



***District Development Management Committee
Wednesday, 5th August, 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, 5th August, 2015
at 7.30 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 Democratic Services Officer will read the following announcement:

"I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by third parties).

If you are seated in the lower public seating area then 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

then you should move to the upper public gallery.

Could I please also remind Members to activate their microphones before speaking.”

2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 9 - 10)

(Director of Governance) 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 - 36)

To confirm the minutes of the last meeting of the Committee held on 10 June 2015.

7. EPF/3005/14 - BARKERS FARM, MOUNT END ROAD, THEYDON MOUNT (Pages 37 - 50)

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

8. EPF/2516/14 - FOSTER STREET FARM, FOSTER STREET (Pages 51 - 68)

(Director of Governance) To consider the attached report for full planning permission to redevelop the site with enabling residential development to provide 9 residential units together with associated car parking, open space, and refuse and recycling facilities (linked to applications EPF/2617/14 & EPF/2518/14) (DEV-007a-2015/16).

9. EPF/2517/14 - LAND AT HARLOW GATEWAY SOUTH, LONDON ROAD (A414) (Pages 69 - 90)

(Director of Governance) To consider the attached report for the proposed development of Plot A of the site for B1 (business) and B8 (storage & distribution) purposes by C J Pryor Ltd (linked to applications EPD/2516/14 & EPF/2518/14) (DEV-008a-2015/16).

10. EPF/2518/14 - C J PRYOR, CECIL HOUSE, FOSTER STREET (Pages 91 - 114)

(Director of Governance) To consider the attached report for full planning permission to redevelop the site with enabling residential development to provide 65 residential units together with associated car parking, open space, and refuse and recycling facilities (linked with EPF/2516/14 & EPF/2517/14) (DEV-009a-2015/16).

11. EPF/1007/15 - LAND AND GARAGES OFF BURTON ROAD, DEBDEN (Pages 115 - 130)

(Director of Governance) To consider the attached report for the erection of 51 affordable houses with 28 parking spaces (revised application) (DEV-010-2015/16).

12. 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.

13. 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'

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Management Committee **Date:** 10 June 2015

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 9.30 pm

Members Present: B Sandler (Chairman), B Rolfe (Vice-Chairman), H Brady, R Jennings, S Jones, H Kauffman, A Mitchell MBE, G Mohindra, C C Pond, J M Whitehouse, D Stallan and L Wagland

Other

Councillors: K Angold-Stephens, R Morgan and B Surtees

Apologies: A Boyce, R Butler, J Hart, J Knapman and Y Knight

Officers Present: N Richardson (Assistant Director (Development Management)), G J Woodhall (Democratic Services Officer) and R Perrin (Democratic Services Assistant)

1. 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.

2. 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.

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

The Committee noted the following substitutions for this meeting:

- (i) Councillor Wagland for Councillor Knapman; and
- (ii) Councillor Stallan for Councillor Boyce.

4. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor R Morgan declared a personal interest in the following items of the agenda, by virtue of being a business associate and personal friend of the applicant. The Councillor had determined that his interest was pecuniary and would leave the meeting for the consideration of the applications and voting thereon:

- EPF/2516/14 Foster Street Farm, Foster Street;

- EPF/2517/14 Land at Harlow Gateway South, London Road; and
- EPF/2518/14 C J Pryor, Cecil House, Foster Street.

(b) Pursuant to the Council's Code of Member Conduct, Councillor G Mohindra declared a personal interest in the following item of the agenda, by virtue of having been one of the Councillors who triggered the Minority Reference Rule for this Application when it was considered by the Area Plans Sub-Committee South. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2664/14 Willow Park Farm, Millers Lane, Chigwell.

(c) Pursuant to the Council's Code of Member Conduct, Councillor G Mohindra declared a personal interest in the following item of the agenda, by virtue of having been the Finance & Performance Management Portfolio Holder when the scheme was initiated. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0294/15 Council Depot Site and Adjacent Land off Langston Road, Loughton.

(d) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in the following item of the agenda, by virtue of being a current member of the Cabinet. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0294/15 Council Depot Site and Adjacent Land off Langston Road, Loughton.

(e) Pursuant to the Council's code of Conduct, Councillor H Brady declared a personal interest in the following item of the agenda, by virtue of her husband having made a representation concerning the application prior to its consideration by Area Plans Sub-Committee East. The Councillor had determined that her interest was non-pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/3005/14 Land at Barkers Farm, Mount End road, Theydon Mount.

(f) Pursuant to the Council's Code of Member Conduct, Councillors B Sandler, B Rolfe, H Brady, S Jones, A Mitchell, G Mohindra, D Stallan and L Wagland declared a personal interest in the following items of the agenda, by virtue of being a member of the same political group as the applicants. The Councillors had determined that their interest was non-pecuniary and would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/0343/15 311 High Street, Epping; and
- EPF/0682/15 Pine Lodge Riding Centre, Lippitts Hill, Waltham Abbey.

(g) Pursuant to the Council's Code of Member Conduct, Councillors Robert Jennings, H Kauffman and C C Pond declared a personal interest in the following items of the agenda, by virtue of being acquainted with the applicants as fellow Councillors. The Councillors had determined that their interest was non-pecuniary and would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/0343/15 311 High Street, Epping; and
- EPF/0682/15 Pine Lodge Riding Centre, Lippitts Hill, Waltham Abbey.

5. MINUTES**Resolved:**

(1) That the minutes of the meeting held on 8 April 2015 be taken as read and signed by the Chairman as a correct record.

6. EPF/2516/14 - FOSTER STREET FARM, FOSTER STREET

The Assistant Director of Governance (Development Control) presented a report regarding the redevelopment of the site at Foster Street Farm in Foster Street to provide 9 residential units together with associated car parking, open space, refuse and recycling facilities. This was an enabling development for the linked applications EPF/2517/14 and EPF/2518/14, as the approval of the two residential schemes would fund and enable the relocation of C J Pryor to an expanded site at Harlow Gateway South.

The Assistant Director stated that the application site was on the northern side of Foster Street and was part of a small development comprising commercial sites and approximately 50 residential sites. The site contained a large former agricultural building and various smaller storage buildings, with residential properties to the east and south of the site and open land to the north and west. There was a single access road to Foster Street and the site was within the Green Belt.

The Assistant Director reported that the proposal sought permission for two 3-bed, five 4-bed and two 5-bed properties to be erected. The dwellings would all be two-storeys in height, and although the original plans had included three-storey dwellings these had been amended to lower the height of the buildings. A pair of semi-detached and a single dwelling would front Foster Street, with a linear development of detached dwellings to the rear of these. A small pond would be sited in the south east of the site and the site access would be relocated to allow for better visibility.

The Assistant Director informed the Committee that the main issues concerning this application were the principle of the development as the site was located within the Green Belt and was previously developed land; the very special circumstances for development with the Green Belt put forward by the applicant for the three linked applications; whether the location was sustainable for this development as it was a small rural hamlet; the highways issues relating to the development; the visual impact of the development on the area; the potential loss of amenity for the existing residential properties in the area; and the ecological impacts of the proposed development. Other matters considered for this development included flooding, contamination and the collection of waste from the proposed residential dwellings.

Planning Officers had concluded that the proposed development 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. There would be no perceptible increase in vehicle movements and the relocation of the access road would improve highway safety. The loss of amenity to existing properties would not be excessive, and there were some amenity benefits to the local area from this development. Adequate parking and private amenity space had been provided, and the small scale of the proposed development was sufficient in respect of sustainability. The proposal complied with the National Planning Policy Framework and the relevant Local Plan policies, and was therefore recommended for approval.

The Assistant Director added that this application, along with the two linked and enabling applications, were originally considered by Area Plans Sub-Committee East

at its meeting on 13 May 2015. However, all three applications were referred directly to this Committee without discussion.

The Committee noted the summary of representations. Twelve letters in support of the application had been received, including the local Member of Parliament and six employees of C J Pryor; nine letters of objection had been received, including North Weald Bassett Parish Council. Harlow District Council had no objection to the development. The Committee heard from an objector, the Parish Council and the Applicant's Agent. Both the objector and Parish Council stated that they had not seen the amended plans, only the original plans, and it was suggested to the Committee that the application be deferred to allow the stakeholders to study the revised plans for the development. The Committee proceeded to debate the application.

The Committee expressed discomfort about having to determine this application when the proper stakeholders had not had sight of the revised plans, and it was felt that the Parish Council as a statutory consultee and the local residents should have been properly consulted. The Assistant Director acknowledged that the revised plans had not been circulated for consultation, but the site area was the same and the proposed dwellings were in approximately the same position, but the 3-storey houses originally proposed had been changed to 2-storey houses and the appearance of the residential units had been amended. The advice from the Council's Legal Officers was that the Committee could determine the application as the plans had not been sufficiently radically altered, and if the application was deferred then it could lead to a planning appeal on the grounds of non-determination.

The Committee noted the comments of the Assistant Director and the legal advice, but felt that this application – along with the two other linked applications – should be deferred pending proper consultation with the Parish Council and local residents over the revised plans.

Resolved:

(1) That the consideration of planning application EPF/2516/14 at Foster Street Farm in Foster Street, along with the two linked enabling applications EPF/2517/14 at Harlow Gateway South in London Road and EPF/2518/14 at Cecil House in Foster Street, be deferred until the next meeting of the Committee scheduled for 5 August 2015 pending proper consultation with the statutory consultees, including local residents and North Weald Bassett Parish Council, over the revised plans for this application.

7. EPF/2517/14 - LAND AT HARLOW GATEWAY SOUTH, LONDON ROAD (A414)

Application deferred until the next meeting of the Committee on 5 August 2015.

8. EPF/2518/14 - C J PRYOR, CECIL HOUSE, FOSTER STREET

Application deferred until the next meeting of the Committee on 5 August 2015.

9. EPF/3006/14 - FYFIELD BUSINESS AND RESEARCH PARK, FYFIELD ROAD, CHIPPING ONGAR

The Assistant of Governance (Development Control) presented a report for outline planning permission for a mixed use redevelopment at Fyfield Business and Research Park in Fyfield Road, Chipping Ongar.

The Assistant Director stated that the application site covered a area of 9.35 hectares, of which 5.65 hectares was developed, and was located within the Green Belt to the north east of Ongar. The site was currently occupied by a business park, which had evolved form the original use as a agricultural research and development site, and included many mature and well established trees; however, there were no tree preservation orders on the site. The site was surrounded by agricultural land to the north and south, and residential properties to the east and west. Not all the buildings on the site were purpose built or suitable for business occupation, but a number of business uses were well established on the site.

The Assistant Director reported that the proposal compromised the retention of part of the existing business park and community facilities, the provision of new car parking space to serve the retained uses, and an extension to the existing café to provide 140m² of new retail space. The proposal also included the provision of recreational facilities – a relocated MUGA play area and junior football pitch – the removal of other existing buildings on the site and the erection of 105 residential dwellings together with associated car parking, public open space and landscaping, as well as the construction of a new site access with a new roundabout off Fyfield Road.

