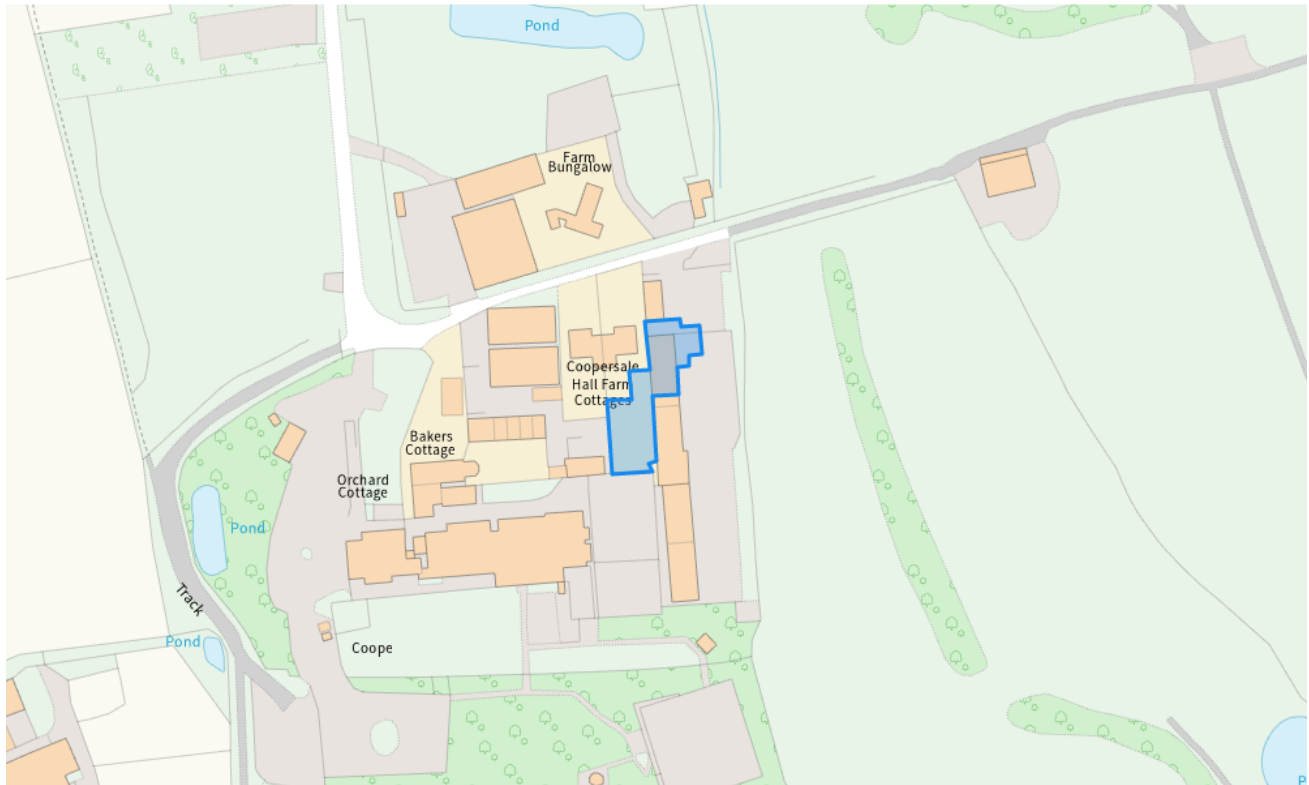




# Epping Forest District Council

# EFDC



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Application Number:	EPF/1323/33
Site Name:	Coopersale Hall Farm, Unit 10, Fluxs Lane, Epping, CM16 7PE

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# OFFICER REPORT

**Application Ref:** EPF/1323/22  
**Application Type:** Full planning permission  
**Case Officer:** Caroline Brown  
**Site Address:** Coopersale Hall Farm,  
Unit 10, Fluxs Lane,  
Epping, CM16 7PE  
**Proposal:** Conversion of existing ancillary building to dwelling with associated amenity space and parking for use by site manager. (Revised application to EPF/3076/20).  
**Ward:** Epping Hemnall  
**Parish:** Epping  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d0000001Ki>  
**Recommendation:** Refuse

*This application is before this Committee since it has been 'called in' by Councillor McCredie (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council).*

## **Additional:**

This application was deferred from Area Planning Sub-Committee East on 04 January 2023 for a site visit, which has been arranged for 28 January 2023.

