

**Report to District Development
Management Committee**



**Epping Forest
District Council**

Report Reference: DEV-008-2015/16.

Date of meeting: 10 June 2015

Subject: EPF/2517/14 – Land at Harlow Gateway South, A414 London Road – Proposed development of Plot A of site for B1 (business) and B8 (storage and distribution) purposes by C.J. Pryor Ltd (See also linked enabling development proposals EPF/2516/14 and EPF/2518/14).

Responsible Officer: Graham Courtney (01992 564228).

Democratic Services: Gary Woodhall (01992 564470).

Recommendation:

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

- 1. The application site is located within the Metropolitan Green Belt and the proposed development would constitute inappropriate development harmful to the openness of the Green Belt. No very special circumstances exist that clearly outweighs the harm from the development and therefore the proposal is contrary to the guidance contained within the National Planning Policy Framework and CP2 and GB2A of the adopted Local Plan and Alterations.**
- 2. The proposed development, due to the bulk, scale and nature of the works, would result in a detrimental impact on the character and appearance of this rural edge of settlement location, contrary to the guidance contained within the National Planning Policy Framework and policies CP1, CP2, LL2 and LL3 of the adopted Local Plan and Alterations.**

Report:

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

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

Planning Issues

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

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

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

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

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

Planning Report:

Description of Site:

The application site comprises a 2.45 hectare parcel of open land that is partly laid out to grass and partly covered by hardstanding. Whilst the site has formerly been used as a Highways Compound during works to the M11 this was carried out under Part 13 of the 1995 General Permitted Development Order. Furthermore an Enforcement Notice was served and upheld in 2008 requiring the cessation of use as a works depot, which was complied with. As such the lawful use of this site is for horticultural (agricultural) purposes, which by definition in the National Planning Policy Framework, does not constitute previously developed land.

The application site is located a short distance from the town of Harlow and in close proximity to junction 7 of the M11. The originally submitted proposal was for a larger site that included outline consent for four additional commercial/industrial sites (Plots B-E) as well as a full planning application for a new commercial site (Plot A) for use by C.J. Pryor Ltd, who are seeking to relocate from their existing two sites in Foster Street, Hastingwood, however the application has been amended and the outline proposals for Plots B-E on non-hardstanding land has been removed. Therefore this application now only relates to the full planning application for Plot A.

Due to the above, the amended application site is detached from the neighbouring built development to the north and would be located approximately 170m from the BP filling station and some 245m from Vanwise, which is a vehicle sale and hire business. These sites form the edge of Harlow Common, which is a small detached enclave of residential dwellings and commercial sites on the edge of Harlow Town that is itself located within the Metropolitan Green Belt. The edge of Harlow Town (the extensive built up area outside of the designated Green Belt) is approximately 850m north of the application site.

The site benefits from an existing access from the A414 and is currently enclosed by fencing.

The site lies within the Metropolitan Green Belt and is adjacent to a County Wildlife Site that is subject to a blanket Tree Preservation Order. Whilst the site is located within Flood Zone 1 it is greater than 1 hectare in size and therefore a Flood Risk Assessment was required and the Environment Agency has been consulted.

Description of Proposal:

Consent is being sought for the change of use of the site to B1 (business) and B8 (storage and distribution) to allow for C.J. Pryor Ltd to relocate from their existing two sites in Foster Street to this site. The proposal would include the erection of a two storey office building to the front (west) of the site, a warehouse style shed on the southern side of the site, and an electrical sub-station and pump station. The majority of the remainder of the site would provide parking for staff and operatives cars (102 spaces) along with plant and machinery. There would be storage space for recycling skips and other facilities and a large wash down and fuelling station within the centre of the site. The outskirts of the application site would be landscaped. The site would be served by the existing access point from the A414 by way of a new road system.

The proposed office building would measure 50m in length and 9.95m in depth, with an additional 1.35m deep single storey entrance lobby, and would have a mono-

pitched roof to a maximum height of 9.38m and a minimum height of 7.14m. The building would be steel clad with aluminium windows and guttering.

The proposed warehouse style shed would measure 49.4m in length and 29.8m in depth and would have a shallow pitched roof to a ridge height of 11.8m and an eaves height of 9.17m. This building would also be steel clad with aluminium windows and guttering and would incorporate a partial mezzanine first floor.

Relevant History:

With the exception of the enforcement history on the site with regards to the former Highways Compound, there is no other relevant planning history relating to this site.

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

Policies Applied:

- CP1 - Achieving sustainable development objectives
- CP2 - Protecting the quality of the rural and built environment
- CP3 - New development
- CP6 - Achieving sustainable urban development objectives
- CP8 - Sustainable economic development
- CP9 - Sustainable transport
- GB2A - Development in the Green Belt
- GB7A - Conspicuous development
- NC2 - County wildlife sites
- NC4 - Protection of established habitat
- DBE1 - Design of new buildings
- DBE4 - Design in the Green Belt
- LL2 - Inappropriate rural development
- LL3 - Edge of settlement
- LL11 - Landscaping scheme
- ST1 - Location of development
- ST2 - Accessibility of development
- ST4 - Road safety
- ST6 - Vehicle parking
- RP3 - Water quality
- RP4 - Contaminated land
- RP5A - Adverse environmental impacts
- U3A - Catchment effects

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Consultation Carried Out and Summary of Representations Received:

144 neighbouring properties were consulted and several Site Notices were displayed in Harlow Common on 10/12/14.

