

**committee agenda**



**Epping Forest  
District Council**

***District Development Control Committee  
Wednesday, 21st August, 2013***

You are invited to attend the next meeting of **District Development Control Committee**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping  
on Wednesday, 21st August, 2013  
at 7.30 pm .**

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer**

Simon Hill, The Office of the Chief Executive  
Tel: 01992 564249 Email:  
democraticservices@eppingforestdc.gov.uk

**Members:**

Councillors B Sandler (Chairman), J Wyatt (Vice-Chairman), A Boyce, C Finn, J Hart, Mrs S Jones, Ms H Kane, P Keska, J Knapman, Ms Y Knight, J Markham, R Morgan, J Philip, Mrs C Pond and J M Whitehouse

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**A BRIEFING WILL BE HELD FOR THE CHAIRMAN, VICE-CHAIRMAN AND GROUP  
SPOKESPERSONS OF THE-COMMITTEE, AT 6.30 P.M.  
IN COMMITTEE ROOM 1 PRIOR TO THE MEETING**

**SUBSTITUTE NOMINATION DEADLINE:**

**18:30**

**WEBCASTING/FILMING NOTICE**

**Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.**

**You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the**

**Council's published policy.**

**Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.**

**If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.**

**1. WEBCASTING INTRODUCTION**

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chief Executive will read the following announcement:

“This meeting will be webcast live to the Internet and will be archived for later viewing. Copies of recordings may be made available on request.

By entering the chamber's lower seating area you are consenting to becoming part of the webcast.

If you wish to avoid being filmed you should move to the public gallery or speak to the webcasting officer”

**2. APOLOGIES FOR ABSENCE**

**3. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.

**4. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING COMMITTEES (Pages 5 - 6)**

General advice to people attending the meeting is attached.

**5. DECLARATIONS OF INTEREST**

(Assistant to the Chief Executive) To declare interests in any item on this agenda.

**6. MINUTES (Pages 7 - 16)**

To confirm the minutes of the last meeting of the Committee held on 26 June 2013 (attached).

**7. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

**8. PLANNING APPLICATION EPF/2343/12. DEMOLITION OF EXISTING TIMBER CONSTRUCTION USE CLASS B1 UNITS AND REPLACEMENT WITH NEW CLASS B1 UNITS AND 6 THREE BEDROOM COTTAGES (INCLUDING 3 AFFORDABLE) AT STONE HALL, DOWNHALL ROAD, MATCHING GREEN, CM170RA (Pages 17 - 40)**

(Director of Planning and Economic Development) To consider the attached report.

**9. ERECTION OF A TWO STOREY DETACHED DWELLING AND COMMUNITY NATURE RESERVE, SPARKS FARM, 185 NINE ASHES ROAD, HIGH ONGAR - EXTENSION OF S106 PERIOD (Pages 41 - 42)**

(Director of Planning and Economic Development) To consider the attached report.

**10. EXCLUSION OF PUBLIC AND PRESS**

**Exclusion:** To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

**Confidential Items Commencement:** Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her

discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.

- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

**Background Papers:** Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

## **Advice to Public and Speakers at Council Planning Subcommittees**

### **Are the meetings open to the public?**

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

### **When and where is the meeting?**

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and members of the Subcommittee.

### **Can I speak?**

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak, you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

### **Who can speak?**

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

Sometimes members of the Council who have a prejudicial interest and would normally withdraw from the meeting might opt to exercise their right to address the meeting on an item and then withdraw.

Such members are required to speak from the public seating area and address the Sub-Committee before leaving.

### **What can I say?**

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

If you are not present by the time your item is considered, the Subcommittee will determine the application in your absence.

### **Can I give the Councillors more information about my application or my objection?**

**Yes you can but it must not be presented at the meeting**. If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website [www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk). Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

### **How are the applications considered?**

The Subcommittee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

### **Further Information?**

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** District Development Control **Date:** 26 June 2013  
Committee

**Place:** Council Chamber, Civic Offices, **Time:** 7.30 - 10.05 pm  
High Street, Epping

**Members Present:** J Wyatt (Vice-Chairman), A Boyce, J Hart, Ms H Kane, Ms Y Knight, R Morgan, J Philip, Mrs C Pond, D Stallan, G Waller and J M Whitehouse

**Other Councillors:**

**Apologies:** B Sandler, C Finn, Mrs S Jones, J Knapman and J Markham

**Officers Present:** A Hall (Director of Housing), N Richardson (Assistant Director (Development Control)), S G Hill (Senior Democratic Services Officer) and A Hendry (Webcasting Officer)

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### VICE CHAIRMAN IN THE CHAIR

#### 43. WEBCASTING INTRODUCTION

The Assistant to the Chief Executive reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

#### 44. APPOINTMENT OF VICE CHAIRMAN FOR THE MEETING

**Resolved:**

That Councillor J Philip be appointed Vice Chairman for the duration of the meeting.

#### 45. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that Councillor G Waller was substituting for Councillor B Sandler and Councillor D Stallan was substituting for Councillor J Knapman at the meeting.

#### 46. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors A Boyce and R Morgan declared a non-pecuniary interest in the following items of the agenda by virtue of being knowing the applicant/objector. The Councillors had determined that their interest was not prejudicial and that they would remain in the meeting for the consideration of the applications and voting thereon:

- Item 15 – Appealed Planning Applications at New House Farm, Little Laver Road, Moreton

(b) Pursuant to the Council's Code of Member Conduct, Councillor K Avey declared a non-pecuniary interest in the following item of the agenda. The Councillor had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration of the applications and voting thereon:

- Item 13 - EPF/0696/13 – R/O 8 Margaret Road, Epping

#### 47. MINUTES

**Resolved:**

That the minutes of the meeting held on 27 March 2013 be taken as read and signed by the Chairman as a correct record.

#### 48. ANY OTHER BUSINESS

It was noted that there was no further business to be transacted at the meeting save that published in the agenda.

#### 49. DETERMINATION OF APPLICATIONS TO MODIFY, REMOVE OR DISCHARGE AFFORDABLE HOUSING OBLIGATIONS - GROWTH AND INFRASTRUCTURE ACT 2013

The Committee considered a report which sought to delegate to officers authority to change affordable housing obligations previously agreed as part of planning permissions through section 106 agreements, following a request from an applicant to modify, remove or discharge the obligations. The Council was under a requirement to determine such requests within 28 days of receipt.

The Committee approved the proposals but asked that when changes were proposed, local ward members be consulted in addition to the Chairman of the relevant Area Plans Subcommittee.

**Resolved:**

(1) That the provisions of the Growth and Infrastructure Act 2013, relating to the new ability for developers to apply to have previously-agreed affordable housing obligations within signed Section 106 agreements modified, removed or discharged, together with the resultant implications for the Council, be noted;

(2) That the Act's requirement for the Council to determine such applications and issue its formal Determination Notice within 28 days of request be noted;

(3) That authority be delegated to the Director of Housing to determine applications received under Section 7 of the Growth and Infrastructure Act 2013 to modify, remove or discharge affordable housing obligations, subject to:

(a) Prior consultation with the Director of Planning and Economic Development; the Chairman (or in his/her absence, the Vice-Chairman) of the relevant Area Plans Sub-Committee and local ward members; and

(b) Details of the application and the resultant Determination being reported in the following issue of the Council Bulletin; and



- (4) That applicants be required to meet the Council's full costs in appointing a consultant to validate their revised affordable housing proposals.

