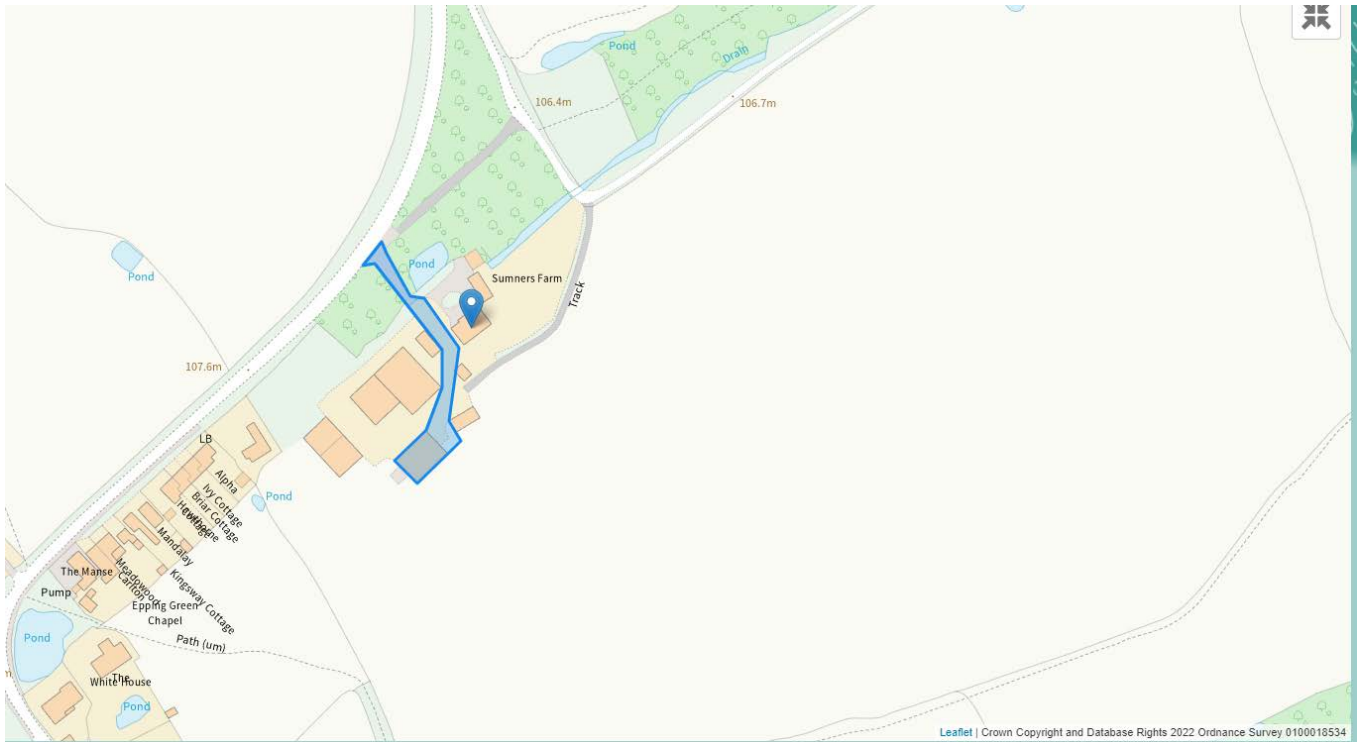


# OFFICER REPORT

**Application Ref:** EPF/2540/23  
**Application Type:** Full planning permission

**Applicant:** Mr Tim Matthews  
**Case Officer:** Muhammad Rahman  
**Site Address:** Sumners Farm, Epping Road, Epping Upland, Epping, CM16 6PX  
**Proposal:** Change from restricted B2 use (pelleting of polyethylene piping) to unrestricted B2 use (joinery).  
**Ward:** Broadley Common, Epping Upland and Nazeing  
**Parish:** Epping Upland  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv0000000D25>  
**Recommendation:** Approve with Conditions



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## **REPORT TO DISTRICT DEVELOPMENT MANAGEMENT COMMITTEE**

**Date of Meeting: 13<sup>th</sup> February 2024**

**Democratic Services Officer: Gary Woodhall | 01992 564470**

*This application is before this Committee because it a planning application submitted by a Councillor of the Authority (Pursuant to Article 10 of the Constitution).*

## **Site and Surroundings**

The site comprises of a detached building within a wider farm complex, located in a built-up enclave of the Green Belt. It is not listed nor within a conservation area. No protected trees lie within the site.

## **Proposal**

The application is to change from restricted B2 use (pelleting of polyethylene piping) to unrestricted B2 use (joinery).

The application is retrospective in nature and use of the building for joinery and carpentry works commenced on the 01/10/2021.

The operating hours would be the same as previously approved, namely; 08:00 to 18:00 on Mondays to Fridays, and not at all on Saturdays, Sundays, or Bank/Public holidays.

The business currently employs approx. 4 full time equivalent employees.

5 formal car parking spaces are sited around the building.

