

**Report to District Development  
Management Committee**



**Epping Forest  
District Council**

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**Report Reference: DEV-009-2015/16.  
Date of meeting: 10 June 2015**

**Subject: EPF/2518/14 – C.J. Pryor, Cecil House, Foster Street, CM17 9HY – Application for full planning permission to redevelop site with enabling residential development to provide 65 residential units together with associated car parking, open space and refuse and recycling facilities (Enabling development for linked application EPF/2517/14)**

**Responsible Officer: Graham Courtney (01992 564228).**

**Democratic Services: Gary Woodhall (01992 564470).**

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**Recommendation:**

- (1) That consent is refused for the following reasons:
1. The application site is located within the Metropolitan Green Belt and the proposed development would constitute inappropriate development harmful to the openness of the Green Belt. No very special circumstances exist that clearly outweighs the harm from the development and therefore the proposal is contrary to the guidance contained within the National Planning Policy Framework and CP2 and GB2A of the adopted Local Plan and Alterations.
  2. The proposed development, due to the scale, density and location of the proposed housing, would fail to conserve and enhance the character and appearance of this rural area, contrary to the guidance contained within the National Planning Policy Framework and CP1, CP2 and LL2 of the adopted Local Plan and Alterations.
  3. The proposed development fails to make provision for affordable housing in line with the Council's affordable housing requirements. The proposed development is not considered to constitute 'enabling development' and therefore the application is contrary to the guidance contained within the National Planning Policy Framework and H5A, H6A and H7A of the adopted Local Plan and Alterations.
  4. The proposal would result in an unsustainable form of development outside the existing urban area that is not well served by public transport or local services and would therefore result in an increase in vehicle commuting contrary to the guidance contained within the National Planning Policy Framework and policies CP1, CP3, CP6, CP9 and ST1 of the adopted Local Plan and Alterations.

## **Report:**

1. This application was put to the Area Plans Sub Committee East on 13 May 2015 however was referred directly up to the District Development Management Committee for decision without discussion, given the three applications are intrinsically linked.
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. Also, since the applications were prepared on the Area Plans East agenda, in respect of this particular application, the Planning Report has been revised to account for the submitted noise assessment report.

## **Planning Report:**

### Description of Site:

The application site comprises a 2.7 hectare L-shaped parcel of land on the southern side of Foster Street and is part of a small enclave of development consisting of a mix of commercial sites (including the application site, the C.J. Pryor Ltd site on the northern side of Foster Street, and Fosters Croft to the east of the application site) a public house (the Horn and Horseshoes, which is somewhat detached from the Hamlet) and approximately 50 residential dwellings (some of which are detached from the centre of the Hamlet). The site consists in part of approximately 1.23 hectares of previously developed land, currently occupied by C.J. Pryor Ltd as their main headquarters, with the remainder of the site (the eastern section) consisting of open and undeveloped paddock land.

The site currently contains a two storey office building, a large warehouse style building and a part single storey/part two storey storage building. Immediately adjacent to the site to the west is Searles Farmhouse, the house and grounds of which adjoin the entire western boundary of the site, to the east (of the paddock) is a commercial site and to the north are residential dwellings (some of which share a boundary with the site and some of which are located on the opposite side of Foster Street). To the south of the site is open agricultural land.

The site benefits from an existing single access from Foster Street and is screened along the site frontage (approximately 70m - excluding the entrance) by a Leylandii hedge. The site also contains a telecommunications mast adjacent to the southeast corner of the warehouse style building.

The site lies within the Metropolitan Green Belt and whilst it is located within Flood Zone 1 it is greater than 1 hectare in size and therefore a Flood Risk Assessment was required and the Environment Agency has been consulted.

### Description of Proposal:

Consent is being sought for the redevelopment of the site to provide 65 residential units with associated car parking, amenity space, access roads and associated facilities.

The development proposes a mix of two, three, four and five bed properties. The proposed dwellings would be two storeys in height (the original submitted plans for up to three storey dwellings has been amended to lower the height of the buildings) and would be laid out around a spine road that circulates around the site with a small mews in the south eastern corner. There would be no properties over two storeys in height.

This application has been submitted as an 'enabling development' (along with EPF/2516/14 - Foster Street North) to fund the relocation of the C.J. Pryor Ltd business to a new site off the A414 near junction 7 of the M11 (EPF/2517/14). Whilst each of the three applications is being dealt with in isolation these are intrinsically linked. Since this application is being put forward as an 'enabling development' there is no affordable housing being proposed on this site.

### Relevant History:

The application site has a long history relating to the established use of the site,

including the erection and extension of commercial buildings. Since the use of the site and presence of commercial buildings on the western section of the application site is accepted the specifics of these previous applications are not considered directly relevant to this application.