**50. PLANNING PERMISSION EPF/1400/2004 - DEVELOPMENT AT ST JOHNS SCHOOL, EPPING - FURTHER DEED OF VARIATION TO UNILATERAL UNDERTAKING REGARDING AFFORDABLE HOUSING REQUIREMENTS**

The Committee noted that following a planning appeal in 2006, the Planning Inspectorate had granted outline planning permission for the demolition of St. Johns School, Epping and the construction of a new secondary school and residential development. Subsequently, in 2009, the Council approved the Reserved Matters application (EPF/0585/09) for the demolition of the School, the construction of the new school and the development of 149 dwellings (including 38 affordable homes – in accordance with the Outline Planning Permission).

In 2011, the District Development Control Committee agreed that the Council should enter into a Deed of Variation to the Unilateral Undertaking, to allow Affordable Rents (with rents of up to 80% of market rents, including service charges) to be charged instead of Social Rents, in accordance with Government policy.

The developer's solicitor had requested that, in order to safeguard their client, the Council entered into a Deed of Variation to confirm the minor changes to the original Unilateral Undertaking that have been agreed in principle or have come about through the passage of time. These changes related to the actual mix of the affordable housing element, allowing some units not to meet the Homes and Communities Agency's Housing Quality Indicators; and to allow the Housing Association and developer to negotiate and complete the purchase of the affordable units on the site at a sum other than the maximum of build cost.

These changes were approved by the Committee.

**Resolved:**

That the Council enters into a further Deed of Variation to the Unilateral Undertaking with the applicant in respect of the planning permission granted for the demolition of St. Johns School, Epping and the construction of a new secondary school and residential development, in order to assist with the delivery of the affordable housing, specifically:

- (1) The confirmation of the actual proposed mix of affordable housing within the deed agreed with the Director of Housing; and
- (2) The agreement that some of the individual shared ownership units do not meet the Homes and Communities Agency's Housing Quality Indicators (HQI's); and
- (3) That the Housing Association and developer be allowed to negotiate and complete purchase of the affordable units on the site at a sum other than the maximum of build cost.

**51. SAINSBURY'S DEBDEN STORE, TORRINGTON DRIVE, LOUGHTON - VARIATION OF SECTION 106 LEGAL AGREEMENT TO PLANNING PERMISSION EPF/0620/00 IN RESPECT OF HGV DELIVERY VEHICLES MOVEMENT ROUTING RESTRICTIONS**

The Committee were asked to consider a request by Sainburys PLC to vary a Section 106 Agreement to enable deliveries to their Debden store from the Waltham Point Distribution Centre via the A121 and A1168. This request had been made as a result of the Council approving a revised road layout which restricted which direction lorries could deliver to the store.

The Committee noted that a judicial review of the Council's decision which included the revised road layout scheme was due to be heard on 1 August 2013.

The Committee considered that the application should be approved as the retention of the store for Debden was important.

**Resolved:**

(1) That the Director of Planning and Economic Development/Director of Corporate Support Services be authorised to enter into a variation to the Section 106 Legal Agreement relating to Planning Permission EPF/0620/00 (for the regional distribution centre on Land at Sewardstone Road) to allow daily return HGV movements from the Waltham Point Distribution Centre to Sainsbury's Debden Store at Torrington Road, Loughton, and;

(2) That, to facilitate this change, a new clause 8.1A be inserted to read "The provisions of clause 8.1 are subject to clause 8.3" and a new clause 8.3 be inserted into the Section 106 agreement referred to in (1) above as follows:

"8.3 The Routing Restrictions Scheme, the Excluded Routes and the obligations in clause 8 (except for clause 8.1A) will not apply to any HGV movements to or from the Site in connection with the Sainsbury's store located at Torrington Drive, Debden."

**52. PLANNING APPLICATION EPF/2214/12 - PROPOSED TWO STOREY AND SINGLE STOREY SIDE EXTENSION AT 5 RODING VIEW, BUCKHURST HILL**

The Committee gave further consideration to an application for the extension of a property at 5 Roding View, Buckhurst Hill which had been deferred at the last meeting to enable members to undertake a site visit.

The Committee heard from both an objector and the applicant.

The members of the Committee were of the view that the proposed would have a significant impact on the amenity of the adjoining property and refused the application.

**Resolved:**

That planning permission EPF/2214/12 at 5 Roding View, Buckhurst Hill be refused for the following reason:

(1) By reason of its bulk, proximity to the site boundary and rearward projection, the first floor element of the proposed two-storey extension would detract from the amenities of 3 Roding View to the extent that excessive harm would be caused to the living conditions of its occupants. Accordingly, the proposal is contrary to Local Plan and Alterations Policy DBE9, which is consistent with the policies of the National Planning Policy Framework.

**53. PLANNING APPLICATION EPF/0382/13 - 24 BOWER VALE, EPPING - CONSTRUCTION OF 1 NO. TWO BEDROOM HOUSE.**

The Committee considered an application referred to it by Area Plans Subcommittee East at their meeting on 22 May 2013 with a recommendation that the application be granted. The application sought to construct a house on land at the end of an existing row of houses in Bower Vale, Epping.

The Committee heard from the applicant.

The Committee noted that the principle of building on the site had been set by a previous Planning Inspector's decision. The Committee agreed with the assessment of officers that planning permission should be granted.

**Resolved:**

That planning application EPF/0382/13 at 24 Bower Vale, Epping be granted subject to the following conditions:

(1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

(2) The development hereby permitted will be completed strictly in accordance with the approved drawing 730-01A.

(3) No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.

(4) No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

(5) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A and B shall be undertaken without the prior written permission of the Local Planning Authority.

(6) All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.30 Monday to Friday and 08:00 -13.00 hours on Saturday, and at no time during on Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

**54. PLANNING APPLICATION EPF/0696/13 - REAR OF 8 MARGARET ROAD, EPPING - ERECTION OF SINGLE AFFORDABLE DWELLING AND ANCILLARY WORKS INCLUDING VEHICLE ACCESS AND CROSSING (RESUBMITTED APPLICATION)**

The Committee considered an application for construction of an additional dwelling in the rear garden of 8 Margaret Road, Epping which had been referred to the committee by Area Plans Subcommittee East at its meeting on 22 May 2013.

The Committee heard from a representative of the applicant, Theydon Trust.

The Committee noted the good work of the trust in providing accommodation but considered that there would be cramped and affect the amenity of No 8 and refused the application.

The Committee, after confirming its refusal, suggested that a more favourable decision could be made if a new application for planning permission proposed similar scale development that did not appear cramped on the site.

**Resolved:**

That planning application EPF/0696/13 at 8 Margaret Road, Epping be refused permission for the following reasons:

(1) The proposed development, due to its location and scale, would constitute a cramped form of development out of character with the surrounding area and the street scene, contrary to the guidance contained within the National Planning Policy Framework and policies CP2, CP7 and DBE1 of the adopted Local Plan and Alterations.

(2) The proposed development, due to its location within the site, would result in an excessive and detrimental effect on the amenities of the residents of No. 8 Margaret Road, contrary to policies DBE2 and DBE9 of the adopted Local Plan and Alterations.