## **Description of Site:**

Land at Coppersale is sited to the southeast of Flux Lane, (1.80ha) in area, a designated 'Employment Site' (EPP.E2) as identified in the Epping Forest Submission Version, 2017 which comprises of a number of industrial buildings, sporadic residential dwellings and Coopersale Hall School with associated additional buildings that provide educational facilities.

The site lies within the boundaries of the Metropolitan Green Belt.

## **Description of Proposal:**

The proposal is a resubmission following a previous refusal Ref: EPF/3076/20 for the conversion of part of an existing ancillary building formerly used as an office and a gym (with the office use still in use) to form a dwellinghouse (180m<sup>2</sup>) with associated amenity space and parking for use by site manager and employees to allow for the better management of the existing commercial site and increased security

The only external alteration would be the provision of an entrance canopy with amenity space sited to the rear of the accommodation with direct access from the living area. Three car parking spaces would be provided to the front of the dwellinghouse.

The difference between this application and the previous refusal is that the rear amenity space has been reduced in size and sited solely to the rear of the proposed residential accommodation.

## **Relevant History:**

EPF/3076/20 - Conversion of existing ancillary building to dwelling with associated amenity space and parking for use by site manage - Refused 02/12/21

1 The development would result in the unacceptable loss of employment floorspace within a designated employment site and insufficient robust evidence has not been advanced that clearly and reasonably demonstrates the need for a dwellinghouse involving a site manager that would outweigh this harm. The principle of residential is also deemed inappropriate out of context and contrary to policy CP1, CP2, CP9, ST1 and E1 of the adopted Local Plan & Alterations (1998-2006), and E1, SP1, SP2 of the Submission Version, 2017 and the National Planning Policy Framework, 2021.

2 The proposed dwellinghouse by reason of its design and siting would result in the inappropriate siting of the amenity area in association with the dwelling resulting in overlooking and a loss of privacy to the adjoining occupiers and would suffer a loss of overlooking and privacy from the windows to the existing offices contrary to policy DBE9 of the adopted Local Plan and Alterations (1998-2006) and policy DM9 of the Submission Version, 2017 and with the core objective of the National Planning Policy Framework to secure a good standard of amenity for all existing and future occupiers.

3 Substantial weight is also attributed to the potential impact on the Epping Forest SAC where it has not been demonstrated beyond reasonable scientific doubt to satisfy the Council as competent Authority that the development would not adversely affect the integrity of the Epping Forest Special Area of Conservation. In the absence of such information, and / or a completed planning obligation to mitigate against any adverse impact it would have on the Epping Forest Special Area for Conservation in terms of recreational and air pollution, the development is contrary to Policies NC1, CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), Policy DM2 and DM22 of the Epping Forest District Local Plan Submission Version (2017), and the requirements of the National Planning Policy Framework and the Habitats Regulations, 2017.

### **Applied Policies:**

#### **Development Plan Context**

##### Local Plan (1998) and Alterations (2006)

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

CP1 Achieving sustainable development objectives.  
CP2 Protecting the Quality of the rural and Built Environment  
DBE2 Effect on neighbouring properties  
GB2A Development in the Green Belt  
GB7A Conspicuous Development.  
DBE8 Private Amenity Space  
DBE9 Neighbouring Residential amenity  
E1 Employment Site  
RP4 Contaminated Land  
LL11 Landscaping schemes  
ST1: Location of development  
ST2 Accessibility of Development  
ST4 Road Safety  
ST6 Vehicle Parking

##### National Planning Policy Framework (NPPF), 2021

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either.

a) approving development proposals that accord with an up-to-date development plan without delay; or  
b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

#### Epping Forest District Local Plan Submission Version (LPSV) (2017)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14<sup>th</sup> December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given).
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion, and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan have been put forward without prejudice to the Inspector's final conclusions on the Plan.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

SP1 Presumption in Favour of Sustainable Development  
SP2 Spatial Development Strategy 2011-2033  
SP5 Green Belt and District Open Land  
SP6 Green Belt  
T1 Sustainable Transport  
DM2 Epping Forest SAC  
DM4 Green Belt  
DM9 High Quality Design  
DM21 Land Contamination  
DM22 Air Quality  
E1 Employment Sites

## **Consultation Carried Out and Summary of Representations Received:**

Epping Town Council - No objection.

