

Epping Forest District Council



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Application Number:	EPF/0755/21
Site Name:	Former Police Station 230 High Street Epping CM16 4AP
Scale of Plot:	1:1250

Report Item No: 12

APPLICATION No:	EPF/0755/21
SITE ADDRESS:	Former Police Station 230 High Street Epping CM16 4AP
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Irfan Umarji
DESCRIPTION OF PROPOSAL:	Change of use of ground floor and basement of former Police Station to Use Class E (Commercial, Business and Service). (Revised scheme to EPF/2746/20).
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=649955

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: TS19-193-1, TS19-193-2, TS19-193-3, TS19-193-4, TS19-193-5, TS19-193-6, TS19-193-7, 2020 001/01, 2020 001/02, 2020 001/05 Rev D, and 2020 001/06.
- 3 The use hereby permitted shall not be open to customers / members outside the hours of 8am to 11pm on Mondays to Sundays and Bank Holidays.
- 4 No service deliveries or waste collection, shall be taken at or despatched from the site outside the hours of 8am to 9pm on Mondays to Sundays (Including Public/Bank Holidays).

This application is before this Committee since it is for a type of development that cannot be determined by Officers if five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The site comprises of a ground floor unit of the former Police Station on Epping High Road which is a primary frontage area. Approval has been given for residential flats situated above the unit, and the building is not listed although it is within a Conservation Area (CA). The Police Station ceased in April 2016 and the premises has remained closed since.

Proposal

The proposal is for change of use from Sui Generis use (Police Station) to Class E use (Commercial, Business, Service).

The proposed opening hours are from 8am –11pm Mondays to Sundays. The former police station employed approx. 20 Full time Equivalent staff; however, as the end-user is currently unknown, so, is the proposed employees.

The site has no on-site parking provision, although makes provision for 9 cycle spaces & refuse storage to the rear of the site, which is accessed via Star Lane. Also, any refuse collection & servicing would be carried out via Star Lane.

Relevant Planning History

EPF/2746/20 - Change of use of ground floor and basement of former police station to Use Class E (Commercial, Business and Service) and ground floor rear extension – Refused on harm to CA from proposed rear extension only.

EPF/0885/20 - Prior Approval application for a proposed change of use of first and second floors from office (B1) to x4 no. one bedroom flats and x1 no. two bedroom flat (C3) – Prior Approval Required and Granted.

Development Plan Context

Local Plan and Alterations 1998 & 2006 (LP)

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)

The following policies within the current Development Plan are considered to be of relevance to this application:

CP7	Urban Form and Quality
TC1	Town Centre Hierarchy
DBE9	Loss of Amenity

National Planning Policy Framework 2021 (Framework)

The Framework 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.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraph 81
 Paragraph 86
 Paragraph 130

Epping Forest District Local Plan Submission Version 2017 (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th 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 LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

Following the Examination Hearing Sessions for the emerging Local Plan, the Council has prepared a number of changes, known as **Main Modifications**, to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional Main Modifications (MMs), significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

Policy	Weight afforded
DM9 High Quality Design	Significant
E2 Centre Hierarchy/Retail Policy	Significant
P1 Epping	Significant

Summary of Representations

Number of neighbours consulted: 22. 72 response(s) received
Site notice posted: Yes

MULTIPLE OBJECTIONS RECEIVED – Summarised as:

- Concerns regarding other possible changes within Class E that would generate traffic, noise, litter, odour and general disturbances.

EPPING TOWN COUNCIL – No objection

Planning Considerations

The main issue for consideration in this case are;

- a) The principle of the proposal in the Town Centre including whether it would maintain the vitality and viability of the Town Centre; and
- b) The Impact on the Integrity of the Epping Forest Special Area of Conservation.

Vitality & Viability

The government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Significant weight should be placed on the need to support economic growth through the planning system. The NPPF sets out the core planning principles which should underpin decisions and notes that planning should, amongst other matters, proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the development needs of an area and respond positively to wider opportunities for growth.

The proposal would generate footfall, maintain the diversity, vitality and viability of the town centre, and complement existing uses within the Primary Frontage area.

Parking on the main road is controlled and Epping Station, including a Car Park, is within walking distance of the unit. The limited scale of the development and low intensity of the use would be more attractive to non-car users. So there would be no parking issues.

Furthermore, it is considered that the proposed opening hours are acceptable, given that the previous use operated 24/7 (as expected given the nature of the use), and will ensure that there is an active frontage that contributes to the daytime and night-time economy, thereby enhancing the vitality and viability of the Town Centre, in line with Paragraph 86 of the Framework.

Concerns have been raised regarding the flexible uses within Class E that the business owner can adapt to should the needs of the local community change, in particular the sale of hot food and drink (including consumption) on the premises which was previously A3 use. Much of the comments make reference to a 'McDonalds' as the proposed end-user, however, in the interest of clarity, the end-user is currently unknown. Members do have the ability to impose a condition restricting such use if deemed necessary, if relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Furthermore, the Council Conservation Officers have raised no objections to the scheme, as this application does not seek to alter the external façades of the building but internal changes in the form of the removal of stud work walls on the ground floor are proposed, so, the main historic layout is retained.

Epping Forest Special Area of Conservation (EFSAC)

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV).

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concludes that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development).

Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of parts of the methodology underpinning the appropriate assessment HRA 2019, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently, the Council, as competent authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to the likely significant effects of development on the EFSAC alone and in combination with other plans and projects are:

1. Recreation activities arising from new residents (recreational pressures); and
2. Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

As this application is for non-residential development it has been screened in relation to the atmospheric pollution Pathway of Impact only and concludes as follows;

- The development has the potential to result in a net increase in traffic using roads through the EFSAC and therefore could have a likely significant effect on the EFSAC in relation to the atmospheric pollution impact pathway.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to the atmospheric pollution Pathway of Impact.

Stage 2: 'Appropriate Assessment'

The applicants have submitted a Technical Note which lacks in a few areas, namely not taking into account all of the uses associated with Class E, as such it is considered that the application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating atmospheric pollution impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from the two strategic employment allocations at Dowding Way and North Weald Airfield. As such no additional site-specific measures are required for this scheme, and the Council is satisfied that the application proposal would not have an adverse effect on the integrity of the EFSAC.

Conclusion

In broad planning terms, the proposal seeks to provide an active frontage, whilst supporting the Framework's objectives of building a strong, competitive economy, and ensuring the vitality and viability of the Town Centre.

For the reasons set out above having regard to all the matters raised, it is recommended that conditional planning permission be granted.

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: Muhammad Rahman
Direct Line Telephone Number: 01992 564415***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk