

**Report to District Development Control  
Committee**

**Date of meeting: 5 April 2011**



**Epping Forest  
District Council**

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**Subject:** Planning Application EPF/0739/10 – Threshers, Hastingwood Road,  
North Weald Essex, CM17 – Existing commercial skip site to be  
redeveloped into 14 residential units.

**Officer contact for further information:** G Courtney  
**Committee Secretary:** S Hill Ext 4249

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**Recommendations:**

**That the committee considers the recommendation of the Area Plans  
subcommittee East to grant planning permission subject to a S106 agreement  
and the following suggested conditions:**

**1. The development hereby permitted must be begun not later than the  
expiration of three years beginning with the date of this notice.**

**Reason:- To comply with the requirements of Section 91 of the Town  
and Country Planning Act 1990 (as amended).**

**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 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. No development shall take place until details of the landscaping of the site, including retention of trees and boundary vegetation and including the proposed times of proposed planting (linked to the development schedule), have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be carried out in accordance with the approved details and at those times.**

**Reason:-** To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to ensure adequate screening is retained/provided on the site.

**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.**

**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.

**8. 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.**

**9. 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.**

**10. Prior to commencement of works, details of the proposed access and footway arrangements as shown in principal on Plan Ref: BRD/09/030/2 Rev: B shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include a 7.5m minimum radius kerbs, the provision of a 1.8m footway across the site frontage, and a ramped table feature.**

**Reason:- In the interest of highway safety, efficiency and accessibility.**

**11. Prior to first occupation of the development hereby approved, there shall be no obstruction within a parallel band visibility splay 2.4m wide as measured from the back edge of the carriageway across the entire frontage onto Hastingwood Road.**

**Reason:- To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.**

**12. 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.**

**Reason:- In the interests of highway safety.**

**13. 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.**

**14. 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.**

**15. 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.**

## **Report**

1. This application has been referred by the Area Plans Sub Committee East with a recommendation for approval subject to a £200,000 total financial contribution being made by the applicant, with £40,000 being allocated for Highways to repair the surrounding roads, and the remaining £160,000 for off-site affordable housing provision. The report to the sub-committee carried a recommendation from officers to approve planning permission subject to a S106 Agreement that would provide £100,000 financial contribution for affordable housing in lieu of on-site affordable housing provision. The officer's report is reproduced in full below.

## Planning Issues

2. The sub-committee generally agreed with the Planning Officers recommendation, however considered that the applicant should make a £200,000 financial contribution rather than the £100,000 offered. The reasoning behind the decision is that an independent appraisal was undertaken on the submitted documentation by GVA Grimley, on instruction from the Council, and concluded that the applicants could afford to provide a £485,000 contribution in lieu of on-site affordable housing provision. The applicant disputes this figure as they have argued that relocation costs and a high initial purchase price of the land make this figure uneconomical, and it was considered by Planning Officers that a £100,000 financial contribution would likely be sufficient due to these circumstances. However, Members considered that the offered £100,000 is too low and a more acceptable compromise figure would be £200,000.
3. With regards to the use of this contribution, it is recommended by Members that £40,000 of the required £200,000 be used for highway repairs around the site, as the existing use by a Commercial Skip Site and high volumes of HGV traffic movements have caused considerable damage to the roads, and the remaining £160,000 be used for affordable housing in-lieu of providing on-site affordable housing (which it is considered would be unsuitable for this particular location).
4. The above request has been discussed with the applicant and they are **not prepared** to provide a £200,000 financial contribution. Furthermore, the proposed use of £40,000 for road improvements has been discussed with Essex County Council Highways Officers and they consider that there is insufficient justification in asking for this with respect to highway improvements. Whilst it is appreciated that Hastingwood Road may benefit from repair, to justify asking for a £40,000 contribution for this would need the LPA to prove that the damage has been caused by this site, rather than general usage on the road.

## Conclusion

5. The application must be decided by District Development Control Committee as it is contrary to Local Plan policy, and Members recommended that it be approved subject to the above conditions and a S106 Agreement with regards to a £200,000 financial contribution towards affordable housing and highway improvements.
6. Whilst the above is the recommendation put forward by Members, the planning officer's recommendation to approve planning permission subject to the above conditions and a S106 Agreement securing £100,000 financial contribution for affordable housing still stands.

## **ORIGINAL PLANS SUBCOMMITTEE EAST REPORT**

*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 scheme is to redevelop the existing commercial skip site to a development of fourteen residential units, plus associated car parking, cycle and bin storage. The dwellings would all be three storey (incorporating the roof areas) two bed properties, although each would have a separate 'study' that could be utilised as a third bedroom. The properties would be laid out in three terraces. The front of the site would contain two terraces of three and four dwellings running along the building line of the existing linear development. These two terraces would be divided by an access road leading to the car parking area and a further terrace of seven dwellings in the rear portion of the site, running at a right angle to the front terraces. These seven dwellings would back onto the side boundary of the neighbouring property known as Threshers Cottage. The development would incorporate 32 parking spaces, a cycle store for 12 bicycles, and a small bin store to serve Plots 9-12 (inclusive), which do not have access to the rear or side garden to allow for individual bin storage.

### **Description of Site:**

The application site is a commercial skip site located on the south eastern side of Hastingwood Road at the end of a small linear residential development of some sixteen dwellings. To the south west are further detached dwellings, which are separated from the site by a field. To the immediate rear of the site are open fields.

The site covers an area of some 0.3 hectares and is predominantly covered in hardstanding. There is bunding and coniferous planting along the boundaries and areas of waste storage and HGV parking, along with existing buildings within the site. The site is located in a rural Green Belt location, although it is in fairly close proximity to the M11 motorway and outskirts of Harlow Town.

### **Relevant History:**

EPO/0092/60 - Use of building for wholesale distribution depot – refused 05/04/60  
EPF/0015/77 - Outline application for offices and stores on site of existing – refused 14/01/77  
EPF/0569/77 - Proposed extension to existing building to provide toilet block – approved/conditions 23/06/77  
EPF/1046/77 - Erection of office extension – approved 03/10/77  
EPF/0144/85 - Formation of service road on agricultural land – refused 01/04/85  
EPF/1491/86 - Erection of detached office building – approved/conditions 09/03/87  
EPF/1248/87 - Change of use of agricultural land to haulage depot – refused 11/09/87  
EPF/0899/89 - Change of use of agricultural land to haulage depot – refused 23/06/89  
EPF/1399/89 - Temporary office accommodation (portakabin) – approved 03/01/90  
EPF/1400/89 - Raising existing skip rubble bin by 450mm – approved 03/01/90  
EPF/0856/94 - Reposition of existing waste transfer compound and sand and ballast bins within site – approved/conditions 31/10/94

CM/EPF/0003/95 - Temporary portacabin office, weighbridge, weighbridge office and toilet – approved 20/10/95  
CM/EPF/1197/96 - Change of use from open space to B2 industrial, diesel tank reposition and additional waste compound (County matter) – approved 14/01/97  
EPF/0943/98 - Installation of a wood burning combination unit (including 10m high chimney) for heating existing workshop building – refused 26/10/98  
EPF/1629/98 - Installation of a wood burning combustion unit (including 10m high flue) for heating existing workshop (Revised application) – refused 15/02/99 (appeal dismissed 16/08/99)  
EPF/1293/04 - Retention of a palisade gate and fence – refused 23/08/04  
EPF/1294/04 - Retention of change of use of agricultural land to commercial – refused 23/08/04  
EPF/0902/07 - Change of use of disused former agricultural land to storage as part of existing waste transfer station and retention of metal palisade security fencing and gates – refused 18/07/07 (appeal dismissed 18/07/07)

### **Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
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 for affordable housing  
H7A – Levels of affordable housing  
H9A – Lifetime homes  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE4 – Design in the Green Belt  
DBE6 – Car parking in new development  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
RP5A – Adverse environmental impacts  
LL11 – Landscaping schemes  
E4A – Protection of employment sites  
E4B – Alternative uses for employment sites  
I1 – Planning obligations

### **SUMMARY OF REPRESENTATIONS:**

20 neighbouring properties were consulted and a Site Notice erected on the front fence of the site on 18 May 2010.

