

5d 3/13/1023/FO – Variation of Conditions 3 and 5 of outline planning permission 3/11/0554/OP to alter development plot boundaries, alterations to minimum plot heights and removal of pedestrian access B onto Burnt Mill Lane at Terlings Park, Eastwick Road, Eastwick, CM20 2QR for Bloor Homes

Date of Receipt: 13.06.2013

Type: Removal of Onerous Condition – Major

Parish: GILSTON

Ward: HUNSDON

RECOMMENDATION:

That 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) (BH1001, BH1002, BH1003, BH1004, BH1005, and BH1100)
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. BH1004 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)
7. Prior to the commencement of development the works specified within

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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. No development or groundworks shall take place until the applicant has implemented the programme of archaeological work in accordance with the written scheme of investigation which was submitted by Northamptonshire Archaeology dated 3rd January 2013. The development shall be carried out in accordance with the approved scheme, and this condition will only be discharged when the required archaeological reports are submitted to and approved in writing by the Local Planning Authority.

Reason: To secure the protection of and proper provision for any archaeological remains in accordance with policies BH2 and BH3 of the East Herts Local Plan Second Review April 2007.

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

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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 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. This planning permission is subject to the Planning Obligations agreed with the previous outline permission granted under lpa reference 3/11/0554/OP under Section 106 of the Town and Country Planning Act 1990 (as amended).
3. Street name and numbering (19SN)
4. Highway Works (06FC2)
5. Unsuspected contamination (33UC)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and the Outline planning permission granted under lpa reference 3/11/0554/OP is that permission should be granted.

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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 was previously occupied by a variety of single, two and three storey buildings that provided approximately 46,460 sqm of floor space for laboratories, offices and ancillary buildings that were used by a medical research and development company. The site has been vacant for some time and the buildings have recently been demolished.
- 1.4 Outline planning permission was granted for the redevelopment of the site for residential purposes in March 2013 under lpa reference 3/11/0554/OP. This application approved the principle of residential development at the site and the access, with all other matters being reserved.
- 1.5 The current proposal is for the variation of Conditions 3 and 5 which were attached to the outline permission. Condition 3 required the development to accord with the approved parameter plans and Condition 5 requires the implementation of the approved pedestrian/cyclist accesses.

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- 1.6 Revised parameter plans have been submitted which seek to agree changes to the minimum building heights, variations to the maximum developable plot boundaries and the removal of the pedestrian Access Point B. No further changes to the approved plans are proposed at this stage.
- 1.7 Members should be aware that a planning application to agree the Reserved Matters for the site has also been submitted. This application is currently under consideration and will be reported to a subsequent Committee meeting to be determined.

2.0 Site History:

- 2.1 The relevant planning history for the site is as follows:
- 2.2 Outline planning permission was granted in March 2013 under lpa reference 3/11/0554/OP for the redevelopment of the site comprising a residential scheme of up to 37,068 sq.m. (GIA) residential floor space and ancillary facilities and services.
- 2.3 Officers determined that Prior Approval was not required for the demolition of the existing building at the site in October 2012 and they have now been demolished.

3.0 Consultation Responses:

- 3.1 The County Historic Environment Unit has stated that the archaeological works as agreed within the Written Scheme of Investigation submitted in January 2013 have been carried out at the site. This archaeological evaluation of the site established that although it had the potential to contain heritage assets of medieval and post-medieval date, the entire area where new residential units are to be constructed has been considerably truncated and disturbed by previous landscaping and other development and it is therefore highly unlikely that the current proposal will have any impact upon heritage assets of archaeological interest.

A copy of Northamptonshire Archaeology's report on the archaeological evaluation has been received, which seems generally satisfactory, however, some minor amendments will need to be made before the archaeological condition placed on consent for 3/11/0554/OP can be discharged.

- 3.2 County Highways has commented that they do not wish to restrict the grant of permission, however have recommended a condition to require

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details of access works to be submitted and agreed.

4.0 Parish Council Representations:

4.1 Eastwick and Gilston Parish Council have raised no objections.

5.0 Other Representations:

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

5.2 One letter of representation has been received which states that their objections are the same as before as the development has not allowed for the congestion that would be caused this already very congested and dangerous road.

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
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

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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.

7.0 Considerations:

7.1 As already mentioned, outline planning permission was granted in March 2013 for a residential development at the site. This granted permission for the residential use of the site and the associated access arrangements with all other matters remaining reserved. The considerations relating to the principle of the change of use, the loss of the existing employment premises on the site, and the access into the site have already therefore been considered and accepted by the Council in principle. These considerations are contained within the Officer report for the previous application which is attached as **Essential Reference Paper 'A'** to this report.

7.2 Since the outline application was considered by Committee, in September 2012, the East of England Plan has been revoked and the NPPF has been in place for over 1 year which means that full weight should only be given to the Council's Local Plan Policies where they are consistent with the NPPF.