**55. PLANNING APPLICATION EPF/2190/12 - 26 FYFIELD ROAD, ONGAR - CHANGE OF USE OF THE PREMISES FROM A1 TO A3 AND A5 WITH EXTENSION FLUE AND CHANGES TO SHOP FRONT.**

The Committee considered a further planning application referred by Area Plans Subcommittee East at their meeting on 22 May 2013. The application sought the can of use of premises in Fyfield Road from A1 to A3 and A5. The Subcommittee had referred the application with a recommendation that Planning Permission be refused contrary to the original officer recommendation.

The Committee heard from an objector, the Town Council and the applicant.

The Committee noted that the Subcommittee were concerned about cooking odours and the sites proximity to dwellings, the generation of additional traffic and that the application failed to demonstrate market demand in a location where other food retail outlets existed in the immediate vicinity. The Committee noted information supplied since the meeting of subcommittee. The Committee voted on the recommendation to refuse permission which failed to find support.

The Committee, on voting to approve the application, amended the proposed opening times attached to the permission to reflect those that the applicant had originally requested.

**Resolved:**

That Planning application EPF/2190/12 at 26 Fyfield Road, Ongar be granted subject to the following conditions:

(1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

(2) The use hereby permitted shall not be open to customers outside the hours of 11.30-14:00 and 17:00-21.00 Monday to Saturday and closed on Sundays and Public/Bank Holidays.

(3) The use hereby approved shall not commence until a scheme providing for the adequate storage of refuse from the use has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out as approved and maintained as long as the use continues unless otherwise agreed in writing by the Local Planning Authority.

(4) Details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority prior to the unit being brought into use and the development shall be implemented in accordance with such agreed details.

(5) Equipment shall be installed to suppress and disperse cooking/food preparation fumes and smell to a minimum. The equipment shall be effectively operated and maintained for as long as the use continues. Details of the equipment shall be submitted to, and approved, by the Local Planning Authority prior to the commencement of the use.

(6) The rating level of noise (as defined by BS4142: 1997) emitted from the extraction system agreed pursuant to Condition 5 shall not exceed 5dB (A) above the prevailing background noise level. The measurement position and assessment shall be made according to BS4142: 1997.

**56. APPEALED PLANNING APPLICATIONS - NEW HOUSE FARM, LITTLE LAVER ROAD, MORETON;**

The Committee were asked to consider their views on three planning applications which had come before Area Plans Subcommittee East in March 2013. The applications had been referred to the Committee but had been made subject to appeal on the grounds of non-determination. The committee received representations from a representative of the objectors and the applicant.

The Committee were of the view that the changes of use proposed under EPF/2404/12 would have been acceptable but that the further change of use of farm buildings had caused a detrimental impact on the amenities of local residents and furthermore that the case for the application for a further grain building had not been made as there were other suitable buildings on the site. The Committee resolved accordingly.

**Resolved:**

That had appeals against the non-determination of the applications at New House Farm not been submitted to the Planning Inspectorate the Council would have determined the applications as follows:

**(a) EPF/2404/12 for the Change of use of units 2a, 3a and 7C1 to Class B2 use and alterations to previously approved lean to extensions (EPF/0359/08) to facilitate change of use.**

Application would have been granted subject to the following conditions:

- (1) The operating hours and any deliveries associated with the uses hereby approved shall not take place outside the following hours:- 09.00 - 17.00 hours Monday to Saturday and 09.00 - 13.00 on Sundays and Bank Holidays.
- (2) No external storage or working outside shall take place at any time in connection with the uses hereby approved unless otherwise agreed by the Local Planning Authority.
- (3) The rating levels of noise emitted from the units hereby approved shall not exceed the existing background level by more than 5dB between the permitted hours of operation. The noise levels shall be determined at the nearest residential premises and measurements shall be taken in accordance with BS4142:1997.
- (4) The uses hereby approved shall be contained within the buildings outlined on the submitted plan No 1198/1B and there shall be no further conversions of buildings at the site to non agricultural commercial activities, other than those approved by this application or application EPF/2405/12, including "building 5" currently in use for ancillary agricultural storage.
- (5) The premises referred to on the approved plan No 1198/1B as Units 2A, 3A and 7C1 shall be for the following stated B2 purposes, 2A Pitfield Brewery, 3A Joinery Workshop, 7C1 Vehicle Restoration, and for no other purpose in Use Class B2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order).
- (6) Within four months of the date of this decision, details of equipment to suppress and disperse fumes and odours emitting from unit 3A shall be submitted to the Local Planning Authority for approval. The equipment shall be installed within three months as agreed. The equipment shall be effectively operated and maintained for as long as the use continues.
- (7) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 8, Class A shall be undertaken without the prior written permission of the Local Planning Authority.

**(b) EPF/2405/12 for the Change of use of units 3B, 3C, 6, 7A and 7C2 to a purpose within class B8 and alterations to lean to extensions (EPF/0359/08) and cattle yard building (EPF/0024/05) to facilitate the change of use.**

Planning application would have been refused for the following reason:

(1) The Class B8 use of these buildings has a significant detrimental impact on the amenities of residents living in close proximity, as well as the character of the countryside, due to the level of associated lorry traffic movements along these narrow country lanes, to and from the site, contrary to policies GB8A of the Adopted Local Plan and Alterations and the National Planning Policy Framework.

**EPF/2406/12 for a new build grain storage building.**

Planning application would have been refused for the following reason:

(1) It has not been demonstrated that the proposed grain store building is deemed necessary for the purposes of agriculture, given the presence of other suitable adaptable buildings on the site and due to its size and position beyond the group of existing buildings on the site, it would be harmful to the appearance of the countryside, the openness of the Green Belt and the purposes of including land within it, contrary to policy GB11 of the Adopted Local Plan and Alterations and the National Planning Policy Framework

**CHAIRMAN**

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## **Report to District Development Control Committee**

**Epping Forest  
District Council**

**Date of meeting: 21 August 2013**

**Subject: Planning application EPF/2343/12. Demolition of existing timber construction Use Class B1 units and replacement with new Class B1 units and 6 three bedroom cottages (including 3 affordable) at Stone Hall, Downhall Road, Matching Green, CM170RA**

**Officer contact for further information: Jill Shingler  
Committee Secretary: S Hill Ext 4249**

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### **Recommendation(s):**

**That Members consider the recommendation of the Area Planning Subcommittee East to refuse the planning application on the basis that very special circumstances have not been demonstrated sufficient to outweigh the harm to the Green Belt from the proposed residential element of the proposal.**

### **Report Detail**

1. (Director of Planning and Economic Development) This application was reported to the Area Planning Sub Committee East on 19th June, with an officer recommendation that permission be granted. The Sub Committee voted on that recommendation and this was lost. Subsequently, before a vote could be taken on an alternative recommendation, 5 members of the Sub Committee stood to refer the application to this committee for decision. Members then voted to refer the application with a recommendation to refuse permission as no very special circumstances sufficient to outweigh the harm to the Green Belt were apparent.

### **Planning Issues**

2. The main issue for Members was that although it was felt that the redevelopment of the site for business units could be justified, there were no very special circumstances apparent that would justify the addition of the 6 new dwellings at the front of the site. Members in the course of the discussion suggested that additional information was needed with regard to the financial viability of the development without the housing element as it was felt that if the business redevelopment were not viable in its own right then the housing may be justified as enabling development, given the other benefits that would accrue from the redevelopment.

3. In response to this query the applicant has provided figures that demonstrate that the redevelopment of the site solely for the proposed business units would not be a financially viable option and indeed would result in a net loss. The submitted figures for the development, both with and without the proposed houses, are attached as Appendix 1 along with two letters from the applicant in response to the concerns raised by the Sub Committee.