The Assistant Director informed the Committee that the main issues for consideration were the principle of development in the Green Belt following the approval of planning permission for the site on appeal in 2012, the potential harm on the Green Belt from the development and its sustainability in terms of the social, economic and environmental objectives, the visual impact of the scheme, the provision of affordable housing from the scheme in accordance with Council policy, the proposed design of the scheme, the impact of the scheme on the listed buildings currently on the site, the viability of an archaeological investigation at the site before and during construction, the impact of the scheme on the amenity of neighbouring properties, the proposed landscaping for the scheme, the results of the ecological assessment, drainage issues, and highways issues relating to access and parking. Other matters considered included access for emergency vehicles, possible contamination at the site from its previous uses, refuse collection from the proposed dwellings, and the provision of sports facilities.

Planning Officers had concluded that whilst there was limited additional encroachment into the Green Belt beyond what currently existed or had been previously approved, the very special circumstances of the application relating to the benefit to openness arising from a smaller overall volume of development and the provision of much needed housing on a brownfield site outweighed any potential harm. Officers were satisfied that the proposed scheme provided a suitable layout and form of development for the site, which resulted in no significant adverse impact, and therefore the planning application had been recommended for approval. In addition, it was also recommended that the Council entered into a Section 106 agreement under the Town and Country Planning Act 1990 (as amended) with the applicant to make contributions towards education, affordable housing, highways alterations, sports facilities, and the maintenance of the open spaces within the development.

The Assistant Director added that this application was originally considered by Area Plans Sub-Committee East on 15 April 2015. The Sub-Committee voted to refuse planning permission on the grounds that the proposed development was unsustainable and no very special circumstances existed to outweigh the harm to the Green Belt. Four members of the Sub-Committee then invoked the Minority Reference rules within the Constitution to have the application referred to this Committee for a final decision.

The Committee noted the summary of representations and that nine properties had objected to the application, along with Ongar Town Council who expressed grave concerns about the road safety and transport issues arising from the application. The Committee heard from an objector and the applicant's agent before proceeding to debate the application.

A local Member for Chigwell Village highlighted that the site was previously developed land capable of being a village location and connected to other local centres such as Ongar. The Member was concerned that the outline consent would be superseded by different and would have preferred a full planning application to have been made. The Member acknowledged that layout might look regimented for a village setting but the affordable housing provision would be very welcome.

The Assistant Director drew the Committee's attention to condition 4, which restricted the maximum number of dwellings to 105, and that the appearance of the dwellings was one of the reserved matters, which would come back to the Committee for approval at a later date. Planning conditions 2 and 3 in the original report had dealt with the design and appearance of the dwellings, and the Council would recommend that the developers followed the Essex Design Guide for the appearance of the dwellings. An extra condition would need to be added to prevent the occupation of any of the residential units until the applicant had grounded or re-routed the 4KW electricity cable that currently ran across the site.

Local Members for Loughton Broadway and Loughton St Mary's felt that the indicative layout was too urban and too dense, and that this was not a suitable location for this type of layout. The Members also felt that more weight should be given to the comments from Ongar Town Council concerning transport and highway issues.

The Assistant Director accepted that the density of the proposal was high, but there were not many examples of this type of development to refer to. The previous appeal decision in 2012 acknowledged this area as being previously developed land and the proposed development would contribute to the Council's five-year land supply for the provision of new homes. The Assistant Director confirmed that the education provisions within the draft Section 106 legal agreement had been requested by Essex County Council, and that the Council would seek 44 of the proposed dwellings to be earmarked for affordable housing.

A local Member for Chigwell Village emphasised that the material factor for this application was that it was previously developed land for which no alternative use had been found. In addition, there had been no objections raised by the Highways Officers at Essex County Council, and therefore it would be difficult to refuse the application on highways issues.

The Assistant Director informed the Committee that the planning permission approved in 2012 could not be implemented if the application under discussion was approved and constructed, and it would not even be practical to part-implement that permission. The permission granted in 2012 could have expired by now in any case if it was only granted for a period of three years. The provision of two new bus stops at the location had also been proposed. The Chairman highlighted that this site was already a highly developed area of land with existing buildings and hardstanding areas.

A motion to refuse the application was proposed based on the grounds for refusal agreed by Area Plans Sub-Committee East, amended to include the impact caused

by the imposition of a dense suburban type of development within the Green Belt. This motion was lost.

The original Officer recommendation to grant the application, subject to the conditions listed in the original report and the extra condition to deal with the 4KW electricity cable currently running through the site, as well as the proposed Section 106 legal agreement, was agreed.

Resolved:

(1) That planning application EPF/3006/14 at Fyfield Business and Research Park in Fyfield Road, Chipping Ongar be granted planning permission subject to the following 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; and
- 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, ground waters 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, ground waters 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; and
- 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; and
- 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.
- ii. 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.
- ii. 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.
- v. 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.
- ii. 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.

ii. 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. a. No development shall commence until the following documents have been submitted to and approved in writing by the Local 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 access ways 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.

44. No dwelling hereby approved shall be occupied until the overhead electricity lines which cross the site have been safely re-routed or re-directed.

10. EPF/2664/14 - WILLOW PARK FARM, MILLERS LANE, CHIGWELL

The Assistant Director of Governance (Development Control) introduced a report for the demolition of buildings at Willow Park Farm in Millers Lane, Chigwell and the erection of a new detached dwelling with a classical appearance, a rectangular plan of 26m by 15.5m and a crown roof reaching 9.3m in height.

The Assistant Director informed the Committee that the site comprised the greater part of a former farmyard and adjacent open land to the north-west and south-east of the yard area. The former farmyard contained six buildings, four of which were relatively large former barns and workshops, and a hardstanding yard area. Access to the site was via Millers Lane. A former farmhouse and associated buildings was situated close by and planning permission to erect a replacement house immediately to the rear of it was obtained on appeal in February 2013. The land rose to the north-east and south-west of the site, which would restrict views of the development, as would the trees and hedgerow adjacent to the nearby watercourse on the south-east and south-west of the site. The site was within the Metropolitan Green Belt, but not within a conservation area or within the vicinity of a listed building.

The Assistant Director stated that the main issues for consideration were the appropriateness of the development in the Green Belt, the impact of the development on the openness of the Green Belt, the character and appearance of the countryside, and whether there were any very special circumstances to justify the development in the Green Belt. Planning Officers had concluded that the proposal constituted 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 existed to justify the development and it had been recommended that planning permission was refused.

The Assistant Director reported that this application had been considered by Area Plans Sub-Committee South on 1 April 2015, who had agreed with the Officer Recommendation to refuse planning permission. However, four members of the Sub-Committee had invoked the Minority Reference rules within the Constitution and this application had been referred to the Committee for a final decision.

The Committee noted the summary of representations, and that the Parish Council had no objections to the application provided the existing buildings were demolished first before construction began, and the bricks used matched those used for the existing buildings. The Committee heard from a public speaker, the applicant's agent.

A number of Members of the Committee felt that it would be difficult to refuse this application, on the basis of the recent appeal decision concerning the rebuilding of the farmhouse, and that the development was on a very large plot even with the mansion style design proposed. It was noted that there was a small element of residential development already approved for the site, and this sort of design was not unusual for Chigwell.

A local Member for Loughton Broadway spoke in favour of the recommendation to refuse as the development appeared out of scale and inappropriate for the location. The Member was not convinced that a Planning Inspector would allow two large mansions in close proximity to each other in Millers Lane. Another local member for Loughton St Mary's added that the proposed building was too large, too high, and should be smaller.

A local Member for Chigwell Village responded that Planning Inspectors often considered such proposals more appropriate in locations such as Millers Lane, and

that there had been no objections from the Parish Council or local residents, who wanted the existing buildings to be removed. The Member felt that the applicant had offered the best possible solution for this site.

A motion to grant planning permission for this application was proposed, seconded, and agreed on the Chairman's casting vote. The Assistant Director then listed a set of planning conditions to be applied to this application, which the Committee agreed. There was a query as to whether an archaeological survey would be required, but the Assistant Director did not think so.

Resolved:

(1) That planning application EPF/2664/14 at Willow Park Farm in Millers Lane, Chigwell be granted planning permission subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
2. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: FAV_001 rev H, ESA_112 rev H, ESA_901 rev W, ESA_902 rev F, ESA_903 rev F, ESA_904 rev L, 002215P_TCP_01 and 02215P_TPP_01
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 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.
5. 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 development 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.
6. Before any preparatory demolition or construction works commence on site, full ecological surveys and a mitigation strategy for the site shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.
7. 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.

8. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
9. The scheme for the ecological enhancement of Little London Brook (report Ref 4361.001 - Version 2.0 dated February 2014) shall be implemented in full prior to the occupation of the development hereby approved.
10. A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
11. 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]

12. 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]

13. 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]

14. 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.
15. 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.

16. 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.
17. The development hereby approved shall not be commenced until full details of the proposed garage building have been submitted to and approved in writing by the Local Planning Authority. The garage building shall be constructed in accordance with the approved details.
18. Prior to commencement of the house hereby approved, all the existing buildings shown to be demolished on the approved drawing number ESA_904 rev L shall be demolished and all resultant building material and debris removed from the site.

11. EPF/0294/15 - COUNCIL DEPOT SITE AND ADJACENT LAND OFF LANGSTON ROAD, LOUGHTON

The Assistant Director of Governance (Development Control) presented a report concerning reserved matters for the development of a retail park with associated landscaping, car parking, ground remodelling works, retaining wall structures and two accesses off Langston Road at the Council Depot site and adjacent land off Langston road in Loughton.

The Assistant Director reported that the site comprised a Council Depot, which had three large buildings and areas of hard standing, and the adjacent site historically referred to as the 'T11' site. To the south of the site was an area of private land which separated it from the M11 motorway, to the east was the Loughton Seedbed Centre, with a BMW garage to the west. The rear part of the site did lay within the Metropolitan Green Belt, and the whole of the site was within an area designated for business and general industrial uses by the Local Plan.

The Assistant Director stated that four matters were reserved when outline planning permission was sought, namely: layout; scale; appearance; and landscaping. The application therefore focused on these aspects only and any new matters introduced as part of the application. The only significant new issue raised at this stage concerned advertisements and illumination. Whilst issues concerning access and deliveries to the site had been raised, these matters had already been dealt with at the outline planning stage. Whilst more units were now being provided, the gross area of retail space was unchanged.

The Assistant Director informed the Committee that Planning Officers were of the opinion that the reserved details submitted reflected those agreed at the outline planning stage. The design, appearance, scale and landscaping information provided indicated that the retail park could be successfully implemented without harm to the character and appearance of the area. The proposed development accorded with the

relevant development plan objectives and, therefore, the application was recommended for approval.

