

**Report to District Development
Management Committee**



Report Reference: DEV-007a-2015/16
Date of meeting: 5 August 2015

**Epping Forest
District Council**

Subject: Planning Application EPF/2516/14 – Foster Street Farm, Foster Street, CM17 9HS – Application for full planning permission to redevelop site with enabling residential development to provide 9 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).

Recommendation:

- (1) That consent is granted subject to the following conditions:
1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
 2. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1457_0090 A, 139/PL/01A, 139/01/SS/02A, 139/01/SS/01A, 139/PD/04/01, 139/PD/04/02, 139/PD/03/02, 139/PD/03/04, 062/PD/05/01A
 3. No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
 4. No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
 5. The development shall be carried out in accordance with the flood risk assessment (Stomor Civil Engineering Consultants, Ref ST2331/FRA-1408-Foster Street Revision 0, August 2014) and drainage strategy submitted with the application, unless otherwise agreed in writing with the Local Planning Authority.
 6. No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garages hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions or outbuildings generally permitted by virtue of Class A, B or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

9. The recommendations within the Phase 1 Habitat Survey dated April 2014, submitted by DF Clark Bionomique Ltd, as stated within section 1, Summary, items i - ix concerning birds, great crested newts, bats and recommendations for future lighting and landscaping, shall be followed.

10. No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

11. Prior to the commencement of development, including any ground works or demolition, details of a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for the following clear of the highway:

- safe access into the site;**
- the parking of vehicles of site operatives and visitors;**
- loading and unloading of plant and materials;**
- storage of plant and materials used in constructing the development; and**
- wheel and underbody washing facilities.**

The approved Statement shall be adhered to throughout the construction period.

12. Prior to first occupation of the development the developer shall implement and retain in perpetuity the access arrangements for the proposed development, as shown in principle on Stomor drawing no.ST-2331-03-D, to include but not limited to:

- 2.4m x 120m visibility splays.

13. Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport.

14. All turning heads required for refuse and fire tender use shall comply with the dimensions within the Essex Design Guide for a Size 3 Turning Head.

15. The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that roads. The carriageways and footways shall be constructed up to and including base course surfacing. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

16. The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.

17. No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

18. Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence

of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

19. Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

20. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

21. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved

remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

22. All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Report:

1. This application was put to the District Development Management Committee on 10 June 2015, however was deferred to enable reconsultation to be undertaken with regards to the previously submitted amended plans.

2. A full re-consultation was undertaken with the Parish Council and neighbouring residential properties giving an additional 14 days to comment on the revised plans. The following comments have been received as a result of the re-consultation:

(a) **NORTH WEALD PARISH COUNCIL** - The Parish Council AGREED to CONTINUE to OBJECT to these applications and that the following is NOTED:

The District Council Officers are thanked for assisting in the time spent in trying to decipher the plans that have been made available to the District Council and subsequently the Parish Council by the applicants and which have been logged on to the District Councils Website. However Members felt that they could not change their OBJECTIONS due to the following.

The drawings do not show the proposal in sufficient detail or scale for the proposal, they are indeed jumbled, indecipherable and make no sense as to where the properties would be allocated on the sites, in particular on EPF/2518/14 therefore they cannot be reflected in sufficient detail as to fully represent as to where each property would be on the site plan.

Members of the District Development Committee are also therefore asked to note the previous Comments of this Parish Council in relation to all three of the applications, also the comments that the Parish Council made regarding all applications being relative and fundamental to Enabling Developments in relation to EPF/2516 & EPF/2517 & EPF 2518 /14.

Together with the Parish Council Comments in relation to EPF/2517/14 – which was *“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 & EPF/2517 & 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.”*

(b) **TINKERS COTTAGE, FOSTER STREET** – Object. Despite the continued statement of such the existing residents have not complained about

the noise or lorries using the Pryors sites, however they do complain about the dust and dirt kicked up by these due to the lack of wheelwashing. The current hours of use of the business is reasonable however houses would create large numbers of vehicle movements at all hours of the day and night. The number of houses proposed (in both this application and EPF/2518/14) is inappropriate to this small hamlet. The number of employees is given as an estimate, despite the applicant knowing accurate figures, and very few of these are locals. It is not considered that the business needs to expand and much of the existing sites are rented out, plus the proposed new site is smaller than the existing site and therefore would not incorporate an 'expansion'. The site is Green Belt and should be protected.

3. 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 all three applications are intrinsically linked.

4. The application was put forward to Area Plans Sub Committee East with a recommendation for approval, subject to conditions. This report carries no recommendation from Members of Area Plans Sub Committee East.

Planning Issues:

5. 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 are a local well established business and use a number of heavy good vehicles and low-loaders and state that they employ 100 people in total.

