

Item 3: 07/16/0930/O

Location of Site: Land South of Hell Wood, Turnford, Herts, EN10

Description: Construction of a Gypsy and Traveller site and use of land as allotments as a replacement for the existing Halfhide Lane site (renewal of planning permission 07/11/0382/0).

Applicant: Broxbourne Borough Council

Date Received: 19/08/2016

Date of Committee: 08/11/2016

Officer Contact: Peter Quaile

Expiry Date: 18/11/2016

Ward Councillors: Cllr Ball-Greenwood, Cllr Hart & Cllr Seeby

RECOMMENDED that subject to the application first being referred to the Secretary of State, planning permission be granted subject to the conditions set out at the end of this report.

1. CONSULTATIONS

- 1.1 HCC Highways – No objection subject to five conditions.
- 1.2 Herts and Middx Wildlife Trust – No response to date.
- 1.3 Historic England – No objection subject to conditions requiring a management plan for the scheduled ancient monument to the north of the application site and a scheme of archaeological investigation
- 1.4 Environment Agency – Comment awaited
- 1.5 Environmental Health – No objection subject to condition to remediate the site.
- 1.6 Beams – No objection
- 1.8 Arboricultural officer – reply awaited
- 1.9 HCC Archaeology – No response but on the previous application raised no objection subject to a management plan for the scheduled ancient monument
- 1.10 Herts Constabulary – No objection subject to comments on the layout of the Gypsy and Traveller site, amenity buildings achieving a good level of in-built security and the design of the boundary treatment for the allotments.
- 1.12 The Wormley & Turnford Society – Strongly objects as this is exactly the same as the previous attempt to move the gypsy site and allotments in the previous local plan, rejected by the Government Inspector. To place children and allotments on contaminated landfill site with a high water table is totally irresponsible. This land is already earmarked for housing under the Local Plan and appears to be a back door way of granting this application prior to the government inspector hearing the Local Plan.

2. PUBLICITY

2.1 The application was advertised by means of site notices, an advertisement in the local press and letters to those affected. The consultation period expired 23rd September 2016 and the period for the site notices expired 18th July 2011.

2.2 The application was advertised by means of a site notice, press advert and 54 individual neighbouring letters – addresses comprise:

Plots 1-15 Caravan Site, Halfhide Lane;
36, 37 & 122 Winnipeg Way, Turnford;
67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90,
91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103 & 104 Vancouver Road,
Turnford

3. REPRESENTATIONS

3.1 There have been no responses to date from individual residents but any received prior to committee will be reported verbally.

4. RELEVANT LOCAL PLAN POLICIES

4.1 The following saved policies of the Borough of Broxbourne Local Plan Second Review 2001- 2011 (December 2005) apply:

CLT1	Community, open space and recreational facilities
HD1	Effect of development on nationally important sites and monuments
HD3	Preservation of heritage asset
HD17	Retention/Enhancement of landscape features
SUS5	Pollution
SUS12	Development on Contaminated Land
SUS15	Ground and Surface Water Protection
SUS16	Flood Risk Assessments
SUS17	Flood Prevention
SUS18	Surface Water Drainage
GBC2	Development within the Metropolitan Green Belt
GBC16	Landscape Character Areas and Enhancement
GBC19	Protection for sites of wildlife and nature interest
GBC20	Protected species
BFC1	Comprehensive development of Greater Brookfield
BFC6	Land West of Halfhide Lane (Halfhide Lane site)
BFC7	Relocation of Travellers
BFC10	Protection of the Setting of the Green Belt
T3	Transport and new development
T9	Pedestrian Needs
T10	Cycling provision
T11	Car parking

- 4.2 The following policies of the draft Broxbourne Local Plan (July 2016 6) are also material to this application:

BR1 Brookfield
GT1 Gypsy and Traveller Sites



Development management policies within the draft Local Plan are consistent with the saved policies of the adopted Local Plan so far as consideration of this application is concerned.

