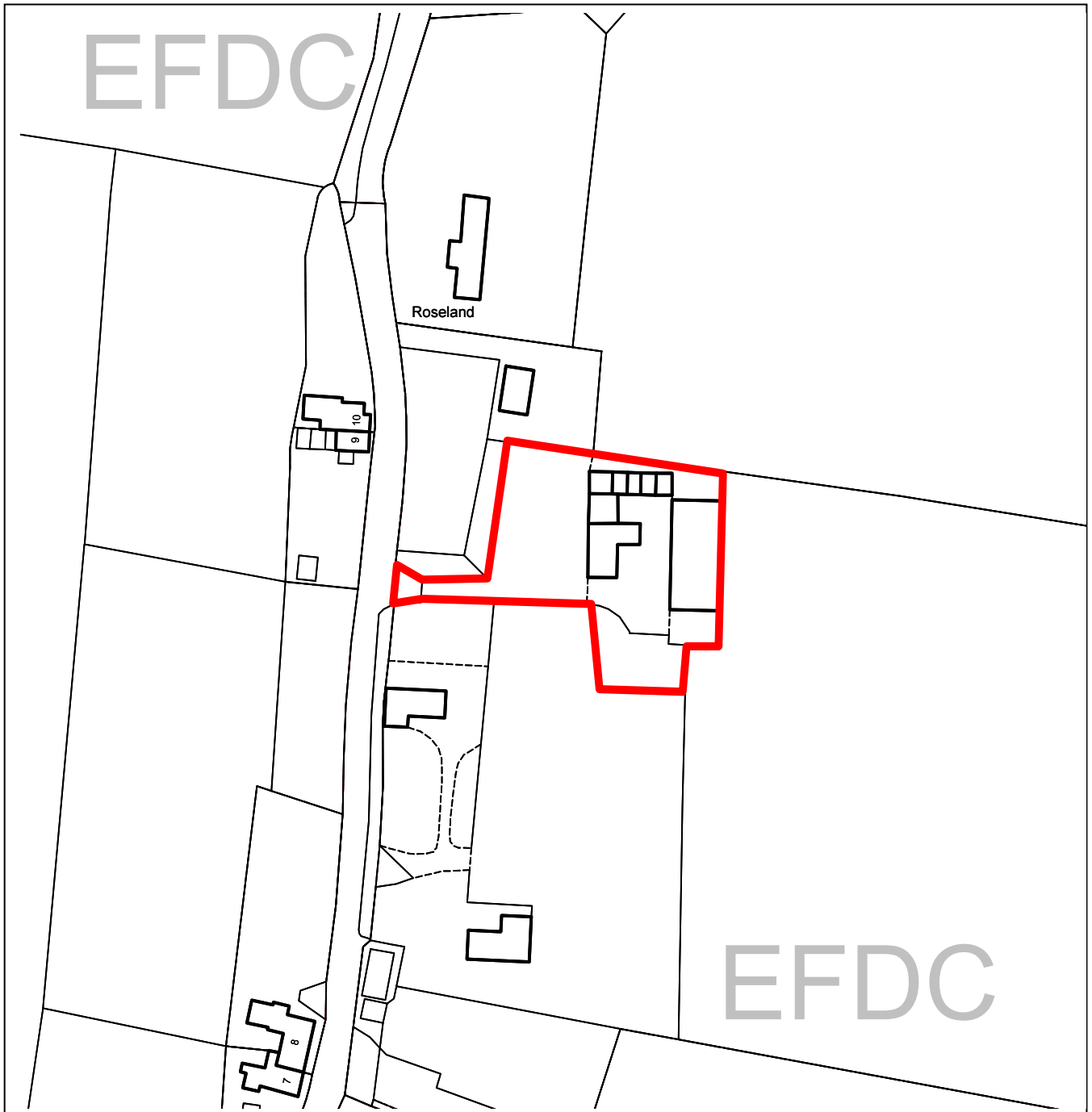
Conclusion

In light of the above appraisal, the reserved details submitted are considered to reflect those agreed at outline application stage. The design, appearance, scale and landscaping information indicates the retail park can be successfully implemented without harm to the character and appearance of the area. The development accords with the relevant development plan objectives and approval is recommended.



Epping Forest District Council

AGENDA ITEM NUMBER 3



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Application Number:	EPF/3005/14
Site Name:	Barkers Farm, Mount End Road Theydon Mount, Epping CM16 7PS
Scale of Plot:	1/1250

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**Report to District Development
Management Committee**

**Report Reference: DEV-001-2015/16
Date of meeting: 10 June 2015**



**Epping Forest
District Council**

Subject: EPF/3005/14 - Land at Barkers Farm, Mount End Road, Theydon Mount - Change of use of former farm office and dairy building and barn to create one live/work unit.

**Responsible Officer: Nigel Richardson (01992 564110)
Stephan Solon (01992 564018)**

Democratic Services: Gary Woodhall (01992 564470)

Recommendation:

(1) That 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 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Site Plan, 09-189/01, 09-189/02, 09-189/03, 09-189/04, 09-189/05, 09-189/06**
- 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 extensions, roof enlargements 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.**
- 4 The premises shall be used solely for mixed use comprising use for purposes within Use Classes C3, B1(b), B1(c) and B8. and for no other purpose (including any other purpose in Use Class B1 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.**
- 5 No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed**

timetable. 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 in writing.