PARISH COUNCIL – OBJECT. The Parish Council has been advised that the building that CJ Pryors currently occupy is being sub-let to a number of businesses therefore the site is big enough suggesting that the main reason given for the move (lack of opportunity to expand) is not wholly correct. The proposal would create a large Industrial Campus/Seedbed centre. There are traffic concerns with access to the site especially in view of the fact that lorries/vehicles coming off at Junction 7 would have to go down to Southern Way and turn round at the traffic light horseshoe junction to access the site. There would be extra traffic if the Latton Priory proposal goes ahead with 2500 additional homes. Concern at the effect the proposal would have on the adjacent woodland. No one has ever complained to the Parish Council about traffic problems or concerns generated by Pryors. Concern that the supporting documentation for this application is contradictory in that in one sentence the sale of sites B, C, D and E are required as part of the Enabling Development argument, yet these proceeds from the sale of this land (£51 million) have not been factored in to the calculations.

In response to the reconsultation regarding the amendment to the application the PARISH COUNCIL responded as follows:

Members agreed to continue to OBJECT to this application. However as Plots B - E had been removed from this application the Parish Council would remove its objection in relation to Plots B - E at the current time, concern is voiced that the Parish Council had been advised by the developers that the development of Plots B - E in relation to application numbers EPF/2516/14 & EPF/2517/14 & EPF/2518/14 were all fundamental to Enabling Development and it is also suggested that the District Council look at the Financial Viability Report in relation to all three of the applications.

HARLOW DISTRICT COUNCIL - OBJECT. The site is located within the Green Belt and at one of the key entrances into Harlow. Section 9 of the National Planning Policy Framework (NPPF) is resolute in its need to protect the Green Belt and only provides for very specific exceptions (detailed within paragraphs 89 and 90). The development is not considered to meet any of the exception criteria.

It is noted that there is a hardstanding on part of the site and that the NPPF accepts that redevelopment of brownfield land which would not have a greater impact on the openness of the Green Belt may be considered exceptional, however there are no buildings currently on site and the open character of the Green Belt prevails. The proposal would likely result in large buildings and sheds being erected on the land. The large two storey buildings proposed for the part of the application made in full show that the impact on the openness of the Green Belt would be greater than the existing hardstanding. The impact would be significant.

The proposal must therefore be considered to be inappropriate development. In accordance with NPPF paragraph 87 the development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

[Paragraph detailing why it is considered that there is no substantive requirement for the outline element of Plots B - E has been removed as it is no longer relevant]

The Pryor Group would be located on the southernmost proposed plot. If it were to be the only plot to be developed it would sit in an isolated position and sever the Green Belt to the north of the plot. This would clearly be harmful to the Green Belt. As the other plots are proposed in outline only, it cannot be confirmed whether and when any development of the other plots will take place.

The proposed landscaping scheme would not be able to adequately screen the development and the proposed landscaping scheme would only act to further compromise the openness of the Green Belt.

There is no evidence to suggest that the Pryor Group could not occupy a location which is closer to the northern boundary of the site. The Noise Assessment appears to suggest that a B1 or B8 use could operate from Plot E with minimal noise mitigation measures required. Whilst development of the more northerly parts of the site would also likely be significantly harmful to the Green Belt, the impact on openness would likely be lessened and the Green Belt would not be severed. The applicant has failed to demonstrate why Pryor Group must be located on Plot A, and less harmful alternatives appear apparent. Special circumstances do not exist to warrant the location of Pryor Group in such an inappropriate location.

In addition, it is considered that the design of the buildings does little to recognise that the site is at a pivotal entrance to Harlow. The office building would be the first visible building leading into town. The building appears typical of any business park; there are no exceptional design elements. The building would be clad in metallic silver effect cladding with steel composite cladding above. These materials are unbecoming of the Green Belt and surrounding open countryside character. The brise soleil would appear heavy, project significantly and emphasise the horizontal bulk of the building. The mass of the building would appear great and the form of the building is too ordinary. The building would not constitute a positive gateway feature, or be respectful of the character of its surroundings.

The development would have a significant impact on Junction 7 of the M11, the A414 and wider highway network. This would particularly be the case if there is uptake on the land at plots B - E. Junction 7 is currently at capacity and the Highways Agency, in conjunction with Harlow and the Local Highway Authority, are currently considering options associated with a new junction to the north of Harlow to enable any further growth to occur within the District.

Like the associated residential application, the scale of the development is likely to impact on services within Harlow.

In response to the reconsultation regarding the amendment to the application HARLOW DISTRICT COUNCIL responded as follows:

Due to the design of the proposal, the harm to the Green Belt and lack of any special circumstances which indicate that the harm should be outweighed, Harlow Council wishes to object to the planning application.

LETTERS OF SUPPORT:

ROBERT HALFON (MP) –Support since the relocation of the business from Foster Street to Harlow Gateway South will provide a site more suited to the activities of a growing civil engineering company and allow it to remain local. Pryor Group provides local employment and the move will no doubt result in further employment as the business grows. Foster Street is a residential area and is more suited for 74 houses than a civil engineering business, particularly since the surrounding roads as not suitable for Pryor Group's vehicles.