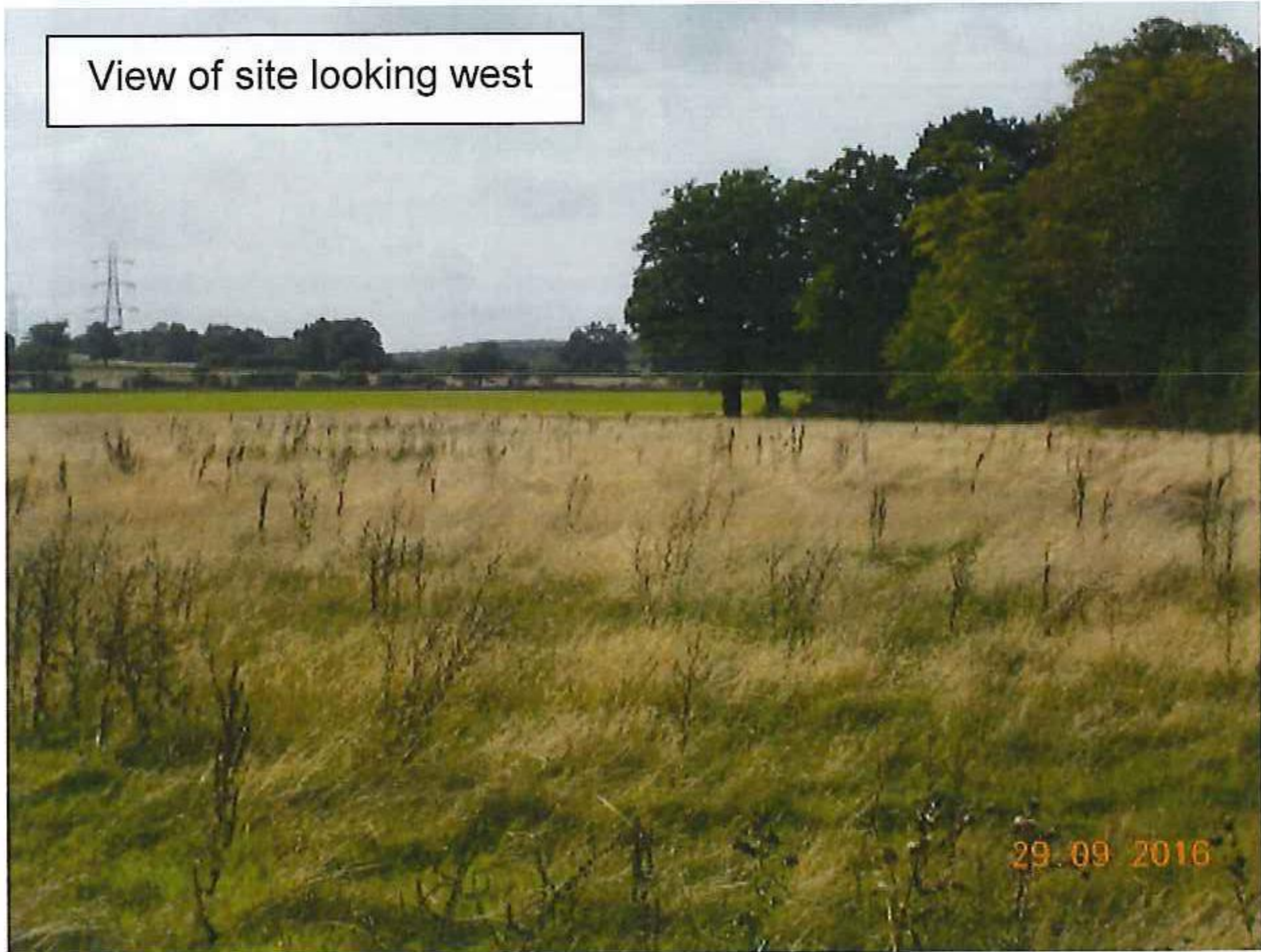
- 4.3 The National Planning Policy Framework March 2012 as national policy guidance is material to determination of this proposal.

