

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

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

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

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

### CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No development or preliminary groundworks of any kind shall take place until the applicant/developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
- 3 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 4 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of

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

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

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

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

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

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

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

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

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

- 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.

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

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

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.

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

### **Description of Proposal:**

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

### **Description of Site:**

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

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

### **Relevant History:**

1958 - buildings built for agricultural purposes.

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

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

### **Policies Applied:**

#### Local Plan Policies:

DBE1 Design of New Buildings

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

**SUMMARY OF REPRESENTATIONS:**

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

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

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

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

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

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

AMBER COTTAGE, HASTINGWOOD ROAD - Support, as above.

THE BUNGALOW, MILL STREET - Support, as above.

GREENWAYS FARM, FOSTER STREET - Support, as above.

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

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

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

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

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

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

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

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

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

### **Issues and Considerations:**

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

#### **Green Belt**

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

These are:-

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

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

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

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

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

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

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

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

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

#### Loss of an employment site

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

#### Impact on neighbouring amenity

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

#### Highway Issues

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

#### Sustainability

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

#### Other Issues

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



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

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

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

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

### **Conclusion:**

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

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

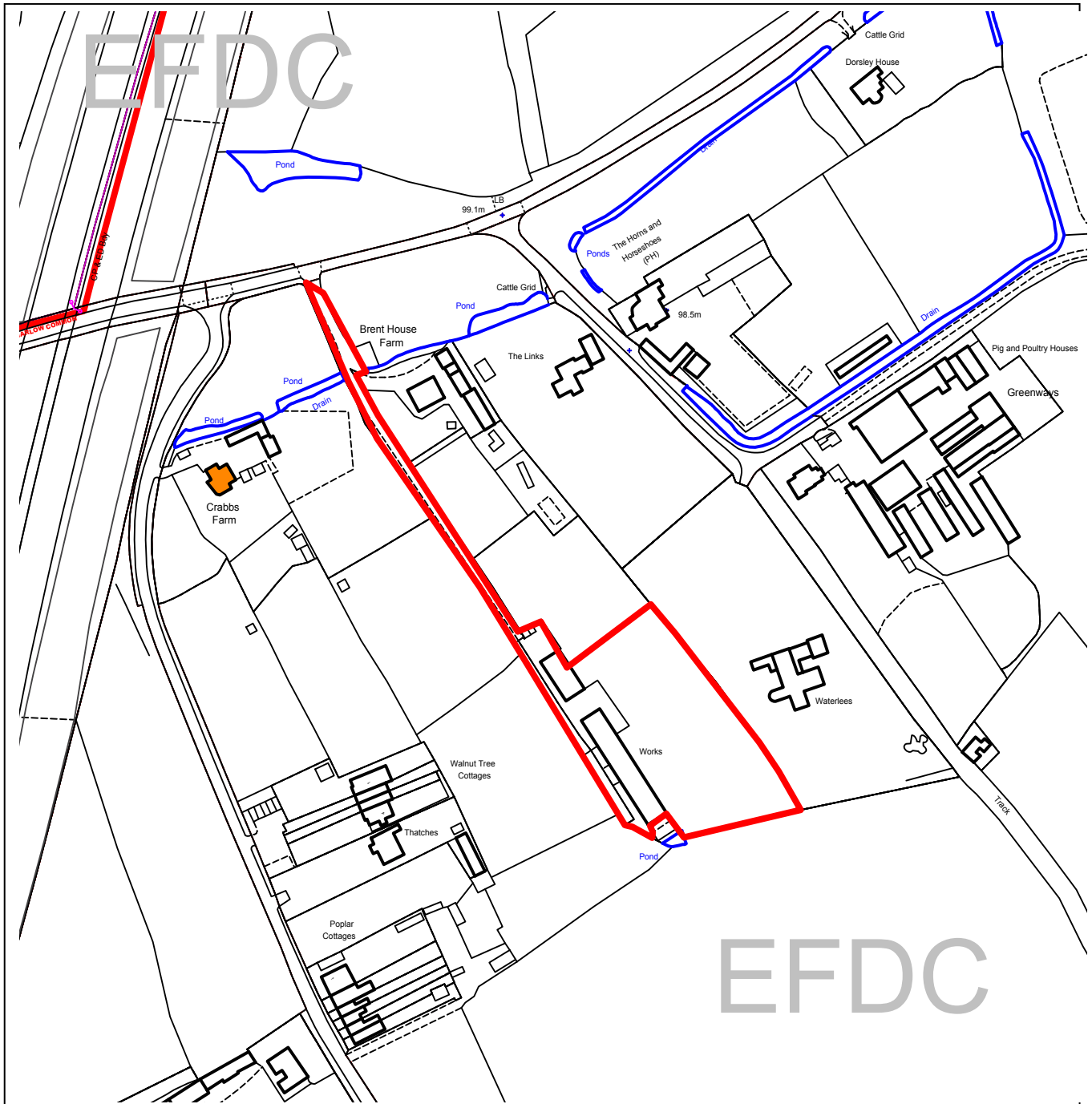
Local residents and the Parish Council support the proposed development. Members though should consider whether the commuted sum being offered is appropriate for affordable housing provision off-site or provided locally for the benefit of the community of Hastingwood. The

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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