The Committee noted the two representations that had been received. The Loughton Residents Association had objected to the proposed illuminated signage facing the M11 motorway, as this would pose a hazard to drivers on the motorway. Loughton Town Council expressed concerns about the impact of lorries making deliveries to the retail park and requested a condition to restrict delivery routes so that the site could only be accessed from the M11 motorway. The Town Council also objected to the illuminated signage facing the M11 motorway on the grounds of being dangerous to highway safety. The Committee also heard from a public speaker, this being the applicant's agent.

The Committee had no objections to the application and the Assistant Director confirmed that the conditions listed for this application would be in addition to those previously agreed at the outline planning stage.

Resolved:

(1) That planning application EPF/0294/15 at the Council Depot site and adjacent land off Langston Road in Loughton be granted permission, subject to the following conditions in addition to those agreed under outline planning permission EPF/2580/10 and the associated Section 106 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.

12. EPF/3005/14 - BARKERS FARM, MOUNT END ROAD, THEYDON MOUNT

The Assistant Director of Governance (Development Control) presented a report for the change of use of a former farm office and dairy building and barn to create one live/work unit at Barkers Farm in Mount End Road, Theydon Mount. The proposal also included the infilling of an undercroft area to form a living room. The front elevation would be enclosed by glazed bi-fold doors.

The Assistant Director informed the Committee that this application was originally considered by Area Plans Sub-Committee East on 15 April 2015. A motion to refuse the application on the grounds that it would compromise the openness of the Green Belt and was not a sustainable location for residential development was lost; the Planning Officer's recommendation to approve the application was then agreed.

However, five members invoked the minority reference rules within the Constitution to refer the application to this Committee for a final decision.

The Assistant Director stated that the application site was situated on the east side of Mount End Road, and was within the Metropolitan Green Belt. The site comprised a substantial two-storey brick building originally constructed as a dairy building and farm office. A single-storey wing extended to the rear and extended up to a substantial modern barn, which was now divided into four units. The site also included a large tarmac surfaced area and a grassed area south of the former dairy and barn.

The Assistant Director highlighted that the site had a history of planning permission being refused and a subsequent appeal dismissed on the grounds 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 was no longer relevant and there was a different planning policy context by which to determine this application.

The Assistant Director reported that the main issues to consider were the appropriateness of the development in the Green Belt, the sustainability of the development, and the living conditions for the neighbouring dwellings. Particular reference was made to paragraph 90 of the National Planning Policy Framework, which made clear that the re-use of buildings in the Green Belt was not inappropriate provided the buildings were of a permanent and substantial construction, the new use preserved the openness of the Green Belt, and did not conflict with the purposes of including land in the Green Belt. In relation to this, Officers had concluded that the proposal was not inappropriate development in the Green Belt, would not cause undue harm, and therefore had complied with the relevant planning policies.

The Committee noted the summary of representations received in relation to the application. Two letters had been received objecting to the application, of which one was from the Parish Council; both objections were opposed to the establishment of a dwelling on this site. The Committee heard from the applicant's agent before proceeding to debate the application.

The local Member for Passingford supported the objection made by the Parish Council and stated that none of the current buildings on the site were constructed with prior planning approval, only retrospective approval which was resented by local residents. There had never been any goat farming on the site, and this called into question any potential business or work use on the site in the future. The Member was concerned that the dismissal of the planning appeal to prevent residential use of the site under the previous planning guidelines was now considered irrelevant under the National Planning Policy Framework. If the application was to be granted then the Member requested a new condition to prevent the blocking of the archway as any glazing or doors there would affect the openness of the Green Belt.

In response to questions from other Members, the Assistant Director confirmed that the planning history of the site was now irrelevant due to the National Planning Policy Framework, and that the Committee should only consider the proposed conversion of the buildings. The barn behind the residential building was the proposed 'work' unit, and conditions 3 and 4 would remove the permitted development rights at the property.

A local Member for Chigwell Village sympathised with the residents and Parish Council regarding the apparent disregard for the planning rules in the past at this site. The Member requested further clarity from the Assistant Director regarding the limit

and scope of the re-use of buildings within the Green Belt in the National Planning Policy Framework.

The Assistant Director reminded the Committee that it was paragraph 90 of the National Planning Policy Framework which was relevant in this case. Buildings had to be of a permanent and substantial nature to be re-used, and also had to preserve the openness of the Green Belt. The new use could potentially be any use. Planning Officers had also considered that the proposed application would lead to fewer vehicle movements to and from the site.

The Officer's recommendation to grant planning consent was narrowly lost. The Chairman requested a motion for refusal, with reasons, but none was forthcoming. The Committee had concerns about the precise scope of paragraph 90 of the National Planning Policy Framework, and the way in which it was being interpreted in this case. A motion was put forward to defer this application to the next meeting of the Committee, pending the obtaining of further legal advice on this aspect of the National Planning Policy Framework.

Resolved:

(1) That the consideration of planning application EPF/3005/14 at Barkers Farm in Mount End Road, Theydon Mount be deferred until the next meeting of the Committee scheduled for 5 August 2015 pending the receipt of further legal advice concerning paragraph 90 of the National Planning Policy Framework.

13. EPF/0343/15 - 311 HIGH STREET, EPPING

The Assistant Director of Governance (Development Control) presented a report on the proposed replacement of existing signage with the same size, and with the located signs only changing colour and branding at 311 High Street in Epping. This application was before the Committee as the applicant was a serving District Councillor.

The Assistant Director reported that the application site was located on the northern side of the High Street in Epping within the town centre and within a parade of shops. The proposal involved replacing the existing signage with new signs of the same size but with changed colouring and branding. They would be located in the same positions as the existing signage. Both the fascia and hanging signs would display a black background with red and white lettering.

The Assistant Director stated that the main issue with this application was the impact on the historic character and appearance of the listed building. The Historic Environment Consultant at Essex County Council was satisfied that the proposed works would conserve the appearance of the building and character of the conservation area and had recommended the granting of listed building consent. Planning Officers had concluded that the proposal complied with policy HC10 of the adopted Local Plan and the National Planning Policy Framework, and had recommended the application should be granted listed building consent.

The Committee noted that Epping Town Council had not objected to the application, and that no further representations had been received in respect of the proposal. The Committee agreed to grant permission for this application.

Resolved:

(1) That planning application EPF/0343/15 at 311 High Street in Epping be granted permission 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.

14. EPF/0682/15 - PINE LODGE RIDING CENTRE, LIPPITTS HILL, WALTHAM ABBEY

The Assistant Director of Governance (Development Control) presented a report concerning the variation of an existing planning condition to enable the continued residential occupation of Pine Lodge in Lippitts Hill, Waltham Abbey should the equestrian use of the land cease. The application was before the Committee as the applicant was a serving District Councillor.

The Assistant Director stated that the application site compromised an area that was currently a riding centre with stabling, a covered riding arena and associated land, including the residential unit known as Pine Lodge. Planning permission was given in 1996 (EPF/1056/96 refers) for the use of the ground floor of an existing stable building at the site as a riding office and staff rest room, and for the first floor to be used as a staff flat. In 2002, further permission was obtained to change the use of the ground floor riding office and staff rest room to residential in connection with the existing residential use of the first floor (EPF/0377/02 refers), but only on condition that the residential use was in connection with the riding stables and that the dwelling should not be separated from Pine Lodge Riding Stables.

The Assistant Director reminded the Committee that, at its meeting on 11 February 2015, it granted planning permission at the site for the removal of the large indoor riding arena and stables, and the erection of five detached houses and associated facilities. A condition of the consent was the cessation of all commercial equestrian use at the site, which would contravene the previous occupancy condition of the dwelling known as Pine Lodge. Therefore, the application sought to vary the 2002 consent such that the dwelling remained tied to the commercial equestrian use of the site, but that if such use ceased as a result of implementing the most recent planning permission then the occupation of Pine Lodge would no longer be restricted.

Planning Officers had concluded that it was appropriate and necessary to vary rather than remove the condition, to ensure that occupation of the dwelling was restricted as long as the commercial equestrian use of the wider site continued, but to enable continued occupation of the dwelling if the commercial equestrian use of the site ceased as a result of the most recent planning consent. The proposed variation was in accordance with the adopted policies of the Local Plan and the National Planning Policy Framework, and was recommended for approval. In addition, the Committee was requested to formally revoke the legal agreement attached to the 1996 planning consent, which had been superseded by the 2002 planning consent, as it was no longer applicable and served no purpose.

The Committee noted that the Town Council had not offered any substantive comments on the application, and there had been one letter of objection received which stated that if the equestrian use of the site ceased then the residential permission should be withdrawn. The Committee agreed to vary the existing planning condition and to revoke the legal agreement attached to the 1996 planning consent.

Resolved:

- (1) That condition 2 of planning application EPF/0377/02 be varied to now read:

“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

- (2) That the planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) linked to the planning permission for application EPF/1056/96, which was subsequently superseded by the planning permission for application EPF/0377/02, be revoked.

15. ANY OTHER BUSINESS

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

CHAIRMAN

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Report to District Development Management Committee

Report Reference: DEV-001a-2015/16
Date of meeting: 5 August 2015



**Epping Forest
District Council**

Subject: Planning Application ref 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. The application was recommended for approval subject to the conditions stated in the above recommendation, but was deferred at the last meeting on 10 June 2015 because the Committee had concerns about the precise scope of paragraph 90 of the National Planning Policy Framework in respect of Green Belt openness impact and the way in which it was being interpreted in this case. Officers were requested to obtain further legal advice on this aspect of the National Planning Policy Framework. In addition there was expressed doubt by one Member that a garage door had existed for sometime, if at all, on the undercroft area of the main front building. The applicant, Mr Barker has subsequently provided evidence that a garage door exists and has done since at least 2006.

2. Counsel's legal advice has been obtained and has been separately sent to the Committee Members as it is legally privileged information. In summary, the legal advice is that the officer's interpretation in the committee report and advice to Members is correct. Furthermore, it confirms that refusal on the grounds of harm to openness in the Green Belt in this case would not be supported on appeal, which includes the proposed new alteration to enclosing of the undercroft.

