

**3/11/0554/OP – Redevelopment of the site comprising a residential scheme of up to 37,068 sq.m (GIA) residential floorspace (Class C3) and ancillary facilities and services including Provision of open space and landscaping; Means of access; Cycleways and pedestrian routes; Vehicles, motorcycle and cycle parking; Provision and/or upgrading of infrastructure; and Groundworks and re-profiling of site levels at Terlings Park, Eastwick Road, Eastwick, CM20 2QR for Angle Property Ltd**

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**Date of Receipt:** 31.03.2011

**Type:** Full – Major

**Parish:** GILSTON

**Ward:** HUNSDON

**RECOMMENDATION:**

That, subject to the applicant entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:

- A financial contribution towards Primary and Secondary Education and Nursery facilities to Hertfordshire County Council in accordance with the residential type and mix as approved in any subsequent planning application and the Hertfordshire Planning Obligations Supplementary Planning Guidance 2008;
- A financial contribution to Essex County Council towards Childcare facilities in accordance with the residential type and mix as approved in any subsequent planning application and the Essex Developers Guide to infrastructure Contributions, 2010 Edition;
- At the time of the Reserved Matters Application to submit to and obtain approval from the Council of a Scheme in respect of the provision of a new community centre or a financial contribution towards the existing local village hall in accordance with Table 4 of the East Herts Planning Obligations SPD, 2007;
- A financial contribution towards outdoor sports facilities in accordance with the residential type and mix as approved in any subsequent planning application and the Planning Obligations Supplementary Planning Guidance 2008;
- 20% affordable housing, 50 % of which would be rented and 50 % shared ownership;

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- 15% lifetime homes;
- A detailed management scheme for the future maintenance of the proposed open space and where appropriate any financial contribution that may be required towards this maintenance;
- The undertaking of highway improvements to Burnt Mill Lane as detailed in the drawing entitled 'Improving pedestrian facilities and priority working on Burnt Mill Lane, Option 2';
- The undertaking of highway improvements to the A414 to create a new Pelican Crossing in accordance with a drawing to be submitted and agreed by the Local Planning Authority.

planning permission be **GRANTED** subject to the following conditions:

1. Outline permission time limit (1T03)
2. The residential development hereby permitted shall not exceed a total gross internal floorspace of 37,068 sq.m.

Reason: To ensure that the amount of development is compatible with the location of the site within the Metropolitan Green Belt.

3. Approved plans (2E10) (insert parameter plan no's. tba)
4. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") of the development shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To comply with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

5. Prior to the occupation of the development the pedestrian and cyclist accesses shown on Plan No. (TBC) shall be provided and thereafter retained for such use.

Reason: To help achieve a sustainable development and promote the use of non car modes of transport in accordance with the aims of the NPPF.

6. Hours of working - plant and machinery (6N05)

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7. Prior to the commencement of development the works specified within the Phase 1 Geo-environmental Assessment Report, March 2011, shall be carried out unless amendments to these works are agreed in writing by the Local Planning Authority. Following the completion of the works a validation report shall be submitted to and approved in writing by the Local Planning Authority prior to any building works commencing on site.

Reason: To ensure the site no longer poses a potential risk to groundwater in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007 and the Technical Guidance to the NPPF.

8. Programme of archaeological work (2E02)
9. Prior to the commencement of development details of a surface and foul water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

Reason: To ensure that adequate provision is in place in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007.

10. A Green Travel Plan, with the object of reducing travel to and from the development by private car, shall be submitted with the submission of any subsequent Reserved Matters for approval by the Local Planning Authority and the proposed measures shall be implemented to an agreed timetable.

Reason: To promote the use of non car modes of transport in accordance Policy TR4 of East Herts Local Plan Second Review April 2007.

11. Prior to the commencement of the development a construction management plan covering delivery and storage of materials, on-site parking during construction, wheel washing facilities and construction vehicle routing shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details

Reason: To ensure the impact of construction vehicles on the local road network is minimised.

12. The development hereby permitted shall be carried out in accordance with the details of the Flood Risk Assessment (FRA), Revision 3, March

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2011 and the mitigation measures contained therein unless it is superseded by any other FRA that is previously submitted to and approved in writing by the local planning authority.

Reason: To minimise flood risk in accordance with Policy ENV19 of the East Herts Local Plan Second Review April 2007.

13. The development hereby permitted shall be carried out in accordance with the details of the bat survey, December 2010 and the mitigation measures contained therein unless superseded by any subsequent submissions.

Reason: To protect the habitats of bats which are a protected species under the Wildlife and Access to the Countryside Act 1981, and in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007.