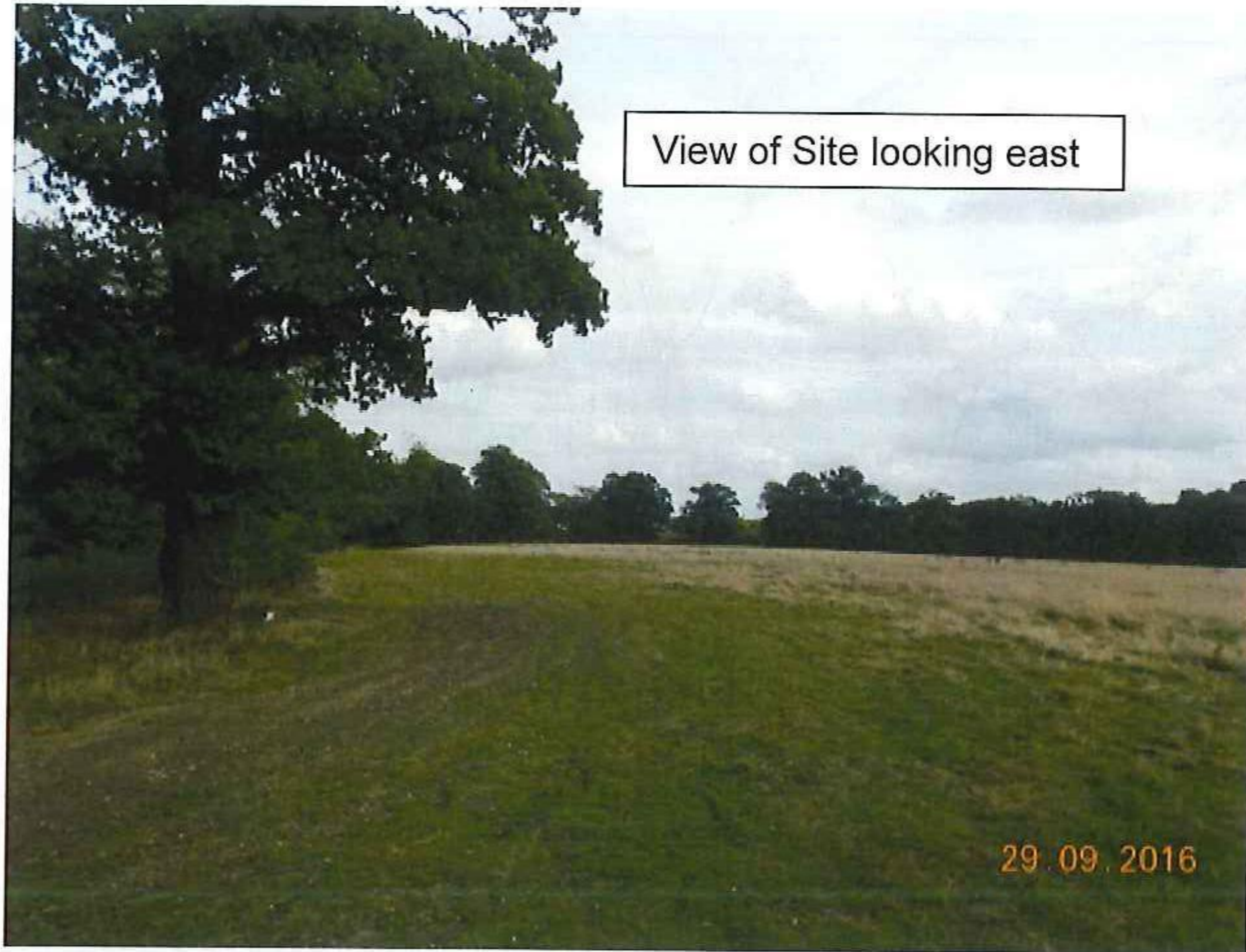
5. LOCATION AND DESCRIPTION OF SITE

- 5.1 The proposal relates to the Gypsy and Traveller site and the Council allotment site, both currently on the north-western side of Halfhide Lane and to the west of the A10 flyover. The New River runs to the north and west of these sites; Brookfield Retail Park adjoins the Traveller site and the Council depot and Fairways Trading Estate is across Halfhide Lane to the south. The vehicle and pedestrian accesses are from Halfhide Lane. The proposed site for relocation is around 100m north of the New River and 200m to the west of the A10 flyover. The road access would be via a new arm off the Turnford interchange, currently the site of a former quarry access on the western side of the roundabout. The site itself is laid to grass and is at the eastern end of Cheshunt Park Farm. There is a modest fall on the site from west to east and the land has a slight overall camber following the post-quarrying restoration which involved grass on a thin layer of top soil. To the north is woodland with an open farmers field to the west – there is an earth bund to the south of the site and a disused drainage ditch with a line of trees to the east.