3. Prior to this, the application was considered by the Area Plans Sub-Committee East on 15 April 2015. 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. 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, para (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 to AREA PLANS SUB-COMMITTEE EAST:

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>

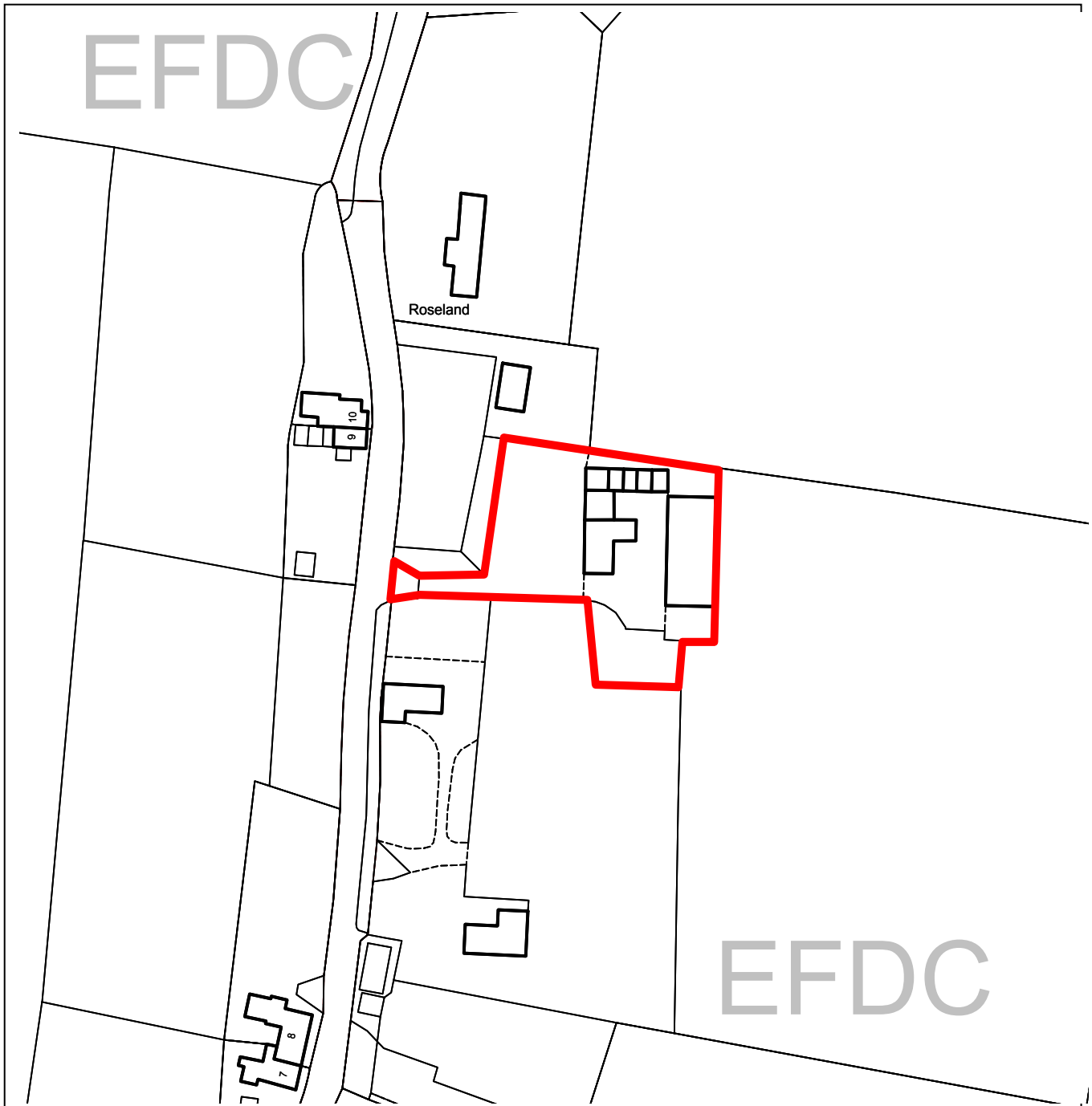
4. ***The planning history specifically relating to land immediately west of the application site forming part of a field rear of the barn is as follows:***

<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.



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



**Epping Forest
District Council**

**Report Reference: DEV-007a-2015/16
Date of meeting: 5 August 2015**

Subject: Planning Application 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; and
- 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 District Development Management Committee on 10 June 2015, however was deferred to enable reconsultation to be undertaken with regards to the previously submitted amended plans.

2. A full re-consultation was undertaken with the Parish Council and neighbouring residential properties giving an additional 14 days to comment on the revised plans. The following comments have been received as a result of the re-consultation:

(a) **NORTH WEALD PARISH COUNCIL** - The Parish Council AGREED to CONTINUE to OBJECT to these applications and that the following is NOTED:

The District Council Officers are thanked for assisting in the time spent in trying to decipher the plans that have been made available to the District Council and subsequently the Parish Council by the applicants and which have been logged on to the District Councils Website. However Members felt that they could not change their OBJECTIONS due to the following.

The drawings do not show the proposal in sufficient detail or scale for the proposal, they are indeed jumbled, indecipherable and make no sense as to where the properties would be allocated on the sites, in particular on EPF/2518/14 therefore they cannot be reflected in sufficient detail as to fully represent as to where each property would be on the site plan.

Members of the District Development Committee are also therefore asked to note the previous Comments of this Parish Council in relation to all three of the applications, also the comments that the Parish Council made regarding all applications being relative and fundamental to Enabling Developments in relation to EPF/2516 & EPF/2517 & EPF 2518 /14.

Together with the Parish Council Comments in relation to EPF/2517/14 – which was *“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 & EPF/2517 & 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.”*

(b) **TINKERS COTTAGE, FOSTER STREET** – Object. Despite the continued statement of such the existing residents have not complained about

the noise or lorries using the Pryors sites, however they do complain about the dust and dirt kicked up by these due to the lack of wheelwashing. The current hours of use of the business is reasonable however houses would create large numbers of vehicle movements at all hours of the day and night. The number of houses proposed (in both this application and EPF/2518/14) is inappropriate to this small hamlet. The number of employees is given as an estimate, despite the applicant knowing accurate figures, and very few of these are locals. It is not considered that the business needs to expand and much of the existing sites are rented out, plus the proposed new site is smaller than the existing site and therefore would not incorporate an 'expansion'. The site is Green Belt and should be protected.

3. 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.

4. 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:

5. 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.

6. 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.

7. 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.

8. 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.

9. 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).

ORIGINAL 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 term effects on the adjacent woodland, and whilst the proposal would create more housing and jobs this should not be at the expense of existing residents.

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

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:

*To check the unrestricted sprawl of large built-up areas;
To prevent neighbouring towns merging into one another;
To assist in safeguarding the countryside from encroachment;
To preserve the setting and special character of historic towns; and
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

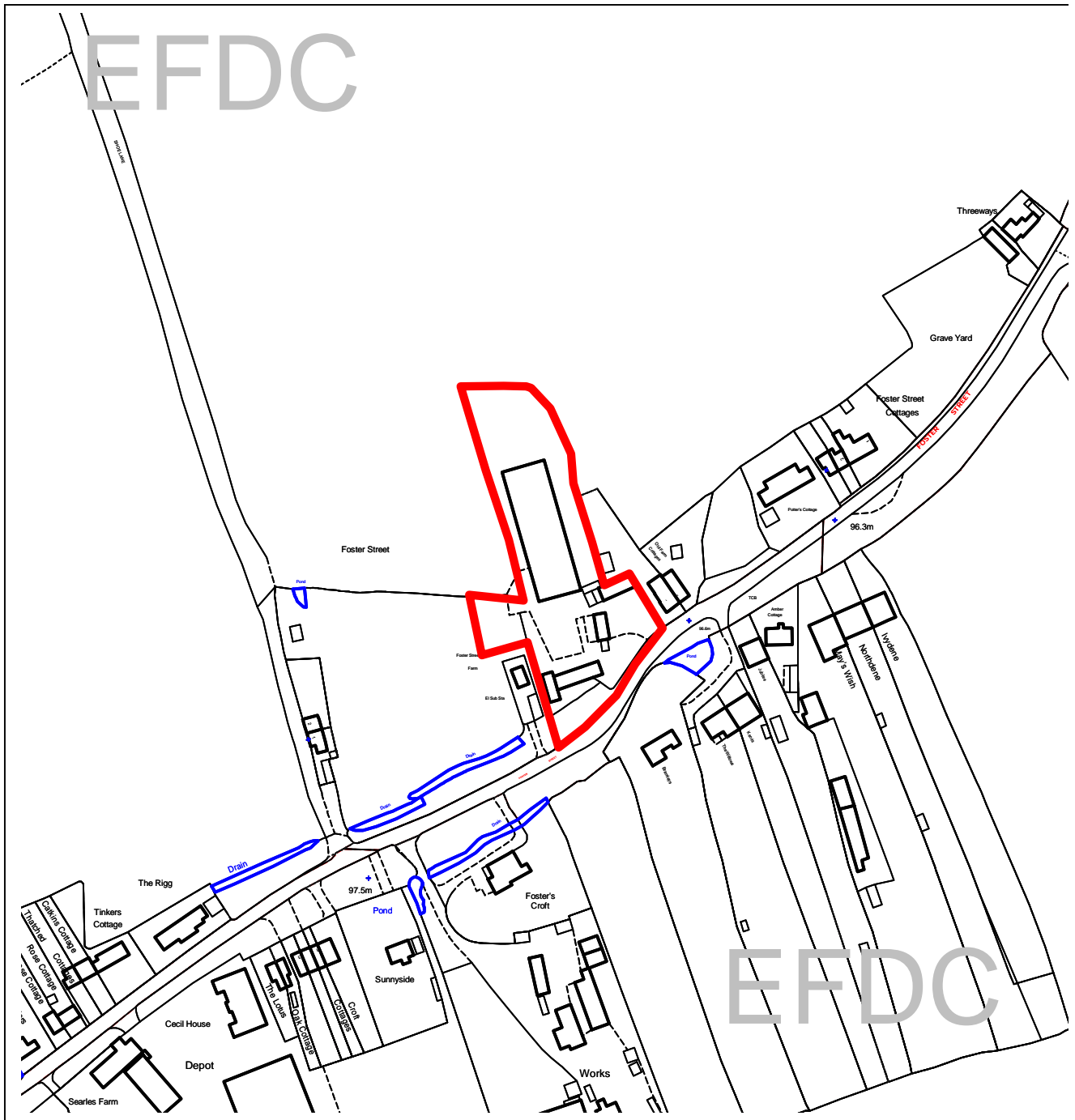
that any loss of amenity would not be excessive. In respect of the local area, there are some amenity benefits from this proposal over and above the existing business use.

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.



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



**Epping Forest
District Council**

Report Reference: DEV-008a-2015/16.
Date of meeting: 5 August 2015

Subject: Planning Application 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 District Development Management Committee on 10 June 2015, however was deferred to enable re-consultation to be undertaken with regards to the previously submitted amended plans on EPF/2516/14 and EPF/2518/14.

2. A full re-consultation was undertaken with the Parish Council and neighbouring residential properties giving an additional 14 days to comment on the revised plans for the two above applications. Whilst no neighbouring re-consultation was undertaken regarding this particular application the following comments have nonetheless been received:

(a) **NORTH WEALD PARISH COUNCIL** - The Parish Council AGREED to CONTINUE to OBJECT to these applications and that the following is NOTED:

The District Council Officers are thanked for assisting in the time spent in trying to decipher the plans that have been made available to the District Council and subsequently the Parish Council by the applicants and which have been logged on to the District Councils Website. However Members felt that they could not change their OBJECTIONS due to the following.