HAYGARTH, HARLOW COMMON – Support the application. The Pryor lorries travelling to and from the Foster Street sites cause disturbance from noise, vibrations and dust, since the existing Pryor site have been allowed to expand in their current location to the detriment of neighbours, Harlow Common is a narrow country road not suited for heavy vehicle use and the provision of houses would be a more appropriate use of the Foster street sites, and since the application site at Harlow Gateway is currently an eyesore and is hidden from public view by large wooden hoardings and serves no useful purpose.

BRAMLEYS, FOSTER STREET – Support the application as this would ensure that the Pryor Group's heavy goods vehicles no longer need to travel along Foster Street and Harlow Common as these are not suitable roads for such traffic. Furthermore this would remove the disruption currently caused to neighbouring residents and would allow for the existing local business to remain in the area.

HORN AND HORSESHOES, FOSTER STREET – Support the application as this would ensure that the Pryor Group's heavy goods vehicles no longer need to travel along Foster Street and Harlow Common as these are not suitable roads for such traffic. Furthermore this would remove the disruption currently caused to neighbouring residents and would allow for the existing local business to remain in the area.

ST MARY MAGDALENE VICARAGE, HARLOW COMMON – Support the application as this would ensure that the Pryor Group's heavy goods vehicles no longer need to travel along Foster Street and Harlow Common as these are not suitable roads for such traffic. Furthermore this would remove the disruption currently caused to neighbouring residents and would allow for the existing local business to remain in the area.

MARTIN, HARLOW GATEWAY – Support the application as this would ensure that the Pryor Group's heavy goods vehicles no longer need to travel along Foster Street and Harlow Common as these are not suitable roads for such traffic. Furthermore this would remove the disruption currently caused to neighbouring residents and would allow for the existing local business to remain in the area.

SIX RESPONSES FROM PRYOR EMPLOYEES – Support the application since this development would cater for an expanding business that has outgrown its existing site, would remove the disturbance to existing neighbours surrounding the Foster Street sites, and since the road network surrounding the existing sites are not suitable for heavy traffic. The business provides local jobs and it is important that it stays in the area and the Harlow Gateway site has better public transport links. Furthermore, the development of the Foster Street sites would not only fund the move but would also provide additional housing.

LETTERS OF OBJECTION:

11 PARK AVENUE – Object since London Road and Park Avenue are used for long stay car parking for lift sharing commuters and London Road is a cut through from the A414. The proposed industrial development would increase the level of on-street parking on these roads. The development would result in a loss of open land and could have a detrimental impact on wildlife. Furthermore the necessity and viability of the scheme is questioned since there are currently a high number of offices and light industrial units within Harlow currently available, many of which have been vacant for a number of years, and therefore there is no justification to develop this area of Green Belt Land.

16 PARK AVENUE – Object. Whilst the application site has been a blot on the landscape for many years the previous temporary use of the site does not warrant the permanent loss of this Green Belt site to commercial use. The development would result in a significant number of vehicles, particularly heavy lorries, using the surrounding roads and the nearby ‘hamburger’ roundabout, and there is a risk that illegal U turns would take place from lorries accessing the site from the M11 junction. These roads are already heavily congested. However the biggest objection is due that this constitutes inappropriate development and would lead to the further urbanisation of this rural area.

GREENWAYS, FOSTER STREET – Object as there is no valid reason to redevelop the existing Foster Street sites to housing based on trucks and other industrial traffic being a local nuisance. Whilst the occupants of the houses opposite the entrance would probably wish for less traffic the site has been in existence for at least 50 years. Furthermore the proposed residential development would likely result in just as much harm from traffic movements, etc.

FOSTER STREET RESIDENT – Object. The suggestion that the noise and pollution of the current lorries coming out of the Foster Street site is a nuisance to neighbours is absolutely inaccurate. I live very near to the Pryor site and have spoken to several neighbours and we do not experience any noise, current issues or problems. It is considered that the proposed redevelopment of the sites for housing would have an equal or greater impact on neighbours amenities than the existing business.

1 THATCHED COTTAGES, FOSTER STREET – Object since the residents of Foster Street, Harlow Common and the whole village of Hastingwood have nothing to gain from the proposed developments. The entire proposal is ill-thought through and there is no justification or thought to local residents, purely a profit factor. The resulting traffic from the proposed housing development would be far greater and more harmful than the existing situation.

THE RIGG, FOSTER STREET – Object. Whilst it is stated that the proposed relocation is to allow for an expansion of the business the site appears smaller than the existing Foster Street sites. Also the proposal would result in additional traffic at the already busy M11 roundabout and will cause more traffic at the Southern Way/Potter Street roundabout.

11 PARK AVENUE – Object since the redevelopment of the Foster Street sites would result in increased traffic over the established use, as the proposed development at Harlow Gateway would introduce nuisance to surrounding residents in this location, there would be additional traffic disruption on an already busy and strained road, there would be long terms effects on the adjacent woodland, and whilst the proposal

would create more housing and jobs this should not be at the expense of existing residents.

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

ROSE COTTAGE – Object as the two housing developments are a gross overdevelopment within the Hamlet, would be inappropriate development in the Green Belt, and due to the increased traffic and highway safety concerns since all residents would have cars due to the lack of local facilities.

IVYDENE, FOSTER STREET – Object as part of the Foster Street south development would be on a paddock area, since the proposed new business site is not much bigger than the existing site, water pressure is already an issue in this rural location, there are not enough parking spaces for the proposed development, the dwellings are out of character with the area and some are three storeys, there would be an increase in traffic movements, there is not adequate local infrastructure, and since the Harlow Gateway development would add to the existing traffic issues at the M11 junction.