PARISH COUNCIL – No objection subject to the following: That the existing use is not transferred to a different site by the proprietor and does not continue on a different site within the Parish, and that a Section 106 Agreement is sought for the local community of Hastingwood in relation to either a S106 planning gain towards Highways or for the Hastingwood Village Hall, which would benefit the local community.

FOREBURY HOUSE – Object as this would introduce 14 additional families into an area with no facilities, as this would increase the noise as it would be for longer periods of the day/night and at weekends, the proposed rubbish stores would attract rats, there would be an increase in vehicles movements to and from the site, there is insufficient parking provision, and the existing site is not as problematic to neighbour amenities as being made out. Also concerned with the replacement of the existing hedge by a 4' post and rail fence and new hedge, which will take several years to mature and replicate the existing screen. This would therefore result in overlooking from the proposed development. Also there should be no access from the site onto the adjoining field.

CHURCH FARM HOUSE, HASTINGWOOD ROAD – Concerned about the amount of traffic this redevelopment would cause and potential loss of the existing trees and screening.

ROBERT HALFON MP – Support the application on behalf of the residents of Hastingwood as the current usage has caused great distress and hazard to the surrounding residents and private housing would be far more appropriate.

2 BELLEVUE VILLAS, HASTINGWOOD ROAD – Support the application as the existing use is harmful to amenities and the redevelopment would be more in keeping within the rural village. The development would reduce the level of lorries using the site and would better serve the local area. The houses would be well designed and not detract from the street scene.

THE LAURELS, HASTINGWOOD ROAD – Support the application as this would remove the existing harmful use, which results in large lorry movements, and replace it with a well designed and more appropriate housing development that would provide much needed small housing within this rural settlement.

HIGH CROSS, HASTINGWOOD ROAD – Support the application as this would remove the existing detrimental use from the site and would be more beneficial to the village.

8 WILLOW PLACE – Support the application as this would go some way to restore the nature of Hastingwood village which currently suffers greatly from heavy traffic and noise.

A signed standard letter has been received from each of the 54 addresses listed below, which reads:-

*“I/We fully support Hastingwood Action Group to approve the above proposal.”*

2 HILL VIEW VILLAS, HASTINGWOOD ROAD  
HASTINGWOOD HOUSE, HASTINGWOOD ROAD  
BETTER BY PHYSIO, HASTINGWOOD HOUSE, HASTINGWOOD ROAD  
THE COTTAGE, HASTINGWOOD HOUSE, HASTINGWOOD ROAD  
6 SCRAP VILLAS, HASTINGWOOD ROAD  
THE LEAS, HASTINGWOOD ROAD  
WILLOW COTTAGE, HASTINGWOOD ROAD  
AMBER COTTAGE, HASTINGWOOD ROAD  
1 HASTINGWOOD VILLAS, HASTINGWOOD ROAD  
2 HASTINGWOOD VILLAS, HASTINGWOOD ROAD  
2 BLACKSMITHS COTTAGE, HASTINGWOOD ROAD  
WYNTERSBROOK, HASTINGWOOD ROAD