The drawings do not show the proposal in sufficient detail or scale for the proposal, they are indeed jumbled, indecipherable and make no sense as to where the properties would be allocated on the sites, in particular on EPF/2518/14 therefore they cannot be reflected in sufficient detail as to fully represent as to where each property would be on the site plan.

Members of the District Development Committee are also therefore asked to note the previous Comments of this Parish Council in relation to all three of the applications, also the comments that the Parish Council made regarding all applications being relative and fundamental to Enabling Developments in relation to EPF/2516 & EPF/2517 & EPF 2518 /14.

Together with the Parish Council Comments in relation to EPF/2517/14 – which was *“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 & EPF/2517 & 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.”*

(b)) **TINKERS COTTAGE, FOSTER STREET** – Object. Despite the continued statement of such the existing residents have not complained about the noise or lorries using the Pryors sites, however they do complain about the dust and dirt kicked up by these due to the lack of wheelwashing. The current hours of use of the business is reasonable however houses would create large numbers of vehicle movements at all hours of the day and night. The number of houses proposed (in both this application and EPF/2518/14) is inappropriate to this small hamlet. The number of employees is given as an estimate, despite the applicant knowing accurate figures, and very few of these are locals. It is not considered that the business needs to expand and much of the existing sites are rented out, plus the proposed new site is smaller than the existing site and therefore would not incorporate an ‘expansion’. The site is Green Belt and should be protected.

3. 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.

4. 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:

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

ORIGINAL 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 re-consultation 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:

- *To check the unrestricted sprawl of large built-up areas;*
- *To prevent neighbouring towns merging into one another;*
- *To assist in safeguarding the countryside from encroachment;*
- *To preserve the setting and special character of historic towns; and*
- *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.

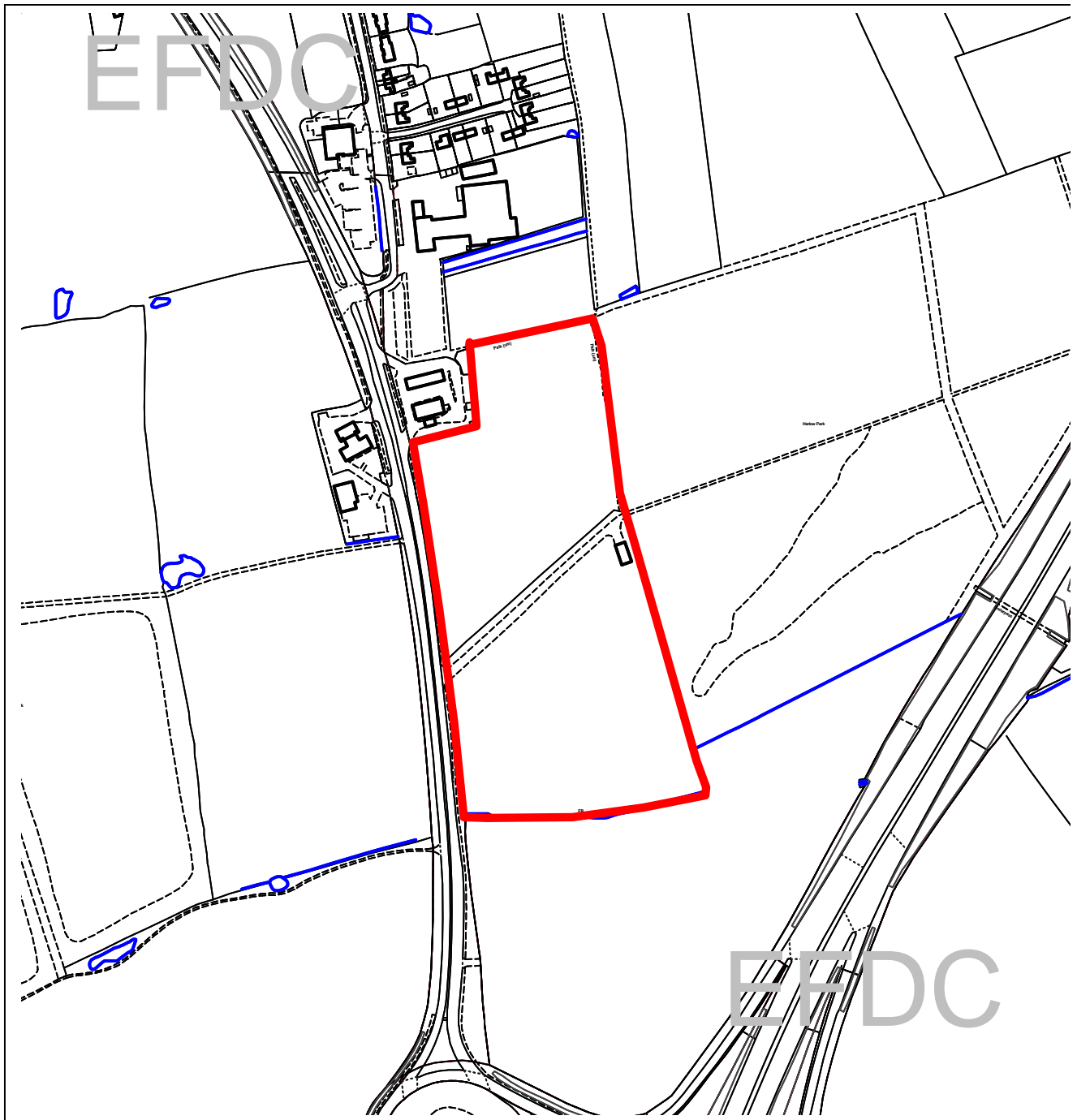
Is there a way forward?

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.



Epping Forest District Council

AGENDA ITEM NUMBER



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

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Report to District Development Management Committee



**Epping Forest
District Council**

Report Reference: DEV-009a-2015/16
Date of meeting: 5 August 2015

Subject: Planning Application 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 564249)

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 District Development Management Committee

on 10 June 2015, however it was deferred to enable re-consultation to be undertaken with regards to the previously submitted amended plans.

2. A full re-consultation was undertaken with the Parish Council and neighbouring residential properties giving an additional 14 days to comment on the revised plans. The following comments have been received as a result of the re-consultation:

(a) **NORTH WEALD PARISH COUNCIL** - The Parish Council AGREED to CONTINUE to OBJECT to these applications and that the following is NOTED:

The District Council Officers are thanked for assisting in the time spent in trying to decipher the plans that have been made available to the District Council and subsequently the Parish Council by the applicants and which have been logged on to the District Councils Website. However Members felt that they could not change their OBJECTIONS due to the following.

The drawings do not show the proposal in sufficient detail or scale for the proposal, they are indeed jumbled, indecipherable and make no sense as to where the properties would be allocated on the sites, in particular on EPF/2518/14 therefore they cannot be reflected in sufficient detail as to fully represent as to where each property would be on the site plan.

Members of the District Development Committee are also therefore asked to note the previous Comments of this Parish Council in relation to all three of the applications, also the comments that the Parish Council made regarding all applications being relative and fundamental to Enabling Developments in relation to EPF/2516 & EPF/2517 & EPF 2518 /14.

Together with the Parish Council Comments in relation to EPF/2517/14 – which was *“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 & EPF/2517 & 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.”*

(b) **NORTH WEALD & DISTRICT PRESERVATION SOCIETY** – Still consider the previous objection submitted to be relevant.

(c) **TINKERS COTTAGE, FOSTER STREET** – Object. Despite the continued statement of such the existing residents have not complained about the noise or lorries using the Pryors sites, however they do complain about the dust and dirt kicked up by these due to the lack of wheelwashing. The current hours of use of the business is reasonable however houses would create large numbers of vehicle movements at all hours of the day and night. The number of houses proposed (in both this application and EPF/2518/14) is inappropriate to this small hamlet. The number of employees is given as an estimate, despite the applicant knowing accurate figures, and very few of these are locals. It is not considered that the business needs to expand and much of the existing sites are rented out, plus the proposed new site is smaller than the existing site and therefore would not incorporate an ‘expansion’. The site is Green Belt and should be protected.

(d) **1 THATCHED COTTAGES, FOSTER STREET** – Object since there are already highways concerns due to the existing problems with the narrow road and existing access points and the increase in traffic that would result from the proposed development would exacerbate this.

3. 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.

4. 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:

5. 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.

6. 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.

7. 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.

8. 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.

9. 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, paragraphs 58 to 61 have been revised to account for the submitted noise assessment report.

ORIGINAL PLANNING SUB-COMMITTEE 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:

*To check the unrestricted sprawl of large built-up areas;
To prevent neighbouring towns merging into one another;
To assist in safeguarding the countryside from encroachment;
To preserve the setting and special character of historic towns; and
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.

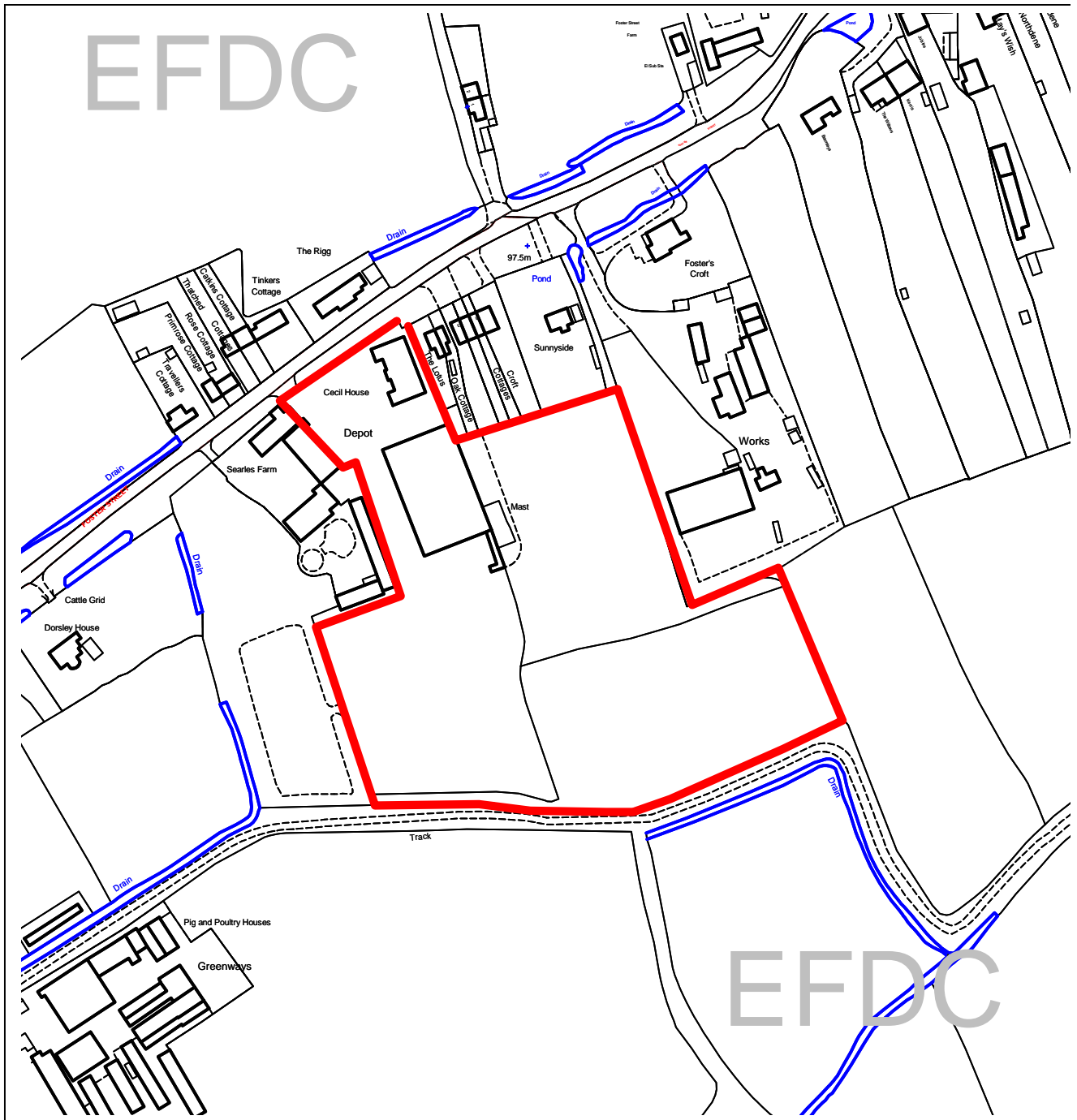
Is there a way forward?