#### Directives:

1. Other legislation (01OL)
2. Planning obligation (08PO)
3. Street name and numbering (19SN)
4. You are advised to carry out up to date ecological surveys to be submitted with the submission of an application for the Reserved Matters.
5. Highway Works (06FC2)
6. Planning Obligation (08PO)
7. Unsuspected contamination (33UC)

#### Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007 and in particular policies GBC1, GBC4, SD1, SD2, SD3, HSG1, HSG3, HSG4, HSG6, TR1, TR2, TR3, TR4, TR7, TR8, TR20, EDE2, ENV1, ENV2, ENV3, ENV11, ENV16, ENV18, ENV19, ENV20, ENV21, ENV23, ENV24, BH1, BH2, BH3 and IMP1) and the policies of the NPPF. The balance of the considerations

having regard to those policies is that permission should be granted.

\_\_\_\_\_ (055411OP.NB)

**1.0 Background:**

- 1.1 The application site is shown on the attached OS extract. The site is located within the Metropolitan Green Belt, south of the village of Gilston. Eastwick is situated approximately 1 km west of the application site. The River Stort, which is within close proximity of the southern boundary of the site marks the boundary between Hertfordshire and Essex. A short distance beyond the river is Harlow Town train station and beyond that the residential and commercial areas of the town.
- 1.2 The site is designated as a Major Developed Site (MDS), in the adopted Local Plan.
- 1.3 The site is currently occupied by a variety of single, two and three storey buildings that provide approximately 46,460 sqm of floor space for laboratories, office and ancillary buildings previously used by a medical research and development company. The site has been vacant for some time.
- 1.4 The proposal seeks Outline Planning Permission for the redevelopment of the site comprising a residential scheme of up to 37,068 sqm and ancillary facilities and services which do not comprise of any additional floor space. The current application seeks to agree the access only with all other matters remaining reserved. The applicant seeks to obtain Outline Planning Permission based upon the proposed floor space; however, they have indicated that the likely number of units that the proposal would create would be in the region of 270 dwellings. The development is proposed on the basis of a redevelopment of an existing Major Developed Site in the Green Belt. Because of this, and as a result of the information provided in the outline application, it can be judged against the relevant policies of the Local Plan and other policy guidance, despite its outline form.
- 1.5 An indicative site layout plan has been submitted which shows a provision for a mix of 2, 3, 4 and 5 bedroom dwellings and 3 blocks of apartments. The indicative plans show that the new development would be concentrated within the footprint of existing buildings and hard surfacing at the site with a considerable area of open space remaining to the southern and eastern parts of the site.
- 1.6 The application proposes to use the existing site access off of Eastwick

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Road as the access to the development. The applicant proposes to make off-site highway improvements to Burnt Mill Lane, which adjoins the site to the west, to include traffic calming features, extensions to the footpaths and new dropped kerbs. In addition to this, at the time of writing this report, the applicant has agreed to, and is investigating in detail, the provision of a new pedestrian crossing along the A414 in order to assist pedestrians, and in particular school children accessing the nearby bus stop.

- 1.7 The application was first advertised in April 2011, shortly after it was received. A second public consultation on the application took place in July 2012 to notify interested parties of a change to the applicant, agent, affordable housing provision and other matters in relation to the Section 106 agreement. This occurred following the sale of the site to the new applicant.

#### **2.0 Site History:**

- 2.1 Terlings Park originally formed the grounds of a manor house and in 1948 was sold to the Harlow Development Corporation and later the Post Office. In 1982 Merck Sharp and Dohme (MSD) purchased the site and used it as their research and development centre until 2006 since when the site has been vacant.
- 2.2 Various planning applications have been made at the site for extensions and alterations to existing buildings and new buildings in association with the site's previous use by MSD.

#### **3.0 Consultation Responses:**

- 3.1 The County Minerals and Waste Team have commented that a site waste management plan is required which aims to reduce the amount of waste produced at the site.
- 3.2 Herts Biological Records Centre have stated that the proposed development will have an impact on Bats, a European Protected Species and therefore the Planning Authority must apply the 3 derogation tests prior to the determination of the application. If development of the site is delayed for more than 18 months then all species surveys will need to be repeated.
- 3.3 Thames Water has no objection to the application. With regards to surface water drainage it is the responsibility of the developer to make suitable provision.

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- 3.4 Natural England has no objection to the proposed development.
- 3.5 Harlow Council does not wish to raise any objections to the proposed development and have stated that it does not appear to prejudice potential options for the delivery of future growth in the Harlow Area.
- 3.6 The Herts and Middlesex Wildlife Site has recommended a number of conditions which relate to bat mitigation, inspection and removal of trees, badger surveys and a habitat management plan.
- 3.7 Hertfordshire Constabulary Crime Prevention Unit has commented that no attempt has been made to deal with the issues of crime prevention and antisocial behaviour. The layout of the paths through the site do not appear to be well defined and meander through the wooded area providing opportunity for crime. The pedestrian and cycle access points need to be designed to reduce the opportunity for a fast escape.
- 3.8 A representation made by a planning consultancy on behalf of the Hertfordshire Constabulary has stated that a police surgery or neighbourhood base of 20m<sup>2</sup> is required due to the proposed increase in population which should be provided by the developer through a Section 106 agreement.
- 3.9 Environmental Health do not wish to restrict the grant of permission. Conditions are recommended that relate to noise, air quality, contaminated land and refuse.
- 3.10 The Hertfordshire County Obligations Team has requested financial contributions towards Education, Childcare, Nursery facilities Youth facilities and Libraries.
- 3.11 Essex County Council has requested financial contributions towards Childcare facilities.
- 3.12 The County Historic Environment Unit has recommended that further archaeological studies are carried out at the site.
- 3.13 County Highways' comments confirm that the principle of the development is acceptable; however, in view of the location of the site a fundamental consideration is ensuring that the site is accessible by sustainable transport.  
In this respect it is pleasing to note that the applicant has acknowledged this key requirement and have agreed to provide improvements and enhancements to Burnt Mill Road to reduce the existing and further potential for increased rat-run traffic movements and to provide a safer pedestrian and cycle route toward Harlow. It is further noted that the