## **Conclusion**

4. The Officer recommendation remains for approval (subject to a legal agreement to secure the affordable housing and to conditions) for the reasons set out in the original sub committee report attached as Appendix 2.

Jill Shingler  
Epping Forest District Council  
Civic Offices  
High Street  
Epping  
Essex CM16 4BZ

1st August 2013

Dear Mrs Shingler

**Application No.EPF/2343/12 Mixed Use Redevelopment at Stonehall Business Park**

Further to your email to Andrew Tate dated 28<sup>th</sup> June 2013 we set out below what we suggest could be further justification to support your recommendation for approval:-

**1. Planning Policy – National Planning Policy Framework (NPPF)**

We strongly believe that the need for us to prove that the residential element of our scheme requires ‘special circumstances’ to justify its inclusion in the scheme is not necessary.

Paragraph 89, (the last bullet point) states that....An LPA should regard the construction of new buildings as inappropriate in a Green Belt except for limited infilling or the partial or complete redevelopment of previously developed sites (Brownfield land) whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development.

Paragraph 14 states says that housing is sustainable development to be approved without delay unless specific policies in the framework indicate development should be restricted.

We believe that these Paragraphs of the NPPF confirm that Green Belt policy specifically allows and encourages the residential development, particularly now that we have incorporated 3 affordable houses in full compliance with current affordable housing policy.

Paragraph 51 confirms that LPA’s should normally approve any change of use or associated development of commercial buildings (B uses) where there is an identified need for housing, and given the conclusion reached on Paragraph 89, above, we suggest that the LPA should approve development for housing as this is not inappropriate in the Green Belt. Part J of the GPDO, Amendment 2013 provides Permitted Development rights for the conversion of Existing offices, for housing.

It would therefore be lawful to change the use of the office buildings at Stonehall, to residential without planning permission, subject to prior approval.

## **2. Financial Statements**

Please find attached 2 simple financial statements, set out and incorporating the majority of the appraisal variables as previously supported by your external viability consultants, KIFT:-

1. Proposed mixed use scheme.
2. An alternative entirely B1 Business use scheme that replaces the proposed residential footage of approx 6,000 sq.ft, with additional B1 commercial footage.

These 2 comparables clearly demonstrate that the entirely B1 scheme is not viable and as such would not be brought forward as redevelopment on this site, where as the proposed scheme with a compliant 50% affordable housing provision afford an acceptable level of developers return, as confirmed by KIFT.

## **3. Special Circumstances Justifying Proposed Mixed Development.**

Whilst the financial analysis provides one robust ground for approving this scheme we also set out below additional reasons why the proposed mixed use scheme should be approved in accordance with your Officers recommendation:-

1. We believe existing Planning Policy supports the mixed use development of the site.
2. The existing buildings are no longer fit for purpose with poor loading and circulation low eaves height, with diminishing appeal to local businesses.
3. The refurbishment of the units is not viable due to their very rudimentary construction with no insulation, being former chicken sheds, making them difficult to repair and maintain, and expensive to heat.
4. The units do not comply with current DDA requirements and share limited communal WC facilities creating a poor working environment.
5. We are slowly losing tenants, finding it extremely difficult to replace them, and existing tenants are getting concerned for security as the site is occupied less.

**In considering our proposals we seek the Council also looks at the benefits that the scheme will bring and the responses to public consultation:**

6. From the Officers report we understand that no-one has objected to our proposals, and in fact those nearest to the scheme have actively supported the scheme and its benefits which include:
7. The approved setting of the adjoined listed Stonehall Barn with greater special amenity and the removal of the adjoining commercial uses.
8. The creation of a new green/openness at the front of the site will conceal the business use behind a naturally banded and planted area to the rear of the site that also sits at a lower level minimising its impact on the countryside around the site.

9. The proposed conditions control hours of working and removal of any open storage on the site and enhances the residential amenity of the location.
10. The modern adaptable buildings will not only allow us to retain the existing local businesses on site but also attract new business and jobs into the Borough creating longevity for local businesses and securing rural jobs.
11. The new access road will be moved away from existing building and adjoining residential again offering improved access and egress to the site with minimal intrusion to the residential neighbours.
12. The residential element, including 3 No. “Affordable Rented” units is part of a terrace of 6 “farm workers styled” cottages that improve and enhance the setting of the Listed Building.
13. The scheme provides a much improved environment for the residential and commercial occupiers. Whole estate will be in private ownership and actively managed by a Management Company to ensure the quality of the development is maintained.

**Without a mixed use scheme we have clearly shown that Stonehall Business Park would/could not be redeveloped but would slowly decline and be sold.**

Yours sincerely

Phil Roberts

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Matching Green Appraisal - Mixed Use Scheme

<b>COMMERCIAL SALES</b>	<b>Total Area</b>	<b>Rate/Sqft</b>	<b>Total(£)</b>
14 x Industrial Units	14693	£109.07	£1,602,500
<b>RESIDENTIAL SALES</b>			
	<b>NIA</b>	<b>Average Rate/Sqft</b>	<b>Total GDV</b>
3 x Private Houses	3131	£311	£975,000
	<b>NIA</b>	<b>Rate/Sqft</b>	<b>Total GDV</b>
3 x Affordable Houses	2930	£136	£399,000
		<b>GDV</b>	<b>£2,976,500</b>
<b>Construction Costs</b>	<b>Build Area(ft2)</b>	<b>Cost per ft2(£)</b>	<b>Total(£)</b>
Residential	3131	125	£391,379
Commercial	14693	50	£734,643
Private Water System			£50,000
Electric Substation			£65,000
Demolition			£50,000
Landscaping/Site Remediation		Resi Scheme Site Only	£100,000
Contingency	7.5%		£104,327
		<b>Sub Total</b>	<b>£1,495,349</b>
Professional Fees	9.00%	Of Build Cost	£130,081
<b>Purchase Costs &amp; Finance</b>	<b>%</b>		<b>Total(£)</b>
Stamp Duty	3.00%	Of Land Purchase Price	£18,000
Legal Fees	0.50%	Of Purchase Price	£3,000
Construction Finance	7.00%	12 Month Construction	£51,201
Land Finance	7.00%	12 Month Construction	£39,123
Void Finance	7.00%	Sell Out over 12 Months from Completion	£64,242
<b>Land Cost</b>			<b>£600,000</b>
		<b>TOTAL</b>	<b>£775,566</b>
Agents Fees(sales)	2.00%	Of Sales	£51,550
Marketing	1.00%	Of Sales	£25,775
Legal Fees - Resi	0.50%	Of Sales	£6,870
Legal Fees - Commercial	1.00%	Of Sales	£16,025
		<b>TOTAL</b>	<b>£100,220</b>
<b>Summary</b>		<b>Total Costs</b>	<b>£2,501,216</b>
		<b>Total Resales</b>	<b>£2,976,500</b>
<b>Profit</b>			<b>£475,284</b>
<b>Return on costs</b>			<b>19.00%</b>

90% Debt  
60% Debt  
60%/90% Debt

Exc AH Units  
Exc AH Units

## Matching Green Appraisal - Mixed Use Scheme

### Residential

Unit	Type	Beds	Sq m	Sq Ft	Price	£psf
1	House Private	3	96.96	1044	£325,000	£311
2	House Private	3	96.96	1044	£325,000	£311
3	House Private	3	96.96	1044	£325,000	£311
4	House Affordable	3	90.72	977	£133,000	£136
5	House Affordable	3	90.72	977	£133,000	£136
6	House Affordable	3	90.72	977	£133,000	£136