Policies Applied:

CP1 - Achieving sustainable development objectives  
CP2 - Protecting the quality of the rural and built environment  
CP3 - New development  
CP6 - Achieving sustainable urban development objectives  
CP8 - Sustainable economic development  
CP9 - Sustainable transport  
GB2A - Development in the Green Belt  
GB7A - Conspicuous development  
H2A - Previously developed land  
H3A - Housing density  
H4A - Dwelling mix  
H5A - Provision for affordable housing  
H6A - Site thresholds of affordable housing  
H7A - Levels of affordable housing  
NC4 - Protection of established habitat  
DBE1 - Design of new buildings  
DBE2 - Effect on neighbouring properties  
DBE4 - Design in the Green Belt  
DBE8 - Private amenity space  
DBE9 - Loss of amenity  
LL2 - Inappropriate rural development  
LL10 - Adequacy of the provision of landscape retention  
LL11 - Landscaping scheme  
ST1 - Location of development  
ST2 - Accessibility of development  
ST4 - Road safety  
ST6 - Vehicle parking  
RP3 - Water quality  
RP4 - Contaminated land  
RP5A - Adverse environmental impacts  
U3A - Catchment effects

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

Consultation Carried Out and Summary of Representations Received:

144 neighbouring properties were consulted and a Site Notice was displayed on 10/12/14.

PARISH COUNCIL – OBJECT. There are many houses which are 3 storey within the development which are not in keeping with the area, these are not rural in character, they are visually out of keeping with other properties in the area, it represents overdevelopment of the site. They are totally out of character with the street scene. There are a lack of sufficient parking spaces, lack of visitor parking. Insufficient

amenity space. The proposal would generate a lot more traffic throughout the day, especially with the number of houses. There is a lack of public transport to the site.

In relation to all three of the applications: EPF/2516/14 & EPF/2517/14 & EPF/2518/14 which would include the Enabling Development and S106 contribution details, Members felt that if these applications were to be granted then a substantial S106 for a Community Benefit to the residents of Hastingwood should be granted and discussions should be held with the Parish Council in order that this can be taken further.

**HARLOW DISTRICT COUNCIL - NO OBJECTION.** The quantum of residential development proposed is very high in the context of Foster Street, which consists of primarily ribbon residential development and the notable Pryor Group site.

There are few facilities and amenities within a short distance of the site. The sustainability of the locations of the development is therefore questioned. The Sustainability Statement does not allay Harlow Council's concern that the sites are in unsustainable locations. The statement also confirms that the Harlow District would have the closest facilities and amenities to the sites. It is therefore likely that the residential development would impact on a number of services within Harlow. It is pivotal that the NHS, Police and Fire Service have the opportunity to make requests for contributions/obligations to offset the additional pressure on these services. Bus operators should also be consulted.

It is acknowledged that the residential development is proposed to enable the relocation of the Pryor Group, however it is not considered that this warrants additional pressure on services in Harlow to be disregarded.

The impact on the Harlow District is otherwise considered to be insignificant. Subject to the above organisations being consulted, Harlow Council has no objection to the planning applications under references EPF/2516/14 and EPF/2518/14.

#### LETTERS OF SUPPORT:

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

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

**BRAMLEYS, FOSTER STREET** – Support the application as this would ensure that the Pryor Group's heavy goods vehicles no longer need to travel along Foster Street and Harlow Common as these are not suitable roads for such traffic. Furthermore

this would remove the disruption currently caused to neighbouring residents and would allow for the existing local business to remain in the area.

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

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

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

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

#### LETTERS OF OBJECTION:

ESSEX AREA RAMBLERS – Object. Whilst there is no objection to the redevelopment of the brownfield land the construction of houses on the adjoining meadow would be inappropriate within the Green Belt.

NORTHWEALD BASSETT RURAL PRESERVATION SOCIETY – Object as only part of the site is currently in commercial use and the whole site is within the Green Belt and as such the green field part of the site is unsuitable for residential redevelopment. 65 residential units would constitute an overdevelopment of the site and would add considerably to the traffic use on the surrounding country roads.

NORTH WEALD & DISTRICT PRESERVATION SOCIETY – Object as the site is within the Green Belt, only part of the site is currently in commercial use, and since 65 residential units would be an overdevelopment and would result in an increase in traffic.

TINKERS COTTAGE, FOSTER STREET – Object since the site is in the Green Belt and the number of residential dwellings would result in a major increase in vehicle traffic. The statement that the proposed scheme is to allow for the business to expand is false since the existing site is larger than the proposed Harlow Gateway site. Surely this would be the preferable site for housing development. Furthermore

the provision of dwellings on this site would result in overlooking of the surrounding neighbouring properties.

AMBER COTTAGE, FOSTER STREET – Object since the proposal would greatly increase the population of the area, there are no local amenities or public transport, schools, etc. The increased number of vehicles would result in increased highway safety issues and more noise and other forms of pollution and the dwellings would put a greater strain on water supplies and power.

3 FOSTER STREET – Object as Foster Street is a busy unclassified road and the amount of extra traffic generated by the proposed development would be a road safety hazard and would add to the existing congestion. The proposed street lighting would not be appropriate in this semi-rural area and will cause light pollution. The large new development would also be out of scale with the surrounding properties and out of keeping with the area as a whole.