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applicant has expressed a willingness to provide a controlled crossing of the A414 in close proximity to the existing bus stops close to the Fifth Avenue/Allende Avenue junction with Edinburgh Way. This is an essential requirement to ensure safe access to the bus stops in particular for, but not exclusively for, people of school age. The Hertfordshire schools and other centres of education accessible from these bus stops are located primarily in Ware, Hertford, Hatfield and Hoddesdon areas and would be mainly for secondary and further education provision. The available routes for these being the 341, 524, 724, C3, L3, and whilst it is acknowledged that the 347 also operates to Sawbridgeworth and would provide a closer bus -stop this service does not run at times appropriate for the school day. These stops will also provide an important facility for residents of the new development to gain access to the surrounding employment areas by means other than the private car.

The highway authority consider that the provision of these measures, the works to Burnt Mill Lane, foot and cycle links, and the controlled crossing fundamental to the success of the development and as such must be provided as part of any reserved matters application and implemented before first occupation of any approved dwelling on the site. For the avoidance of doubt it would not be appropriate for the applicant to simply offer to fund the works through a S106 financial contribution but for them to be required as part of any outline approval with implementation carried out via a Highways Act S278 agreement following grant of subsequent full or reserved matters applications.

In terms of traffic movements the highway authority remains content that the submitted assessment accurately reflects the potential traffic generation and that there will not be a significant difference in numbers when compared against the business use. What will change is the pattern of traffic movement with the flows effectively reversed in the peak hours. Given the lack of increase in peak hour traffic movements it is not appropriate to seek second strand S106 sustainable transport contributions based on the HCC Planning obligations toolkit.

The junction from Gilston Road, with its being a ghost island right turn lane is of an appropriate configuration to safely serve the development. It is acknowledged that the applicant has expressed a willingness to provide a financial contribution to the Parish Council to provide for traffic calming on the approaches to and through the village. Any traffic calming or environmental enhancement scheme affecting the highway has to be with the approval of the highway authority and is subject to public consultation and as such, whilst the intention is acknowledged, it's implementation in the form suggested by the applicant cannot be



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guaranteed and therefore it is felt that it would be not be reasonable to make the traffic calming an essential requirement of the development. They also confirm that they would not recommend refusal of the application if these measures were not being provided.

Within the site the application form suggests that the internal roads are to remain private. This is something that the highway authority have no objection to but would still recommend that the roads be built to a prospectively adoptable standard particularly if penetration by public transport were to be required in the future. However given the outline nature of the application this is a detail that can be dealt with as part of any full or reserved matters application.

In conclusion the principle of the development remains acceptable in a highway context subject to conditions to secure appropriate off site highway works to improve accessibility to sustainable modes of travel. However the bulk of the works fall within the county of Essex and therefore the agreement of that authority will be required before implementation can take place.

- 3.14 The Council's Housing Development Manager notes that the site is recognised as an unusual site in terms of its location, adjacent to a village but with access to facilities in Harlow. The housing needs register (April 2012) identified that the housing need in Eastwick (closest location for which data available) was for a total of 87 units, 36 of these being for 1 bedroom units and 33 for 2 bedroom units. It is noted that the proposed provision of 54 affordable units (20%) would go a considerable way to meeting local need. It is suggested that provision is split between 1/3 1 bedroom, 1/3 2 bedroom and 1/3 3 bedroom dwellings. It is also expected that the affordable units are pepper potted amongst the development and that the units are built to lifetime homes standards.
- 3.15 The Conservation Officer has recommended approval and has commented in respect of the indicative layout that a more characteristic development pattern could be adopted.
- 3.16 The Council's Planning Policy Team has commented that provided the criteria of Policy EDE2 and GBC4 are met then the principle of the development is acceptable.
- 3.17 The Environment Agency has recommended conditions that relate to the development being carried out in accordance with the submitted Flood Risk Assessment and in particular the incorporation of Sustainable Drainage Systems (SUDs), contamination and a landscape management plan.

3.18 The Council's Landscape Officer has recommended approval and has stated that there are no objections to the proposed land use, the amount of development and the open space provision. In terms of existing trees to be retained and new trees to be planted the plans are acceptable. The proposal to concentrate the new development on existing developed parts of the site is acceptable; however, there are some reservations in respect of layout such as the close proximity of apartment blocks to Eastwick Road. The proposed tree planting along the Eastwick Road boundary appears to be too close to the proposed dwellings.