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=572597

Report;

1. This application was considered by the Area Plans Sub-Committee East on 15 April 2015.
2. Following the debate on the application a motion was put forward and seconded to refuse the application on the grounds that the proposed development would compromise the openness of the Green Belt and that it is not a sustainable location for residential development. The vote was lost.
3. Members then voted on the Planning Officer's recommendation to grant consent for the proposal and this was agreed.
4. However, 5 members then stood to exercise the right under section 13, paragraph (2) of the Constitution to require that no action be taken and to defer decision to the District Development Control Committee (DDCC) (now known as District Development Management Committee (DDMC)). Members requested that the report to DDMC provide more detailed explanation of the history of the site, including the enforcement action and appeal decisions.
5. The Officer's report to the Sub-Committee together with an addendum setting out the Planning history for Barkers Farm as a whole is set out below. Members are advised that the key points to be drawn from the planning history in relation to the specific proposed development are explained in full in the original Officers report.
- 6... Briefly, there is a history of Planning permission being refused and a subsequent appeal dismissed on the basis that there was no evidence of agricultural need for the proposed dwelling. Since the publication of the National Planning Policy Framework, the issue of agricultural need falls away in the case of changes of use on the basis that of itself, it is not inappropriate development in the Green Belt. Furthermore, the National Planning Policy Framework has created a different planning policy context within which this proposal should be assessed and officers consider that the re-use of the buildings for the proposed purpose will not cause undue harm and therefore recommend the grant of planning permission, which is supported by Area Plans Sub-Committee East.

ORIGINAL REPORT:

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 that is the farm yard of a former farm. It is situated off the east side of Mount End Road within Mount End. Land rises east of the site and somewhat less steeply to the north. It is within the Green Belt.

The site comprises a substantial two-storey brick built building originally constructed as a dairy building and farm office. It is referred to as the dairy building in this report. A single storey wing projects to the rearwards from the main bulk of the building adjacent to the northern site boundary. It extends up to a substantial modern barn, a former stock building that is now divided into 4 units.

The site also includes a large tarmac surfaced parking area between the former dairy and the highway from which the site is accessed. A grassed area immediately south of the former dairy and barn, approximately 22m by 22m, is included within the application site.

Description of Proposal:

Change of use of former farm office and dairy building and barn to create one live/work unit. Submitted plans show the dairy building would be wholly laid out as a dwellinghouse with the single-storey projection used as storage. The barn would be used for mixed purposes within Use Classes B1 and B8, with such use being carried out by the occupants of the new dwellinghouse.

The proposal includes works to infill an undercroft area between the parking area to the front of the building and a yard area to the rear between it and the barn. The infilled part of the building would form a living room. Its front elevation would be enclosed by glazed bi-fold doors.

No other alterations to the exterior of the building are proposed.

Relevant History:

EPF/0542/95 Retention of existing barn of approx 250m² and retention of mobile home for 2 years. Refused 11/10/1995, appeal T/APP/J1535/A/95/261010/P7 allowed 11/12/1997. The mobile home was given a temporary consent restricting its occupation to ensure a justification for its retention in connection with the purpose of agriculture on the holding remained. The mobile home is no longer on site.

EPF/0167/96 Retention of mobile home and dairy unit. Refused 24/04/1996, appeal T/APP/J1535/A/95/269395/P7 allowed 11/12/1997. The mobile home is no longer on site.

CLD/EPF/0600/02 Certificate of lawful development for construction of existing parking area in front of dairy building. Granted 20/05/2002 on the

basis that the parking area had existed for more than four years.

- EPF/1482/03 Change of use of milking parlour and dairy to office use and conversion of part of stock building to light industrial use. Refused 25/02/2004, appeal APP/J1535/A/04/1143629 allowed 06/09/2004.
- EPF/0395/05 Insertion of two new dormer windows to front and side to front building. Approved 29/04/2005
- EPF/2342/07 Change of use from farm office and ice cream parlour to a one bedroom supervisory unit of accommodation for existing goat farm. Refused 12/12/2007, appeal APP/J1535/A/08/2065857 dismissed 15/09/2008.
- CLD/EPF/2311/09 Certificate of lawful development in respect of residential use of part of former dairy building. Appeal against non-determination dismissed 08/02/2012 (PINS ref APP/J1535/X/11/2152045).
- CLD/EPF/1066/11 Certificate of lawful development for works of alteration to the exterior and interior of former farm office. Refused 25/08/2011 on the basis that the claim was unclear and appeared to amount to a claim in respect of the use of the building as a dwellinghouse that was the subject of the Appeal in respect of application CLD/EPF/2311/09.
- EPF/2390/13 Application for a determination as to whether prior approval of the LPA is required for the use of part of the former dairy building as a dwellinghouse. Refused 24/12/2012 on the basis that proposed use was not Permitted Development since the building was not in lawful use as an office immediately before 30 May 2013 or prior to that date and, even if it were, insufficient information had been submitted to deal with the matter of potential land contamination.
- ENF/0062/11 Enforcement notices issued 06/07/11 alleging change of use of part of dairy building from B1 Office Use and use of summerhouse to residential purposes as a separate dwellinghouses. Notices found to be invalid and quashed at appeal on 08/02/2012 (PINS ref APP/J1535/C/11/2157758).

Subsequent enforcement notice issued 02/08/2013 alleging change of use of the whole of Barkers Farm to a mixed use including residential purposes. Subsequent appeal dismissed and Notice upheld on 01/07/2014 with variations (PINS ref APP/J1535/C/13/2204446). The requirements of the Notice include cessation of the residential use of the dairy building.