MEAD HOUSE, HARLOW COMMON – Object as this is overdevelopment in the Green Belt, the redevelopment of the Foster Street sites would be unsustainable, and since the proposals would cause additional traffic and highway safety problems.

Issues and Considerations:

Principle of the development:

The application site is located within the Metropolitan Green Belt whereby the erection of buildings constitutes inappropriate development that is, by definition, harmful to the Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) lays out a list of exceptions to inappropriate development, which includes:

- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

Whilst the application site contains a large area of hardstanding and has previously been used as a Highways Depot whilst works were undertaken on the M11, the lawful use of this area is for horticultural (agricultural) purposes. Since the definition of previously developed (brownfield) land as laid out within Annex 2 of the NPPF specifically excludes "*land that is or has been occupied by agricultural or forestry buildings*" this site would not constitute previously developed land. Due to this the proposed development of this site as a B1/B8 compound would clearly constitute inappropriate development.

Furthermore, although currently enclosed by fencing, the application site is a relatively undeveloped and open parcel of land that, whilst laid to hardstanding, only contains a single agricultural building in the northeast corner. The erection of approximately 2000m² of commercial buildings, which would reach maximum heights of 9.38m and 11.8m, and the use of the site for the proposed purposes constitutes a

substantial level of development that would result in significant physical harm to the openness and character of the Green Belt in this location.

Paragraph 80 of the NPPF sets out the five purposes of the Green Belt as follows:

1. *To check the unrestricted sprawl of large built-up areas;*
2. *To prevent neighbouring towns merging into one another;*
3. *To assist in safeguarding the countryside from encroachment;*
4. *To preserve the setting and special character of historic towns; and*
5. *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

Although the proposed application site (since its amendment removing Plots B - E) would be detached from the edge of the enclave known as Harlow Common, and removed from the main edge of Harlow town, it is nonetheless considered that the very nature of the proposed development of this site would conflict with the above purposes in that the additional large scale development to the south of Harlow, beyond the current urban boundary (and beyond the slightly detached enclave of Harlow Common), would clearly result in additional urban sprawl that would encroach into the currently open countryside. It is appreciated that the rural nature of the site is slightly compromised due to the presence of the A414 to the west, the M11 to the east, and the junction 7 roundabout to the south, however these are essential road networks the presence of which does not significantly alter the general rural nature of the site. Furthermore the presence of the adjacent woodland and prevalence of rolling agricultural fields to the east, west and south of the site counter the presence of the more urban features such as the road network and sporadic enclaves of development.

Although the site is within a short distance from the town of Harlow, and as such is also considered to be an 'edge of settlement' location, such open Green Belt areas are of even greater importance since they provide important green gateways and are often important transitional land between the rural countryside and the urban towns. Therefore it is to sites such as this, that the above five purposes of the Green Belt are most relevant.

There is considered an argument that the development of this site for industrial purposes would not meet purpose no. 5 in that it would encourage the use of an undeveloped edge of town site rather than the recycling or derelict or other urban land, however a Site Search document has been submitted with the application regarding alternative available sites, which will be dealt with in detail below.

Paragraph 88 of the Framework states that "*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt*". Therefore, due to the above, the harm to the Green Belt as a result of the proposed development would be given substantial significant weight and permission would only be granted for this scheme if sufficient very special circumstances exist that clearly outweigh this harm.

Very special circumstances argument:

The applicant states that the redevelopment of this site, a large proportion of which is covered in hardstanding, would not impact on the open character of the Green Belt and feels that the "*the proposed development of the site accords with the prevailing and established pattern of commercial development in the vicinity*" and also notes that the site has previously been identified for commercial/employment development.

Despite the above the factors that the applicant consider constitute 'very special circumstances' on this site are summarised as follows:

- The existing C.J. Pryor Ltd operations are currently located within a small rural hamlet (Foster Street, Hastingwood) proximate to residential properties and the heavy plant machinery and traffic movements from the use of these operations generates noise disturbance and traffic congestion for local residents and is considered a 'bad neighbour'.
- The established company are embarking on a period of significant growth and are unable to expand in their current location since the existing sites are not suitable to accommodate this growth and due to the further impact that this would have on local residents.
- C.J. Pryor Ltd employ approximately 100 people at their current Foster Street sites and the relocation to the application site would facilitate growth in these employment figures to the benefit of local people.
- A site search has been undertaken and there are no alternative suitable sites within the catchment area of C.J. Pryor Ltd to facilitate a new site.

Neighbouring amenities:

It is accepted that the two existing commercial sites in Foster Street are not an ideal location for such an intensive commercial development such as the C.J. Pryor Ltd operations and there is an appreciated benefit to the redevelopment of these two sites to residential housing (although the full assessment of this is undertaken under EPF/2516/14 & EPF/2518/14). However it is not considered that there is such a detrimental impact as a result of the existing sites to outweigh the significant harm to the Green Belt that would occur from the provision of a new commercial site on a currently undeveloped and open site.

A noise assessment has been undertaken with regards to this proposal that primarily assesses the potential impact from the proposed development on surrounding noise sensitive locations in close proximity to the application site. A noise assessment has also been submitted with regards to the two Foster Street redevelopments (EPF/2516/14 & EPF/2518/14).