 BROXBOURNE BOROUGH COUNCIL BOROUGH OFFICES CHURCHGATE CHESHUNT WALTHAM CROSS EN8 9QX TEL - 01992 785555	 BOROUGH OF BROXBOURNE	Title 07-11-0382-0
		Location Land South of Hell Wood Turnford Hertfordshire EN10
SB Date: 18/7/2011 Scale: 1/5000 Centre: 535773.49 , 204655.02		<small> Reproduced from the 1995 Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction in any form is prohibited. Crown Copyright and any other rights in this map are reserved. Crown Copyright. Borough of Broxbourne LA100023026 </small>





- 5.2 The proposed site for relocation is subject to a number of designations as follows:
- Metropolitan Green Belt
 - Local wildlife site immediately to the north in Hell Wood
 - Area of archaeological Interest
 - Part of the site within Flood Zone 3a
 - Scheduled ancient monument within Hell Wood
 - Hell Wood is ancient woodland
 - Landscape Character Area

6. PROPOSAL

- 6.1 This application is a re-submission of the scheme granted outline planning permission in 2011 which established the principle of providing alternative sites for the existing Gypsy and Traveller site and for the Council allotments both of which are currently on Halfhide Lane. As with the previous scheme, the matters to be determined in this application are the access, the layout and the scale of development.



- 6.2 The applicant has submitted a design and access statement along with the technical studies relating to ground conditions and flood risk, a supporting case of very special circumstances and a planning statement.
- 6.3 The overall new site would have an area of 4.4 hectares (ha). The proposed new Gypsy and Traveller site would provide 15 plots so that the whole of the existing community could be kept together via the relocation. There is no intention to add to the number of families at the new site but the scheme acknowledges the future need for expansion set out in the Council's Gypsy and Traveller Accommodation Needs Assessment 2014 and the applicant notes in the design and access statement that land to the west of the application site is owned by the Council and would allow for the site to be enlarged as may be required. Each pitch would allow for a double unit mobile home and a facilities building in brick with a tile roof. There would be a 0.4ha paddock for Travellers' horses at the eastern end of the site.

- 6.4 The application would include 2.2 hectares to re-provide 90 allotment plots of up to 250sqm which would accommodate all the current plot holders at Halfhide Lane. Clean top soil to a depth of 450mm would be laid on the new allotment and water tanks would be installed at a ratio of one per eight plots.
- 6.5 There would be a planted 10m wide buffer strip at the western end of the development and bird boxes along with active site management to improve biodiversity.
- 6.6 As with the approved scheme, road access would be provided for both elements of the site via a new road from the Turnford interchange – the access road for this site would run up the northern boundary between the front of the sites and Hell Wood. There would be 16 car parking spaces for allotment holders along with cycle parking facilities.

7. RELEVANT HISTORY

- 7.1 The longer term site history relates to the adjoining farm uses and to the previous mineral extraction, land fill and subsequent reinstatement as agricultural land.
- 7.2 Permission was granted in **outline** for construction of a Gypsy and Traveller site and use of land as allotments as a replacement for the existing Halfhide Lane sites on 13th October 2011.
- 7.3 Permission was granted in **outline** for construction of a link road from Halfhide Lane to the A10 Turnford Interchange roundabout on 17th September 2013.

8. APPRAISAL

8.2 The main issues for consideration in this case are as follows:

- i. Principle of development;
- ii. Design and Layout;
- iii. Flood Risk;
- iv. Ground conditions;
- v. Ecology
- vi. Amenity
- vii. Access and car parking
- viii. Travellers needs

These matters will be appraised in turn, below.