#### **4.0 Parish Council Representations:**

4.1 Eastwick and Gilston Parish Council's comments are summarised as follows:

- In the absence of a Planning Brief they would like to make certain that the Reserved Matters will accord with parameters plan that is currently submitted;
- The green spaces should be accessible for all local residents and adopted by East Herts;
- Traffic calming in the form of speed cameras should be required to slow traffic through Pye Corner and past the access to the site;
- Their current position is that they would like a financial contribution to be made towards the existing village hall, however, in their previous correspondence it was stated that they would like to carry out public consultation to resolve whether a new onsite community centre is preferred or a financial contribution;
- Local schools must benefit from the additional funding that the applicant will provide for education;
- Concerns that an influx of a substantial amount of rented affordable housing would be wrong in a village where there is currently none. However, there is a good case for shared equity social housing and a need for small units for the elderly. If a 40% provision for affordable housing was made at Terlings Park then this would amount to 20% of the total housing stock in Eastwick and Gilston being affordable, a lower provision is therefore considered to be a fairer and representative amount.

#### **5.0 Other Representations:**

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 5 No. letters of representation have been received which can be summarised as follows:

- The development is too large and will change the character of this small village;
- Affect on property prices;
- Increases in Traffic and pollution;
- Concerns regarding future uses of the village hall including noise disturbance if used at night and loss of car park which local residents currently pay to use;
- Additional pressure on water and sewerage services;
- Need for additional school places;
- High density housing could result in overcrowding and poor living conditions;
- Adding more concrete to the area will increase flooding;
- The existing buildings should be retained for medical use.

A representation was also received from the Eastwick and Gilston Village Hall Management Committee after the application was first advertised in May 2011. The letter raises concerns that a new community hall could destroy or unduly affect the existing facility that they provide. They also recommend that a northern footbridge is provided to give access to the Harlow town railway station.

A representation has been made by Mark Prisk MP which states that, given the remote nature of the site, especially from schools and shops; the severely limited public transport; and the danger of unbalancing the social mix within the village, a 20% provision of affordable housing would be more appropriate than the standard 40%.

## **6.0 Policy**

6.1 The relevant 'saved' Local Plan policies in this application include the following:

GBC1	Green Belt
GBC4	Major Developed Sites
SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
SD3	Renewable Energy
HSG1	Assessment of Sites not Allocated in This Plan
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria

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HSG6	Lifetime Homes
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR3	Transport Assessments
TR4	Travel Plans
TR7	Car Parking- Standards
TR8	Car Parking-Accessibility Contributions
TR20	Development Generating Traffic on Rural Roads
EDE2	Loss of Employment Sites
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime-New Development
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV18	Water Environment
ENV19	Development in areas liable to flood
ENV20	Groundwater Protection
ENV21	Surface Water Drainage
ENV23	Light Pollution and Floodlighting
ENV24	Noise Generating Development
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
IMP1	Planning Conditions and Obligations

6.2 The National Planning Policy Framework (NPPF) is also of relevance to the application. The Regional Plan for the East of England remains in place.

### **7.0 Considerations:**

7.1 The considerations in this case relate to the principle of development and the suitability of the proposed access to the site. The application is in outline form with only the access to be considered in detail. However, parameter plans have been submitted setting out the location and scale of development that, if approved, would be endorsed by a decision on this application.

7.2 In relation to matters of principle, Terlings Park is a Major Developed Site (MDS), as identified by the adopted Local Plan. Policy GBC4 allows for the redevelopment of a MDS where it would (a) have no greater impact than the existing development on the purposes of including land in the Green Belt, (b) it should make a positive contribution to the Green Belt, (d) the existing building heights would not be exceeded and (e) the development should not occupy a larger area of the site than the existing

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buildings.

- 7.3 The NPPF sets out that the redevelopment of previously developed sites such as this, which would not have a greater impact on the openness of the Green Belt than the existing development, forms appropriate development within the Green Belt.
- 7.4 The Regional Plan identifies Harlow as a key Centre for Development and Change (policy HA1). The approach is to support the urban renaissance of the town through significant expansion. The plan sets out that land should be identified for 16,000 new dwellings, including through urban expansion of the town into Epping Forest and East Hertfordshire.
- 7.5 Members will be aware that the current government has indicated that the Regional Plan is to be revoked. At this time it is still in place and, through the consideration of various cases, the Courts have held that the intention of the government to revoke the plan can be given weight in decision making. There is no framework, wider or other strategic work in place through which this particular development proposal would play its part in meeting the aspirations set out in the Regional Plan policy HA1. However, it is likely to be the case that, if this development went ahead, future residents would be able to access, use and support the facilities available in the town. In that respect it does not run counter to the objectives of Regional Plan policy HA1.
- 7.6 If the Regional Plan is revoked the current situation is that there is no planning policy framework in place that would support general expansion of Harlow into East Herts. There is a requirement (through the Localism Act) for Local Planning Authorities to co-operate in the operation of their planning policy function. The work currently undertaken in the formulation of the Councils District Plan identifies the Terlings Park area as being suitable for further assessment as an area for the possible location of development. There is currently no Local Development Document produced by Harlow Council that Officers would consider weight could be assigned to and which sets out any clear aspirations with regard to growth in this location outwith the Regional Plan.
- 7.7 At this stage then your Officers are of the view that no significant weight can be attached to these policy developments that have potentially opposing aspirations. Whilst the Regional Plan supports development here in principle, its revocation can be given weight. Replacement and emerging policy suggests that the area is suitable for further assessment. It would appear that only marginal favourable weight, if any, should be assigned to the current situation.