7.3 Officers consider that there are no changes in policy or other circumstances that would lead to a different decision being taken in respect of the principle of the development. The principle considerations for this application are therefore whether the proposed amendments to the previously approved parameter plans are acceptable. The proposed amendments are as follows:

- Changes to the minimum building heights;
- Variations to the maximum developable plot boundaries;
- The removal of Access Point B.

Changes to minimum building heights

- 7.4 The approved parameter plan known as drawing number D1003 P5 proposed maximum and minimum plot heights for the residential development. The applicant has explained within their supporting statement that a reduction in the existing land levels has occurred as a result of the demolition of the buildings at the site and the removal of the basements. This will therefore result in a reduction to the minimum height levels for the plots.
- 7.5 Proposed drawing no. BH1003 details the approved and proposed maximum plot heights. The changes to the plot heights vary from a reduction of 4.6 metres within the North West corner of the site to 0.05 metres within the southern parts of the site.
- 7.6 The proposed changes to the building heights are likely to result in a more level development across the site as a whole and could significantly reduce the amount of development that would be visible from outside of the site. These changes are therefore likely to reduce the impact that the development would have upon the openness of the Green Belt and the character of the surrounding area as a whole.

Variations to the maximum developable plot boundaries

- 7.7 The approved parameter plans showed maximum developable plot areas. These plot areas occupy a similar footprint to the hard surfacing and buildings that previously stood at the site.
- 7.8 Policy GBC4 allows for the redevelopment of Major Developed Sites where there would be no greater impact upon the Green Belt than the existing development at the site, this requirement is reiterated within Paragraph 89 of the NPPF which allows for the redevelopment of previously developed sites. Having regard to these policy requirements Officers consider it to be reasonable and necessary to agree maximum developable plot areas to ensure that the proposed development would be largely concentrated upon the areas occupied by the previous buildings and hard surfaced areas at the site and to ensure that the new development would not result in a greater impact upon the openness of the Green Belt.
- 7.9 Proposed drawing no. BH1004 proposes some modest changes to the plot areas. Members may recall that Officers raised some concerns in respect of the indicative site layout that was submitted with the previously approved outline permission. Officers commented as follows: *'the 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’.

- 7.10 The proposed amendments to the developable plot areas allows greater flexibility with the site layout and would enable a significantly improved scheme to that shown on the indicative plans submitted with the previous application. The current proposal would result in modest changes to the developable plot boundaries and as such would not significantly alter the impact that the proposal would have upon the openness of the Green Belt. Furthermore, the residential buildings would be dispersed across the site and would appear less intensive than the previous buildings at the site with gardens and hard surfacing breaking up the building mass. Officers therefore remain satisfied that the proposal would not have a greater impact upon the Green Belt than the existing (or in this case previous) development at the site in accordance with the aims of Policy GBC4 and the NPPF.

Removal of Access Point B

- 7.11 The approved parameter plans proposed three pedestrian access points onto Burnt Mill Lane. Access points C and D will provide pedestrian and cycle links from the west of the residential areas and from the public open space to the south of the site onto Burnt Mill Lane. The approved Section 106 agreement requires highway improvements to Burnt Mill Lane to include a new footway along the lane up to access point C which will enable pedestrian and cyclist access from the site and the village of Gilston as a whole into the neighbouring town of Harlow where a number of services can be reached, including access to public bus services and the train station.
- 7.12 However, pedestrian access point B would lead out onto the northern section of Burnt Mill Lane where the lane is currently narrow and does not benefit from a footway. Officers consider access point B to be of little benefit to the future residents of the site and the current residents of Gilston, unlike access points C and D. Upon reflection Officers consider that the retention of access point B could prove to be a danger to highway safety and would result in an unnecessary loss of existing mature landscaping to the site’s boundary with Burnt Mill Lane. Having regard to these considerations and the comments received from County Highways which raises no objection to the current proposals, Officers consider the loss of access point B to be acceptable.

Other Matters

- 7.13 Having regard to the comments that have been received from the Historic Environment Unit, Officers have recommended an amended condition in respect of archaeology.
- 7.14 The concerns raised by the neighbouring resident in respect of traffic and highway safety are noted. However, County Highways are satisfied that the proposal would not generate a significant difference in traffic numbers when compared to the previous business use. Furthermore, the principle of the development at the site and the proposed access has already been approved and there are no significant changes in circumstances to justify a different decision being taken in respect of these matters.
- 7.15 The planning obligations for the development of the site, as outlined at the head of the report attached as Essential Reference Paper A, remain relevant and necessary in this case. Paragraph 20 of the Section 106 agreement entered into with the outline planning permission states that the deed will still apply to any subsequent Section 73 applications. Officers are therefore satisfied that the existing Section 106 agreement is sufficient to secure the necessary planning obligations in this case.

8.0 Conclusion:

- 8.1 The proposed amendments to the approved plans are considered to be acceptable and there are no significant changes in circumstances or policy that would justify a different decision being made in respect of the principle of the residential development and the access to the site that was granted under lpa reference 3/11/0554/OP.
- 8.2 It is therefore considered that the development complies with the relevant policies of the Local Plan and the NPPF and it is recommended that planning permission be granted.