NOTE: None of the above enforcement notices were appealed on the ground that planning permission should be granted. The planning merits of the alleged uses were therefore never considered by the Planning Inspectors who heard the appeals.

Policies Applied:

The National Planning Policy Framework (NPPF) sets the policy context for assessing the development proposals. The policies of the District Councils Local Plan and Alterations are given weight in accordance with their conformity with the

NPPF. The following saved Local Plan and Alteration Policies are compliant with the NPPF and are therefore given significant weight.

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
GB2A	Development in the Green Belt
GB8A	Change of Use or Adaptation of Buildings
ST1	Location of Development
ST2	Accessibility of Development
ST4	Road Safety
ST6	Vehicle Parking
RP4	Contaminated Land
RP5A	Adverse Environmental Impacts
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL11	Landscaping Schemes

In addition to the above policies, the Essex County Council Parking Standards 2009 are a material consideration of significant weight.

NOTE: - Local Plan and Alteration policy GB9A – Residential Conversions, is not compliant with the NPPF and therefore is not a material consideration

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 9

Site notice posted.

Responses received:

11 MOUNT END: - Objection

Reference made to appeal APP/J1535/C/13/2204446 pointing out a requirement of the notice is the cessation of residential use of the site and maintaining that it is not clear whether all the requirements of the notice had been complied with. It is pointed out the Appellant had an award of costs made against him and it is questioned whether those costs were paid to the Council.

There is a presumption against residential use in the Green Belt, especially where the applicant seeks to achieve such use by deception. The applicant should not be allowed to benefit from his deception.

THEYDON MOUNT PARISH COUNCIL: Objection

Theydon Mount Parish Council objects to this proposal. The Parish Council is of the opinion that the applicant's activities over many years have been nothing more than a blatant attempt to achieve a dwelling in the Green Belt. The Parish Council further notes the Inspector, in his dismissal of an earlier appeal in relation to the site [Appeal Decision APP/J1535/C/13/2204446] states, among other things, that "... Mr Barker has carried out a deliberate campaign to confuse and obscure facts in relation to residential use of the Farm Office, making whatever assertions served him best at different times" [p.10 para 56].

The applicant has a long history of attempting to establish a dwelling on this Green Belt site and the Parish Council requests that this application be refused.

Main Issues and Considerations:

The application site is not within any flood risk zone and is not known to have any interest for biodiversity or to be likely to include contaminated land. In relation to the matter of biodiversity, the site does not contain any traditional timber framed building or traditional farm building. The site is not in a conservation area, does not contain any listed buildings and is not adjacent to any such building. There are no preserved trees on the application site.

The proposal would not have any adverse impact on the safe and free flow of traffic on the adjacent highway. It would also result in a good standard of accommodation with no significant change to the layout of the site or the appearance of existing buildings. Accordingly, the main matter to assess when considering the merits of this proposal is whether it is inappropriate development in the Green Belt. Other matters to consider are sustainability and consequence for living conditions.

Appropriateness in the Green Belt, and comments on representations received:

The planning history set out above is a material consideration, but it is not of significant weight when assessing compliance with planning policy. A previous planning application proposing residential use of part of the dairy building (EPF/2342/07) was put forward on the basis that the use was required in connection with agriculture. Planning permission was refused and a subsequent appeal dismissed on the basis that there was no evidence of agricultural need for the proposed dwelling. In this case the proposal is not put forward on the basis of agricultural need, but on the basis that it is not inappropriate development of itself. Furthermore, the National Planning Policy Framework has created a different planning policy context within which this proposal should be assessed.

The Council's first enforcement notices attacking residential use of buildings as dwellinghouses (issued in July 2011) together with the subsequent appeal decision that the notices were invalid (February 2012) both preceded the NPPF. The effective notice (issued in August 2013), attacked a mixed use of the whole of Barkers Farm on the basis that the use as a whole results in an intensification of the use of the site that is harmful to the openness of the Green Belt and consequently amounts to inappropriate development. In making that assessment the officer report recommending enforcement action gave very significant weight to Local Plan and Alteration Policy GB9A. Policy GB9A only permitted the reuse of buildings in the Green Belt for residential purposes if they are worthy of retention and either the building is not appropriate for re-use for business purposes, is a subordinate part of a scheme for business reuse or is required in connection with agriculture. That policy has since been found to be not compliant with the policies of the NPPF. It therefore cannot be applied to this application. Moreover, the current proposal does not relate to Barkers Farm as a whole, but only the most intensely developed part of it.

The primary policy against which the matter of appropriateness in the Green Belt must be assessed is that set out in paragraphs 79 to 92 of the National Planning Policy Framework. That has been the policy position since March 2012. Moreover, as pointed out above, the appeals against the enforcement notices issued in 2011 and 2013 were not made on the ground that planning permission should be granted therefore it did not fall to the Planning Inspectors to consider this matter. Consequently, the decisions on those appeals are of very limited weight when considering the merits of this proposal. No significant weight can be given to the previous behaviour of the applicant when assessing whether or not this proposal is

inappropriate development in the Green Belt. Equally, no weight can be given to whether or not the requirements of the effective enforcement notice have been complied with or whether or not the Council's successful costs claim has been paid. The concern of the Parish Council, while focusing on the planning history and applicant's behaviour, does stem from its concern regarding the Green Belt which this report is primarily concerned with.

Paragraph 90 of the NPPF makes clear the re-use of buildings is not inappropriate in the Green Belt provided that the buildings are of permanent and substantial construction, and that the new use preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt.