7.8 Another matter to be taken into account when considering the principle of development is that of housing supply in the district. Members will be aware of the requirement to be able to identify land that would allow for the construction of 5 years supply of housing. This policy requirement was set out in PPS3 and subsequently brought through into the NPPF. The current Annual Monitoring Report indicates that, taking account of the housing requirement figures that were canvassed as a result of work on the potential review of the East of England Plan, the Council can meet this requirement. It does not necessarily meet the requirement for a buffer of additional land to be available over and above the five year amount. As this site is not an identified area of land for housing development in the Local Plan, that is not a specific housing allocation, if it were to come forward, it would act beneficially in land supply terms. However, because there is no significant shortfall in supply this is only given modest supportive weight.

Impact upon the openness of the Green Belt

7.9 Turning now to consider the impact of the proposals in relation to the location in the Green Belt, the requirements of Local Plan policy GBC4 are set out above. Addressing first criterion (b) – making a positive contribution: most of the existing buildings on the site are screened from external views by mature planting along the boundaries, with the chimneys being the most visible parts of the existing buildings. Notwithstanding this the large blocks of buildings at the site and their industrial appearance are unsympathetic to the rural character of the surrounding area and currently do have an impact upon the openness of the Green Belt.

7.10 The policy refers to achieving the aims and objectives set out in the Local Plan in relation to Green Belts and these broadly align with the objectives set out in the former PPG2 and now in the NPPF. However, there are some additional elements set out in the Local Plan which refer to quality and character, design and enhancing landscapes. By itself, Officers could not conclude that the proposed residential development sits wholly comfortably with Green Belt policy objectives. However, when the existing character of development is taken into account, along with the Local Plan aspirations in relation to enhancement, character and design, it is considered that a residential scheme that is of a high standard of design would improve the situation at the site in relation to the requirements of part (b) of GBC4.

7.11 Part (d) of the policy sets out that proposed development should not exceed the height of the existing buildings. In terms of building heights,

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the existing buildings at the site reach up to 3 storeys in height. The proposal also seeks a maximum building height of 3 storeys. The parameter plans show this to comprise a building which would be 10m in height. Two and a half and two storey buildings are also proposed, with heights of 7.5m and 7m respectively.

- 7.12 Consideration of heights is complicated to some degree by the variation in land levels at the site. The highest part of the site is in the north west corner (adjacent to Eastwick Road). It falls gently to the east and south for a large part of the site – the area on which buildings generally are currently constructed. The fall across this zone is between 4 and 6m. Beyond that, the land levels then fall more rapidly toward the River Stort to the south of the site and to a water course identified as Fiddlers Brook to the east of the site. This represents a further fall of between 3 and 6m.
- 7.13 Information submitted indicates that the main roof level of the current buildings on the site is set at around 55m (above ordnance datum, AOD). At the closest point to the frontage they are shown to be at 55.57m. The chimneys to the buildings extend up to a further 5m or so above the buildings – but form only a minimal element of the built form.
- 7.14 The parameter plans anticipate the site being developed in a range of building blocks or plots. For each plot, a maximum and minimum building height are set out for the maximum and minimum levels of the land within that block. As indicated previously, if the application were to be supported in its current form, it would indicate that the Council is content with the maximum scale and quantum of development that could be provided. In their submitted form, the plans support development up to a maximum height of 60m AOD at the north west site frontage and up to 59.2m AOD toward the north east part of the frontage. Seven plots are shown overall and for only two of those is the maximum height shown to be below 55m AOD. (Note that the reference to building plots here does not relate to individual dwelling plots – but potential areas of development).
- 7.15 However, not all buildings will be provided to the maximum height or at the maximum ground level of the site. If the minimum heights are compared, those provided on all seven of the plots would be lower than the existing building heights.
- 7.16 There is further commentary later in relation to the overall floorspace proposed for the site. It is acknowledged that this is reduced compared to that of the current buildings. This has the effect that the ability to produce development to the maximum height across the whole

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developable site is curtailed. Indeed, from the figures provided, Officers estimate that maximum height buildings could only be provided for around a quarter of the overall footprint of buildings. As they stand then the proposals are considered to be both potentially harmful in some respects, but also beneficial, in relation to this element of policy GBC4 - considering the potential buildings against the greatest mass of the current buildings – that is the roof heights minus the additional chimney elements. However, Officers consider that, in this respect, sufficient control could be exercised at the Reserved Matters stage, to ensure an overall satisfactory development.

- 7.17 Turning now to part (e) of policy GBC4, this requires that proposed development should not occupy a larger area of a site than the existing buildings (unless this would achieve a reduction in height). The original submission sets out that the footprint of the existing buildings is 19,103sqm. This accommodates floorspace of 46,460sqm and there is an additional 24,270sqm of external hardstanding.
- 7.18 Information provided later, when a new agent has taken on the application, now indicates that floorspace and hardstanding is equal to 44,460sqm. Apart from the discrepancy of 2,000 between the 44,000 and 46,000 figures quoted it is assumed that this later information is incorrect and should refer instead only to internal floorspace.
- 7.19 The proposals anticipate a total building footprint of 16,970sqm which will accommodate internal floorspace of 37,068sqm. The area of hardstanding would be reduced to 17,250sqm. Taking into account the initially provided information, the proposals represent reductions in all elements. The most visually perceptible element is probably the building footprint, which reduces by approx 2,200sqm.
- 7.20 The policy however requires a comparison of the area of the site being occupied. The parameter plans do anticipate much of the development to be located on the footprint of the existing buildings at the site, but plots 1 and 7 push development onto the location of current parking and open areas of the site. The parking areas can be taken as 'occupied' areas of the site. The footprint is reduced in absolute terms then, but it would be likely that, in visual terms, the development would generally appear more dispersed across the site, if the proposals were approved.
- 7.21 Returning now to part (a) of policy GBC4, which can be taken as a summary of the above factors. This requires that the development should have no greater impact than the existing development on the purposes of including land in the Green Belt. It is considered that the proposals could have a beneficial impact in relation to the character and



appearance of development in the Green Belt, so positive in relation to part (b). However, this impact is generally not recognised in national policy as a Green Belt purpose. In relation to height impact and area of site occupied, the impact is either considered to be benign or cause some element of visual harm. These last two criteria are considered to be more closely attuned to the purposes of including land in the Green Belt and, but given weight that can be assigned overall to the positive impact of the development on character and appearance it is considered that the proposals are acceptable in relation to the requirements of policy GBC4.

7.22 Given that, the indication set out above that some favourable weight can be assigned to the current policy position and the impact that development of the site would have in relation to land supply, it is concluded that the development of the site by way of the proposals before the Council is acceptable in principle.

7.23 There are some matters of detail then that need to be assessed in order to determine the current application which are as follows:

- Highways and access implications;
- The loss of the existing employment use;
- Whether an appropriate affordable housing provision is made;
- Whether the proposal would provide adequate measures to mitigate against the effects of the development upon highway infrastructure and local services.

#### Highways and Access

7.24 The existing and proposed site access connects the site onto Eastwick Road. Travelling east the Eastwick Road leads through Gilston heading towards High Wych, and eventually Sawbridgeworth and to the west it connects with the A414 which runs both west and south towards Eastwick, Stanstead Abbots and Harlow. Burnt Mill Lane provides an alternative access for both vehicles and pedestrians from Eastwick Road onto the A414 towards Harlow. Despite the proximity, there is no direct pedestrian or cyclist access from Burnt Mill Lane towards Harlow Town train station. Those users are required to join the A414 and take a circuitous route to the town.

7.25 County Highways have confirmed that in principle the development is acceptable in a highway context subject to conditions to secure appropriate off site highway works to improve accessibility to sustainable modes of travel.

- 7.26 They have requested that highway improvements are made to Burnt Mill Lane and that a Pelican Crossing is provided to the A414 to aid pedestrians reaching the nearby bus stop. The applicant has provided a plan to show the proposed improvements to Burnt Mill Lane that they are willing to carry out and have also confirmed that they are willing to deliver a Pelican Crossing. Three access for pedestrians and cyclists are also shown to be provided from the west side of the site onto Burnt Mill Lane. These will aid and encourage journeys on foot and by cycle and should be secured by condition and provided as part of any detailed proposals for the site.
- 7.27 Officers have been in contact with Essex County Council to ensure that they are agreeable to the necessary highway works being carried out on its land (located in Essex) and will update Members on the outcome of this prior to a decision being made.
- 7.28 In an email dated 17<sup>th</sup> August 2012 the applicant's agent provided a plan showing a draft scheme for traffic calming measures through Gilston and confirmed that their client would be willing to pay £75,000 towards the provision of such measures. This proposal has come forward following discussions between the Parish Council and the applicant. The comments received from the Parish Council request that speed cameras are put in place within Gilston as a part of this development.
- 7.29 Members are reminded that in order to require a financial contribution or works to be carried out as part of a planning permission the Council must be satisfied that the requirement is necessary as a result of the development and that the proposal would be unacceptable without it. Officers have requested that this issue is considered by County Highways who have responded to confirm that, whilst traffic calming would be beneficial, they would not recommend refusal of planning permission without it. They also advise that there is a danger that the figure proposed may not be sufficient to cover the entire costs associated with design, consultation and actual implementation of such a scheme. Therefore the expectation of the Parish Council, in any case, may not be realised without further funding which cannot be guaranteed to come from the Highway Authority.
- 7.30 The predictions made in the applicant's Transport Assessment state that there would be a reduction in traffic on the surrounding highways compared to the previous use at the site. Having regard to this, and the comments received from County Highways that they would not recommend refusal of the application without the proposed traffic calming measures, Officers consider that a requirement for these

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measures to be implemented would not be justified in this case.