THRESHERS COTTAGE, HASTINGWOOD ROAD  
3 BELLEVUE VILLA, HASTINGWOOD ROAD  
4 SCRAP VILLAS, HASTINGWOOD ROAD  
5 SCRAP VILLAS, HASTINGWOOD ROAD  
HEWELSFIELD, HASTINGWOOD ROAD  
THE FIRS, HARLOW COMMON  
CRUMPS COTTAGE, HARLOW COMMON  
MOUNT HOUSE, HARLOW COMMON  
SLOLEY, HARLOW COMMON  
SEARLES FARM, HARLOW COMMON  
WHITE COTTAGE, HARLOW COMMON  
WOODLANDS, HARLOW COMMON  
5 WILLOW PLACE  
7 WILLOW PLACE  
9 WILLOW PLACE  
AMBER COTTAGE, FOSTER STREET  
1 OLD FARM COTTAGE, FOSTER STREET  
2 OLD FARM COTTAGE, FOSTER STREET  
3 CROFT COTTAGE, FOSTER STREET  
THREEWAYS, FOSTER STREET  
THE HARVEST, MILL STREET  
SHANGRILA, MILL STREET  
WOODLANDS, MILL STREET  
TWO CHIMNEYS, MILL STREET  
MILLSTREAM COTTAGE, MILL STREET  
MORNING SUN, MILL STREET  
4 ROSE COTTAGE, MILL STREET  
5 ROSE COTTAGE, MILL STREET  
6 ROSE COTTAGE, MILL STREET  
CRABBES FARM, MILL STREET  
2 POPLAR COTTAGES, MILL STREET  
LITTLE CASM, MILL STREET  
SHANKS FARM, MILL STREET  
THE BUNGALOW, MILL STREET  
SOUTHOE, MILL STREET  
GINGERBREAD COTTAGE, GLOVERS LANE  
THE CROFT, GLOVERS LANE  
GLOVERS FARM, GLOVERS LANE  
15 PARK AVENUE, POTTER STREET  
TARA, LONDON ROAD  
HILLHOUSE, LONDON ROAD  
6 GOURD CLOSE, MORETON

Whilst most of these letters have no further comments, those that have support the application for the following reasons:

- The area is not suitable for industrial use;
- The redevelopment would improve the area;
- The proposal would reduce the level of HGV traffic in the area;
- Residential units would be preferable to the existing skip site;
- Housing would be more beneficial for the village of Hastingwood;
- This would remove the existing noisy use.

The concerns that have been raised in these letters are:

- Fourteen dwellings seems excessive for this small site;
- Concern about having adequate parking facilities.

## Issues and Considerations:

The main issues relate to whether there are very special circumstances sufficient to overcome the clear in principle 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 clearly constitutes inappropriate development, which is therefore by definition harmful and should be resisted unless there are very special circumstances applicable in this instance that would clearly outweigh this, and any other, harm. The applicants have accepted that the proposal constitutes inappropriate development; however argue that there are very special circumstances in this instance. The arguments put forward are the following:-

- The application site is a brownfield site and constitutes Previously Developed Land, being commercial in nature, and its redevelopment to housing complies with guidance given in PPS3 and Local Plan policy H2A.
- The redevelopment would result in the removal of a long established, intrusive and noisy activity.
- The redevelopment would radically reduce the amount and type of vehicle movements to and from the site.
- Residential development will bring forward amenity benefits to neighbouring residents.
- The development would provide smaller dwellings within this rural area.

Further to the above arguments, it is stated by the applicants that the proposed development would help in creating a more open feel to the site and would not contravene the five purposes of defining the Green Belt. These purposes are:

- *To check the unrestricted sprawl of large built-up areas;*
- *To prevent neighbouring towns from 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.*

As the development would result in increased built development on the site, officers consider that the proposal would contravene some above 5 purposes and there is an 'in principle' harm resulting from this inappropriate development, therefore this and all other harm would need to be **clearly outweighed** by any very special circumstances. The harm and benefits will be assessed individually below and weighed up within the conclusion of this report.

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

The application site is a large plot adjacent to a linear residential enclave within this rural Green Belt location. The existing site is predominantly covered in hardstanding and contains unsightly commercial buildings, open storage, and HGV parking. Whilst there is substantial screening along the boundaries of this site, it is agreed that the existing use and appearance of the site does not complement or enhance the appearance of this Green Belt countryside location. The quality of Green Belt land

though is very rarely a justification for allowing replacement with an in principle inappropriate development.

The proposed development would comprise of fourteen houses located in three terraces, two along Hastingwood Road and one towards the rear of the site at a right angle to the highway. This would result in a higher level of built form within the site, both in terms of floor space and volume and would introduce built frontage along Hastingwood Road (which does not currently exist on this site). The siting and design of the proposed houses would in effect extend the current ribbon of housing in this locality along this part of the road. The rear terrace however would introduce housing into the rear portion of the site, which does not conform with neighbouring housing plots that are characterised by housing located close to the road frontage with deep, narrow gardens behind.