There is no doubt the dairy building and barn are permanent and substantial buildings. They have been inspected by planning officers and planning enforcement officers in connection with the most recent appeals. They were also previously inspected by Council Building Inspectors in connection with internal works carried out in 2006.

The new use would not result in any additional structures being built since it is entirely dependant on existing buildings and hard surfacing. The proposed alterations to the dairy building would not increase its size. At most, fencing in some form would be erected to enclose the grassed area south of the building to give reasonable privacy to a private garden, and planning conditions can be used to control its appearance and secure appropriate landscaping at the site. Furthermore, the size of the proposed garden is very modest in relation to the size of the dairy building. Activity generated by the mixed use would be no more, and probably less, than that likely to arise if the buildings were used for agriculture or for light industrial and office purposes as previously permitted under planning permission reference EPF/1482/03. In the circumstances it is concluded the proposed use would not have any greater impact on the openness of the Green Belt than the lawful or previously permitted uses. Should planning permission be granted, however, it is necessary to impose a planning condition removing permitted development rights for extensions and roof enlargements to the dwelling and for the erection of outbuildings within its curtilage. Since the application site defines the curtilage of the dwellinghouse, it is not necessary to include a condition restricting the size of the curtilage of the dwellinghouse to the application site. That is because, as a matter of law, planning permission would be required to enlarge it.

Given the lack of harm to openness, the reuse of the application site as proposed would not adversely affect the first three of the five purposes of including land in the Green Belt (para 80 of the NPPF) – i.e. checking unrestricted sprawl, preventing neighbouring towns merging and safeguarding the countryside from encroachment. The other two purposes (preserving the special character of historic towns, and assisting in urban regeneration) are not relevant in this context.

Conclusion on Appropriateness:

Having regard to the above analysis it is concluded the buildings to be re-used are of permanent and substantial construction, the proposed new use would preserve the openness of the Green Belt and it would not conflict with the purposes of including land in Green Belt. It is therefore concluded the proposal is not inappropriate development in the Green Belt.

Sustainability:

The reuse of redundant buildings is of itself a sustainable form of development. The location of the site within the centre of a small hamlet not served by shops and other services is such that the new use will be car dependent. However, it would be no more dependant on the private car than any other dwelling within the hamlet and most probably less so. That is because the dwelling would be linked to the business use of the barn, potentially reducing the need for the occupants of the dwelling to travel elsewhere for employment.

Living Conditions:

It is not clear from the application what precise activities would take place within the barn. In order to ensure such activities do not result in poor living conditions for neighbouring dwellings, or indeed the proposed dwelling, it is necessary to restrict the uses within Use Class B1 to Use Classes B1(b) and (c) [research and development of products and any industrial process which can be carried out in any residential area without detriment to the amenity of the area]. Use Class B1(a) [offices] of the barn as a whole is undesirable since it would be likely to result in a significant number of people who do not live at the new dwelling accessing the barn via the more private areas of the dwelling, with the potential to cause excessive harm to its privacy.

Conclusion:

The proposal complies with relevant planning policy and it is recommended that planning permission be granted. The planning history of the site and the behaviour of the applicant in particular are recognised but they do not attract significant weight when assessing the planning merits of the proposal. The applicant's previous behaviour cannot reasonably form the basis for withholding consent.

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***

PLANNING APPLICATION AND PLANNING ENFORCEMENT HISTORY FOR BARKERS FARM AS A WHOLE

Note 1. References with the suffix ENF/ relate to Planning Enforcement Investigations where an enforcement notice was issued.

Note 2. The following history is based on evidence given to the Planning Inspector by the case officer in respect of an appeal against the enforcement notice issued on 02/08/2013.

1. *The planning history in respect of the application site is set out below:*

<u>Application ref.</u>	<u>Description and decision.</u>
EPF/0542/95	Retention of existing barn of approx 250m2 and retention of mobile home for 2 years. Refused 11/10/1995, appeal T/APP/J1535/A/95/261010/P7 allowed 11/12/1997. The mobile home was given a temporary consent restricting its occupation to ensure a justification for its retention in connection with the purpose of agriculture on the holding remained. The mobile home is no longer on site.
EPF/0167/96	Retention of mobile home and dairy unit. Refused 24/04/1996, appeal T/APP/J1535/A/95/269395/P7 allowed 11/12/1997.
CLD/EPF/2022/00	Certificate of lawful development for erection of proposed single storey extension for use as milking parlour. Granted 22/01/2001
CLD/EPF/0600/02	Certificate of lawful development for construction of existing parking area in front of dairy building. Granted 20/05/2002 on the basis that the parking area had existed for more than four years.

EPF/1482/03	Change of use of milking parlour and dairy to office use and conversion of part of stock building to light industrial use. Refused 25/02/2004, appeal APP/J1535/A/04/1143629 allowed 06/09/2004.
EPF/0395/05	Insertion of two new dormer windows to front and side to front building. Approved 29/04/2005
EPF/2342/07	Change of use from farm office and ice cream parlour to a one bedroom supervisory unit of accommodation for existing goat farm. Refused 12/12/2007, appeal APP/J1535/A/08/2065857 dismissed 15/09/2008.
CLD/EPF/2311/09	Certificate of lawful development in respect of residential use of part of former dairy building. Appeal against non-determination dismissed 08/02/2012 (PINS ref APP/J1535/X/11/2152045).
CLD/EPF/1066/11	Certificate of lawful development for works of alteration to the exterior and interior of former farm office. Refused 25/08/2011 on the basis that the claim was unclear and appeared to amount to a claim in respect of the use of the building as a dwellinghouse that was the subject of the Appeal in respect of application CLD/EPF/2311/09.
ENF/0062/11	Enforcement notices issued 06/07/11 alleging change of use of part of dairy building from B1 Office Use and use of summerhouse to residential purposes as a separate dwellinghouses. Notices found to be invalid and quashed at appeal on 08/02/2012 (PINS ref APP/J1535/C/11/2157758).
EPF/2390/13	Application for a determination as to whether prior approval of the LPA is required for the use of part of the former dairy building as a dwellinghouse. Refused 24/12/2012 on the basis that proposed use was not

Permitted Development since the building was not in lawful use as an office immediately before 30 May 2013 or prior to that date and, even if it were, insufficient information had been submitted to deal with the matter of potential land contamination.