- 7.31 In respect of parking provision at the site, a reduced number of spaces, by 15, is currently proposed compared to that within the existing site. The total number of parking spaces that are proposed is 500. At this stage, Officers cannot foresee any problems in respect of parking provision and consider that there is sufficient space within the site to ensure that an adequate provision for parking is made.

#### Loss of the existing employment use

- 7.32 Policy EDE2 states that the loss of a site that was last in employment use will only be permitted where the retention of the site for employment purposes has been explored fully without success, the proposed use would not have a significantly adverse impact upon the amenities of neighbouring occupiers and access, parking and servicing arrangements are satisfactory.
- 7.33 The East Herts Employment Land and Policy Review, October 2008, identified Terlings Park as an 'Amber' site where employment uses remain viable but intervention may be required in the future to retain the site for employment use. When assessing Terlings Park, the Review concluded that it was well located in close proximity to Harlow and the A414. However, as the site was last used for research and development activities, in their current state, the buildings were only suited to a single occupier for this use.
- 7.34 A Marketing and Employment Land Statement was submitted with the application. The statement outlines that since the site closed in November 2005 it has been marketed in its established use and for other similar uses without success. In 2006 43 organisations working in the medical and scientific research field were approached in respect of taking over the site. Whilst some interest was received in the site no formal offers came forward.
- 7.35 In July 2006 advertisements were placed in trade literature and a global mail-shot was sent to 2,320 companies. Following on from this wider marketing campaign formal negotiations began with a major pharmaceutical company and a purchase price was agreed until a change in management at the interested company resulted in withdrawal from the purchase of the site in June 2007.
- 7.36 Further marketing of the site then continued and in 2008 discussions took place with the consortium involved in the land north of Harlow, and in 2009 discussions took place with a Government department interested

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in the site. However, both of these groups later withdrew their interest.

- 7.37 In addition to the marketing evidence, the Statement sets out that there are constraints to the site that include its size which is costly to operate and is only suitable for large companies and the series of buildings at the site are designed for specific purposes and are not easily converted. Furthermore, it is noted in the report that other large companies in the sector have also recently closed which leaves similar large sites vacant within the UK.
- 7.38 Officers consider that sufficient evidence has been submitted in this case to demonstrate that the retention of the site for employment has been extensively explored without success. Having regards to the marketing that has taken place, the circumstances of the site including its size, location and specialist existing buildings and the findings within the 2008 Employment Land Review, Officers consider that the re-use of the site for employment purposes is an unrealistic and unviable option. The proposed development therefore complies with the aims of Policy EDE2 and the re-use of the site for residential purposes is supported in principle by Officers.

#### Affordable Housing

- 7.39 Policy HSG3 states that an affordable housing provision of up to 40% will be expected on sites of 15 or more dwellings in the 6 main settlements and sites of 3 or more dwellings in Category 1 and 2 Villages. However, suitability is also to be assessed on the basis of the criteria that are set out in Policy HSG4. Policy HSG4 states that the suitability of a site to provide affordable housing at the level given in Policy HSG3 will be assessed based upon the proximity of local services and access to public transport, the economics of provision and the need to achieve a successful housing development and sustainable community.
- 7.40 In this case, despite the location of the site within the Green Belt, residents are likely to be able to access a range of services in Harlow that is a short distance to the south.
- 7.41 In relation to the need to achieve a sustainable community, however, if a 40% provision were to be made in this case, and based on an approximate total number of proposed dwellings being 270 at the site, then 108 affordable units would be provided. The Council's Housing Team have set out figures from the April 2012 housing needs register that identified a need for 87 dwellings within the Eastwick area. Officers consider that there must be some doubt that an over provision of

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affordable units compared to the local need in this area would lead to the provision of a sustainable community. This is particularly so, given the current make up of development in the community.

- 7.42 Using the above estimation of 270 units being constructed at the site, the current proposal for a 20% affordable housing provision would amount to 54 units being provided at the site. Officers consider that this number of units is more appropriate for the site, would assist in meeting the housing needs within the local area and would result in a more proportionate amount of affordable dwellings to the number of market dwellings within the resulting village as a whole.
- 7.43 Having regard to the wording of policies HSG3 and HSG4; the identified housing need within the local area; the location of the site and the existing and proposed size of the village of Gilston wherein the site is situated, Officers consider that the proposal to make a 20% provision for affordable housing is appropriate in this instance. It is not necessary to consider the requirements of criteria (I)(b) in this case as the question of viability has not been raised.