GREENWAYS FARM, FOSTER STREET – Object as the proposed development would impact on the rural environment and would result in greater highway safety and traffic issues. It is considered that a maximum of 10 houses should be allowed on the site to ensure that any development is in keeping with the area.

FOSTER STREET RESIDENT – Object. The suggestion that the noise and pollution of the current lorries coming out of the Foster Street site is a nuisance to neighbours is absolutely inaccurate. I live very near to the Pryor site and have spoken to several neighbours and we do not experience any noise, current issues or problems. It is considered that the proposed redevelopment of the sites for housing would have an equal or greater impact on neighbours amenities than the existing business. The residential development would result in an increase in vehicle movements and there are no local facilities or public transport. The design of the proposed development would result in a loss of privacy to neighbouring residents and would be out of keeping with the village.

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

11 PARK AVENUE – Object since the redevelopment of the Foster Street sites would result in increased traffic over the established use, as the proposed development at Harlow Gateway would introduce nuisance to surrounding residents in this location, there would be additional traffic disruption on an already busy and strained road, there would be long terms effects on the adjacent woodland, and whilst the proposal would create more housing and jobs this should not be at the expense of existing residents.

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

FOSTERS CROFT, FOSTER STREET – Object as this is a small village of about 40 houses and the addition of 74 new houses would have a devastating effect. There would be a significant increase in traffic problems and it would be preferable to see the Pryor business expand than suffer from the proposed residential development.

1 WALNUT TREE COTTAGE, MILL STREET – Object since the number of additional houses would be out of character with the area, the development would result in increased traffic, and since there are inadequate local facilities and services to cope with the proposal.

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

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

#### Issues and Considerations:

##### Principle of the development:

The application site is located within the Metropolitan Green Belt and currently consists of two separate parcels of land. The western half of the site is currently occupied by C.J. Pryor Ltd and is predominantly laid to hardstanding and contains a two storey office building, a large warehouse style building and a part single storey/part two storey storage building. The eastern part of the site consists of open and undeveloped paddock land. The National Planning Policy Framework (the Framework) identifies that the erection of buildings within the Green Belt constitutes inappropriate development with a number of exceptions, which includes:

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

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

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.*

The definition of previously developed land is provided within Annex 2 of the Framework and reads:

***Previously developed land:*** *Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any*



*associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreational grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.*

Given the lawful use of the western part of the site and presence of buildings and hardstanding this half of the application site would constitute previously developed (brownfield) land, however the eastern section of the site does not constitute previously developed land.

The above stated exception to inappropriate development only allows for the redevelopment of brownfield land provided it *"would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development"*. Whilst 'impact on the Green Belt' would cover many factors, including increased activity and type of use, one of the key considerations is with regards to the level of built development on a site.

Although the existing site contains some very large commercial buildings along with vehicle and heavy plant parking and outdoor storage the level and spread of built form that would result from the proposed development would clearly have a greater impact on the openness of the Green Belt, particularly with regards to the encroachment of development into the currently undeveloped and open paddock area forming the eastern half of the site. As such the proposed redevelopment of this site would not fall within the above exception and therefore constitutes inappropriate development.

The Framework states that *"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"* and that *"when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations"*.

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

*Very special circumstances argument:*

The applicant states that the redevelopment of this site is primarily an 'enabling development' to allow for the existing business to relocate to a new site at the Harlow Gateway (subject to application Ref: EPF/2517/14). In addition the applicant considers the following factors to constitute 'very special circumstances' for the proposed development (summarised as follows):

- The existing C.J. Pryor Ltd operations currently located on this site is within a small rural hamlet proximate to residential properties and the heavy plant machinery and traffic movements from the use of these operations generates noise disturbance and traffic congestion for local residents and is considered a 'bad neighbour'.
- The established company are embarking on a period of significant growth and are unable to expand in their current location since the existing sites are not suitable to accommodate this growth and due to the further impact that this would have on local residents.
- C.J. Pryor Ltd employ approximately 100 people at their current Foster Street sites and the relocation to the application site would facilitate growth in these employment figures to the benefit of local people.
- The redevelopment of the application site (and the Foster Street north application Ref: EPF/2516/14) would fund the relocation of the business to the Harlow Gateway site.
- The proposed redevelopment would provide additional housing to the area.

*Enabling development:*

The proposed redevelopment of the two existing Foster Street sites is submitted as an enabling development to facilitate the relocation of C.J. Pryor Ltd to a new site near the M11 junction 7, off the A414. The number of proposed dwellings and resultant spread of built form into the current greenfield paddock on the western side of the site is stated to be the minimum necessary in order to fund the relocation of the existing business.