<b>6</b>	<b>563.04</b>	<b>6061</b>	<b>£1,374,000</b>
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### Commercial

Type	Use	Sq m	Sq Ft	Price	£psf
1	B1	115	1238	£130,000	£105
1	B1	115	1238	£130,000	£105
1	B1	115	1238	£130,000	£105
1	B1	115	1238	£130,000	£105
1	B1	115	1238	£130,000	£105
1	B1	115	1238	£130,000	£105
2	B1	75	807	£92,500	£115
2	B1	75	807	£92,500	£115
2	B1	75	807	£92,500	£115
2	B1	75	807	£92,500	£115
2	B1	75	807	£92,500	£115
3	B1	100	1076	£120,000	£111
3	B1	100	1076	£120,000	£111
3	B1	100	1076	£120,000	£111

<b>14</b>	<b>1365</b>	<b>14693</b>	<b>£1,602,500</b>
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Scheme Summary	Sq m	Sq Ft	Price
Residential	563.0	6060.6	£1,374,000
Commercial	1365.0	14692.9	£1,602,500
	<b>1928.0</b>	<b>20753.4</b>	<b>£2,976,500</b>



Matching Green Appraisal - B1 Scheme

<b>COMMERCIAL SALES</b>	Total Area	Rate/Sqft	Total(£)
18 x Industrial Units	18697	£111.38	£2,082,500
		<b>GDV</b>	<b>£2,082,500</b>
<b>Construction Costs</b>	Build Area(ft2)	Cost per ft2(£)	Total(£)
Commercial	18697	50	£934,853
Private Water System			£50,000
Electric Substation			£65,000
Demolition			£50,000
Contingency	7.5%		£82,489
		Sub Total	<b>£1,182,342</b>
Professional Fees	9.00%	Of Build Cost	£101,911
<b>Purchase Costs &amp; Finance</b>	%		Total(£)
Stamp Duty	3.00%	Of Land Purchase Price	£18,000
Legal Fees	0.50%	Of Purchase Price	£3,000
Construction Finance	7.00%	12 Month Construction	£40,454
Land Finance	7.00%	12 Month Construction	£26,082
Void Finance	7.00%	Sell Out over 12 Months from Completion	£53,495
<b>Land Cost</b>			<b>£600,000</b>
		TOTAL	£741,031
Agents Fees(sales)	2.00%	Of Sales	£41,650
Marketing	1.00%	Of Sales	£20,825
Legal Fees - Commercial	1.00%	Of Sales	£20,825
		TOTAL	£83,300
<b>Summary</b>		<b>Total Costs</b>	<b>£2,108,584</b>
		<b>Total Resales</b>	<b>£2,082,500</b>
<b>Profit</b>			<b>-£26,084</b>
<b>Return on costs</b>			<b>-1.24%</b>

90% Debt  
60% Debt  
60%/90% Debt

Matching Green Appraisal - B1 Scheme

Commercial

Type	Use	Sq m	Sq Ft	Price	£psf
1	B1	115	1238	£130,000	£105
1	B1	115	1238	£130,000	£105
1	B1	115	1238	£130,000	£105
1	B1	115	1238	£130,000	£105
1	B1	115	1238	£130,000	£105
1	B1	115	1238	£130,000	£105
2	B1	75	807	£92,500	£115
2	B1	75	807	£92,500	£115
2	B1	75	807	£92,500	£115
2	B1	75	807	£92,500	£115
2	B1	75	807	£92,500	£115
3	B1	100	1076	£120,000	£111
3	B1	100	1076	£120,000	£111
3	B1	100	1076	£120,000	£111
4	B1	93	1001	£120,000	£120
4	B1	93	1001	£120,000	£120
4	B1	93	1001	£120,000	£120
4	B1	93	1001	£120,000	£120

<b>18</b>	<b>1737</b>	<b>18697</b>	<b>£2,082,500</b>
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Scheme Summary	Sq m	Sq Ft	Price
Residential	0.0	0.0	£0
Commercial	1737.0	18697.1	£2,082,500
	<b>1737.0</b>	<b>18697.1</b>	<b>£2,082,500</b>

Mrs J Shingler  
Epping Forest District Council  
Civic Offices  
High Street  
Epping  
Essex CM16 4BZ

6<sup>th</sup> August 2013

Dear Mrs Shingler

**APPLICATION No.EPF/2343/12 MIXED USE DEVELOPMENT AT STONEHALL BUSINESS PARK**

I refer to our application to the District Council for what we regard as the essential redevelopment of Stonehall Business Park, which I understand has been referred to the main Development Control Committee by the Area Planning Committee with a recommendation of refusal.

As you will appreciate we are most disappointed with the Area Committee's recommendation, and we would like to further support our case with additional financial information (previously emailed to you on 01/08/13) and a re-affirmation of our case (set out below) which we believe has already been set out in the Planning Design and Access Statement submitted with the original application.

**Planning Policy – National Planning Policy Framework (NPPF).**

The NPPF document contains a number of policy elements that we strongly believe supports the application that we have submitted to the Council. There are two key policy areas to which we would ask members' attention to be drawn.

Supporting a prosperous rural economy. This section of the NPPF states that Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It goes on to say that local authorities should go on to promote a strong rural economy, and that local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.

The proposal we have set out ticks those boxes. The existing business park buildings and facilities are neither viable or sustainable, and we believe that the case we have set out within the application and its supporting documents is quite clear. If the replacement of the existing buildings is not undertaken, then the site cannot be sustained in employment use, and this will adversely affect the local economy.

Should this be the case, and the business park is no longer able to operate viably, then we would need to look at alternative options, and in this respect we would refer you to paragraph 22 of the NPPF document, which states that:-



*Planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.*

This indicates that unless the business park is put on a viable footing, the site would be lost to the local economy. However, we also believe that this NPPF statement further supports our case for the inclusion of a residential element as a part of the overall scheme.

**Protecting Green Belt Land.** The NPPF points to five main purposes for protecting Green Belt land. These are:-

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

We would contend that the application that is now to be considered by the Council's main Development Committee is not contrary to any of these purposes. Furthermore, paragraph 89 of the NPPF document states that:-

*An LPA should regard the construction of new buildings as inappropriate in a Green Belt except for limited infilling or the partial or complete redevelopment of previously developed sites (Brownfield land) whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development.*

Our contention is, and always has been, that the proposed new industrial buildings will not have a greater impact on the openness of the surrounding Green Belt, and the application should therefore receive Council support.

Finally, Paragraph 51 of the NPPF states that Local Planning Authorities should normally approve planning applications for the change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

Following discussions with the Councils Director of Housing, we have of course agreed that three of the proposed houses should be allocated as affordable housing units, and these will meet a need identified by the Council for such housing provision, and in full compliance with the Councils current policy.

We would ask that the supporting statements set out above are added to the arguments for approving this application already clearly articulated within the Planning, Design and Access Statement, and put forward in our case to the Council's Development Committee.