ENF/0062/11 Subsequent enforcement notice issued 02/08/2013 alleging change of use of the whole of Barkers Farm to a mixed use including residential purposes. Subsequent appeal dismissed and Notice upheld on 01/07/2014 with variations (PINS ref APP/J1535/C/13/2204446). The requirements of the Notice include cessation of the residential use of the dairy building.

2. ***The planning history for a detached building adjacent to the highway, at Barkers Farm but on land outside the application site, is as follows:***

<u>Application ref.</u>	<u>Description and decision.</u>
EPF/0517/07	New roof to existing building. Approved 30/05/2007.
CLD/EPF/0334/09	Certificate of Lawful Development for retention of summerhouse. Granted 17/04/2009 on the basis that the building had existed for more than 4 years.
EPF/0960/09	Change of use of an existing building and land from leisure to residential – Refused 24/07/2009, appeal APP/J1535/A/09/2117295 dismissed 14/07/2010.
EPF/1439/09	Change of use of an existing building at front of the site to canteen (A3 use). Refused 05/10/2009, appeal APP/J1535/A/09/211308 dismissed 27/01/2010.
ENF/0549/10	Enforcement Notice issued 06/07/2011 in respect of the use of the summerhouse for residential purposes and the creation of a domestic garden curtilage around it.

Notice found to be invalid and quashed at appeal on 08/02/2012 (PINS ref APP/J1535/C/11/2157738).

3. ***The planning history specifically relating to a building on the southern boundary of Barkers Farm, on land outside of the application site is as follows:***

<u>Application ref.</u>	<u>Description and decision.</u>
EPF/0965/02	Stable block consisting of 2 horseboxes, tack room and hay barn. Approved 24/07/2002 subject to conditions including condition no. 2, which states: <i>“The stables shall not be used for any business or commercial activity such as livery but only in connection with the keeping of horses for private recreational purposes.”</i>

4. ***The planning history specifically relating to land immediately west of the application site forming part of a field rear of the barn is as follows:***

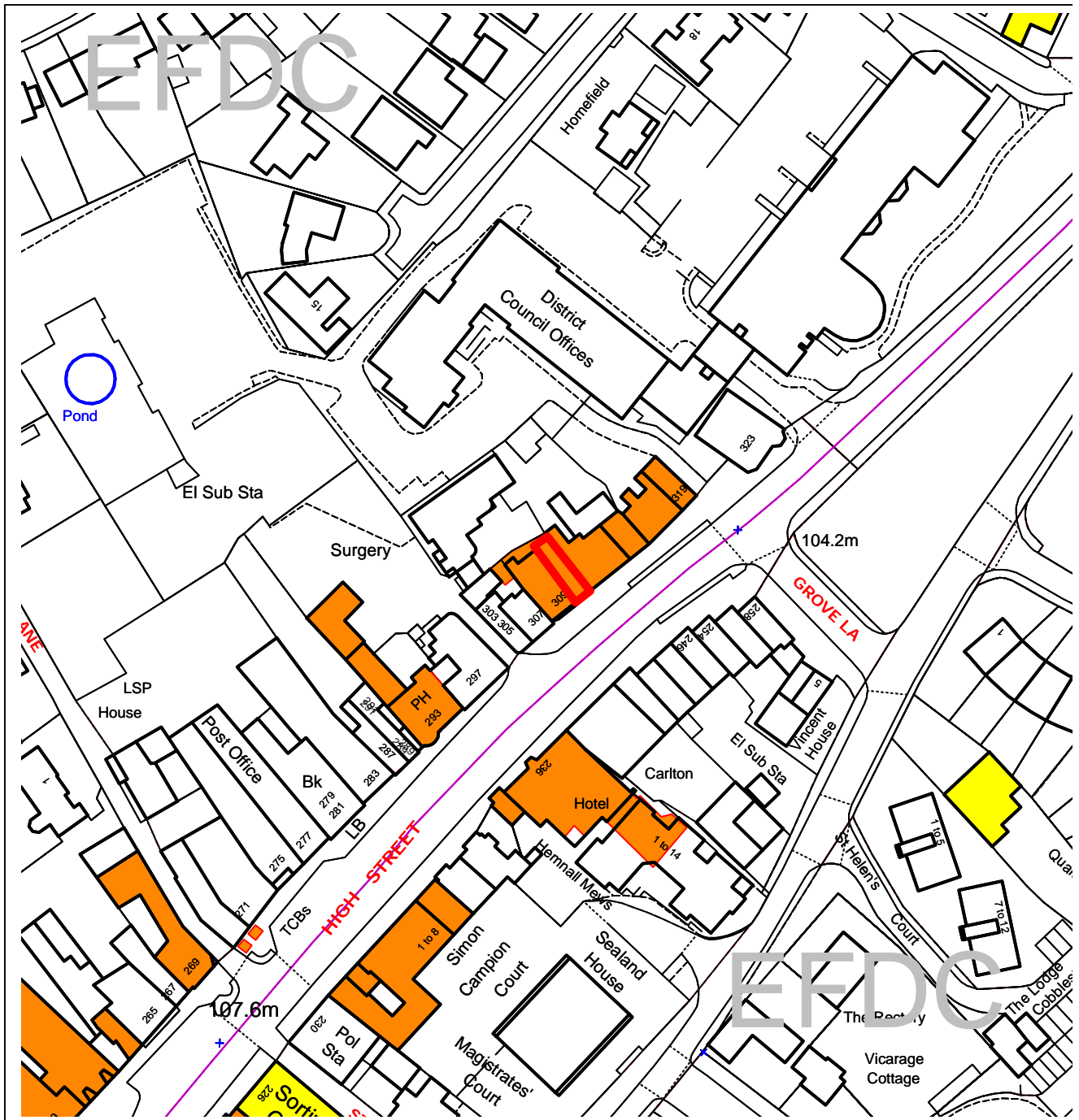
<u>Application ref.</u>	<u>Description and decision.</u>
CLD/EPF/1809/06	Certificate of Lawful Development for an existing use for the storage of agricultural equipment and building materials, bricks, tiles, scaffolding and two lorry bodies, all ancillary to the agricultural use of the agricultural holding known as Barkers Farm, Mount End, Theydon Mount. Granted 30/10/2006.