Policy and Principles

- 8.3 The principle of developing the application site, which has previously been used for the extraction of minerals, has been established by the grant of planning permission in 2011 for an identical scheme to that now proposed. The main issue is therefore whether the circumstances have changed significantly since the previous permission was granted.
- 8.4 The current Local Plan contains saved policies relating to Brookfield which are relevant to this proposal. In essence, these saved policies allow for the relocation of existing uses from within the Brookfield area, notably the existing traveller and allotment sites, to facilitate a comprehensive mixed use development in accordance with the eight principles set out at paragraph 6.2.6 of the adopted Plan. When permission was granted in 2011 it was accepted that the application site was consistent with these policies and the ambitions for Brookfield. This remains the case although another option is being explored through the draft Local Plan.
- 8.4 It is by no means certain that the draft Local Plan will be found sound and become adopted policy. Such an outcome would be regrettable but if that were to happen, the saved policies in the adopted Local Plan would be relied upon to ensure that a comprehensive retail and leisure scheme can still be pursued. In those circumstances, relocation of the allotments and travellers would still be necessary and, given the difficulty of finding appropriate land for such uses, it is important that the option of relocating to the site the subject of the current application is retained.
- 8.5 The draft Local Plan 2016 proposes a more wide ranging redevelopment of the Brookfield area and although it will be some time before its eventual adoption, its policies are a material consideration. The draft Plan proposes an integrated mixed use scheme for the whole area (Brookfield Riverside and Brookfield Garden Village) and the application site is provisionally identified for residential purposes in an emerging master plan for the area. The draft Plan states that:
"Brookfield is to be developed in accordance with a comprehensive master plan. Incremental development of the area will be resisted."
- 8.6 Both the terms of the 2011 planning permission and the current planning application preclude (condition 6) any development being carried out otherwise than in accordance with a masterplan to be approved by the local planning authority. It is of course the Council's preference for the proposals in the draft Local Plan and the emerging masterplan to be implemented. In these circumstances, the development proposed in the current application would not be pursued. However, should the policies in the draft Local Plan not come to fruition, then the implementation of the proposals the subject of the current application could only be undertaken in accordance with a comprehensive masterplan approved by the Council at that time.
- 8.7 The site proposed for the relocations is in the Green Belt and the guidance in the NPPF relating to such areas therefore needs to be taken into account in determining whether a 'renewal' of the permission should be granted. The NPPF identifies at paragraph 89 the types of development which may be considered as not being inappropriate. Allotments would not normally be considered inappropriate and would therefore be acceptable in this location. The relocation of the travellers' site would however require very special circumstances to be demonstrated. Brookfield is of strategic importance to Broxbourne as a place in terms of the future

economic prosperity of the Borough. Indeed the draft Local Plan recognises Brookfield as an opportunity to achieve a step change in the economy of Broxbourne and increase its attractiveness as a place to live in, invest in and visit, creating new retail and leisure opportunities which are known to be a priority for local residents, much needed housing, jobs and social facilities. As such it is considered that very special circumstances exist to warrant a further grant of permission in this instance.

- 8.8 **In conclusion, it is considered that the proposals are consistent with the Council's aims and policies and therefore, that the principle of granting planning permission for the same development as was approved in 2011 is acceptable.**

Design and Layout

- 8.9 The principles of re-provision for the Halfhide Lane traveller community, retention of links with community services and adequate site/pitch/paddock areas were considered to have been met by the previous application in 2011. The number of pitches is considered in paragraph 8.18 but in terms of design and layout, the policy context for consideration is not considered to have significantly changed and this is considered to be acceptable.
- 8.10 The proposal has again been laid out so that the allotment site (an appropriate use in the green belt) would be adjacent to the open agricultural land of Cheshunt Park Farm and there would be significant landscape screening 10m deep on the western boundary along with an 8.5m wide planted buffer between the allotments and the Gypsy and Travellers site. To the south and north of the site there is dense woodland and in longer views from the west, the tree cover in Cheshunt Park would limit any visual intrusion. The site would be visible from the A10, but would be viewed past the tree screen and prospective development to the north of the New River. It is considered that the scheme has been considered sufficiently carefully in terms of public views so that its impact on local and wider public views would be limited and the development would be assimilated into the landscape.

Flood Risk and Ground Conditions

- 8.11 The site falls partly within Flood Zone 3a, these being the areas where there is a 1 in 100 year likelihood of flooding. The risk is generated where the new access road from the Turnford interchange would cross the Turnford Brook which further downstream meets Wormleybury Brook before feeding into the River Lea. As part of the proposal it is intended to reopen the blocked north-south drainage ditch which runs to the east of the proposed Gypsy and Traveller site. The application is accompanied by a revised flood risk assessment which seeks to take account of the recent changes in advice in relation to climate change surcharges provided by The Environment Agency (EA). The EA did not object to the scheme on flood risk grounds but on the previous scheme suggested a condition preventing the raising of ground levels in the flood risk area due to the potential loss of flood storage capacity. Since that time the Council has approved the construction of the access road to serve the wider development and of course, the sites that are the subject of this application. The Council has queried the current flood risk status of the application with the EA and with regard to the landfill on site, the EA did not object to the proposal in terms of potential risk to ground water subject to conditions

requiring further investigation of the materials in the former quarry. An update will be provided at committee.