6. 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.

7. 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.

8. 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.

9. This application has been submitted as one of three linked applications (along with EPF/2518/14 and EPF/2517/14). Whilst each of the three applications are being assessed separately, these are intrinsically linked because the approval of the two residential schemes (EPF/2516/14 and EPF/2518/14) to redevelop the current

Pryor's sites in Foster Street would fund and enable the relocation of an expanded B1 and B8 Pryor's site on Harlow Gateway South (EPF/2517/14).

ORIGINAL PLANNING REPORT:

Description of Site:

The application site comprises a 0.57 hectare parcel of land on the northern 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 southern side of Foster Street, and Fosters Croft to the south 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 is currently owned by C.J. Pryor Ltd, although at the time of the Officer site visit it appeared to be occupied by AMA Scaffolding. Nonetheless the site constitutes previously developed land.

The site currently contains a large former agricultural building (equivalent to one-and-a-half storeys in height) and various smaller storage buildings. Immediately adjacent to the site to the east are No's. 1 and 2 Old Farm Cottages (No. 1 of which adjoins the site). To the west and north of the site is open agricultural land and to the south (on the opposite side of Foster Street) are residential properties.

The site benefits from an existing single access from Foster Street and is bound along the site frontage by low level fencing. The remainder of the boundaries are intermittently planted with vegetation and trees which offers some screening to the site.

The site lies within the Metropolitan Green Belt.

Description of Proposal:

Consent is being sought for the redevelopment of the site to provide 9 residential units with associated car parking, amenity space, access roads and associated facilities.

The development proposes 2 no. three bed, 5 no. four bed and 2 no. 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 consist of a pair of semi-detached and a single dwelling fronting onto Foster Street with a linear development of detached dwellings to the rear of these. A small pond would be sited in the south eastern corner of the site and the site access would be relocated to allow for better visibility splays.

Relevant History:

CLD/EPF/2029/04 – Application for certificate of lawfulness for the existing use of land as a depot for the maintenance and repair of plant and machinery – lawful 01/04/05

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
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. The houses are 3 storey and are not rural in character, they are visually out of keeping with other properties in the area, it represents overdevelopment of the site. There is serious concern at the comments regarding that it would be necessary to look for alternative means of ventilation because of the noise and the windows should be kept shut. There are a lack of sufficient parking spaces, including a lack of visitor parking. The proposal would generate more traffic throughout the day. The site is on a dangerous corner. Lack of public transport.

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/1518/14.

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:

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.

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 term 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.

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.

THE WILLOWS, FOSTER STREET – Object as the access would create an additional hazard to highway safety, concern that there is no gas line to the site, and that the proposed finish of the dwellings would be out of character with the area.

Issues and Considerations:

Principle of the development:

The application site is located within the Metropolitan Green Belt and is used as a depot for the maintenance and repair of plant and machinery (although at the time of the Officer's site visit it appeared to be occupied by a company called AMA Scaffolding).

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:

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

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 site and presence of buildings and hardstanding the application site would constitute previously developed (brownfield) land. The above stated exception to inappropriate development 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*".

'Impact on the Green Belt' would cover many factors, including increased activity and type of use, however one of the key considerations is with regards to the level of built development on a site. The existing permanent buildings on the site have a total footprint of 1308.5m² and are a mix of single storey and (equivalent) one-and-a-half storey buildings. The combined footprint of all proposed dwellings and detached garage buildings would total some 843.5m². Although the proposed dwellings would be two storeys in height, and therefore would be slightly more visually prominent than the existing low structures on site, the 35% reduction in built form on the site and removal of the existing large former barn would counter any additional visual impact from the increased height. The proposed redevelopment of the site would also involve the removal of large areas of hardstanding and open storage and the introduction of additional landscaping. As such it is considered that the proposed redevelopment of this previously developed site for nine dwellings would not result in any additional harm to the openness of the Green Belt and therefore does not constitute inappropriate development.

Very special circumstances argument:

The applicant has submitted this proposal as part of a wider scheme that relates to an 'enabling development' to allow for the existing C.J. Pryor Ltd business currently sited at the Foster Street south site to relocate to a new site at the Harlow Gateway (subject to application Ref: EPF/2517/14). As part of this entire scheme the applicant has put forward the following factors to constitute 'very special circumstances' for the proposed scheme (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 south application Ref: EPF/2518/14) would fund the relocation of the business to the Harlow Gateway site.
- The proposed redevelopment would provide additional housing to the area.

Since the redevelopment of the application site for nine dwellings is not considered to constitute inappropriate development, Officers conclude that no very special circumstances would be required regarding this particular application. Therefore

these matters are not required to be addressed within this application (however a full assessment of these can be found in the report regarding EPF/2518/14, elsewhere on this agenda).