Yours sincerely



P Roberts

## Extract from Area Plans East 19 June 2013

<b>APPLICATION No:</b>	EPF/2343/12
<b>SITE ADDRESS:</b>	Stone Hall Downhall Road Matching Green Harlow Essex CM17 0RA
<b>PARISH:</b>	Matching
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>APPLICANT:</b>	Mr Phil Roberts
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing timber construction Use Class B1 units and replace with new Use Class B1 units and 6 no. 3 bedroom cottages.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=543982](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=543982)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:211/S/100, S/101, S/102, P/11A,P/012, P/013, P/014, P/015, P/016, P/017, P/018P/019
- 2 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 3 No development shall take place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 6 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) the B1 units hereby approved shall not be used only for uses falling within the B1 use and shall not be used for any other purpose without the prior written permission of the Local Planning Authority.
- 7 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes A, B or E shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 The B1 use hereby permitted shall not operate outside the hours of 0.800 to 20.00 on Monday to Saturday and 10.00 to 16.00 on Sundays and Bank/Public Holidays.
- 9 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 10 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 11 There shall be no external storage in connection with the approved B1 business use.
- 12 The parking areas for the B1 uses, shown on the approved plans shall be provided prior to the first use of any of the B1 units hereby approved and shall be maintained free of obstruction for the parking of vehicles in connection with the approved B1 uses thereafter and shall not at any time be used for the storage or parking of vehicles unconnected with the businesses operating at the site.
- 13 Prior to commencement of development details shall be submitted to and approved in writing by the Local Planning Authority for a bellmouth access into the site to include minimum kerb radii of 8m returning to the carriageway width of no less than 6metres for the first 10metres into the site, unless otherwise agreed in writing by the Local Planning Authority. The approved details shall be implemented prior to first



occupation of any element of the development.

- 14 Prior to the first use of any part of the approved development the site shall be provided with a size 3 turning head, as per the Essex Design Guide, before the gates to the business/industrial area.
- 15 No unbound material shall be used in the surface treatment of the vehicular access within 10m of the highway boundary.
- 16 Prior to commencement of development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 17 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 18 Prior to commencement of development details of phasing of the development including timing of demolition of the existing buildings, and erection of the replacement units and housing, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall then be carried out in accordance with the agreed phasing plan unless alternative phasing is agreed in writing by the Local Planning Authority.
- 19 A flood risk assessment and management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 20 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 21 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 2 investigation. The

completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

- 22 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 23 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval in writing. The approved monitoring and maintenance programme shall be implemented.
- 24 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 25 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.



**And subject to the applicant first entering into a legal agreement under section 106 of the Town and Country Planning Act within 1 month of the date of this meeting to secure three of the proposed residential units as affordable rented accommodation.**

*This application is before this Committee since it is an application for major commercial and other developments, (e.g. developments of significant scale and/or wide concern) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(c)) and since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(d))*

### **Description of Site:**

The application site is located on the western side of Downhall Road to the north of Matching Green. The site comprises approximately 2.15 hectares in an L shape with a road frontage of approximately 180m. The site has two distinct elements, an undeveloped rectangular field of about 0.75 of a hectare with a road frontage of about 125m and a depth of between about 50 and 75metres, and an L shaped hard surfaced area with 5 single storey agricultural buildings which has been used as a business park for many years and also has a significant open storage element including the storage of large lorry containers. The site backs on to agricultural land and is adjacent to woodland to the North West. Immediately to the east is a group of dwellings, including the grade II listed Stonehall Barn which immediately abuts the boundary of the site close to the road frontage.

The site is within the Metropolitan Green Belt, but not within a conservation area.

### **Description of Proposal:**

The application is for the redevelopment of the business park, by the removal of all the existing buildings, containers and open storage and their replacement with purpose built two storey business units with associated landscaping and car parking. This area is to be located to the rear of the site, taking up part of the area that currently has business use.

In addition the scheme proposes the erection of a terrace of 6 three bedroom cottages to be located within the front section of the site in an area that is currently part of the business park. The existing undeveloped field, although outlined in red as part of the site, is shown to be retained as an undeveloped grassed area.

The intention is to retain the existing access point to the site to serve both the business park and the residential units, but to swing the access track north, away from the existing residential uses. The proposed layout creates a separation of the built development from the adjacent listed barn.

The proposed cottages are traditional in design and true cottage style with the first floor accommodation within the roof, served by pitched roofed dormer windows to the front and rear. Each property has a rear garden of approximately 15m depth and there is a residential parking area including a car port and one space for each unit and additional visitor parking spaces. An open communal space is proposed to the front of the dwellings together with a small green area. The business park is set to the rear of this residential development and contains 14 business units and marked out parking for 50 cars and an additional overspill car park.

The layout indicates provision for cycle and powered two wheeler parking and also for refuse storage.

### **Relevant History:**

The site was originally a poultry farm, use of the three larger buildings for business use was allowed on appeal back in 1989 and since then the uses have diversified and intensified and storage use has also taken place.

In 2011 a certificate of Lawfulness was granted for the open storage use as the applicants had proven on the balance of probability that the use had continued for in excess of 10 years.

### **Summary of Representations**

35 neighbours (residential and existing business units) were consulted and a site notice was erected, the following responses were received.

UNIT 2 BEECH HOUSE, STONEHALL BUSINESS PARK – The development is very much needed – The current workshops are easily broken into, maintenance of the buildings leads to high service charges, the road conditions are poor resulting in regular punctures, there are poor bathroom facilities so work days can be very uncomfortable, the site is in poor shape and attracts crime. A modern revamp means 24/7 security from the neighbouring cottages and provide a much warmer safer environment to work in.

UNIT 3 BEECH HOUSE — Support, as long term tenant I am aware of current problems in trying to run business from these units. They are in poor condition, vehicle access is difficult and there are limited toilet facilities that freeze in the winter. The electricity supply is unreliable and there have been thefts and criminal damage. If the cottages went ahead security would improve. Only concern is possible increase in costs to tenants although I have been assured that this will not be the case.

UNIT 6/7 BEECH HOUSE – The proposals would be beneficial as we could purchase our own unit and expand the business which at present is not an option due to the amount of break-ins in the last 2 years. The site needs tidying up forever and the houses to the front are probably the key to the development happening. This would add much needed security.

UNIT 8 BEECH HOUSE – Fully support the proposals. The present structures are dilapidated and out dated with insufficient facilities, no insulation and no hot water or heating. There is inadequate parking. We have security concerns and the 6 cottages would eradicate this. Currently also suffer a rodent problem. Problems are all due to the age and design of the units.

UNIT 5 YEW HOUSE, STONEHALL BUSINESS PARK – Support the application. Having been a tenant for over a year and a half I feel that the units are past their best. The redevelopment would certainly increase security and amenities for the current tenants.

STONEHALL BARN, DOWNHALL ROAD – Support the proposed redevelopment. The proposed development would have a positive effect on the listed building and is a sympathetic design that will minimise impact from the new domestic neighbours as well as the business park traffic. There will be a reduction in noise; the green area will provide an attractive open space adjacent to the listed barn. The cottages will enhance security and improve the use of this area of land adjacent to my property. There will be more green space. The units will be for sale which will encourage occupiers to look after the estate. Residential properties and purpose built units will make the site more secure and deter criminals. The balance between business use and residential use is correct. We would oppose any of the adjacent green area being a children's play area as the barn has very thin walls. Building works must take into account the proximity of the listed barn as it is not a robust structure. It would be sensible to put weight restrictions on Down Hall Road which is unsuitable for HGV's. We understand that the angle of the development means that Stonehall Barn or its garden will not be easily overlooked.