- 8.12 With regard to the principle of locating the allotments and Gypsy and Traveller pitches on former landfill, the Council's Environmental Health service does not object to the proposal subject to detailed investigation and suitable remediation. The residential pitches would be largely hard surfaced and there would be a tarmac access road to the individual plots. The application proposes to cover open ground (such as the horse paddock) with clean top soil and the final detail of this could be dealt with by condition if the application is acceptable overall. The suitability of the site for planting and growing food for human consumption was previously considered by the Environmental Health service in the context of the intention to lay 450mm of clean soil over the proposed allotment site. It stated that human health could be protected but that more sampling would be needed to achieve high levels of confidence in the nature of the ground conditions and to ensure that measures can be put in place which would interrupt any potential pathways for pollution. The soil bund to the south of the site could form part of the ground cover but would also need to be subjected to intrusive investigation before its use could be agreed. It should be noted that the gaseous emissions from the site are low and can be resolved as part of the scheme of remediation.
- 8.13 **With regard to the ground conditions and contamination it is considered that the site is suitable for the proposed uses subject to conditions and is therefore in compliance with adopted Policies SUS12 and SUS15. Clarification has been sought from the EA that the application is acceptable with regard to flood risk and in relation to contamination; a verbal update will be provided to committee in relation to these matters.**

Ecology

- 8.14 The applicant had previously undertaken pre-application discussions with the Herts Biological Records Centre as Hell Wood is designated as a local wildlife site. As a result, the proposal, as before, envisages a 20m buffer zone between the new uses and Hell Wood (which includes the new access road). The proposed point of access has been specifically chosen to re-use the line of the concrete former quarry access road so as to minimise the impact on mature vegetation around the site. Although the Herts and Middlesex Wildlife Trust (HMWT) has not responded to date, it commented on the previous proposal to the effect that there are protected species such as grass snakes on the existing allotment site and that to meet statutory duties a full ecological survey of the proposed site will need to be undertaken so that a compensatory scheme can enhance the overall level of biodiversity. The conditions suggested by the HMWT involved controlling external lighting, storage of building and other materials, a landscape management plan, detailed landscaping proposals, retention of the maximum tree and hedgerow cover and no tree/ground cover removal during the bird nesting season from March to August. The Trust also recommended that bird and bat boxes should be placed in appropriated trees around the site. **Overall it is considered that the subject to controlling conditions the scheme can comply with Policies HD17, GBC16, GBC19 and GBC20 of the adopted Local Plan.**



Amenity

- 8.15 As there are no residents near this site there would be no material impact on residential amenity from the proposal. With regard to amenity for the residents of the relocated Gypsy and Traveller site, there would be noise from roads and noise, dust and pollution from the major development proposed at Greater Brookfield. There will be inevitable noise and a degree of disruption inherent in such a major undertaking. However, this is a matter to be dealt with by Environmental Health, not planning legislation. The layout of the new Gypsy and Traveller site was prepared using DCLG good practice guidance. In addition, as this is an outline application, there would be ample opportunity for the details of the internal layout of the site to be finalised via further consultation and discussion with the intended residents. The proximity of the proposed site to the existing site means that access to local community services can be retained. The issue of noise from the new link road is a material consideration although it should be borne in mind that the existing site fronts onto Halfhide Lane which is extremely busy and that the elevated section of the A10 is only 130m away from the nearest existing pitch. As this would be a new site it would be possible to build a measure of sound insulation into the perimeter fence to the eastern boundary of the site and submission/approval of the means of noise mitigation can be secured by planning condition. **It is considered that subject to the above condition the Scheme is acceptable in terms of amenity for future residents and complies with Policy BFC7 of the adopted Local Plan.**

Access and Car Parking

- 8.16 The proposal is to locate the access at the north-eastern part of the site to connect with the link serving the housing, retail and leisure uses at Greater Brookfield. There will be extensive engineering work involved in the link road from the Turnford interchange but it is considered that the principle of accessing the site in this location is acceptable. The road along the north of the two sites would be 6.1m wide so as to allow access by vehicles servicing the allotments and vehicles supplying and being used by the Gypsy and Traveller residents. There would be 16 dedicated car parking spaces for the allotments which would be an improvement on facilities at the current site. There would be access for all modes of transport including cycling and walking via the new retail/leisure centre. The Local

Highway Authority has not raised objection subject to conditions relating to provision of the new link road prior to development commencing and submission of further detailed drawings of the site access, internal roads and design of the car park for approval, closure of unused site access, approval of a construction traffic management plan including measures to prevent spillage onto the highway. **The matters of access and parking are considered to be acceptable and in accordance with Local Plan policies T3, T9, T10 and T11.**