There is currently no Government guidance or policy that allows for 'enabling development' except in connection with the restoration of heritage assets. Nonetheless such proposals have been accepted as a recognised mechanism for delivering public benefit. Examples of such within the District are EPF/0817/12, whereby eight dwellings were permitted in order to fund the replacement of the existing rugby club in Thornwood, and EPF/0853/14, whereby 60 dwellings were permitted in order to fund the construction of an autistic spectrum disorder school in Chigwell. The applicant has stated a further example within the submitted Planning Statement, being a dual appeal at the sites of the London Irish Training Ground and Hazelwood Golf Centre, Sunbury-on-Thames, which was for residential development to fund the redevelopment of sport and community facilities. The quoted sections of the Inspector's judgement are as follows:

*The club cannot fund the proposals from its own resources. This is not professional football and there is no state funding for new sports facilities away from the Olympics so enabling development is the only way by which the scheme as a whole can proceed. The mixed-use development on The Avenue would fund the infrastructure needs of that new community and the community gains in terms of public open space, LEAP and MUGA as well as paying for the scheme at Hazelwood.*

*The public benefit from the proposals, and the need to fund them through enabling development, outweigh the harm to other policy interests that arise, although it is acknowledged that striking that balance in any given case is a matter of planning judgment for the decision maker. The need for enabling development is not exclusive to the repair of heritage assets, although that may be the most common context. There is no Government policy on this*

*matter, but advice has been prepared by English Heritage. This may assist the decision maker by providing useful analogies, but it cannot be directly applied because there is no 'place' or 'heritage asset' in the sports.*

*In this case the significance of the Club as a provider of rugby to the national game, to the amateur game, as a provider of quality sporting experience to the young and to schools is beyond question, such that the Club and its facilities is the 'place' for the analogy with English Heritage guidance. The Club is the sole provider of the sport and for the sport within the Borough. Like many sporting providers it operates through the medium of a private members club. To survive it is essential that it devises and follows a business model and programme.*

*Most heritage assets are privately owned and the policy of English Heritage permits the provision of enabling development when it would otherwise be uneconomic for the owner to maintain the asset. That is because of the perceived public interest in securing the future of the heritage asset. Here the benefit to the game and to the community is clearly established. A minimum level of community benefit is secured through the S106 Agreement. What is being sought by way of enabling subsidy is no more than is required for the provision of the facilities. The rest of the gain derived from the development of The Avenue is being returned to the community by other routes, such as the provision of affordable housing, landscaped public open space, play facilities, a health centre and a Care Home. There is no suggestion that there is some other means by which the Club could provide the facility or some other business model it should follow that would reduce the need for enabling development.*

*Although this particular appeal was unsuccessful, based on other matters for consideration, the principle for enabling development is clearly established and agreed by the Inspector.*

Whilst it is accepted that 'enabling development' can be considered in relation to other forms of development other than simply for the restoration of Heritage Assets it is nonetheless considered that such development should only be used as a mechanism for delivering public benefit. All of the above examples of accepted enabling development provide for some form of community facility that would have wider benefits. However the proposed relocation of C.J. Pryor Ltd to the Harlow Gateway site is in itself inappropriate development harmful to the openness of the Green Belt and the visual appearance of the area and would provide no community benefit to the wider area.

Although it is recognised that the expansion of a local business would provide economic benefits to the applicant and would have knock on economic benefits to the wider area (through the retention of a local employer and the retention/creation of jobs) it is not considered that such benefits, the vast majority of which would be to the private company of C.J. Pryor Ltd, should be considered at the expense of the Green Belt. Furthermore whilst a legal agreement could be undertaken to ensure that the development of the Harlow Gateway site and the relocation of C.J. Pryor Ltd to this site takes place there is no mechanism to guarantee the long term occupation of the site by this business. Furthermore, despite the statements of the applicant there can be no guarantee that the relocation of the existing commercial use to the new site would result in either additional job creation or that the jobs would be taken up by 'local people'.

Given the above it is not considered that the proposed redevelopment of this site, which constitutes inappropriate development harmful to the openness of the Green Belt (and is considered unacceptable for other reasons as assessed below) can be considered as an 'enabling development' to fund for further inappropriate and harmful development elsewhere in the Green Belt. Particularly since the proposed development that this application would fund would have no wider community benefit.

*Neighbouring amenities:*

It is accepted that the application site (and the Foster Street north site) are not an ideal location for such an intensive commercial development such as the C.J. Pryor Ltd operations and there is an appreciated benefit to the redevelopment of these two sites to residential housing, however it is not considered that there is such a detrimental impact as a result of the existing use to outweigh the significant harm to the Green Belt that would occur from the proposed redevelopment.

A noise assessment has been undertaken with regards to this proposal that primarily assesses the potential impact on the proposed housing development. A noise assessment has also been submitted with regards to the Harlow Gateway Site (EPF/2517/14).