STONEHALL HOUSE, DOWNHALL ROAD- We would welcome development that will take noise and light pollution further from our property. The six cottages would improve the appearance and add security to the area, it is understood that the developer would include our property in the new septic tank arrangements. I have no objection to the proposal and feel it can only be an improvement on the current situation.

UNITS 1, 4 and 5 TUDOR HOUSE-, STONEHALL BUSINESS PARK – Support the development. I have been here 7 years and have enjoyed working here but I now have 9 staff and the units and facilities for staff are limited, there is little insulation and the buildings are easy to break into. The development would provide a better working environment for the staff and being able to buy a freehold would be a great opportunity. The added benefit of homes being built in the vicinity would help security and improve the environment. I support the proposal because if I continue to grow my business I would probably have to move off the business park for the reasons set out above.

**Policies Applied:**

The NPPF

The following policies of the adopted Local Plan and Local Plan Alterations are considered to be in accordance with the NPPF and therefore are to be accorded due weight.

CP2 Quality of environment  
CP3 New Development  
CP5 Sustainable building  
CP8 Sustainable economic development  
GB2 A Development in the Green Belt  
GB7A Conspicuous development  
HC12 development affecting setting of listed building  
RP4 Contaminated Land  
RP5A Adverse environmental impacts  
H5A affordable Housing  
H6A Thresholds for affordable housing  
H7A Levels of affordable housing  
H8A Availability of affordable housing in Perpetuity  
DBE1 Design of ne buildings  
DBE2 Effect on neighbouring properties  
DBE4 design in the Green Belt  
DBE5 Design and layout of new development  
DBE6 Car parking in new development  
DBE8 Private Amenity space  
DBE9 Loss of amenity  
LL2 Inappropriate rural development  
LL7 Planting and protection of trees  
LL10 Adequacy of landscape retention  
LL11 landscaping Schemes  
ST1 Location of development  
ST2 Accessibility of development  
ST4 Road safety  
ST6 Vehicle parking  
I1A Planning obligations

## **Issues and Considerations:**

### **Green Belt**

The site is within the Metropolitan Green Belt. The NPPF states that the construction of most new buildings in the Green Belt should be regarded as inappropriate, exceptions to this include: the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, limited infilling in villages and limited affordable housing for local community needs under policies set out in the Local Plans and limited infilling or partial or complete redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The area of land that is affected by this proposal (which excludes the greenfield area to the front of the site which is to remain undeveloped), is accepted as being previously developed land, that is land on which there is lawful non agricultural use. The main consideration is therefore whether the proposed redevelopment will have a greater impact on openness and the purposes of including land in the Green Belt, than the existing development. The proposed redevelopment will not spread the built development outside the areas already developed, and despite the increase in the height of buildings and the introduction of residential as well as business uses, it is considered that the proposed redevelopment is sited and designed in such a way that it will have only a relatively minor increased impact on openness. However although this increased impact is relatively minor, this does make the development inappropriate, by definition and to be acceptable there need to be very special circumstances sufficient to outweigh this and any other harm. This will be assessed at the end of the report

### **Impact on Residential Amenity**

The existing use of the site includes uses very close to the residential properties Stonehall Barn and Stonehall House and there is currently no control over hours of use of the site. The proposed redevelopment of the site moves the business uses further from the residential properties and provides an opportunity to impose conditions on the use of the buildings and the land to prevent late night working, and this will improve the residential amenity enjoyed by neighbouring residents. The new buildings although taller than any currently on site are sited such that there will be no overshadowing or overlooking of existing properties.

### **Design and impact on setting of listed building.**

The proposals are the result of pre-application discussions and the proposed 6 cottages at the front of the site are well designed and appropriate in form and detailing to the rural area. In addition they are set away from the listed barn and would appear perhaps as estate cottages, and would not adversely impact on the setting of the listed barn.

The Councils Conservation Officer commented:

*“The site lies within the setting of Stonehall Barn, a grade II listed building dating from the late 16th century. I have no objections to the proposed redevelopment of the site. The removal of the buildings next to the barn (The Lodge, Yew House and Tudor House) will enhance its setting and the sympathetic, traditional design of the proposed cottages preserves the setting and ensures the barn remains the central feature on the site. In addition, the proposed business units are not overly dominant in views to and from the barn due to their low height, screening by planting and the natural dip in ground level. The location of the parking areas away from the barn and the creation of open green spaces next to the barn also contribute to the enhancement of the barn’s setting. If the application is approved, the details and types of external finishes for the proposed buildings, boundary treatments and signage should be covered by condition.*”

This is supported by policy HC12 of our Local Plan and Alterations (1998 and 2006)”.

### Impact on Street Scene and Rural Character

The proposals include retaining the existing access and also retaining the fronting trees and hedgerows, the impact when viewed from the road will be minimal. What will be glimpsed through the access is the proposed row of cottages and as stated above these are considered appropriate to the rural location in design. The business units will be largely obscured from view and it is not considered that there will be a significant impact on the rural character of the area.

### Traffic

The proposal does have the potential to result in some increased traffic movements, as a result of the increased floor area of business use and the introduction of 6 houses, however the site is busy at the moment and has a history of being used for container storage, which would be much larger vehicles than one would expect for the new development. Essex County Council has raised no objection to the proposed scheme and it does provide the opportunity to bring the existing access up to a higher standard. The proposals provide ample parking within the site for both the housing development and the business units, with potential for overflow parking if necessary.

Subject therefore to conditions it is not considered that there will be harm to highway safety.

### Trees and landscaping

The application was supported by a good quality tree report and landscaping proposals which demonstrate to the satisfaction of our landscape officer that the development is feasible without a detrimental impact on the trees on and around the site. Subject therefore to conditions the development is considered acceptable in landscape terms.

### Sustainability

One of the main tenets of the NPPF is sustainability. This site is not in a sustainable location, it is remote from centres of population and anyone living or working at the site will be heavily reliant on motorised transport. In addition it is a complete redevelopment, with no reused buildings or materials, which may be regarded as unsustainable. However offsetting this to some extent is that the new business units will meet current building regulation standards preventing excessive heat loss and reducing energy consumption compared to the clearly substandard existing units on the site.

### Ecology

An extended phase one habitat survey was submitted with the application and this concluded that no protected species were likely to be impacted by the development due to the nature of the site and the existing land use/management. Although bats may forage along the existing tree corridors around the site, these are to be retained so there will be no adverse impact.

### Affordable Housing

As the application site is within the rural area and on previously developed land the policies of the Local Plan and Local Plan alterations require that where four or more dwellings are proposed 50% of the properties must be "affordable" housing.

The application was submitted with an economic viability assessment that concluded that the inclusion of affordable housing, or an affordable housing contribution would render the scheme unviable and delay the provision of replacement business units and housing.

As part of the assessment of the application therefore an independent review of this economic viability assessment was commissioned, (paid for by the applicant) and this concluded that many of the cost assumptions in the original appraisal were set unrealistically high and that in fact the development would still provide a reasonable return. Essentially it concludes that both the B1 use **and** the residential properties (with affordable housing) can be provided, whilst still providing a land value for the existing landowner, that is well in excess of the Existing Use Value - and, at the

same time, with a reasonable and healthy profit (of 17.5%) being returned to the developer even if the required 50% affordable housing is included.

The Director of Housing has confirmed that the provision of 50% of the houses as affordable units on this site, in line with current planning policy, is appropriate and indeed such on site provision is generally preferable to a contribution towards provision elsewhere due to the shortage of developable sites in the District.