Annex A of the acoustic report regarding the Foster Street sites refers to the existing noise impact that results from the business currently running from the two Foster Street sites and estimates any further potential impact if the business were to expand in its current location. Whilst this noise impact is one of the key considerations with regards to the proposed relocation it is not considered that this concludes that there is significant harmful noise nuisance from the existing Foster Street operations. Although this noise assessment concludes that "*on the face of it, there would be a major positive impact on the night time traffic noise climate local to the Pryors site entrance if Pryors were to relocate and be replaced by a residential development*" it actually calculates that "*Pryors pre-0700 hours traffic gives rise to a level of 54 dB LAeq,8hr (which describes the steady sound level, in dBA that has equivalent energy to the variable level over an 8 hour period), free-field at the row of three Cottages (assumedly Thatched, Catkins and Tinkers Cottages, opposite the entrance). If this were repeated every day, then it would equate to an 'LNight' value similarly of 54 dB*". Whilst the World Health Organisation (WHO) guidance recommends a longer-term 40 dB LNight to protect the public from adverse health effects that recorded 54 dB LNight value would nonetheless be within the Interim Target level of 55 dB specified in the WHO Night Noise Guidelines for Europe. Furthermore it estimates that if C.J. Pryors Ltd were to remain on this site and expand as desired then this would increase

the fleet of tipper lorries to forty and states that *"if there were to be a 12% increase in tipper lorry departures (and corresponding staff car arrivals) at the Foster Street site, the LNight value from Pryor vehicle movements would reach the 55 dB threshold of the WHO Night Noise Guidelines. **This is not to say that there would be a significant deterioration in the noise climate**, but it does indicate that expansion may have to be restricted"* (my emphasis).

Furthermore, it should be noted that within the submitted Noise Assessment by Sharps Redmore for this application it is stated that *"Sharps Redmore understand that tipper lorries do not routinely leave or return before 0530 hours at the earliest"* so it is considered that any estimated increase in noise as stated above would only be relevant to the period between 0530 and 0700. In addition to this the Sharps Redmore Noise Assessment submitted with the two applications to redevelop the Foster Street sites recorded measurements around these sites of 55 dB LAeq,T and 58 dB LAeq,T for the daytime (0700 to 2300) and 53 dB LAeq,T and 55 dB LAeq,T for night-time (2300 to 0700) and warns that *"caution must be exercised here because I do not know what other traffic uses the road at night nor whether any of that is of a heavy commercial nature"*. It also highlighted that *"the wind direction carried-over M11 traffic noise and thus yielded a representatively high level of ambient sound. Wind from the east would result in a lower sound level"* and concluded that *"the existing level of ambient sound on the proposed residential sites has been sampled and found to be of a moderately elevated nature as a result of M11 noise carry-over. The south-westerly breeze during the survey was representative of conditions that prevail in much of the UK. The steady, continuous level of traffic noise was not perceived as intrusive. Local traffic noise and local commercial noise was minimal"*. It also states in the conclusion that *"the night-time ambient sound levels were not substantially lower than daytime. This arose from the rapid rise in M11 traffic noise from before dawn"*.

As such this noise assessment suggests that the majority of noise nuisance around the Foster Street sites occurs from the nearby M11 rather than the C.J. Pryor Ltd operations and the recorded and estimated noise (if the business were to expand in its existing site) are shown to be within the WHO Night Noise Guidelines. Sharps Redmore even caveat this by stating that, whilst a reduction in traffic noise would be expected with the relocation of the business away from the existing Foster Street sites *"this reduction is associated solely with the existing and potential future use of the Pryor's site and excludes any other Foster Street or other (M11 for example) traffic noise"*. Therefore it is not considered that there is a significant enough nuisance that results from the existing Foster Street sites to justify the need for C.J. Pryor Ltd to relocate to the application site. Whilst there may be some benefits from this proposal this would not be sufficient to clearly outweigh the substantial harm from the proposal inappropriate development within the Green Belt.

With regards to the level of vehicle movements the Foster Street sites have an existing use that generates a significant amount of traffic, most of this being construction vehicles HGV's and van, in the morning and late afternoons along Foster Street. Whilst the relocation of the existing commercial use would remove the current heavy vehicle movements to and from the site, a residential development of this scale would actually generate slightly more traffic overall. Although it is accepted that the removal of the existing construction vehicles from Foster Street and Harlow Common would be a benefit to all users of the highway it is not considered that this would outweigh the harm to the Green Belt that would result from the proposed development since any benefit from removing the C.J. Pryor Ltd operations vehicles from Foster Street (and the surrounding roads) would be largely outweighed by the additional residential vehicle movements that would result from the proposed

redevelopment of these sites and therefore would not be sufficient to offer any significant benefits to local residents.

Response from neighbouring residents to the Foster Street site (and those along Harlow Common, which is part of the current route of the lorries serving the existing sites) are somewhat split, with some neighbours stating that there are current issues of disturbance and nuisance as a result of the established business and others claiming that the existing use of the Foster Street sites does not cause significant disturbance and nuisance. Furthermore comments have been received from local residents concerned that the proposed residential development of the Foster Street sites would result in increased traffic movements and matters of disturbance.