Agenda Item 14

Epping Forest District Council

AGENDA ITEM NUMBER



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Application Number:	EPF/0343/15
Site Name:	311 High Street Epping, CM16 4DA
Scale of Plot:	1/1250

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**Report to District Development
Management Committee**

Report Reference: DEV-005-2015/16
Date of meeting: 10 June 2015



**Subject: Listed Building Application EPF/0343/15 - 311 High Street Epping
Essex CM16 4DA - Replace existing signage with same size and
located signs only changing colour and branding.**

Responsible Officer: Steve Andrews (01992 564337).

Democratic Services: Gary Woodhall (01992 564470).

Recommendation:

(1) That planning permission be granted subject to the following condition:

- 1 The works hereby permitted must be begun not later than the
expiration of three years, beginning with the date on which the
consent was granted.**

Report:

This application is before this Committee since it is an application that is submitted by or on behalf of Councillor Whitbread (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council function, Schedule 1, Appendix A.(j))

Description of Site:

The application site is located on the northern side of High Street, Epping, within the town centre and in a parade of shops.

Description of Proposal:

Replace existing signage with same size and located signs only changing colour and branding.

The fascia sign would be 3667mm wide by 540mm high and 15mm deep. Black background with red and white lettering.

The hanging sign would be 700mm wide by 700mm high and 15mm deep with 40mm deep edging. Black background with red and white lettering.

Relevant History:

A/EPU/0010/72 - NON-ILLUM FASCIA SIGN – Allowed on appeal

Summary of Representations:

EPPING TOWN COUNCIL – NO OBJECTION

Historic Environment Consultant at Essex County Council – No objection

8 Neighbouring properties were written to and a site notice was erected. No responses received at the time of writing the report.

Policies Applied:

Local Plan policy HC10 – Works to Listed Buildings

The above policy forms 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 issue to be addressed is:

- Impact on the historic character and appearance of the Listed Building

The Historic Environment Consultant at Essex County Council considers that the architectural and historic character of the building contributes to the appearance of the streetscape and the wider context of the conservation area.

He is satisfied that the proposed works conserve the appearance of the building and character of the conservation area and recommends that the Listed Building consent is granted.

The proposal is considered to comply with policy HC10 of the adopted Local Plan and NPPF 2012.