20 adjoining neighbours were notified, and no representations have been received.

## **Issues and Considerations:**

The main issues to consider are:

- Impact on the Metropolitan Green Belt.
- Retention of an employment Site; principle of residential
- Impact on the amenity of neighbouring properties.
- Form of Accommodation.
- Parking and highway safety.
- Contamination
- Drainage
- Epping Forest Special Area of Conservation

### **Impact Metropolitan Green Belt**

The National Planning Policy Framework, (NPPF), 2021 states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There is a presumption against inappropriate development which is, by definition, harmful to the green belt and should not be approved except in very special circumstances.

Paragraph 147-149 of the NPPF states that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

Local Plan policies and the National Planning Policy Framework (NPPF) allow for the change of use or adaptation of buildings in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. Paragraph 146 states that other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purpose of including land within it.

d) of 146 states that the reuse of buildings is not inappropriate development provided that the buildings are of permanent and substantial construction; provided they preserve its openness and does not conflict with the purposes of including of land within it.

The application site is wholly within the Metropolitan Green Belt. The submitted Statement states that the existing building is currently used as an office and a vacant gym, a substantial building that is capable of conversion to residential use. The only external alteration to the building would be the addition of a limited depth entrance canopy, which would not cause any detrimental impact on the openness of the Green Belt.

The use would not result in any increase in floor area or intensification of use above the previous use and therefore would preserve the openness of the Green Belt but would conflict with the purposes of including land within it. Therefore, this application would constitute an exception to inappropriate development as outlined in para.146(d) of the NPPF.

## Principle of Residential - Employment Site

PMW Garages, Flux's Lane is a designated employment site (EPP.E2) within the Submission Version of the Local Plan, 2017 comprising a mix of established industrial and horticulture buildings.

Policy E1 of the adopted Local Plan 1998-2006 seeks to protect the existing contribution made by employment uses within the site to the district's existing employment stock. It states that sites currently or last in use for employment but outside the defined employment areas will be safeguarded from redevelopment or change of use to other land-uses unless it can be proven that there is a demonstrable lack of market demand for employment use over a long period that is likely to persist during the plan period; and there are very significant development or infrastructure constraints, making the site unsuitable or uneconomic to redevelop for employment purposes.

Policy E1 of the Submission Version, 2017, seeks to support, retain, and enhance existing employment sites and premises recognising their vital role in meeting the employment growth required over the Local Plan. 'Proposals for the redevelopment, renewal intensification or extension of existing employment sites and premises for their existing use will be encouraged, 'the redevelopment of existing sites or premises or their change of uses other than business, general industry or warehousing will not be permitted.

The submitted Statement by the applicant indicates that the proposed change of use to a dwellinghouse is '*...specifically for the manager of the site and would therefore be associated with the wider business use of the site. The proposal would allow for the better management of the existing commercial site, would increase security, and the applicant is willing to agree a planning condition restricting the occupation of the new dwelling (much the same as an agricultural occupation condition would be utilised). Due to the exceptional circumstances of this application, it is not considered that this proposal should be viewed as a loss of commercial floorspace but rather as a way to protect the long-term viability of this existing commercial site. As such, it is not considered that this proposal would be contrary to policy E 1*'.

Policy E1 of the Submission Version also states that the change of use of existing employment sites will not normally be permitted unless the applicant can demonstrate through evidence, including marketing of the site, that there is no longer a reasonable prospect of the site being used for the existing authorised employment use or alternative uses of an employment nature before the Council will consider potential release to other uses. The Council does not consider that this requirement has been met.