Growth of C.J. Pryor Ltd operations site:

One of the key factors with regards to the entire proposal appears to be the desire for C.J. Pryor Ltd to relocate from their existing Foster Street sites since the business is stated to be embarking on a period of significant growth however are unable to expand in their current location. It is therefore proposed that the two existing Foster Street sites are redeveloped for housing in order to enable the relocation of the business and to fund the development of the application site. A Viability Appraisal has been submitted with regards to the proposed 'enabling development' and is assessed as part of EPF/2516/14 & EPF/2518/14.

Given that the two existing commercial sites in Foster Street are proposed for redevelopment to housing to fund this proposal there would be no Green Belt 'offset' or trade with regards to openness. Therefore whilst the three applications are intrinsically linked for the purposes of assessing the harm to the Green Belt the proposed development on this site must be assessed in and of itself.

Although paragraph 14 of the Framework clearly states that a presumption in favour of sustainable development (which includes economic sustainability) should be "*seen as a golden thread running through both plan-making and decision-taking*" there is the stated exception of where "*specific policies in this Framework indicate development should be restricted*" with a footnote giving examples of such restrictions, which includes "*land designated as Green Belt*". Therefore whilst the Framework seeks to secure economic growth this clearly should not be at the expense of the openness of the Green Belt. Furthermore the exception to inappropriate development regarding redevelopment of previously developed land states "*whether redundant or in continuing use*" (my emphasis) but makes no requirement to provide for alternative sites for those lost through such redevelopment. Also recent changes to the General Permitted Development Order have introduced the right to convert various commercial and business premises to a variety of alternative uses (including residential use) however has no caveat that the existing business use must no longer be required on the site or would be relocated elsewhere. Therefore despite the clear push from Central Government to promote and encourage economic growth the same Government are continuing to allow for existing and well established commercial sites to be redeveloped or changed to alternative uses without any concern for the loss of these employment uses. As such, Officers consider that the relocation of the existing business is not of such fundamental importance to clearly outweigh the significant harm to the Green Belt.

In addition to the above there are some misgivings regarding the ability for the existing Foster Street sites to accommodate business growth since it appears that much of the two existing sites are in fact rented out to other companies (at the time of the Officer's site visit there were advertisements for Thornwood Motor Group,

Boytons Cross Motor Group and Capital Glaziers at the Foster Street south site and the Foster Street north site appeared to be occupied by AMA Scaffolding). Surely if C.J. Pryor Ltd were in need of additional space to allow for expansion of the business then the removal of these other companies and complete use of the existing sites for C.J. Pryor Ltd's operations would assist in this matter. Furthermore the entire site area proposed for redevelopment under EPF/2518/14 includes the currently open paddock area immediately adjacent to the existing Foster Street south site and has a site area of 2.7 hectares, which is larger than this application site. Whilst there would be concerns regarding the impact on the openness of the Green Belt from any expansion into this currently open and undeveloped parcel of land such a proposal would have less overall impact on the openness of the Green Belt (since the current three applications propose the encroachment into this parcel of land as well as the development of the Harlow Gateway site). Despite this there have been no discussions or considerations with regards to expanding the business into this adjoining area of land, which is currently sandwiched between the existing C.J. Pryor Ltd operations site and a commercial works site to the east. Although such an expansion would not benefit the neighbours with regards to removing the existing noise and traffic movements currently experienced as a result of the C.J. Pryor Ltd operations, as assessed above it is not considered that the harm from this is significant.

Loss of employment:

The existing business is stated to employ approximately 100 members of staff, which would likely increase should the business expand. Whilst the loss of an existing local employer would not be desirable the release of a currently open and undeveloped parcel of Green Belt land to allow for the stated expansion of an existing business that currently has two nearby operational sites cannot be outweighed by the threatened loss of such employment. Such exceptional circumstances could set a dangerous precedent for similar arguments to be put forward on swathes of Green Belt land throughout the District.

Despite the above comments with regards to Central Government guidance not requiring the relocation or retention of existing businesses and the misgivings with regards to the suitability of the existing sites, any benefits to the existing commercial business through expansion (and the wider, but nonetheless relatively small scale, employment benefits to the local area) do not outweigh the much wider harm that would result from the loss of open Green Belt land. Members would need satisfy themselves that the economic benefit of keeping a local employer in the local area and the employment that goes with it is sufficient to outweigh the in principle harm to the Green Belt and visual harm from the size and appearance of buildings onto the site.

Site search:

A site search document has been submitted that justifies that there are no suitable alternative available sites for the C.J. Pryor Ltd to relocate to. Whilst this appears to be a relatively exhaustive search there are some issues of concern with this assessment, primarily the lack of any assessment regarding part development of the assessed sites.

The intended C.J. Pryor Ltd relocation site proposed here measures 2.5 hectares in area (which is only marginally larger than the stated 2.25 hectare existing site as referred to within the April 2014 Site Search document) however the alternative sites assessed within the Site Search document range from 11.5 to 60 hectares in size.

Several of the alternative sites have been considered unsuitable for various designations, however it appears that the designations often only cover part of the sites. No assessment appears to have been undertaken on the partial redevelopment of the less constrained parts of these larger sites. Additionally some of the alternative sites have been discarded due to adjacent residential properties. However, given the large scale of these sites compared to what is actually required by C.J. Pryor Ltd there is the possibility that suitable buffer land could be retained between the proposed industrial uses and surrounding housing land to suitably mitigate against any harm from the business. No assessment of such possibilities appears to have been undertaken.