Internal site access showing quarry road

Historic Environment

- 8.17 Hell Wood is the site of a Scheduled Ancient Monument the remains of what was a moated dwelling. The wood and the application site are designated in the Local Plan as a site of archaeological interest. As the application site is now landfill there is virtually no prospect of historic remains being in situ. Hell Wood is immediately to the north of the site and could be affected by greater use of the area resulting from the new access now proposed. The Design and Access Statement submitted by the applicant notes the importance of Hell Wood monument and it is suggested that, in line with the comments from Historic England, a management plan should be secured by condition for the on-going protection, maintenance and enhancement of the historic site. **Overall, subject to condition, it is considered that the impact of the proposal on the historic environment is acceptable in terms of national policy set out in the NPPF and Policies HD1 and HD3 of the Local Plan.**

Traveller Needs

- 8.18 Since approval of the 2011 planning application, the Council has produced and published as evidence for the Local Plan a Gypsy and Traveller needs assessment. This demonstrates a need for 31 additional pitches across the Borough to 2031. This matter is addressed by Policy GT1 of the new Local Plan which provides for an expansion of the Halfhide Lane site by 5 pitches to a total of 20. Potential future expansion of the application site was considered within the consideration of the 2011 application but that was not possible because the site would be constrained on all four sides. However, that is no longer the case and, as mentioned in paragraph 6.3 above, the site can be extended as necessary should the current application proposal need to be implemented in the context of a new masterplan. **In view of the changed circumstances and the consequent increased flexibility available, it is considered that the proposal is acceptable.**

9. SUMMARY

- 9.1 The proposal before the Committee seeks to re-establish the principle of locating a replacement Gypsy and Traveller site and local authority allotments at Hell Wood. The access, layout and scale are to be determined by this application with appearance and landscaping reserved for future consideration. The access is acceptable to HCC as Local Highway Authority, the overall layout of the site, including parking/cycling provision has been assessed in paragraph 8.9 onwards and is considered to be acceptable. The matter of flood risk and contamination is to be reported verbally to Members once the EA has clarified in these regard and conditions may be suggested to control these matters. Ecology and heritage are assessed above and considered to be acceptable if controlled by condition.
- 9.2 It is considered that, whilst the proposal is not a preferred option, the applicant has demonstrated very special circumstances to justify the renewal of the 2011 planning permission, noting that this part of the development of Brookfield would not be implemented in the event that the proposals in the emerging Local Plan are found sound following an Examination in Public.

RECOMMENDED that planning permission be granted subject to the conditions set out below:

- 1 The allotment development to be begun within a period of 5 years.
- 2 The Gypsy and Traveller site development to be carried out in accordance with detailed plans and drawings showing the appearance and landscaping.
- 3 Application for approval in respect of all matters reserved in Condition 2 above shall be made to the Local Planning Authority within a period of 5 years and development to commence within 2 years of the final approval.
- 4 That the details shown on the submitted drawing are for indicative purposes only.
- 5 The development hereby permitted shall be carried out and completed in accordance with the numbered plans.
- 6 This permission shall not be implemented otherwise than in connection with the delivery of a comprehensive development of the Brookfield area in accordance with a masterplan and the new gypsy site is solely to accommodate Halfhide Lane gypsy/travellers.
- 7 Remediation of contaminated land to protect public drinking water.

- 8 Verification of de-contamination measures.
- 9 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority.
- 10 Details of any piling.
- 11 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment.
- 12 Archaeological Written Scheme of Investigation
- 13 The development shall not be occupied/used until completion of the archaeological investigation and post investigation assessment.
- 14 Details of all external lighting.
- 15 A full ecological assessment/survey.
- 16 No materials, debris, pollutants, vehicles or machinery to be stored or used within, leached into, or otherwise access the local wildlife site.
- 17 No part of the development shall be occupied until the access road and the new junction to the application site has been constructed.
- 18 Closure of existing disused site access.
- 19 Submission of construction traffic management plan to include prevention of mud and other debris on the highway.
- 20 Details/samples of all external facing and roofing materials.
- 21 Details/samples of all surfacing materials.
- 22 Details of all screen and boundary walls, fences and any other means of enclosure.
- 23 Submission of plans of the site showing the existing and proposed ground levels and levels of thresholds of all proposed buildings.
- 24 Car parking and turning facilities to be provided within the site.
- 25 Submission of a scheme for protecting the proposed dwellings from noise from the A10 link road.
- 26 Approval of details of sewage disposal and drainage including on and off-site works.