## **Relevant Planning History**

EPF/2372/08 - Change of use of agricultural building to pelleting of polyethylene piping use with associated parking space - Approved with Conditions

## **Development Plan Context**

### *Epping Forest Local Plan 2011-2033 (2023)*

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

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

DM2	Epping Forest SAC and the Lee Valley SPA
DM4	Green Belt
DM9	High Quality Design
DM21	Local Environmental Impacts, Pollution and Land Contamination
DM22	Air Quality

### *National Planning Policy Framework 2023 (Framework)*

Paragraph	11
Paragraph	88
Paragraphs	142 - 155
Paragraph	186

## **Summary of Representations**

Number of neighbours Consulted: 4. No response(s) received  
Site notice posted: No, not required.

PARISH COUNCIL – No comments received

## **Planning Considerations**

The main issues for consideration in this case are whether the proposal is acceptable in the interest of;

- a) Protecting nearby residents from any harm with particular regard to noise & general disturbance,
- b) The Green Belt; and
- c) The Epping Forest Special area of Conservation (EFSAC).

*Condition 2 states: The premises shall be used solely for pelleting of polyethylene piping as described in the application and for no other purpose (including any other purpose in 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. Reason: To ensure that no alternative use is made of the premises which would be likely to generate unacceptable levels of traffic and parking in this Green Belt location.*

The application form states that the original business is no longer in use due to the change in ownership. As above mentioned, the existing building is used for joinery and carpentry works and the operating hours would remain as approved.

Any noise impacts would be similar to the existing restricted use and given that the building has been operating as a joinery/carpentry workshop since 01/10/2021 no noise complaints have been received. In any case, the nearest residents to the site are in excess of some 80 metres away from this building to be materially affected by the proposal and the proposed operating hours are fairly reasonable.

Too add, Paragraph 88 of the Framework also seeks to support the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings. The previous use of the building is no longer in use, so the proposal, i.e. bringing the building back to a business use would be entirely consistent with the Framework in this regard.

Furthermore, the joinery/carpentry use would still fall within use class B2 as the general activities associated with the proposal are considered to be relatively similar to that of the existing use i.e. there would be large quantities of timber being delivered for sawing and machining etc., including vehicle movements that could entail a number of daily visits at various times and would involve vehicles/machinery.

Thus, Officers are satisfied that the proposal does not result in a material change of use, nor would there be any material impact to the openness of the Green Belt. Therefore, the proposal is not inappropriate development within the Green Belt.

## ***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:

- 1) The development would not result in a net increase in traffic using roads through the EFSAC.

The existing use would have clearly generated a significant volume of traffic and it was open to the public, and as above-mentioned the proposal would be similar to the existing use, so Officers are content that the distribution of the proposed development will mirror that of the existing use and that this is expected to result in no net change in AADT within the EFSAC and 200m buffer. Thus, it is not considered that there would be any material impact to the integrity of the Epping Forest Special Area of Conservation with particular regards to Air Quality.

The Council is therefore satisfied that the application proposal would not result in a likely significant effect on the integrity of the EFSAC. Having undertaken this first stage screening assessment and reached this conclusion there is no requirement to undertake an 'Appropriate Assessment' of the application proposal or seek financial contributions toward mitigation and monitoring measures.

#### *Other Considerations*

No changes are proposed to the vehicular access point or the parking provision, so there are no highway safety concerns.

#### **Conclusion**

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

***Should you wish to discuss the contents of this report item please contact the case officer by 2pm on the day of the meeting at the latest. If no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

**Conditions: (6)**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 23012-P-2401 Rev P01, and 23012-E-3001 Rev P01.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 2 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (or any Order revoking and/or re-enacting that Order) the premises shall only be used for B2 use and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

Reason: This use only is permitted and other uses, either within the same Use Class, or permitted by the GPDO are not acceptable to the Local Planning Authority in this location in the interest of the Green Belt and neighbouring amenity, in accordance with Policies DM4 & DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 3 The building shall not be open to customers, staff, or for deliveries outside the hours of 08:00 to 18:00 on Mondays to Fridays, and not at all on Saturdays, Sundays or Bank/Public holidays.

Reason: In order to minimise disturbance to local residents, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 The parking area shown on the approved plan shall be retained free of obstruction for the parking of staff and visitors vehicles.

Reason: To ensure that vehicle parking is provided. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 There shall be no open storage or external working other than loading/unloading in connection with the approved use.

Reason: To protect the visual amenities of the Green Belt, in accordance with Policy DM4 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 The use of the building must cease during any period that the rating level of noise (as defined by BS 4142:2014+A1:2019 "Methods for rating and assessing industrial and commercial sound") (or any provision replacing that standard) emitted from the unit exceeds the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:2014 +A1:2019 (or any provision replacing that standard).

Reason: To protect the amenity of noise sensitive premises from noise from mechanical plant in accordance with policies DM9, DM21 & DM22 of the Adopted Local Plan 2023, and the NPPF.

**Informatives: (1)**

- 7 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.