Notwithstanding the above concerns, as stated above the desire for C.J. Pryor Ltd to relocate from their current site is not considered sufficient to outweigh the exhaustive harm from the proposed development and therefore the stated lack of any suitable alternative sites is given little weight in this application.

Furthermore, in terms of the positioning of the application site, there is no justification provided as to why the proposed C.J. Pryor Site should be located at the southern end of the original site area rather than be relocated towards the northern end (since the original outline application for Plots B - E has now been withdrawn), which would be less dissected from the nearby settlement and would result in less encroachment and visual impact on the Green Belt. Whilst it is appreciated that the existing entrance to the site and the hardstanding area is located within the application site it is not considered that these factors alone justify such an isolated and detached development site. The provision of an industrial site in this single plot would inevitably lead to further applications for additional development to infill between the application site and the settlement of Harlow Common, which would further decrease the openness of the Green Belt.

Gateway development:

Within the submitted application and throughout discussions with the applicant a further matter put forward is that the proposed development would form part of a strategic 'gateway development' into Harlow. Reference has been made to the Council previously agreeing the suitability of the site for development at an Executive Committee however this report was dated 25 February 2002. Given that this previously decision was over 12 years ago it is considered that only limited weight would be given to this. The identification of this site within the Council SLAA for possible employment use also does not mean that any application prior to the adoption of the new Local Plan should automatically be looked at favourably. Whilst the SLAA does identify the site as 'available, achievable and deliverable' it is currently viewed as "*suitable but within Green Belt*", much the same as various sites throughout the District. Irrespective of this, strategic decisions for large scale developments on sites such as the Harlow Gateway should be undertaken through the Local Plan adoption process as opposed to on an *ad-hoc* basis such as this, particularly since this site may need to be assessed in conjunction with other larger development on the edge of Harlow and would need to be included in any subsequent infrastructure considerations.

Additionally any such strategic Harlow Gateway application would likely be on a larger scale than this 2.5 hectare detached site and it would be expected that any such proposal would offer an innovative and exceptional development that provides a positive gateway feature into Harlow. The provision of a B1/B8 heavy machinery compound with an uninspired office building and warehouse would be unlikely to meet such criteria. Harlow District Council have raised strong objections to the

proposed development, not least due to the above reason in that this proposal would "*not constitute a positive gateway feature or be respectful of the character of its surroundings*".

Conclusion on Green Belt matters:

Due to the above it is not considered that the particular matters put forward to support this application, either individually or when considered cumulatively, would provide exceptional circumstances that would clearly outweigh the substantial harm from the proposed development of this Green Belt site, despite the threat of the employer moving out of the area if the planning applications are not granted and the economic benefits of further employment opportunities. Therefore there are no very special circumstances that outweigh this inappropriate development and as such the proposal fails to comply with Government Guidance and Local Plan policy.

Highways:

The proposed development of Plot A would not have a detrimental impact upon the highway network as the majority of the vehicle movements to and from the site are already on the network and do not coincide with the traditional am/pm peak times. The access for the proposal can be designed to the speed of the road and will provide appropriate visibility and geometry to serve the development. As such the Highway Authority concludes that the proposal will not be detrimental to highway safety or capacity at this location or on the wider highway network.

Whilst serious concerns have been raised with regards to the existing capacity of junction 7 of the M11 and at present the Highways Agency, in conjunction with Harlow and ECC Highways, are considering options associated with a new junction to the north of Harlow to enable further growth to occur, the Highways Agency have nonetheless raised no objection to the proposed development.

Visual impact:

The application site is a highly visible and prominent site when entering Harlow from the south and, whilst currently enclosed by fencing, the site is predominantly open and undeveloped. To the east of the site is Harlow Park, an extensive area of woodland which is protected by a woodland Tree Preservation Order. To the west are three additional extensive woodlands – Latton Park, Mark Bushes and Rundell's Grove, again all of which are protected by TPO's. All of these woodlands are ancient woodlands and County Wildlife Sites.

The development of Harlow generally falls within a natural 'bowl' in the landscape however this proposal would move the built environment outside that area and on to the ridge. This ridge plays an important role in the wider landscape as it acts as a visual screen between Harlow and the surrounding countryside.

The Harlow Area Landscape and Environmental Study (Chris Blandford Associates, September 2004) identifies key conservation and enhancement opportunities in this area. In particular the emphasis is on the desire to 'bridge the gap' between the important habitats the woodland blocks provide, and to reinforce the visual containment of the ridge in the setting of Harlow. It also highlights the desirability of maintaining the largely undeveloped /'green' character and well defined edge/back drop to Harlow's townscape by avoiding development on the visually sensitive open

ridge slopes and the distinctive ridge-top skyline. This is also important in retaining the largely rural nature of the wider countryside when viewed from the south of the ridge. Since this site is particularly sensitive due its prominence within the landscape and as it forms a 'gateway' into Harlow it is essential that any proposed development of this area forms an exceptional and innovative entrance to Harlow Town and also makes allowance for the wider landscape setting.