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.



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

Report Reference: DEV-010-2015/16
Date of meeting: 5 August 2015



**Epping Forest
District Council**

**Subject: EPF/1007/15 Land and Garages off Burton Road, Debden,
Loughton - Erection of 51 affordable homes with 28 parking
spaces(Revised application).**

Responsible Officer: Nigel Richardson (01992 564110)

Democratic Services: Gary Woodhall (01992 564470)

Recommendation(s):

(1) That planning permission be granted subject to a Unilateral Undertaking in respect of a contribution of £16,720 towards healthcare provision in the locality and 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: 612/033/PL01/A, 612/033/PL02/B, 612/033/PL03/B, 612/033/PL04/G, 612/033/PL05/E, 612/033/PL06/J, 612/033/PL07/D, 612/033/PL08/E, 612/033/PL09/F, 612/033/PL10/G, 612/033/PL11/J, 612/033/PL12/B, 612/033/PL13/A, 612/033/PL14/A, 612/033/PL15/A, 612/033/PL16/D, 612/033/PL17/C, 612/033/PL18/D, 612/033/PL19/E and 612/033/PL20/C

3. The development hereby approved shall be finished in accordance with the details indicated on drawing number 612/033/PL19/E, unless otherwise previously approved in writing by the Local Planning Authority, in writing.

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 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.

5. A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

6. No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

7. Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

8. Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

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

9. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

10. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

11. All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

12. 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; and
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

13. Prior to first occupation of the development hereby approved, those windows shown to be obscure glazed on drawing numbers 612/033/PL09/F, 612/033/PL10/G and 612/033/PL11/J shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

14. Access to the areas of sedum flat roof system of Block C and Block D, identified on drawing numbers 612/033/PL10/G and 612/033/PL12/B, shall be for maintenance or emergency purposes only and those areas of flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

15. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any other Order revoking, further amending or re-enacting that Order) no extensions, alterations to external materials, roof additions, porches or outbuildings with a volume in excess of 10 cubic metres generally permitted at dwellinghouses by virtue of Classes A, B, D and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

PLANNING REPORT:

Description of Site:

The application site comprises land on the south-east side of Burton Road between Torrington Gardens to the north east and Torrington Drive to the south west. It is a linear site presently developed as garages at either end separated by a grassed amenity area that includes a right of way between Burton Road and Torrington Drive alongside the northern block of garages. Torrington Drive continues parallel to Burton Road and the gardens of maisonettes on Torrington drive back on to the application site. Opposite the site, to the north west, is a large public carpark and parking and yard areas rear of shop premises on the Broadway. A bus stop and bus waiting layby are situated midway along Burton Road adjacent to the site.

Land on the north west of Burton Road forms part of the Broadway Town Centre, as defined in the Local Plan and Alterations. Buildings on the Broadway are three-storey and of substantial bulk. Other buildings in the locality are predominantly two-storey terraces of houses or maisonettes. Via existing footways, Debden Underground Station is approximately 130m from the nearest part of the site and 370m from its most distant part adjacent to Torrington Gardens.

Description of Proposal:

This application proposes the erection of 51 affordable dwellings with 28 parking

spaces, private gardens and amenity space. The proposal would comprise 17 houses and 34 flats in two blocks fronting Burton Road. The application is a revision of a similar proposal refused planning permission by the Area Plans South Sub-Committee on 7 January 2015, ref EPF/2214/14. The main differences between the current and previously decided proposals are:

- Reducing the level of the houses by approximately 400mm and the two flat blocks by 1.1m. This is achieved by cutting into the land nearest Burton Road to achieve a level surface to build on and adjusting the slope between the road and the buildings as appropriate. The previous proposal achieved a level surface by raising the land level furthest from the road and adjusting levels rear of the buildings.
- Reducing the number of flats by one and increasing the number of parking spaces by 1. The number, siting and form of the houses remaining unchanged, save for the level change. Notwithstanding a net loss of one flat, the siting bulk and design of the proposed flats is very similar to the previous proposal, save for the overall height reduction of just over a metre. The additional parking space is provided adjacent to the eastern block, Block D.

This application is reported directly to the District Development Management Committee rather than to the area Plans South Sub-Committee as changes to the Council's Constitution since 7 January require applications for major development on Council owned land to be decided by District Development Management Committee.

A fuller description of the proposal is as follows:

As before, the houses would take up the western part of the site and predominantly take the form of a part single-storey, part three-storey terrace of 15 three bedroom houses. The single-storey element of each house would be recessed and visually separate that house from the three-storey part of the attached neighbour. It would include a roof terrace that looks towards Burton Road with a screen wall at the rear to obstruct all views towards the gardens of maisonettes on Torrington Drive. The remaining two houses would be sited towards the junction of Burton Road with Torrington Drive. They would comprise a two-storey pair of two-bedroom semi-detached houses.

All the houses would be finished in facing brick with metal clad upper level bays to the three-storey elements. The single-storey elements would be timber clad. Roofs would be mono-pitched, falling to the rear, and clad in artificial slate. Solar panels would be incorporated into the design of the roofs. Each terraced house would have a private drive capable of accommodating a good sized car.

As before, the flats would be sited at the eastern part of the site and take the form of 2 four-storey buildings either side of the footpath linking Burton Road with Torrington Drive. That nearest the proposed houses is identified as Block C and that nearest Torrington Gardens as Block D. The top floor of each block would be much reduced in area compared to the lower floors and recessed from all edges. The flats would overall comprise 11 one-bedroom (identical to the previous proposal) and 23 two-bedroom dwellings (one less than previously proposed). That is achieved by losing 2 one bedroom flats from Block C and replacing them with 1 two bedroom flat and improved refuse and cycle storage.

They buildings would be finished in similar materials to the proposed houses but would have flat sedum roofs. Balconies would look to Burton Road and the footpath

separating the blocks. The southern edge of balconies looking to the footpath would be enclosed by the southern wall of the building. The dwellings would be constructed to Lifetime Homes Standards and Code Level 4 of the Sustainable Homes Standards.

A total of 11 parking spaces would be provided for the flats. They would be accessed directly off Burton Road, with two adjacent to Block C and 9 adjacent to Block D.

The proposal also includes realigning the footpath linking Burton Road with Torrington Drive, relocating the existing bus stop on Burton Road such that it is at the end of the footpath and relocating the existing bus waiting layby to the western end of Burton Road, adjacent to its junction with Torrington Drive. Essex County Council advise the footpath link is not a public right of way.

The southern site boundary would be enclosed by 1.8m high closeboard fencing topped by 300mm trellis.

The application is accompanied by a signed Unilateral Undertaking in respect of a financial contribution of £16,720 towards healthcare provision in the locality. The level of contribution is based on advice from NHS England.

Relevant History:

EPF/2214/14 Erection of 52 affordable dwellings with 27 parking spaces, private gardens and amenity space. Refused for the following reason:

By reason of its bulk, design and density in terms of numbers of dwellings, the proposal would have an overbearing relationship with neighbouring land to the detriment of the visual amenities of the locality. Accordingly, the proposal is contrary to policies CP7 and DBE2 of the adopted Local Plan and Alterations, which are consistent with the National Planning Policy Framework.

Policies Applied:

CP2	Quality of Rural and Built Environment
CP3	New Development
CP7	Urban Form and Quality
H2A	Previously Developed Land
H4A	Dwelling Mix
H5A	Provision for Affordable Housing
H6A	Site Thresholds for Affordable Housing
H7A	Levels of Affordable Housing
H8A	Availability of Affordable Housing in Perpetuity
DBE1	Design of New Buildings
DBE3	Design in Urban Areas
DBE5	Design and Layout of New Development
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL11	Landscaping Schemes
ST1	Location of Development
ST3	Transport Assessments
ST4	Road Safety
ST6	Vehicle Parking

NPPF

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 409

Site notice posted: Yes

Press advertisement: Yes

Responses received: The occupants of 10 neighbouring residential properties and 49 neighbouring shop premises have raised objection to the proposal. In addition, a petition of 133 signatures was received, raising objection on the following grounds:

“I object to the proposal concerned due to the number of units, their design and lack of parking facilities. However, the smaller scheme comprising 42 units would meet with my approval.”

The objections of neighbouring residential and commercial neighbours are summarised as follows:

12A THE BROADWAY, LOUGHTON

- Insufficient parking provision that would exacerbate existing parking problems.
- Poor design that does not comply with Council design policy

31 TORRINGTON DRIVE:

I wish to register my disagreement to the plans for developing Burton Road. The houses with gardens which will border my garden will seriously encroach on my privacy and cause noise and aggravation. I am a pensioner and suffer from anxiety and depression. It is difficult to park outside my flat in Torrington Drive now, and if you do decide to dig up the grass for the extra cars this will also spoil our quality of life.

I hope this over- development of our area will be rejected.

36 TORRINGTON GARDENS, LOUGHTON:

- Insufficient parking provision that would exacerbate existing parking problems. The parking problems are caused by commuter parking.
- Poor design that does not comply with Council design policy. The building proposed is too big and too close to the road.
- The proposal is not materially different to the previously refused development.