Annex A of the acoustic report regarding the application site refers to the existing noise impact that results from the business currently running from the two Foster Street sites and estimates any further potential impact if the business were to expand in its current location. Whilst this noise impact is one of the key considerations with regards to the proposed redevelopment of this site for housing it is not considered that this concludes that there is significant harmful noise nuisance from the existing Foster Street operations. Although this noise assessment concludes that *"on the face of it, there would be a major positive impact on the night time traffic noise climate local to the Pryors site entrance if Pryors were to relocate and be replaced by a residential development"* it actually calculates that *"Pryors pre-0700 hours traffic gives rise to a level of 54 dB LAeq,8hr (which describes the steady sound level, in dBA that has equivalent energy to the variable level over an 8 hour period), free-field at the row of three Cottages (assumedly Thatched, Catkins and Tinkers Cottages, opposite the entrance). If this were repeated every day, then it would equate to an 'LNight' value similarly of 54 dB"*. Whilst the World Health Organisation (WHO) guidance recommends a longer-term 40 dB LNight to protect the public from adverse health effects that recorded 54 dB LNight value would nonetheless be within the Interim Target level of 55 dB specified in the WHO Night Noise Guidelines for Europe. Furthermore it estimates that if C.J. Pryors Ltd were to remain on this site and expand as desired then this would increase the fleet of tipper lorries to forty and states that *"if there were to be a 12% increase in tipper lorry departures (and corresponding staff car arrivals) at the Foster Street site, the LNight value from Pryor vehicle movements would reach the 55 dB threshold of the WHO Night Noise Guidelines. **This is not to say that there would be a significant deterioration in the noise climate, but it does indicate that expansion may have to be restricted**"* (my emphasis).

The Sharps Redmore Noise Assessment submitted with this application recorded measurements around both this site and the Foster Street north site of 55 dB LAeq,T and 58 dB LAeq,T for the daytime (0700 to 2300) and 53 dB LAeq,T and 55 dB LAeq,T for night-time (2300 to 0700) and highlighted that *"the wind direction carried-over M11 traffic noise and thus yielded a representatively high level of ambient sound. Wind from the east would result in a lower sound level"* and concluded that *"the existing level of ambient sound on the proposed residential sites has been sampled and found to be of a moderately elevated nature as a result of M11 noise*

*carry-over. The south-westerly breeze during the survey was representative of conditions that prevail in much of the UK. The steady, continuous level of traffic noise was not perceived as intrusive. Local traffic noise and local commercial noise was minimal". It also states in the conclusion that "the night-time ambient sound levels were not substantially lower than daytime. This arose from the rapid rise in M11 traffic noise from before dawn".*

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

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

Response from surrounding residents to the proposed redevelopment of this site are somewhat split, with some neighbours stating that there are current issues of disturbance and nuisance as a result of the established business and others claiming that the existing use of the Foster Street sites does not cause significant disturbance and nuisance. Furthermore comments have been received from local residents concerned that the proposed residential development of the Foster Street sites would result in increased traffic movements and matters of disturbance.

#### *Growth of C.J. Pryor Ltd operations site:*

One of the key factors with regards to the entire proposal appears to be the desire for C.J. Pryor Ltd to relocate from their existing Foster Street sites to the Harlow Gateway site since the business is stated to be embarking on a period of significant growth however are unable to expand in their current location.

Whilst paragraph 14 of the Framework clearly states that a presumption in favour of sustainable development (which includes economic sustainability) should be "*seen as a golden thread running through both plan-making and decision-taking*" there is a stated exception of where "*specific policies in this Framework indicate development should be restricted*" with a footnote giving examples of such restrictions, which

includes "*land designated as Green Belt*". Therefore whilst the Framework seeks to secure economic growth, this clearly should not be at the expense of the openness of the Green Belt. Furthermore the exception to inappropriate development regarding redevelopment of previously developed land states "*whether redundant or in continuing use*" (my emphasis) but makes no requirement to provide alternative sites for those lost through such redevelopment. Also recent changes to the General Permitted Development Order have introduced the right to convert various commercial and business premises to a variety of alternative uses (including residential use) however has no caveat that the existing business use must no longer be required on the site or would be relocated elsewhere. Therefore despite the clear push from Central Government to promote and encourage economic growth the same Government are continuing to allow for existing and well established commercial sites to be redeveloped or changed to alternative uses without any concern for the loss of these employment uses. As such it is not considered that the relocation of the existing business is of such fundamental importance to clearly outweigh the significant harm to the Green Belt.

In addition to the above there is some misgivings regarding the ability for the existing Foster Street sites to accommodate business growth since it appears that much of the two existing sites are in fact rented out to other companies (at the time of the Officer's site visit there were advertisements for Thornwood Motor Group, Boytons Cross Motor Group and Capital Glaziers at the Foster Street south site and the Foster Street north site appeared to be occupied by AMA Scaffolding). Surely if C.J. Pryor Ltd were in need of additional space to allow for expansion of the business then the removal of these other companies and complete use of the existing sites for C.J. Pryor Ltd's operations would assist in this matter. Furthermore the proposed redevelopment of this site includes the encroachment of development into the currently open paddock area to the west of the existing C.J. Pryor Ltd compound, which raises the proposed site area to 2.7 hectares. This entire application site is larger than the proposed new business site at the Harlow Gateway.

Whilst the expansion of the established business into this open paddock land would raise concerns regarding the impact on the openness of the Green Belt such a proposal would nonetheless have less overall impact on the openness of the Green Belt than the proposed enabling development since the current applications would result in both the encroachment into this parcel of land as well as the development of an open and undeveloped site at the Harlow Gateway. There appears to have been no discussions or considerations with regards to expanding the business into this adjoining area of land, which is currently sandwiched between the existing C.J. Pryor Ltd operations site and a commercial works site to the east. Although such an expansion would not benefit the neighbours with regards to removing the existing noise and traffic movements currently experienced as a result of the C.J. Pryor Ltd operations, as assessed above it is not considered that the harm from this is significant.