The proposed development on this site would introduce two very large buildings in the form of an office block and warehouse with the remainder of the site primarily consisting of parking (for both cars and plant/heavy vehicles) and areas for washing down, servicing and fuelling the plant and vehicles. It is not considered that the proposed development of this prominent pivotal entrance site would create a positive gateway feature nor would it respect the character and appearance of its surroundings. The proposed office building would appear fairly typical to any office building located within a business park and the warehouse building is similarly of a standard design and similar examples can be seen on industrial estates throughout the country. However in this edge of settlement, rural location a 9.38m high mono-pitched office building and an 11.8m high warehouse building, both of which would be clad in metallic silver effect cladding, would be unbecoming of the Green Belt and the surrounding open countryside character.

The overall scale and mass of the buildings would appear intrusive within this prominent location and would be exacerbated by the visual separation between the application site and the edge of the settlement and the abundance of open parking and storage of large vehicles and machinery. The proposal offers no exceptional design elements or innovative elements to the site that would serve as an exceptional gateway development into Harlow Town.

Whilst mitigation has been proposed through landscaping, due to the size of the proposed new buildings and scale of the site it is not considered that the visual harm from the proposal can be adequately mitigated through additional landscaping. Therefore the proposal would have a detrimental impact in the character and appearance of this rural edge-of-settlement location that is contrary to Government guidance and Local Plan policies.

Sustainable location:

Whilst there are some concerns with regards to the location of the proposal, since the footway along the A414 stops before the entrance to this site and public transport serving the site is fairly limited, given the proposed use of the site and when compared to the existing C.J. Pryor Ltd sites in Foster Street (which this would replace), it is not considered that the inability for staff to travel to work by sustainable transport measures is significantly harmful in this instance.

Ecological impacts:

The application site is located adjacent to a County Wildlife site and, given its current condition, is likely to attract various species of wildlife. Habitat surveys were undertaken and, subject to the undertaking of the mitigation and recommendations contained within these documents, it is considered by both the Council's Ecological Officer and Natural England that there would be no detrimental impact on existing habitats in or around the site.

Other matters:

Flooding:

Whilst the application site is located within Flood Zone 1 it is larger than 1 hectare in size and therefore was submitted with a Flood Risk Assessment. The principle of the development is considered acceptable by the Environment Agency and the Council's Land Drainage Section however additional details are required with regards to foul and surface water drainage, which can be adequately dealt with by condition.

Contamination:

A Phase 1 Contaminated Land Report has been submitted with the application that identifies only Low to Negligible risks to the proposed development on this site. Since the end user is a non-sensitive managed commercial/industrial use risks from contamination are low and therefore it is the developer's responsibility to ensure safe development and it is not necessary to regulate any land contamination risks under the Planning Regime.

Archaeology:

The Essex Historic Environment (EHER) Record shows that the proposed development lies within an area known to contain archaeological remains. A watching-brief during the partial topsoil strip of the site in 1991 recovered prehistoric flint flakes and medieval and post-medieval pottery shards (EHER 17796-8). On the opposite side of the road is a probable site of pottery production in the medieval and post-medieval period relating to the Harlow Metropolitan Ware pottery industry (EHER 3764). Given the existing evidence and the intrusive nature of the proposed development there is the potential that archaeological features and deposits will be disturbed or destroyed. On this basis a condition requiring archaeological evaluation would be required.

Education:

Since the number of proposed employees on the site is greater than 25 there would be a resultant need for early years and childcare places in the locality which current data on sufficiency in the area shows is unlikely to be met by the existing provision. Therefore, on the basis of 100 full time equivalent employees (since any increase in employee numbers is unknown) a contribution for early years and childcare places of £46,572 (index linked from April 2014 using the PUBSEC index) would be required by way of a legal agreement.

Conclusion:

The proposed development of this lawful horticultural (agricultural) site, that does not constitute previously developed (brownfield) land, would clearly constitute inappropriate development that is, by definition, harmful to the openness of the Green Belt. Furthermore the bulk, scale and visual impact of the proposed development would be physically harmful to the openness of the Green Belt and would be detrimental to the character and appearance of this rural edge-of-settlement location. The desire for C.J. Pryor Ltd to relocate from their existing sites in Foster Street is not considered by officers to be an exceptional circumstance that outweighs the substantial harm from the development and any benefits to local residents in Foster Street through the removal of the existing sites or increased employment benefits

from an expansion of the existing business would not be sufficient to clearly outweigh the wider harm from the inappropriate and harmful development of this site.

Whilst the Council would not wish to see the established employment use of C.J. Pryor Ltd lost from the local area the proposed development fails to comply with the National Planning Policy Framework and the relevant Local Plan policies and the relocation of this business cannot be permitted to the detriment of the wider area. Therefore the proposed development is recommended for refusal.

Should Councillors disagree with the above recommendation and consider that planning approval should be granted for the application then this decision would need to be subject to a legal agreement regarding the required financial contributions and to link the scheme with EPF/2518/14, and would be subject to various conditions to deal with matters such as surface water drainage, landscaping, etc. Apart from accepting that the development would visually look acceptable in this location and that very special circumstances do exist, then it could be that they consider the economic benefits of the development outweigh the Green Belt harm and any other harm.

Is there a way forward?

Given the designation of the site as an undeveloped parcel of Green Belt land, Officers do not consider at this stage that there is any way forward with regards to the proposed development. Whilst still inappropriate development the relocation of the proposed site at the northern end of the wider site would be less dissected from the nearby settlement and would result in less encroachment and visual impact on the Green Belt. Alternatively the applicant should seek to promote the Harlow Gateway site as a strategically important 'Gateway Development' through the preparation of the Local Plan and its supporting evidence.