41 TORRINGTON DRIVE, LOUGHTON

- Insufficient parking provision that would exacerbate existing parking problems.
- Poor design that does not comply with Council design policy
- The council had a previous plan for 42 dwellings and 42 parking spaces. This plan I believe would not have been opposed as it was more in keeping with striking a balance to the area. The houses were also of a more attractive design.

111 TORRINGTON DRIVE, LOUGHTON:

The development will directly overlook our homes and will have visibility into our flats. Furthermore, the area has insufficient parking. Torrington drive is filled with free parking for commuters. This needs to be addressed before any further dwellings are

constructed. Burton Road is tight and congested and additional traffic will exacerbate this situation.

150 TORRINGTON DRIVE

The proposed development is the same as that previously approved. It is questionable as to whether the homes really will be affordable. There is insufficient parking provision for the development and it is not clear where buses would park. The development would exacerbate existing parking problems caused by commuter parking.

115 GROSVENOR DRIVE, LOUGHTON: (3 letters)

As a long term residents of the Debden estate and someone who regularly uses Debden Broadway shops, I object to this planning application on the following grounds:

- 1) The removal of the grassed area. This is the only bit of greenery in this road.
- 2) Debden Broadway currently suffers form considerable traffic congestion and this development would only make matters worse.
- 3) The lack of local services to accommodate an influx of new residents.
- 4) The unattractive appearance of the new development - it is not in keeping with Debden Broadway or the Debden Estate as a whole.
- 5) The development is to be situated in what is currently a service road and is not suitable for residential purposes. Lorries unload at the rear of the shops in Debden Broadway and this will be immediately outside the front doors of the new houses.
- 6) The lack of car parking spaces and the impact this will have on current residents trying to visit the Debden Broadway shops.
- 7) The removal of the garages which are currently used by local residents.
- 8) This development is much too large for the area available. The buildings appear to be 'crammed in'.
- 9) The proposed plans are for high-rise buildings which are incongruous and out of keeping with the low-rise architecture in the local area

119 TORRINGTON DRIVE, LOUGHTON:

- Insufficient parking provision that would exacerbate existing parking problems.
- If it is necessary to build in Burton Rd., then I would suggest the number of flats is reduced, in order to provide parking in that road for the new residents.
- The parking issues in Torrington Drive can easily be resolved by having yellow lines with restricted times for parking, with exemptions for residents.
- The loss of the extensive green area would be unattractive and likely to increase the risk of flooding.

147 TORRINGTON DRIVE, LOUGHTON:

Whilst I agree that more low cost accommodation is needed I feel that this has not been thought out as we have a bad parking problem around here and the building of flats will only add to the problem my road (Torrington Drive) is often blocked by commuter parking and several times I have been unable to get on to my drive .ambulances have had problems getting passed through people thoughtlessly parking so to add to this problem I think is very wrong and dangerous

178 TORRINGTON DRIVE, LOUGHTON:

Objection – lack of parking within the scheme and locality therefore the surrounding roads will become gridlocked. Proposes permit holders only parking to cure this problem.

BROADWAY SHOPS:

Identical letters raising objection to the development were received from the following businesses addresses. Every letter has a unique ID linking it to 68 The Broadway.

- LLOYDS BANK, 11 THE BROADWAY
- POST OFFICE, 12-14 THE BROADWAY
- SPRAYS BAKERY, 15 THE BROADWAY
- MARTINS, 16 THE BROADWAY
- BOOTS, 18 THE BROADWAY
- TAYLORS CARDS, 17-19 THE BROADWAY
- SAVE THE CHILDREN, 20 THE BROADWAY
- BLOW YOUR TOP, 21 THE BROADWAY
- ZARA EXPRESS, 23 THE BROADWAY
- PIRATES DEN, 25 THE BROADWAY
- PA SPARLS & SONS, 26 THE BROADWAY
- LOVE TAG, 27 THE BROADWAY
- 28 THE BROADWAY
- BARNARDS JEWELLERS, 29 THE BROADWAY
- LUONG NAIL STUDIO, 31 THE BROADWAY
- SUPERDRUG, 32-34 THE BROADWAY
- KG CHEMIST 36, THE BROADWAY
- TWIST & CURL, 39 THE BROADWAY
- BROADWAY FRIED CHICKEN AND PIZZA, 40 THE BROADWAY
- KP BUTCHERS, 43 THE BROADWAY
- LADBROKES, 46-48 THE BROADWAY
- 47-49 THE BROADWAY
- FLOWER ELEGANCE, 51 THE BROADWAY
- BALLOONS & FLOREA, 53 THE BROADWAY
- EROS, 56 THE BROADWAY
- 57 THE BROADWAY
- DEBDEN MOTOR SPARES LTD, 58 THE BROADWAY
- CLANBROOK ELECTRICS & BARNARDOS, 59 THE BROADWAY – 2 letters since 2 shop premises gave this as their address
- STUARTS MARKET SHOP, 60 THE BROADWAY
- TONY'S, 61 THE BROADWAY
- VIP CARS, 64 THE BROADWAY
- ELKAZ TAVERNA, 67 THE BROADWAY
- RESTORE COMMUNITY CENTRE, 68 THE BROADWAY
- THE BEAUTY BAR, 69 THE BROADWAY
- ST CLAIRE HOSPICE, 72 THE BROADWAY
- T CRIBB & SONS, 73 THE BROADWAY
- GUNER, 74 THE BROADWAY
- GERALDINES HAIR FASHIONS & WILSON PHYSIOTHERAPY, 76 THE BROADWAY – 2 letters since 2 shop premises gave this as their address
- DAVID SMITH FINANCIAL SERVICES, 78 THE BROADWAY
- 82 THE BROADWAY
- BROADWAY DENTAL CLINIC, THE BROADWAY

- CHINESE HERBAL MEDICINE & HEALTHCARE CLINIC, THE BROADWAY
- DM CLEANERS, THE BROADWAY
- EYE GEE OPTICIANS
- ICELAND, THE BROADWAY
- MERLIN CARPETS, THE BROADWAY
- VET SAVERS, THE BROADWAY

The objections raised are:

- Insufficient parking provision for the development would increase demand for parking in the adjacent public car park, reducing the potential for traders and their customers to use it, could be harmful to businesses in The Broadway.
- The development will exacerbate existing parking problems in the locality.

BROADWAY TOWN CENTRE PARTNERSHIP, 15 COLSON ROAD, LOUGHTON
(unique ID on letter links it to 68 The Broadway)

- Too many dwellings are proposed. A scheme of 31 dwellings with 42 parking spaces that was originally proposed is preferable.
- Cramped form of development equivalent to creating slum conditions.
- Insufficient parking provision that would result in a reduction of public spaces for traders in The Broadway and their customers.
- It is unreasonable for the Council to impose limits on the numbers of cars people can own by approving developments with limited parking spaces.
- Attention is drawn to the adopted Vehicle Parking Standards and the advice of the Council's Tree and Landscape Team in relation to the potential for landscaped areas in front of the houses to be informally used for parking and the need to mitigate that in a subsequent detailed landscaping scheme.

THAMES WATER: Informatives requested on any consent given.

LONDON UNDERGROUND: No comment

LOCAL EDUCATION AUTHORITY: The development is 100% affordable housing and not for profit so on this occasion no S106 contribution for education purposes is sought.

NHS ENGLAND: The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development would give rise to a need for improvements to capacity by way of extension, refurbishment, reconfiguration or relocation at the existing practices. A developer contribution of £16,720 will be required to mitigate the impacts of this proposal, which should be secured in a S106 agreement.

LOUGHTON RESIDENTS ASSOCIATION (PLANS GROUP): Objection

- The proposal constitutes an overdevelopment of the site.
- The proposed buildings, particularly the flats, are overbearing in relation to the houses in Torrington Drive
- The parking provision (only 28 spaces) will worsen the existing parking congestion in the area caused by commuters using Debden Underground Station, and from shoppers and residents of The Broadway
- The existing bus stand provision on Burton Road is insufficient -as buses frequently park up on the pavement – and this highway safety concern should

be addressed, as there would be an increase in pedestrians, particularly children, using Burton Road from the proposed development.

If nevertheless the District Council is minded to approve the application, we ask for the usual conditions limiting working hours during any demolition and building work, and requiring wheel-washing on site.

LOUGHTON TOWN COUNCIL: Objection

The Committee NOTED the contents of two letters of objection and that the number of properties had been reduced from 52 to 51.

The Committee restated its comments previously made for EPF/2214/14, which were:

The Committee OBJECTED to this application on the following grounds.

- 1. The proposed housing scheme was considered an overdevelopment of the site.*
- 2. The heights of the properties, particularly the flats, were considered overbearing on the Torrington Drive houses. Members appreciated the slanting pitch of the roofs but it was felt this would still impact on those houses.*
- 3. The limited parking provision of only 28 spaces would exacerbate existing parking congestion in the vicinity caused by commuters using Debden Underground Station, and from shoppers and residents of The Broadway.*
- 4. Members commented on the disproportionate inconsistency between the parking provision allocation of 64 spaces for 64 flats approved for application EPF/2163/13 by the District Council for the Sir Winston Churchill site and for this development, and was deemed contrary to policy DBE 6 of Epping Forest District Council's adopted Local Plan & Alterations.*
- 5. The Committee was concerned that the existing bus stand provision on Burton Road was insufficient as buses frequently parked up on the pavement. This highway safety concern should be addressed, as there would be an increase in pedestrians, particularly children, using Burton Road from the proposed development.*
- 6. The Committee regretted that a play area for the development had not been accommodated in the scheme, as the nearest existing ones at Monksgrove (off Oakwood Hill) and Westall Road were some distance away.*
- 7. The Committee would prefer the use of LED street lighting and the use of solar powered lighting in view of Essex County Council's part night street lighting policy.*
- 8. Members asked if the development could include more environmentally sustainable elements, such as solar panels.*

(Please note the new wording in point 5 to include 'particularly children').

The Committee also stated that as insufficient parking provision was proposed in this scheme, future occupants of these flats should not be eligible for resident parking schemes in the town.

Main Issues and Considerations:

The application can be considered to amount to a proposal for Council housing. Should planning permission be granted the applicant, East Thames Housing Group, would carry out the development and the dwellings would be let to Council tenants.

The District Council is the freeholder of the application site. On 17 April 2014 the Council House Building Cabinet Committee agreed the land be appropriated for planning purposes. However, it is not intended to sell the land to the developer therefore the Council will retain control over the development as landowner. Consequently, no S106 agreement requiring the development of be affordable is submitted with the application and none is considered necessary to secure the affordable housing in perpetuity.

The proposal amounts to the development of previously developed land within a residential area. It is on the edge of a Town Centre but would not have any negative impact on the vitality and viability of the Broadway as a shopping area and, indeed, it is more likely to enhance it. It would potentially improve the viability of local shop premises in the Broadway by increasing the population within walking distance of the shops, thereby growing the market for local goods and services. As such there is no objection to the principle of the development.