#### *Loss of employment:*

The existing business is stated to employ approximately 100 members of staff, which would likely increase should the business expand. Whilst the loss of an existing local employer would not be desirable this threatened loss of such employment cannot be considered as an exceptional circumstance to allow for inappropriate development within the Green Belt. Such exceptional circumstances would set a dangerous precedent for similar arguments to be put forward on swathes of Green Belt land throughout the District.

Furthermore, despite the above comments with regards to Central Government guidance not requiring the relocation or retention of existing businesses and the misgivings with regards to the suitability of the existing sites, even if this factor were considered to clearly outweigh the harm from the proposed inappropriate development there is no mechanism to guarantee the long term occupation of the site by this business. Furthermore, despite the statements of the applicant, there can be no guarantee that the relocation of the existing commercial use to the new site would result in either additional job creation or that the jobs would be taken up by 'local people'. Therefore this matter can only be given limited weight in the consideration.

*Provision of additional housing:*

Whilst the need for additional housing is a material planning consideration, Community Secretary Eric Pickles previously announced that "*the Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the Green Belt*". As such, irrespective of whether the Council has a demonstrable five year land supply it is not considered that the issue of housing supply alone would be sufficient to outweigh the harm from the development.

In addition to the above, the provision of 65 additional dwellings in this small rural Hamlet, which currently only contains approximately 50 dwellings (some of which are detached from the centre of the built up enclave) is not considered to be an appropriate location for such a level of additional housing provision. The existing enclave is not well served by sustainable transport methods and has almost no local facilities (with the exception of the nearby public house). Whilst this matter is dealt with in more detail below it is considered that the provision of such a number of houses in this location would in itself be contrary to policy and therefore such matters cannot be considered to clearly outweigh the identified harm to the Green Belt.

*Conclusion on Green Belt matters:*

Due to the above it is not considered that the particular matters put forward to support this application, either individually or when considered cumulatively, would provide exceptional circumstances that would clearly outweigh the substantial harm from the intensive proposed redevelopment of this Green Belt site. Whilst in principle there would be no objection to the redevelopment of the previously developed (eastern) part of the site, provided the level of built form (i.e. number of properties) would not result in a greater impact on the openness of the Green Belt, there are no very special circumstances that outweigh the harm that would result from the encroachment into the undeveloped western half of the site and the scale of the proposed development. As such the proposal fails to comply with Government Guidance and Local Plan policy.

*Affordable housing:*

Since the application site is located within a settlement with a population of less than 3,000 and proposes the erection of more than ten dwellings Local Plan policy H7A requires 50% of the total number of dwellings to be affordable. The Council currently has in excess of 1,500 applicants on its Housing Register and, as evidenced by the National Housing Federation in their annual 'Home Truths' studies, the ration of average property prices (and lower quartile property prices) to average earnings in

Epping Forest District is consistently the highest in Essex – and is within the highest three local authority districts in the East of England.

The application proposes no affordable housing to be provided on site and no financial contributions towards off-site affordable housing. This is because the proposed redevelopment of the site has been put forward as an ‘enabling development’ to fund the relocation of C.J. Pryor Ltd to the Harlow Gateway site.

The application has been submitted with a Viability Submission. This states that the quantum of residential development (both this application and the proposed redevelopment of the Foster Street north site) is necessary to support the relocation of C.J. Pryor Ltd to the Harlow Gateway site and concludes that the proposed residential development cannot support a policy compliant 50% affordable housing planning obligation contribution and subsidise the desired relocation of the existing business to the Harlow Gateway site.

This viability submission has been independently assessed and it is agreed that, based on the premise that this development is a pure enabling development to fund the relocation of C.J. Pryor Ltd, it would be unviable for the proposed residential development to provide 50% affordable housing.

However the key consideration in the application is whether it should be accepted that the proposed residential development cannot deliver its planning obligation with regards to affordable housing in order to assist a commercial business to relocate in order to expand its business. As outlined above it is not considered that this proposal should be considered as an enabling development since there would be no community benefit as a result of the proposed schemes. The Local Planning Authority have not requested nor require the relocation of the existing commercial business and whilst it is recognised that there may be some benefit to the removal of the existing use from the Foster Street sites these benefits would not be significant enough to outweigh the requirement to meet the affordable housing obligations.

Should the desire of C.J. Pryor Ltd to relocate be taken out of the equation then it is considered that the proposed redevelopment of this site would provide enough deficit to enable affordable housing to be provided on site. The proposed ‘enabling development’ case for the proposed development is not considered sufficient enough to overcome the requirement to provide affordable housing and, as such, it is considered that the proposal fails to comply with Local Plan policies H5A, H6A and H7A.