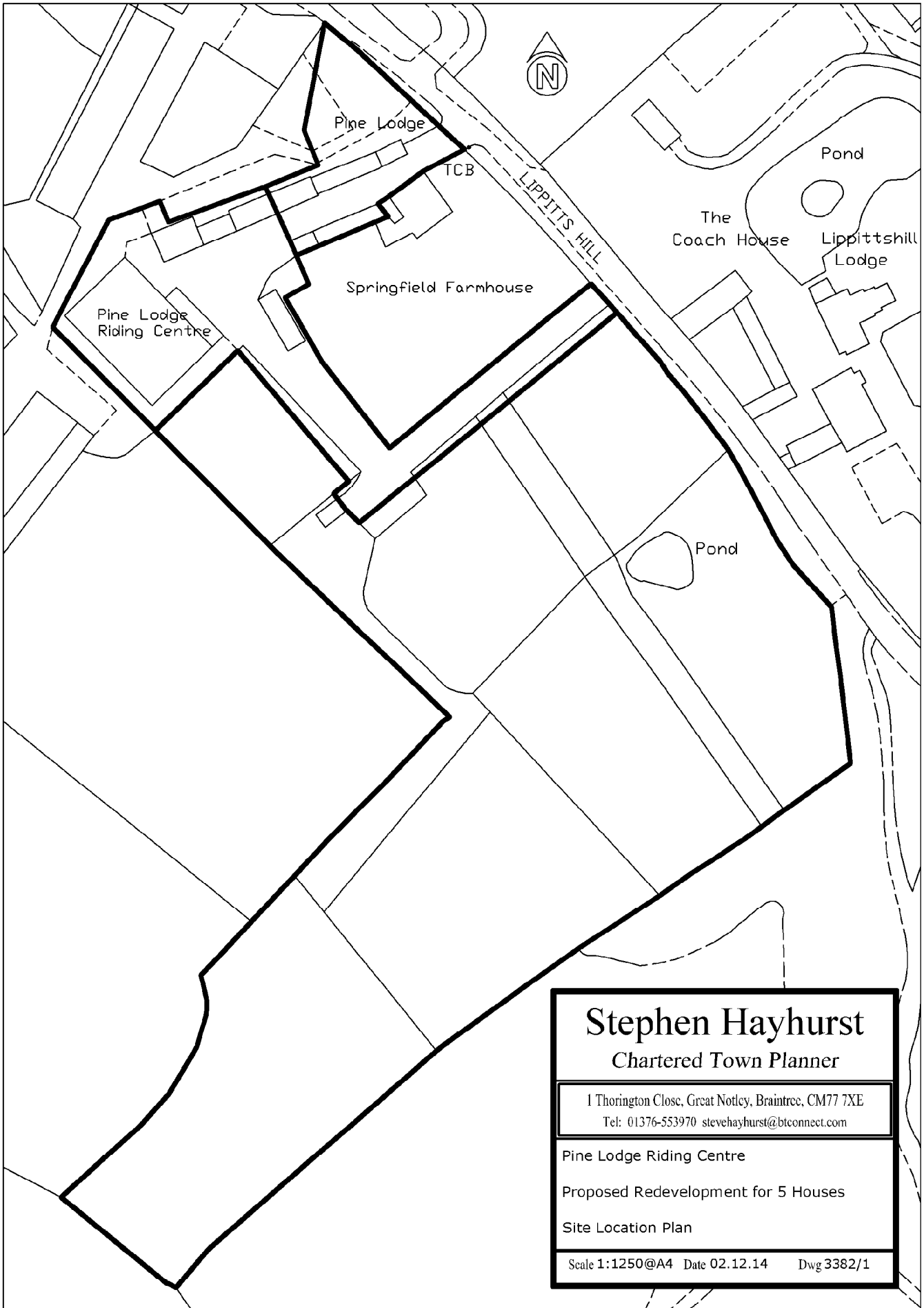
Conclusion:

In light of the above, officers consider that the application should be granted listed building consent.

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***



Stephen Hayhurst Chartered Town Planner
1 Thorington Close, Great Notley, Braintree, CM77 7XE Tel: 01376-553970 stevehayhurst@btconnect.com
Pine Lodge Riding Centre Proposed Redevelopment for 5 Houses Site Location Plan
Scale 1:1250@A4 Date 02.12.14 Dwg 3382/1

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**Report to District Development
Management Committee**



**Epping Forest
District Council**

Report Reference: DEV-004-2015/16

Date of meeting: 10 June 2015

Subject: EPF/0682/15 - Pine Lodge Riding Centre, Lippitts Hill, Waltham Abbey Essex, IG10 4AL - Application for variation of condition 2 for EPF/0377/02 - (Change of use of ground floor of stable building from riding centre, office and staff rest room to residential in connection with the residential use of the first floor) to enable the continued residential occupation of Pine Lodge should the equestrian use of the land cease.

Responsible Officer: Jill Shingler (01992 564106).

Democratic Services: Gary Woodhall (01992 564470).

Recommendation:

(1) That permission is granted for the variation of condition 2 of Planning Permission EPF/0377/02, the revised wording for the condition to be:

(a) For so long as any part of the land edged red and blue on drawing number 2283/1 remains in use as an equestrian related business operation, the approved dwelling (known as Pine Lodge) shall only be occupied by a person employed at Pine Lodge Riding Stables and any dependent relatives and shall not be sold away or separated from the rest of the landholding; and

(b) And that agreement is given for the revocation of the planning obligation under section 106 linked to Planning permission EPF/1056/96 which was superseded by EPF/0377/02.

Report:

This application is before this Committee since it is an application that is submitted by or on behalf of Councillor Syd Stavrou (Pursuant to The Constitution, Part Three: Planning Service – Delegation of Council function, Schedule 1, Appendix A.(j))

Background

The application site is located on the south western side of Lippitts Hill and comprises an area that is currently a riding centre with stabling and a covered riding arena and associated land including the residential unit known as Pine Lodge. The site the subject of this application has been used for many years for equestrian purposes, and in 1996 planning permission was given under EPF/1056/96 for use of the ground floor of an existing stable building at the site as a riding centre office and staff rest room, and for the first floor to be used as a staff flat. This permission was subject to several conditions including,

“The dwelling hereby approved shall only be occupied by a person employed at Pine Lodge Riding Centre and any dependant relatives. Reason: In accordance with the terms of the application since permission is granted in exceptional circumstances”

The permission was also subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990. The S106 was to prevent Pine Lodge being sold off separately from the rest of the land and the erecting of any fence or wall to separate Pine Lodge off from the rest of the site.

This planning permission was implemented and then in 2002, under planning reference EPF/0377/02, permission was granted for the change of use of the ground floor of stable building from riding centre office and staff rest room to residential in connection with the residential use of the first floor.

This permission was subject to a condition that:

“The dwelling hereby approved shall only be occupied by a person employed at Pine Lodge Riding Stables and any dependent relatives and at no time shall the dwelling be sold away or separated from Pine Lodge Riding Stables.

Reason:- in accordance with the terms of the application and to ensure that the dwelling hereby created is not sold away or separated from the riding stables in the interests of preserving the openness of the Green Belt.”