#### Planning Obligations

- 7.44 Policy IMP1, which is supported by the Planning Obligations SPD, expects developers to make appropriate provisions towards local services in order to mitigate against the effects of the development.
- 7.45 In this case financial contributions towards Education, Childcare, Nursery facilities and Outdoor Sports Facilities are considered necessary and reasonable as part of the development. Officers recommend that the Outline Planning Permission is granted subject to a requirement for these contributions to be paid in accordance with the Herts and Essex County Councils' toolkits and the East Herts Planning SPD which outline the standard contributions.
- 7.46 In respect of a provision towards a community centre, there has been some consideration over whether it would be appropriate to make a provision for a new centre on-site or whether a financial contribution should be made towards the existing village hall to allow for the additional demands that the proposed increased population would place upon this facility. The Parish Council's most recent comments at the time of writing this report states that they wish to accept a financial contribution towards the existing village hall. However, the Parish Council previously advised that they would like to conduct some public consultation to ascertain what is most appropriate for the village.

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7.47 Officers consider that a sensible approach would be to allow either an on-site provision for a community centre to be made or a financial contribution. This will allow the Parish Council to carry out some public consultation and discuss this further with the developer prior to the submission of the Reserved Matters application. Furthermore, Officers consider that if a financial contribution is deemed to be appropriate in this case that the Parish Council should submit a proposal for how this money is intended to be spent, to ensure that the necessary improvements to the existing village hall can be achieved within the constraints of its site without raising any new planning issues that cannot be resolved.

#### Other matters

7.48 The bat report that has been submitted with the application identified 6 species of bats that were found at the site. Bats are protected species under European Law and therefore the following 3 derogation tests must be applied in order to determine whether developing the site is acceptable:

- (i) the activity must be for imperative reasons of overriding public interest or for public health and safety;
- (ii) there must be no satisfactory alternative;
- (iii) favourable conservation status of the species must be maintained.

Officers consider that the benefits that redevelopment of this redundant site will provide are of overriding public interest that justify the impact the development would have upon this protected species. Furthermore, mitigation methods have been identified within the current bat report which can be required to be implemented in accordance with the condition recommended above.

7.49 Officers have contacted the applicant in respect of the request from the Parish Council for the open spaces that are proposed at the site to be accessible to the wider public. The applicant's agent has stated that the open space will be open to the public generally and not just residents of the scheme and that a detailed strategy for the management and maintenance of the open space will be submitted at the Reserved Matters stage. Officers have recommended the submission of details of a management scheme for the open space within the section 106 agreement.

7.50 Whilst Officers consider the principle of the development and the amount proposed to be acceptable, they have some concerns in respect of the indicative layout that has been submitted. The indicative layout would

result in a development that would appear to lack character due to the rigid blocks of houses, which in some cases offer a small area of amenity space and would have a close relationship to one-another resulting in overlooking and a poor outlook. The proposal to position the apartment blocks close to the boundary of the road could result in an unacceptable visual impact upon the character of the area. Whilst it is acknowledged that the boundary to Eastwick Road is currently screened by mature planting, Officers are concerned that this could be reduced once the dwellings are occupied and pressures are made by the residents to ensure that sufficient light is received and that the landscaping is manageable in the future. Officers consider that the siting of individual dwelling houses adjacent to Eastwick Road would be a preferred option that would be more sympathetic to the character of the surrounding area. However, these are concerns that can be addressed through the submission of the full details of the scheme at a Reserved Matters Stage.

- 7.51 The concerns that have been raised by the Landscape Officer that the proposed apartment blocks are too close to Eastwick Road and to the planting along this boundary are duly noted. Officers have requested that the submitted parameter plans are revised to accommodate these concerns and these plans are awaited currently.
- 7.52 The request that has been made by Hertfordshire Constabulary that a police station is provided within the site is noted. However, Officers consider that this provision would be unnecessary and an unreasonable one for a development of the size and scale that is currently proposed. In addition, Officers are of the view that the benefit offered to residents in terms of assisting foot and cycle journeys outweighs the concern expressed by the Constabulary that access points should be restricted or controlled.

## **8.0 Conclusion:**

- 8.1 The proposals represent a considerable change to the character of this site. Its particular circumstances are recognised in the Local Plan by its identification as a Major Developed Site (MDS). This means that, if development proposals are contained within the parameters of the appropriate policies, development can come forward and not be considered as inappropriate.
- 8.2 In this case, the proposals are considered to be acceptable in relation to the requirements of policy GBC4 and that element of consideration in principle is strengthened marginally by the current policy position and housing delivery issues. With respect to detailed matters, Officers do

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have some concerns as to the form of development which may come forward, but consider that this can be adequately controlled through conditions suggested to be applied now, and consideration through the reserved matters process. There are not considered to be any issues to which weight can be assigned that outweigh the view that the proposals are acceptable in principle.

- 8.3 Having regard to the above considerations, it is recommended that planning permission is approved subject to the applicant entering into a Section 106 agreement and to the conditions suggested at the head of this report.