

Extract from Area Plans East 19 June 2013

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

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