The proposed density of the scheme is 42 dwellings per hectare, which falls within the recommended 30-50 dwellings per hectare as set out in policy H3A.

The overall design of the properties, composed of traditional roofed houses, narrow width but deep front to rear span, reflects the house style of the locality, even accounting for the use of the roof void served by dormers to the rear of the proposed houses, which are not necessarily repeated regularly in the present street scene. From a view obtained directly from Hastingwood Road, the appearance of the site will be visually improved, though this should be balanced against the fact that they will introduce more prominent form, scale and massing of buildings compared with the current more open aspect of the site. The massing and visual built-form is accentuated by the proposed houses at the rear and expanse of car parking and access road.

Whilst the dwellings to the rear are considered at odds with the built form of the area, the termination of the lawful use and replacement with a housing development would result in a significant visual improvement of the site. Green landscaping is also proposed, which would include boundary planting and trees within the communal parts of the site (i.e. the parking areas) and would help to partly off-set the extent of built form and hard-surfacing, the precise details of which can be considered and agreed by condition.

#### 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, and gives a list of requirements to justify such loss (such as a lack of market demand). Of particular relevance (and the justification put forward by the applicant) is that the existing use results in “*material conflicts with adjoining land uses (e.g. by reason of noise, disturbance, traffic, environmental and amenity issues)*”. The site is located adjacent to residential properties and is a use that would likely cause problems to neighbouring residents. Furthermore it is stated within the submitted Design and Access Statement that the current use involves up to 200 vehicle movements per day, with around 80% of these being HGVs. Whilst it is regrettable to lose an existing employment site, the level of support received from surrounding residents clearly show that this level of heavy vehicle movement, combined with the day to day working of the commercial skip site, results in harm to the surrounding residential units and the nature of the surrounding road system. Whilst an alternative business use may have a less disruptive impact on the living conditions of the neighbouring residents, this would offer little incentive for the applicant to relocate the current business from the site.

Due to the above it is considered that the loss of the employment site complies with policy E4A. When such a loss is accepted, policy E4B deals with alternative uses of these sites. This can allow for housing, but only when the Council is convinced that the site would not be suitable for community use. It is stated by the applicant that this site is not in a suitable location to provide community need and that such a use would not be economically viable. The site is within an unsustainable location, as it is not well served by public transport or local facilities (although it is a relatively short distance from the M11 and edge of Harlow, however this would not promote or support alternative modes of transport). Whilst it is accepted that community use in such an unsustainable location would not generally be permitted (unless there is a proven local need for such use, which is not the case in this instance) neither should open housing. However, the main reason for the proposed redevelopment of this site is to remove the harmful (in terms of neighbours' amenities) commercial use. To achieve this goal, and to allow for the existing commercial use to relocate elsewhere, the scheme needs to be economically viable. Whilst the viability of the development will be addressed later in this report, it is accepted that a community use on this site would not provide sufficient value to the land to allow for this relocation. As such it is considered that open market housing would be an appropriate use (in terms of policy E4B) for this site.

#### Impact on amenity

Although from a Planning point of view the existing site is not what would be defined as a 'problem site', as it has consent and is restricted by condition (i.e. with regards to times of use) and has not resulted in numerous Enforcement Investigations, it is clear from the level of support received from surrounding neighbours that the site as existing does result in a loss of amenities to neighbouring residents. Furthermore, as there are some 59 letters of support received (yet only 20 dwellings within the immediate surrounding area), the existing site clearly has a wider reaching impact than just that to neighbouring residents. This argument is clearly the strongest issue put forth by the applicant and local desire to remove the non-conforming use and replacement with this form and extent of residential development has been given weight to what would otherwise be a clear grounds for refusal of planning permission because of its in principle harm to the green belt and its openness.