Sustainable location:

The application site is located in a small rural Hamlet that does not benefit from any significant public transport links or local facilities (with the exception of a public house). As such all trips to and from the site would be by way of private vehicles.

One of the key principles of Planning, as laid out within the National Planning Policy Framework, is that decision-makers should “*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in location which are or can be made sustainable*”. Local Plan policies CP1, CP3, CP6, CP9 and ST1 also promote developments that utilise sustainable forms of transport and reduce the need to commute.

Given that the existing Hamlet (and surrounding sporadic developments) totals approximately 50 dwellings the proposed erection of 65 new houses of this site would



more than double the size of this small rural settlement. The level of vehicle movements overall as a result of the proposed residential development would be slightly higher than the existing commercial use on the site and, since the existing business is being relocated, the existing commercial vehicle movements are not being replaced, just moved elsewhere. As such the proposal would result in an unsustainable form of development that would significantly increase the level of vehicle commuting contrary to the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies.

#### Highways:

The application site has an existing use that generates a significant amount of traffic, most of this being construction vehicles, HGV's and vans, and the key vehicle movements occur in the morning and late afternoons along Foster Street. Whilst the removal of construction vehicles along Foster Street and Harlow Common would be a benefit to all users of the highway a residential development of the scale proposed would nonetheless generate slightly higher levels of traffic overall than the existing use. Due to this it is considered that the general traffic impact of the proposed development would not have any further detrimental impact on the highway in terms of safety, efficiency and capacity than the existing use, however it would also not be significantly more beneficial to the surrounding area.

The access for the proposal is being improved and provides appropriate visibility and geometry to serve the development and therefore the Highway Authority has concluded that the proposal will not be detrimental to highway safety or capacity at this location or on the wider highway network.

The proposed dwellings would all benefit from at least two off-street parking spaces, which complies with the requirements of the Essex County Council Parking Standards (2009), however only 12 visitor parking spaces are proposed throughout the site. The Parking Standards requires 0.25 visitor spaces per dwelling (rounded up) and, given the relatively isolated and unsustainable location of the site, such standards would be expected to be met. Therefore there should be 17 visitor parking spaces provided for this residential development, along with adequate residential parking. Although 12 visitor spaces are shown on the plans the proposed internal road system and the layout of the properties would allow for sufficient on-street parking within the development site to accommodate the additional 5 visitor spaces required and therefore it is not considered that this issue would warrant a reason to refuse the application.

#### Visual impact:

The application site is relatively well screened from the road frontage and along all other boundaries, however the eastern part of the site is nonetheless currently laid to hardstanding and contains several commercial buildings, heavy vehicles and outdoor storage. As such this part of the site is somewhat visually intrusive within this small rural settlement. The western part of the site however is currently green and open land which, whilst sandwiched between the existing C.J. Pryor Site and the adjacent Fosters Croft commercial site, aids the open and rural character of the area and assists in physically separating the two large business sites and stopping these visually merging into a single large developed area.

The proposed residential development would be no higher than two storeys in height and, in isolation, the proposed dwellings would not be considered detrimental to the overall appearance of the area. Furthermore it is recognised that there would be

some visual benefits through the removal of the existing commercial uses and buildings on the site. However the density and layout of the proposed residential development and the encroachment into the existing green open paddock area would result in a relatively urban and intense form of development that would fail to retain the overall open character of this rural Hamlet.

Whilst some additional screening and softening could be achieved through landscaping the overall scale of the proposed development is such that it is considered that the visual harm from the proposal cannot be adequately mitigated through additional landscaping. Therefore the proposal would have a detrimental impact in the character and appearance of this rural location that is contrary to Government guidance and Local Plan policies.

Loss of amenity:

As stated above, the benefits of removing the existing commercial use on this site would be largely outweighed by the impact from such a significant number of residential dwellings. The proposal would introduce built development on a currently undeveloped parcel of land to the rear of adjacent residential dwellings that currently do not suffer from any development to the rear, and the provision of 65 dwellings on this site would result in increased noise and activity.

The proposed housing layout would result in car parking areas being located immediately adjoining existing neighbouring properties and would introduce two storey dwellings backing onto the neighbouring residents. Irrespective of this, given the layout of the proposed site, the depth of the neighbours and proposed garden areas, and the ability to insist on suitable mitigation (such as fencing and vegetation), it is not considered that the proposed residential development would result in any significantly greater harm to the amenities of surrounding neighbours when compared to the existing commercial site.

Ecological impacts:

Habitat surveys were undertaken and submitted regarding the proposed development. Subject to the undertaking of the mitigation and recommendations contained within these documents it is considered by both the Council's Ecological Officer and Natural England that there would be no detrimental impact on existing habitats in or around the site.

Other matters:

*Flooding:*

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

*Contamination:*

A Phase 1 Contaminated Land Report has been submitted with the application that identifies potentially unacceptable risks from land contamination to the proposed sensitive domestic receptors on the site. This report has recommended that intrusive

site investigations are carried out to quantify the risks and determine what remedial measures are required.