The applicant draws a parallel of this application to an agricultural workers dwellinghouse in the Green Belt where a planning condition restricting the residential occupation to the business could be applied. Policy GB17A of the adopted Local Plan sets out the circumstances when planning permission may be granted for a dwelling for a horticultural worker:

The Local Authority has to be completely satisfied that:

1. The dwelling is essential taking into account the nature of the enterprise, possible reorganisation of the existing labour force, the potential offered by existing residential accommodation on the holding and the outcome of any approach made to the Council as a housing authority.
2. If (1) is inconclusive there is firm evidence of the viability of the horticultural enterprise at the time of application and continued viability in the long term.
3. Genuine and sustained efforts have been made to find alternative accommodation within reasonable travelling distance (unless the accommodation is required to house a specialist worker who needs to live on the holding).
4. The floor area of the living accommodation does not exceed 150m<sup>2</sup>

Policy DM4 of the SVLP and policy E3 of the SVLP states that there has to be clear and robust evidence which shows that the lack of on-site accommodation is rendering the existing use unviable and there is no other alternative suitable accommodation within a reasonable distance for purchasing/ renting.

In this instance, no robust evidence has not been advanced that clearly and reasonably demonstrates the requirement for on-site residential accommodation for a site manager or employees that would outweigh the harm.

The siting and size of the accommodation is not considered commensurate with the needs and scale of the enterprise in the applicant's ownership. The floor area of the unit is in excess of 150m<sup>2</sup> and no evidence of the financial position of the business and of the continued viability in the long term because of the dwellinghouse or clear evidence of genuine efforts to find alternative residential accommodation within a reasonable travelling distance has been submitted for consideration.

The site is foremost a designated existing employment site in the Local Plan Submission Version and the site is positively occupied, and there is local market demand. The introduction of residential uses on the site fails to perform an enabling role to the renewal of the employment function of the site resulting in the unacceptable loss of employment floorspace within a designated employment site. The development is therefore inconsistent with the Council's approach to meeting the district's employment needs to support economic growth required, as outlined in Policy E1, E2, E4A of the Adopted Local Plan and E1 of the Local Plan Submission Version.

Furthermore, the principle of residential does also not accord with the Council's spatial development strategy for residential sites and is deemed inappropriate out of context in an area designated as an Employment site (EPP.E2) of the SVLP, 2017 and where the applicant has not submitted sufficient detailed information to demonstrate very special circumstances to justify the change of use of the building to residential and conflicts with policy ST1 (iii) and SP2 of the Submission Version, 2017 and the National Planning Policy Framework, 2021.

#### Neighbouring Amenity and the form of Accommodation.

The site is a self-contained employment site. The existing building lies adjacent to no. 2 Coopersale Hall Farm Cottage, a 2 storey dwellinghouse owned by the applicant.

The existing rear windows to Unit 10 currently look out over the rear garden of no. 2. The proposed use of these windows are to give light to habitable rooms which would look directly over the rear garden of no. 2 resulting in a loss of amenity in the form of overlooking and privacy. In addition, the proposed dwelling would be served by a limited size amenity space which is taken from the rear garden of No. 2 Coopersale Hall Farm Cottage, and which would be overlooked from the rear windows of No. 2.

The close proximity of Unit 2 would result in a poor form of accommodation and relationship for adjoining and future occupiers of the proposed development. The proposal is therefore considered contrary to Policies DBE9 and DM9 of the Local Plan, and the provisions of the NPPF in this regard.

#### Essex County Council Highways Authority

The proposed development has an existing vehicle access onto Flux's Lane and Essex County Council Highways have no objection in terms of highway safety which accords with the requirements of ST4 and ST6 of the Local Plan and policy T1 of the Local Plan Submission Version, 2017.

#### Contaminated Land

The Phase I Report, dated 25th February 2021, relating to potential contamination issues at the site above has been reviewed. The report satisfies the requirements for submission of a Phase I contaminative study, in that it is signed, countersigned, and dated, contains: relevant information and evidence of a site walkover performed; background information for the site and surrounding area; a detailed conceptual site model (CSM); and a preliminary risk assessment identifying and assessing potential contaminant linkages. Due to the sensitive nature of the proposed residential use, conditions and an informative should be attached at approval in accordance with the guidance contained within the National Planning Policy

Framework, policy RP4 of the adopted Local Plan and Alterations, and policy DM 21 of the Epping Forest District Council Local Plan Submission Version 2017.

### Land Drainage

The development will not significantly impact on the current surface water drainage arrangements, nor will it materially increase flood risk to the surrounding area, therefore the Environmental Protection and Drainage Team have no objections.