Although the redevelopment of the site to fourteen dwellings would still result in a relatively high level of vehicle movements, and activity, which would be for longer periods of times than the commercial skip site (with the peak times being evenings and weekends), this would be domestic activity that would be far less harmful to the amenity of neighbours than the existing usage. With the exception of Plot 8, the proposed new dwellings to the rear of the site (backing onto Theydon Cottage) would comply with the minimum required 15m window to shared boundary distance as specified within the Essex Design Guide. Plot 8 would only provide 12m distance, however given the length of the neighbours garden and limited impact from this single dwelling, it is not considered that excessive loss of amenity would result.

With regards to amenity considerations for future residents on the site, the new dwellings propose between 50 and 92 sq. m. of private amenity space. Whilst the dwellings are described as two bed properties, they all incorporate a separate study which could be used as a third bedroom. As such, each property has five habitable rooms and would therefore require 100 sq. m. of private amenity space to comply with the Essex Design Guide and policy DBE8. These proposed gardens fall some way short of this (with eleven of the fourteen providing just half of this requirement). Although the Essex Design Guide does state that 100 sq. m. minimum garden size is

usually expected for three or more bedroom houses, it does state that “*narrow fronted houses may result in long, thin, impractical gardens*” and that “*there may be some houses which, due to their situation in the layout, cannot be provided with a private garden to the required standard*”. Compared with neighbouring houses, the proposed private garden areas are more in proportion to their respective houses and will provide sufficient outdoor amenity space to serve the needs of the future occupants, (subject to the removal of permitted development rights). Additionally Government guidance suggests that amenity space standards should not be applied rigidly.

### Highway Issues

The applicant has stated within the submitted Design and Access Statement that the existing use involves up to 200 vehicle movements per day, with around 80% of these being HGVs. The proposed redevelopment is estimated to generate between 70 and 84 movements per day, almost all of which would be private cars. As such the proposal would result in a significant material decrease in traffic compared with the authorised use and therefore reduce the demand on the capacity of junctions nearby. Essex County Highways have raised no objections, subject to conditions with regards to the proposed access and the internal estate road details (levels, gradient, surfacing, etc.) and therefore these figures are considered correct. No Highway Contribution is required for the proposed development.

The development proposes 32 parking spaces, and a store for 12 bicycles. This would provide 28 spaces for the dwellings and 4 visitor spaces as required by the Essex County Council Vehicle Parking Standards (2009). Whilst this also would require 14 bicycle spaces (1 per dwelling), it is considered that a secure storage area for 12 bicycles is sufficient.

### 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 commercial skip site is similarly unsustainable and results in more additional trips and traffic, including HGV's being drawn into the rural area. There are bus stops within the surrounding area with links to the main town centre of Harlow (Monday to Friday every 15 minutes) and the Hastingwood Community Hall is within walking distance.

### Affordable Housing

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*”. Therefore on a scheme such as this, which is on previously developed land and has a net increase of 14 dwellings, 7 units should be made available as affordable housing. It was originally stated by the applicant that the provision of affordable housing would render the scheme unviable and would not allow for the existing commercial use to relocate. The provided figures were forwarded to an independent assessor for a viability appraisal to be undertaken.

This independent appraisal concluded that, with a Government Grant the developers could provide 50% (7 dwellings) on site affordable housing, and without a grant could

provide 4 affordable houses on site. Since this appraisal there has been a recent change in Government funding for affordable housing, and subject to this it is considered that 7 affordable units could be provided on site. Notwithstanding the above, it is felt that the location of the application site would not be suitable for affordable housing, specifically due to its unsustainable location and lack of a population base. However, given the general requirement for affordable housing within the district, there is a policy requirement for a contribution towards affordable housing to be made when it is not considered relevant for on-site provision.

Based on this, the viability appraisal concluded that the applicants could afford to provide a £485,000 contribution in lieu of on-site affordable housing provision. This figure is disputed by the applicant as they have argued that relocation costs, coupled with a high initial purchase of the land, make such a contribution out of reach. Whilst such relocation costs would not normally be relevant to such a viability appraisal, in this instance the main goal of the proposal is to relocate the existing commercial site elsewhere to remove the harmful use from the site. It was local residents approach to Director of Planning and local councillors seeking the potential to redevelop the site for housing to remove the current unneighbourly and non-conforming use that was the incentive for the applicant to submit this planning application and therefore, given the applicant is likely to walk away from the proposed development if there is little financial gain, the offer of a contribution of £100,000 in lieu of on-site affordable housing provision has, in this unusual case, been accepted. This would need to be subject to a signed planning obligation through a Section 106 Agreement.

