

**Report to District Development Control
Committee**



**Epping Forest
District Council**

Date of meeting: 5 October 2010

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

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

Recommendation(s):

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

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

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

(b) the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.**
- (2) No development or preliminary groundworks of any kind shall take place until the applicant/developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.**

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

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

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

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

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

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

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

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

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

- (7) A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using Windes or other similar programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment.**

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

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

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

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

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

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

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

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

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

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

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

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

The scheme must include details of the proposed planting

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

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

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

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

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

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

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

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

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

- (13) Before any preparatory demolition or construction works

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

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

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

If any tree shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub, or hedge shall be planted at the same place, and that tree, shrub, or hedge shall be of such size, specification, and species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

Report Detail

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

Planning Issues

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

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

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

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

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

Conclusion

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