The proposal would have a consequence for healthcare provision in the locality as described by NHS England, and it therefore addresses that consequence by way of a Unilateral Undertaking in respect of a financial contribution sought by NHS England. Although there is likely to be a consequence for Education provision, Essex County Council as Local Education Authority has made clear it wishes to support the development by bearing the additional costs itself.

In terms of design, the proposal is modern but finished using traditional materials. It is well proportioned and would significantly enhance the appearance of Burton Road. The proposal has been carefully designed to include features that improve its sustainability such as solar panels on roofs and the use of sedum roof areas for the two flat blocks.

No details of street lighting are submitted and although the comments of the Town Council in respect of LED lighting are noted, the matter of street lighting is an adoption issue and therefore one for the County Council rather than the District.

In respect of amenity space provision, although rear gardens of the houses are of modest size, the available private amenity space is significantly enhanced by the provision of roof terraces above the single-storey elements of the three-bedroom houses. Adequate amenity space provision is made for the flats and pair of two-bedroom houses by careful siting nearer Burton Road in order to maximise space and take advantage of a southerly aspect. It is not considered appropriate to make provision for public children's play areas within a development of this scale.

The rear elevation of the buildings has been carefully designed to prevent any excessive overlooking of neighbouring gardens. That has somewhat compromised the appearance of the houses by relying on high level windows to some bedrooms. In all cases those windows would be secondary windows therefore the design would not compromise the living conditions of the houses.

In the above respects the proposal is identical to the scheme refused planning permission at the Area Plans South Sub-Committee on 7 January. The reason for refusal maintained the harm caused by it would be to the visual amenities of the locality on the basis of an overbearing relationship with neighbouring land. The overbearing relationship was considered to arise from its bulk, design and density. When making its decision the Members made clear they would be likely to view a less intense development more favourably, particularly if the flat blocks were reduced in height to three storeys. This revised scheme is designed to overcome that

objection.

The small reduction in numbers of dwellings speaks to the reference of density, however, since the massing and design of the buildings is unchanged the reduction has no consequence for the visual impact of the development. The change that is of considerable significance is the drop in level of the buildings: up to 400mm in the case of the houses and 1.1m in the case of the flats. That significantly reduces the visual impact of the development in relation to neighbouring land and, although not a reduction in an entire floor as suggested by the Area Plans South Sub-Committee, it directly addresses the concerns of the Sub-Committee in a meaningful way while maintaining a high level of affordable housing provision.

The proposals would continue to have significant bulk that would be apparent when seen from the rear gardens of maisonettes on Torrington Drive. However, the distance separating the new buildings from the rear elevations of the maisonettes is some 25m, which together with the drop in level of the buildings, is more than adequate to ensure they would not appear excessively overbearing. Since they are to the north east of the maisonettes and their gardens, no excessive loss of light or overshadowing would arise. Furthermore, the reduction in level will significantly reduce the potential for the buildings, especially the flat blocks, to appear overbearing when seen from Burton Road or the footpath passing between the blocks linking Burton Road with Torrington Drive.

In relation to the matter of parking, at one space for each house there would be an appropriate level of parking provision for the houses given the town centre location. The proposal would provide significantly fewer spaces for the flats than the Vehicle Parking Standards require were the site outside of a town centre location. However, there is no doubt that the site is within a very short walk of good public transport facilities and a wide range of convenience shopping as well as other goods and services. Consequently there is a very strong case for permitting the lower level of provision and, indeed, this is expressly allowed for in the Vehicle Parking Standards.

The Highway Authority has made clear that the District Council is responsible for deciding whether or not provision less than required by the Vehicle Parking Standards is justified. In this case the combination of the sustainability of the sites location together with the fact that a large public car park the proposal is opposite the site is given considerable weight. Moreover, as is recognised by the Local Education Authority, significant weight should be given to the degree of need for affordable housing and the limited opportunities for achieving it within this District when assessing the proposal. In all the circumstances, it is concluded that there is good justification on planning grounds for permitting the development with the level of off-street parking provision proposed. A Transport Assessment submitted with the application supports that assessment.

The parking problems experienced within the locality, which is a matter widely raised by objectors, is recognised by Officers and the applicant. While this proposal is not designed to directly address that problem, since the amount of off-street parking proposed for the development is appropriate, it is not likely to exacerbate the situation. As Members will also be aware, the level of parking provision was not a reason for refusing the previous application.

The Design and Access Statement submitted with the application nonetheless addresses the matter of wider parking problems in the following statement:

“The Council has an established programme of constructing off-street parking spaces

on housing owned land across the district where a need has been identified, assessed and ranked. The ranking table is reviewed by the Cabinet annually at its meeting in February, where it is agreed which sites are to progress in the following financial year.

In February 2015, the Cabinet agreed that for any off-street parking site that is within the vicinity of any of the sites earmarked for future Council House-building, then the Council House-building Cabinet Committee would consider the benefits of providing off street parking at the same time as they consider the Feasibility Study, particularly as each of the house-building sites are on Council garage sites, which are to be demolished to make way for the developments.

For the development site at Burton Road, Loughton, an off street parking scheme is included on the ranking table in nearby Torrington Drive, which backs onto Burton Road and is joined by a pedestrian thoroughfare that runs between the two new proposed blocks of flats that makes up the Burton Road development. The Cabinet Committee has agreed to bring this scheme forward and to consult residents on various design options for off street parking.

Subject to there being a majority of residents in favour of a new off street parking scheme in Torrington Drive, and also the introduction of a resident parking scheme to control the parking in those spaces created, then a scheme to provide off street parking could be delivered in 2016, subject to a separate Planning application process.”

While a solution to wider parking problems may be secured through the above process, the potential solution cannot be secured in connection with this application. As stated, the potential solution is subject to a separate public consultation exercise and if there was insufficient support from local residents it would not be implemented. Since the Applicant has no control over the response to such a consultation exercise, it would be unreasonable to give permission subject to the implementation of that potential solution.

Consideration has been given to whether it is possible to require tenancy agreements to prohibit the ownership of a car by tenants. The informal advice of the Communities Directorate (which incorporates the former Housing Department) is that would not be possible.

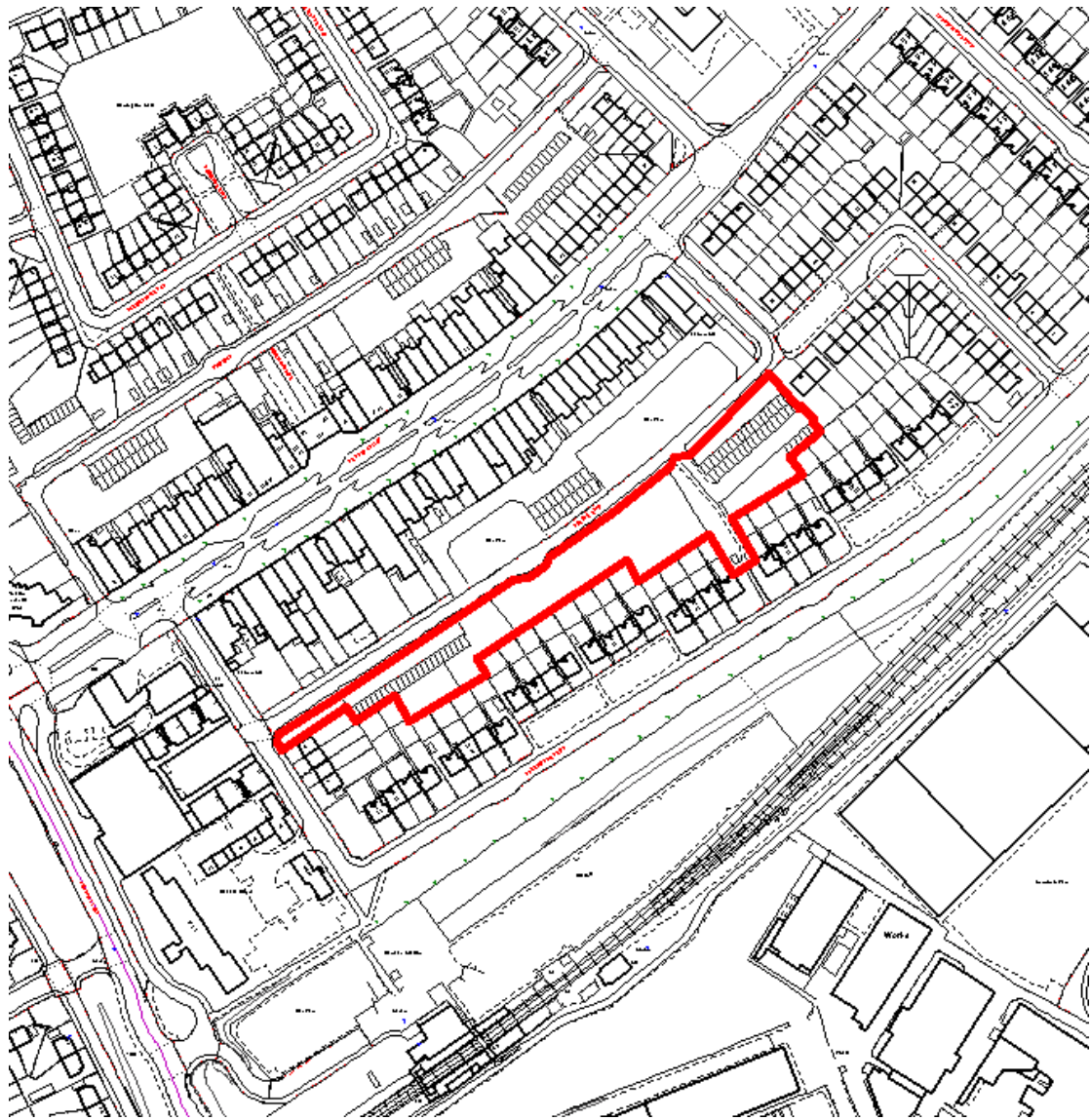
In relation to highway safety and the repositioning of a bus stop and bus waiting layby, the Highway Authority raises no objection but informally advises it is likely measures would be introduced to prohibit on-street parking along the length of Burton Road due to its narrow width and the need to ensure bus routes along it remain free of potential obstruction from large vehicles.

Objectors have made reference to alternative schemes. Members are advised the only proposals that have been the subject of planning applications are the current proposal and that refused on 7 January. Consequently, the only proposal capable of being a material planning consideration when assessing the merits of the current proposal is that previously refused, ref EPF/2214/14.

Conclusion:

The proposal properly addresses the reason for refusal of application EPF/2214/14. It would secure much needed affordable housing in a highly sustainable location without causing excessive harm. It would also potentially improve the viability of

local shop premises in the Broadway by increasing the population within walking distance of the shops, thereby growing the market for local goods and services. Appropriate off-street parking provision is proposed and while a wider parking issue in the locality is recognised, it is not a matter on which this proposal should be decided. Accordingly, it is concluded the proposal complies with relevant planning policy and it is recommended that planning permission be granted



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