The Parish Council have requested that a contribution should be sought for the local community in the form of either a Highway Contribution or for use on Hastingwood Village Hall. Essex County Council Highway Officers have stated that there is no requirement for a highway contribution in relation to this application and the Parish Council are due to benefit from a recent £100,000 contribution with regards to an application at Brent House Farm, Harlow Common (EPF/1370/10). This previous contribution is considered sufficient to benefit the existing Community Hall and given there was acceptance by Members at the time, there were some who felt that a contribution should remain for affordable housing, which can be rectified in this current proposal.

### 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 a planning condition.

The application site has been identified as having potential archaeological implications. Historic Environment Records show that the proposed housing development lies at a short distance to the north of the medieval moated site of Paris Hall, now part of Paris Hall Farm (EHER 3724). The proposed development is also sited close to a former Chapel of Ease, adjacent to Church Farm, and fronts onto the medieval or later Hastingwood Road. Taking into account the disturbance caused by the proposed development and the potential for surviving archaeological remains associated with medieval settlement activity along Hastingwood Road, a condition regarding archaeological work is required.

The development is of a size where it is necessary to avoid generating additional runoff and should improve existing surface water runoff. As such a Flood Risk Assessment is required for these works, which can also be covered by a condition.

## **Conclusion:**

This is an extremely balanced case. In virtually all other circumstances where housing is proposed in the Green Belt, planning permission would be recommended for refusal without significant on-site provision of needed housing in the district in the form of affordable housing,

Added to this, the proposed residential development constitutes inappropriate development within the Green Belt. It is not agreed that the development would not contravene the purposes of including land in Green Belts, particularly as the development would not “*assist in safeguarding the countryside from encroachment*”. Furthermore, the development would introduce a form of built development at the rear out of character with the linear built form of the existing built up enclave, and in order to get 14 houses and the parking on the site, the gardens are made small and the car parking areas dominate. It also would provide just £100,000 financial contribution in lieu of on-site affordable housing provision (as opposed to the calculated £485,000 required/possible). Whilst the offered sum with regards to affordable housing is lower than the independent viability appraisal considered possible, the relocation costs are claimed to make any higher figure uneconomical. For a scheme delivering 14 houses in a desirable countryside location, in the Green Belt, Officers find this a little difficult to accept.

It must appear baffling therefore why officers are recommending to grant planning permission in this case. So what are the very special circumstances that just tip the balance in favour of the development?

The very special circumstances in this case primarily relate to the removal of this ‘poor neighbour’ use of the site, the reduction of vehicle movements, and on balance improvements to the visual impact on the site. There has been a large amount of support from local residents to highlight this argument, who clearly state that it would be more desirable to their amenities and in the interest of the countryside and the Green Belt to have this use replaced by a more visually acceptable and ‘good neighbour’ development.

The housing proposal is in keeping in terms of design which, whilst a little isolated and non-sustainable in relation to access to public transport and local facilities, is comparatively more sustainable in terms of traffic movement than the lawful use. Local residents support the proposed development and the Parish Council have raised no objection to the scheme. The proposal would not detrimentally impact on highway safety and would provide adequate on-site parking provision.

There are grounds to refuse planning permission in this case and if Members choose to do so, there is likelihood, in Officers opinion, that any appeal lodged would be dismissed and the refusal upheld, but with planning on the verge of becoming even more democratic to give significant weight to the wishes of the community, who have predominantly spoken in support of the scheme in this case, the application on balance is recommended for approval, subject to the financial contribution (secured by a S106 Agreement) and relevant conditions.

However as the proposals are contrary to the adopted policies of the Local Plan, should members agree the officer recommendation to grant, the application will need to be referred to the District Development Control Committee for decision.