As the existing commercial activities at the site are ongoing, there is the potential for further contaminating activities to take place during the period between the June 2014 site walkover and the commencement of any development. Also more detailed information on historic potentially contaminating activities is required. Therefore the Phase 1 report would need to be revised prior to the commencement of work, and additional Phase 2 and remediation Reports would need to be submitted as required. This matter can be dealt with by conditions.

#### *Archaeology:*

The Essex Historic Environment (EHER) Record shows that the proposed development lies within an area with potential to contain archaeological remains. The development area includes part of the historic Searles Farm, which is first recorded in 1390. The historic cartographic evidence shows that the site was possibly moated, as well as a number of buildings. Given the existing evidence and the intrusive nature of the proposed development there is the potential that archaeological features and deposits will be disturbed or destroyed. On this basis a condition requiring archaeological evaluation would be required.

#### *Education:*

Since the two Foster Street sites are within close proximity and are submitted as part of a wider scheme involving three application sites the cumulative capacity of 74 houses has been taken into account in accordance with Essex County Council's policy.

With regards to early years and childcare provision, the latest sufficiency data indicates that there is unlikely to be sufficient early years and childcare provision in the locality to serve the needs of the proposed developments.

The proposed developments are located within the Harlow Group 1 (Potter Street/Old Harlow/Church Langley) forecast planning group. The forecast planning group currently has an overall capacity of 1,920 places, of which 360 places are in temporary accommodation. The Harlow Group 1 forecast planning group is forecast to have a deficit of 439 permanent places by the school year 2018-19. There will therefore be insufficient primary school places for the children likely to be generated by the developments.

The proposed developments are located within the Harlow secondary forecast planning group 1. The forecast planning group currently has an overall capacity of 5,770 places. The Harlow secondary forecast planning group 1 is forecast to have a deficit of 135 places by the school year 2018-19. In addition the forecast planning group is forecast to exceed the combined total of its Published Admission Numbers in the Year 7 age group, the normal year of admission to secondary schools, from the school year 2017-18. There will therefore be insufficient secondary school places for the children likely to be generated by the developments.

In view of the above a Section 106 agreement would be required with regards to a financial contribution to mitigate the impact on education. On the basis of 74 qualifying houses the early years and childcare contribution would be £82,264, the primary school contribution would be £240,493 and the secondary school contribution

would be £243,564, giving a total of £566.321 index linked to April 2014 costs using the PUBSEC index.

*Healthcare provision:*

The proposed development is likely to have an impact on the services of two GP practices operating within the vicinity of the application site. These practices with their currently occupied floor areas do not have capacity for the additional growth resulting from this development. In order to mitigate the 'capital cost' to NHS England for the provision of additional healthcare services arising directly as a result of the development proposal a financial contribution of £21,400 would be required.

*Waste:*

All proposed properties would require a 180 litre waste container, a 180 litre food and garden waste container and a 55 litre glass container. The properties would also need space to store recycling sacks. The proposed layout of the development appears to allow for this.

The roadways onto the development must be of sufficient structure to withstand the weight of a 32 tonne waste collection vehicle. The widths of the roadways must be adequate so that the collection vehicle can manoeuvre safely without obstruction. The waste operatives should not have to pull waste container more than 25 metres from the property to the collection vehicle.

**Conclusion:**

The principle of redeveloping the existing C.J. Pryor Ltd site (the eastern section of the application site) may be considered acceptable provided any redevelopment does not result in any greater harm to the openness of the Green Belt, however the scale and intensity of the proposed development and the encroachment into the undeveloped western paddock area (which is not previously developed 'brownfield' land) would constitute inappropriate development harmful to the Green Belt. Furthermore the introduction of an additional 65 dwellings in this small Hamlet would constitute an unsustainable development that would result in an increase in the level of vehicle commuting and would detrimentally impact on the character and appearance of this rural area. The proposed residential development also fails to provide any affordable housing contrary to the affordable housing policy obligations.

The desire for C.J. Pryor Ltd to relocate from this site to new premises at the Harlow Gateway is not considered by officers to be exceptional circumstances that outweigh the substantial harm from this development and it is not considered that this proposal should be considered as an 'enabling development' since this would simply assist a commercial business to expand and does not provide any wider community benefits. Any benefit to local residents in Foster Street through the removal of the existing sites or increased employment benefits from an expansion of the existing business would not be sufficient to clearly outweigh the wider harm from the inappropriate and harmful development of this site.

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

Should Councillors disagree with the above recommendation and consider that planning approval should be granted for the application then this matter would need to be decided at District Development Management Committee and should be subject to a legal agreement regarding the required financial contributions and to link the scheme with EPF/2517/14 and subject to various conditions to deal with matters such as contaminated land, surface water drainage, landscaping, etc.

Is there a way forward?

Given the Council is not seeking C.J. Pryor Ltd to relocate away from the existing Foster Street sites the quantum of development proposed to enable this development is not considered to be required in order to allow for the redevelopment of this site. Therefore a lower density residential redevelopment of just the eastern half of the site (the brownfield land) that provides on-site affordable housing may be considered as an appropriate use of this site.