### Impact on the Special Area of Conservation

The Forest is defined as a Special Area of Conservation (SAC) because it is an important conservation site, and a SAC falls within the definition of a European site.

The Conservation of Habitats and Species Regulations 2017 requires that where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, an appropriate assessment must be made in view of that site's conservation objectives. Circular 06/2005 sets out that the decision on whether or not an appropriate assessment is necessary should be made on a precautionary basis.

Policy NC1 of the Epping Forest Local Plan 1998 (the adopted Local Plan) states that the Council will comply with the UK's international obligations for SAC's and the Framework requires that if significant harm to biodiversity cannot be avoided, for example through mitigation, planning permission should be refused. Policies DM 2 and DM 22 of the emerging plan, which are material considerations, also require that development proposals conserve the SAC in terms of access management and monitoring of visitors and that the SAC is not adversely impacted in terms of air quality. The proposal would be likely to result in an increase in traffic in close proximity to the SAC, which on its own or in combination with other plans or projects, could lead to impacts on the SAC in terms of both air quality and recreational pressure.

With respect to recreational pressure, the Council has adopted an Interim Approach to Managing Recreational Pressures on the SAC. The site lies within the 3km zone of influence and as such a financial contribution per dwelling is required to mitigate the impacts arising from the harm the proposal will bring to recreational receptors within the SAC. Since this application is being recommended for refusal, there is no mechanism to secure such a contribution and therefore it cannot be ascertained that there would not be harm caused to the SAC. The Council has a statutory duty to ensure that there would be no adverse effect on the integrity of the SAC and adopting a precautionary approach, it cannot be concluded that the proposal will not cause harm to the SAC. The proposal is therefore contrary to policy NC1 of the Adopted Local Plan and with policies DM 2 and DM 22 of the LPSV.

### Conclusion

The previous reasons for refusal have not been addressed. The principle of residential is deemed inappropriate and comprises of an unsatisfactory form of accommodation to adjoining and future occupiers. In addition, there is no suitable mechanism to secure the required mitigation which is required to ensure that there would not be harm to the Epping Forest SAC. The proposal is therefore contrary to policies of the adopted Local Plan and Alterations (1998-2006) and of the Local Plan Submission Version, 2017. There are no substantive reasons to depart from the policies of the development plan. In the light of the above considerations, it is recommended that planning permission is refused.

***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: Caroline Brown***



**Direct Line Telephone Number: 01992 564182 or if no direct contact can be made, please email: [contacttplanning@ppingforestdc.gov.uk](mailto:contacttplanning@ppingforestdc.gov.uk)**

**Refusal Reason(s): (3)**

- 1 The previous reasons for refusal have not been fully addressed and the development would result in the unacceptable loss of employment floorspace within a designated employment site. Insufficient robust evidence has not been advanced that clearly and reasonably demonstrates the need for a dwellinghouse involving a site manager/employees that would outweigh this harm. The principle of residential is also deemed inappropriate out of context and contrary to policy CP1, CP2, CP9, ST1 and E1 of the adopted Local Plan & Alterations (1998-2006), and E1, SP1, SP2 of the Submission Version, 2017 and the National Planning Policy Framework, 2021
- 2 The proposed dwellinghouse by reason of its design and siting would result in n overlooking and a loss of privacy to the adjoining occupiers and an unsatisfactory form of accommodation to the future occupiers of the development. Such substantial harm to the living conditions of the adjoining properties is contrary to policy DBE9 of the adopted Local Plan and Alterations (1998-2006) and policy DM9 and DM10 of the Submission Version, 2017 and with the core objective of the National Planning Policy Framework to secure a good standard of amenity for all existing and future occupiers
- 3 In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of air pollution. Failure to secure such mitigation is contrary to policies CP1 and CP6 of the adopted Local Plan 1998 & 2006, Policies DM2 and DM22 of the Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

**Informatives: (2)**

- 4 The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority has a formal post-application advice service. Please see the Councils website for guidance and fees for this service - <https://www.eppingforestdc.gov.uk/planning-and-building/apply-for-pre-application-advice/>. If appropriate, the Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development through this service.
- 5 This decision is made with reference to the following plan numbers: PS0001A; PS002A; Location Plan