This permission was implemented and therefore the earlier consent and the legal agreement under section 106 attached to it have been superseded. However, advice from the Councils Senior Lawyer is that the legal agreement can not be removed from the Local Land Charges register, unless it is formally revoked. This can be however be done by consent and no formal application is required.

Most Recent Planning Permission

Planning permission was granted by District Development Control Committee earlier this year under EPF/2853/14 for the removal of extensive existing buildings at this site (large indoor riding arena and stables) and the erection of 5 detached houses and associated facilities. Pine lodge itself was not within the red lined application site and is to be retained. It is however within the blue lined area which is land within the same ownership.

Condition 12 of that planning permission states:

“On implementation of the residential development hereby approved, none of the stables, outbuildings, open manege or any land within the area edged blue on the drawing numbered 3382/1 hereby approved, owned by the applicant or any successor in title, shall at any time be used for any commercial equestrian use, including DIY livery or any other business use whatsoever. Any stabling of horses in the remaining stables or buildings within the land so identified on drawing number 3382/1 shall be for the private and personal use of the owner of the said land”

The implementation of that consent, therefore will require the complete cessation of any commercial equestrian use at the site, which in turn would mean that continued occupation of the existing dwelling, known as Pine Lodge, would be in contravention of the current occupancy condition which allows it only to be occupied by a person employed at Pine Lodge Riding Stables.

Description of Proposal:

The submitted application is therefore to vary the occupancy condition on the 2002 consent to ensure that so long as the equestrian use of the site continues, the dwelling remains tied such that it can only be occupied by persons employed at the stables, but that should the equestrian business use cease (as would happen if planning permission EPF/2853/14 is implemented) the occupation of Pine Lodge will no longer be restricted.

Summary of Representations:

6 neighbours were notified; no site notice was required. The following comments were received:

TOWN COUNCIL - All Members having declared a non-pecuniary interest no comment was made but it was presumed by Members this application would be dealt with at the District Development Control Committee.

146 MANOR ROAD- Strong objection - This variation should not be approved - residential permission was only given associated with the equestrian use, if the equestrian use ceases the residential permission should be withdrawn.

Policies Applied:

Local Plan and Local Plan Alterations:

GB2A - Development in the Green Belt

The above policies are in compliance with the NPPF and are to be accorded due weight.

Issues and Considerations:

The site is within the Metropolitan Green Belt The main issue is whether the circumstances have changed such that the original condition is no longer appropriate and/or whether the proposed change to the condition would cause any harm.

At the time of the original consent the relevant policy for change of use of buildings in the Green Belt was Policy GB8 of the Epping Forest District Adopted Local plan 1998.

That policy allowed for the change of use of permanent substantial buildings provided the proposed use was (amongst other things) recreational or tourism related. It was considered that there was a need for a residential presence at the site in connection with the authorised recreational equestrian use of the site, for the safety and security of the horses at the site. At that time to be compliant with policy there was a need to restrict the occupancy to ensure that the use was in connection with the existing stable (recreational use). The condition was also necessary to prevent any future argument that a new dwelling should be built (or mobile home located at the site) to meet the need for a presence at the site for the safety and security of the horse. As building a new dwelling would have much greater impact on the Green Belt than the reuse of the existing building.

The current proposal to vary the condition however must be considered in the light of the National Planning Policy Framework 2012. (NPPF) The NPPF sets out those

forms of development that are not inappropriate in the Green belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The reuse of buildings of permanent and substantial construction is not inappropriate development. In addition the Government has brought in a raft of changes to legislation that make it possible to change the use of many types of rural building, to many different uses, including residential, without the need for a full planning application, (with no exception for buildings in Green Belt locations). As such the change of use of this building (which is substantial and permanent) to residential use would today be considered in accordance with current policy regardless of the link with the stable/training facility.

Indeed, as the land is previously developed, the redevelopment of the site with a replacement building/dwelling would also likely be in accordance with policy (subject to size and design etc)

However, despite this, it is not considered appropriate to simply remove the condition altogether. The dwelling is currently required in connection with the equestrian use of the site and if lost to general occupation, there could still be pressure for the erection of an additional a new dwelling to meet that need, which would be difficult to resist and which would likely have an adverse impact on the openness of the area.

Conversely should the equestrian use cease (as would happen if the adjacent area was redeveloped in accordance with the recent consent), then the existing condition would result in a perfectly good dwelling house being left uninhabited which would not provide any clear benefit to the Green Belt or to the character or amenity of the area and at a time when there is significant pressure for new dwellings in the District.

It is therefore considered appropriate and necessary to vary rather than remove the condition, to ensure that occupation is restricted for so long as the equestrian use of the wider site continues, but to enable occupation not in connection with the equestrian use should that use cease.

Other Issues

The continued use of the building as a dwelling with the varied condition as proposed causes no harm to the character or visual amenity of the area, the setting of the adjacent listed building, the amenities of neighbours, or any other any other material considerations.

Conclusion:

In conclusion the proposed variation is in accordance with the adopted policies of the Local Plan and Alterations and the NPPF and is therefore recommended for approval. Members are also requested to formally agree the revocation of the legal agreement which was attached to the earlier 1996 planning approval, which was superseded by the 2002 consent and is no longer applicable and therefore serves no purpose but will continue to appear as a local land Charge unless formally revoked.

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: Jill Shingler
Direct Line Telephone Number: 01992 564106
or if no direct contact can be made please email:
contactplanning@eppingforestdc.gov.uk***