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.

When viewed as an isolated site (rather than as part of the wider scheme involving all three sites) the level of vehicle movements from the proposed residential development would be similar to the expected levels of commercial traffic using the lawful site. Whilst the proposal would result in an unsustainable form of development not well served by local facilities or public transport it is considered that the small scale of the development would ensure that any harm would be limited and the increase in the level of residential vehicle commuting would be offset by the commercial vehicle movements removed from this site. Therefore it is considered on balance that the redevelopment of this small site for a low density housing development would not be contrary to the Government guidance or Local Plan policies regarding sustainability.

Highways:

The application site has an existing use that generates commercial traffic. The levels of residential traffic that would result from the proposed development would be broadly similar and therefore would not have any further detrimental impact on the highway in terms of safety, efficiency and capacity than the existing use.

The application proposes to relocate the access further to the west of the site frontage in order to optimise visibility splays. This would provide improved visibility and geometry of the access in order 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 in the form of parking bays and garages and there would be 3 dedicated visitor parking spaces throughout the site. Furthermore there would be adequate additional space within the site for further informal parking if required. This level of off-street parking provision complies with the requirements of the Essex County Council Parking Standards (2009).

Visual impact:

The application site currently contains a number of former agricultural (now commercial) buildings and open storage and is currently a visually unappealing site. Whilst the introduction of a linear row of dwellings to the rear of the site would result in some visual encroachment in this rural area the proposal would reduce the level of built form on the site and would allow for additional landscaping to assist in softening and screening the site.

The (revised) proposed dwellings would be no higher than two storeys in height and would be fairly traditional in terms of the scale and design and therefore are not considered to be detrimental to the overall appearance of the area. There is adequate private amenity space provided for each of the dwellings and the houses would be adequately spaced and of a relatively low density so as to retain the rural character of this area.

Loss of amenity:

It is accepted that the application site is not an ideal location for commercial development and the removal of this commercial site would be of some benefit to surrounding neighbours given a relatively small number of residential units are proposed.

Although the proposal would introduce residential development on this site, much of which would face towards the neighbouring property to the west, the proposed houses would be a minimum of 9m and maximum of 11m from the shared boundary with No. 1 Old Farm Cottage. Furthermore any subsequent landscaping scheme proposed for the site (by way of condition) can require the provision of additional landscaping and screening along the eastern boundary to mitigate any possible loss of privacy and overlooking as a result of the proposed development.

Loss of employment:

The proposed redevelopment of this site would involve the loss of a commercial employment site. The applicant state the economic benefit of relocating the business to Harlow Gateway South (the next item on this agenda) conforms with the National Planning Policy Framework which seeks to secure economic growth. However, Officers consider that this application for 9 residential units on a previously developed site in the Green Belt has merit in itself, particularly as the Government are continuing to allow for existing and well established commercial sites to be redeveloped or changed to alternative uses without consideration over loss of employment uses. As such it is not considered that the loss of the existing employment use is a material planning consideration in this instance.

Affordable housing:

The National Planning Practice Guidance states that “*contributions for affordable housing and tariff style planning obligations... should not be sought from developments of 10-units or less, and which would have a maximum combined gross floorspace of no more than 1000m² (gross internal area)*”. Since the application proposes less than ten residential developments and would have a total gross internal floor area of less than 1000m² no affordable housing provision can be sought for this proposal.

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 that there would be no detrimental impact on existing habitats in or around the site.

Other matters:

Flooding:

A Flood Risk Assessment was submitted with this application, which is considered to be acceptable. However additional details are required with regards to 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.

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 proposed redevelopment of this previously developed (brownfield) site would not result in any greater harm to the openness of the Green Belt and would not cause any significantly greater impact on the character and appearance of this rural area. The amount of resulting vehicle movements would be broadly similar to the expected commercial vehicle movements of the existing site and the relocation of the access would improve the sightlines of the site and overall highway safety of this stretch of Foster Street.

Whilst the provision of housing on this site would introduce some additional overlooking to the immediately neighbouring dwelling the distances involved and ability to insist on additional landscaping along the eastern boundary would ensure

that any loss of amenity would not be excessive. In respect of the local area, there are some amenity benefits from this proposal over and above the existing business use.

The proposed development would provide adequate off-street vehicle parking and private amenity space to serve future occupants and, whilst not situated within a sustainable location, the small scale of the proposal and off-setting of the existing commercial use on the site would ensure that the development would be sufficient in terms of sustainability. As such the proposal complies with the National Planning Policy Framework and the relevant Local Plan policies and is recommended for approval.