Following discussion, although sceptical with regard to the conclusions of the independent assessment, the applicant has agreed to enter into a legal agreement to ensure that 3 of the 6 houses proposed will be affordable rented units.

Without this agreement the residential element of the development would be clearly contrary to current adopted policies and the scheme would be recommended for refusal. With the agreement, the proposals are in compliance with the affordable housing policy.

#### Very special circumstances

From the above assessment it is considered that the proposed redevelopment has several advantages that taken together do amount to very special circumstances sufficient to outweigh the relatively limited harm to the green belt from the increased volume of built form and the harm from poor location.

1. The development will create a separation between the existing Listed Stonehall Barn and remove dilapidated buildings from its setting. The conservation Officer agrees that the proposals do improve the setting of the listed building.
2. The proposals move the employment uses further from the existing residential properties and enable the introduction of conditions to prevent late working which will protect the amenities of neighbours.
3. The proposals enable the introduction of conditions to prevent open storage on the site, which will improve the visual amenity of the area.
4. The proposals provide modern adaptable buildings for business use, to replace the existing dilapidated sheds which provide very poor working conditions. This will enable longer term leases which will benefit local business and secure rural jobs in accordance with the economic strand of the NPPF.
5. The proposed housing will provide security to the employment site with an on site presence in the evenings and at weekends.

As such the proposal is considered on balance to comply with Green Belt policy.

#### Conclusion

In conclusion therefore it is considered that subject to conditions and to a legal agreement under section 106 to ensure that 3 of the proposed houses will be available for affordable rented accommodation in perpetuity, the development is in accordance with the NPPF and the adopted policies of the Local Plan and Local Plan Alterations and is recommended for approval.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

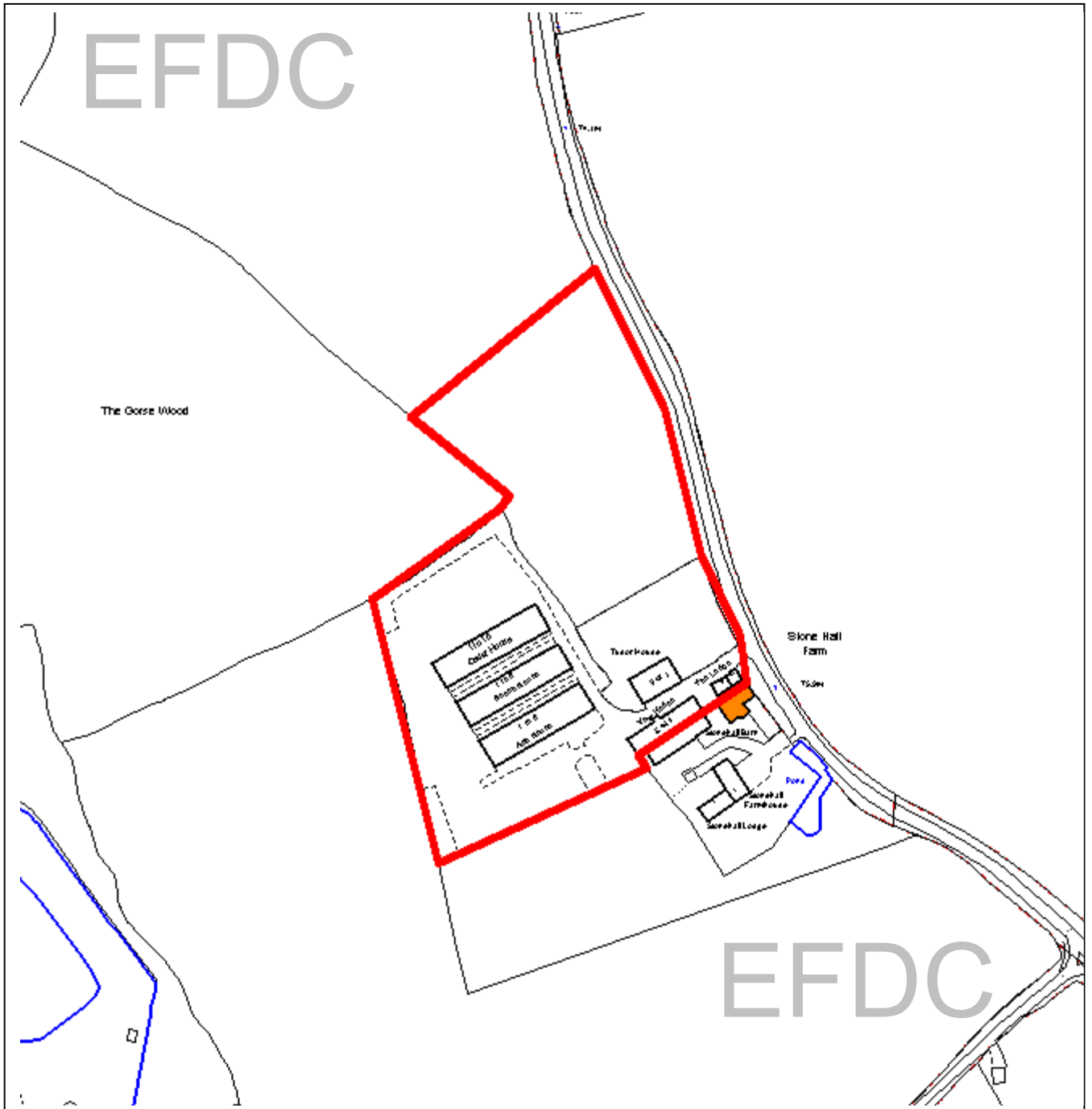
***Planning Application Case Officer: Mrs Jill Shingler  
Direct Line Telephone Number 01992 564106***

***Or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>2</b>
Application Number:	EPF/2343/12
Site Name:	Stone Hall, Downhall Road Matching Green, CM17 0RA
Scale of Plot:	1/2500

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## **Report to District Development Control Committee**

**Date of meeting: 21 August 2013**

**Subject: Erection of a two storey detached dwelling and Community Nature Reserve, Sparks Farm, 185 Nine Ashes Road, High Ongar – Extension of S106 Period**



**Epping Forest  
District Council**

**Officer contact for further information: Stephan Solon Ext 4018  
Committee Secretary: S Hill Ext 4249**

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### **Recommendation(s):**

**That conditional planning permission be granted subject to the completion, within 3 months of the date of the meeting, of an agreement under Section 106 of the Town and Country Planning Act 1990 in respect of the formation of a Community Nature Reserve accessible by members of the public and maintained by the owners of the proposed house in accordance with a Nature Conservation Management Plan.**

### **Report Detail**

This application was considered by DDCC on 3 October 2012 when it was resolved to grant planning permission subject to the completion of a S106 agreement within 6 months. The S106 agreement would require the Developer to:

1. Provide a Community Nature Reserve accessible by members of the public.
2. The maintenance of the Community Nature Reserve by the owners of the proposed house in accordance with the approved 10 year Nature Conservation Management Plan.
3. To seek approval of further Nature Conservation Management Plans to be implemented from and beyond 10 years after the date of the planning permission.
4. To implement, in perpetuity, all subsequent approved Nature Conservation Management Plans

The Developer is now in a position to sign a completed S106 agreement, however, since the 6 month time limit given by this Committee to complete it has lapsed it is not possible for the Council to sign the agreement. Authority is therefore sought to complete the agreement within 3 months.

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