

**Report to the District Development
Management Committee**



**Epping Forest
District Council**

Report Reference: DEV-009-2016/17
Date of meeting: 3 August 2016

**Subject: Planning Application EPF/1179/16 Highlands Farm, Old Rectory Road,
Stanford Rivers, Ongar, Essex, CM5 9PR - Change of use of an agricultural
barn to a 2 bed dwelling.**

Responsible Officer: Nigel Richardson (01992 564110)

Democratic Services: Gary Woodhall (01992 564470)

Recommendation:

- (1) That planning permission is 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 drawings nos: 9881-01, 9881-02, 9881-03, 9881-04, 9881-06 and 9881-07
 3. Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A-E inclusive of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
 6. 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 in writing 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.]

7. 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 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.]

8. 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 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.]

9. 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. The approved monitoring and maintenance programme shall be implemented.
10. 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.
11. Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.

(2) That authority be given to authorise a deed of release from the requirements of the Section 106 agreement attached to EPF/1721/07 concerning the above application site.

Report:

1. This application was considered by Area Plans Sub-Committee East on 13 July 2016 where Members voted to approve the application inline with the Officer recommendation. Following this vote, a second vote was taken on the second recommendation to authorise a deed of release from the requirements of the Section 106 agreement attached to EPF/1721/07 (preventing the building being used for residential purposes) but this recommendation was not agreed. After this second vote, 4 Members of the Sub-Committee stood to exercise their right to require that no action be taken on the matter until it has been considered by the District Development Management Committee, with the above Officer recommendations.

2. The original report is attached in full below for consideration.

In addition it is recommended that the Committee agree to a Deed of Release from the existing Legal Agreement under section 106 which currently prevents residential use of the building.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

The application site is a roughly rectangular plot of land with associated access road situated on the east side of Old Rectory Road within the rural area of Stanford Rivers. The application site contains a two storey timber framed and boarded barn with office area at first floor in the north east corner of the site and a yard area. To the west is an area where poultry is currently kept within a well treed area and to the south east open fields. The site is well screened at the boundaries by existing mature trees. The site is within the Metropolitan Green Belt but not a Conservation Area.

Description of Proposal:

The application seeks consent for the change of use and conversion of the existing agricultural barn to a 2 bedroom dwelling. The proposal also includes a parking area and garden within the existing yard area. Externally, new full height glazing will be installed at ground floor and an additional roof light within the roof slope.

Relevant History:

EPF/1721/07 - Retention of agricultural barn incorporating a farm office and the creation of an associated access road and hardstanding – App/Con with Section 106
EPF/0764/05 - Retention of building, hardstanding and access for agricultural use – Refused

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP5 – Sustainable Building
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE4 – Design in the Green Belt
DBE8 – Private Amenity Space
ST1 – Location of Development
ST4 – Road Safety

ST6 – Vehicle Parking
LL10 – Adequacy of provision for landscape retention
GB2A – Development within the Green Belt
GB8A – Change of use or Adaptation of Buildings
GB7A – Development conspicuous within or from the Green Belt

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Summary of Representations:

STANFORD RIVERS PARISH COUNCIL – The Parish Council OBJECTS to this application on the basis of inappropriate development in the Green Belt.

No neighbour comments received

Issues and Considerations:

The main issues with this proposal are considered to be impact on Green Belt, design and impact on neighbours.

Green Belt:

Policy GB8A states that Council may grant planning permission for the change of use of a building in the Green Belt provided the building is permanent and of substantial construction, capable of conversion without major changes and that the use would not have a greater impact than the present use. In addition the “conversion for residential use must not require such changes to buildings that their surroundings, external appearance, character and fabric could be unsympathetically or adversely affected. This includes features such as new curtilages, boundary treatment (including walls and fences), windows, door openings and chimneys.”

A structural inspection report has been submitted as part of this application which concludes that the building is capable of being converted into domestic accommodation and from the Officer site visit there is no reason to doubt this recommendation. The installation of the windows is considered to be well planned, utilising existing openings and can be considered sympathetic to the existing design of the building.

The proposal is not considered to adversely affect the external appearance of the building or the setting of this building within the wider countryside due to the relatively minimal changes and good level of screening at the boundaries.

Although domestic features (such a washing line or children’s play equipment) may be introduced into the yard area which is to be used as a garden and parking area it is not considered that these features will harm the character or openness of the Green Belt in this location given the relative seclusion of the site and the existing yard type use of this area which is enclosed currently.

It is therefore not considered that the conversion of the barn would result in a harmful impact to the openness of the Green Belt or conflict with the purposes of including land within the Green Belt.

Notwithstanding the above assessment, the 2007 application for the retention of the building for agricultural purposes with office area above was approved by the Area Committee despite an Officer recommendation for refusal. This approval included a condition restricting the use of the building to agricultural purposes only and that it shall at no time be used as habitable residential accommodation. In addition to this condition, the planning permission was also granted subject to a Section 106 agreement being entered into to ensure the following:

1. not to use or permit any other person to use the Agricultural Barn for residential or domestic purposes;
2. not to occupy or permit any other person to occupy the Agricultural Barn overnight.

At the time of the previous decision it appears that there was a concern that the building could be used for residential purposes – however regardless of the condition and the Section 106 agreement planning permission has always been required for such a change of use.

Since the 2007 approval the National Planning Policy Framework has been published which allows for the 're-use of buildings provided that the buildings are of permanent and substantial construction', which is consistent with (but less detailed than) Local Plan policy GB8A. As outlined above, given the proposal has demonstrated that the building is capable of conversion and that the change of use is not considered to result in a materially greater harm than the present use, the proposal, despite the past history of the site is considered acceptable in Green Belt terms.

For the application to be approved and implementable a deed of release would have to be authorised by Members to remove the stipulations of the Section 106 as the grant of planning permission alone will not override the legal agreement.

Design:

The proposed design is considered acceptable, retaining the appearance of a traditional agricultural building. Existing openings have been used where possible and existing detailing retained.

Neighbouring Amenity:

The nearest residential neighbours are some 350m+ from the site and therefore no amenity concerns are raised.

Other Issues

Landscaping:

The Tree and Landscape Officer has no objection to the proposal subject to a condition requiring landscaping details.

Conclusion:

The proposal following the consideration above is acceptable and approval with conditions is therefore recommended. It is also recommended that authority is given to authorise a deed of release from the requirements of the Section 106 agreement attached to EPF/1721/07 concerning the same area of land.