

**Report to the District Development
Management Committee**



**Epping Forest
District Council**

Report Reference: DEV-010-2016/17
Date of meeting: 3 August 2016

Subject: Planning Application EPF/1269/15 Golden Lion, Borders Lane, Loughton, Essex, IG10 1TE - Demolition of existing Public House and 10 and 12 Newmans Lane and construction of 8 x 1 bed flats and 22 x 2 bed flats in two blocks with undercroft parking and landscaping.

Responsible Officer: Nigel Richardson (01992 564110)

Democratic Services: Gary Woodhall (01992 564470)

Recommendation(s):

(1) That planning permission be approved for the above development subject to the applicant first entering into a SECTION 106 LEGAL AGREEMENT by 31 August 2016 and subject to the conditions listed below;

(2) That the proposed legal agreement be to cover and agree an off-site affordable housing contribution of £165,000 in compliance with Local Plan policies H6A and H7A; and

(3) That the recommended planning conditions be:

- 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: PL10A, PL12.1F, PL12.2E, PL12.3E, PL12.4E, PL12.7A, PL12.8A and PL12.9A, PL14, PL15J, PL16C, PL20.1E, PL20.2E and PL22**
- 3. No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.**
- 4. Prior to first occupation of the development hereby approved, the proposed first and second floor window openings in the north east facing (secondary windows for bedrooms) and rear/side facing windows (serving hall/landing areas on Block B) shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.**

- 5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:**

 - (i) the parking of vehicles of site operatives and visitors;**
 - (ii) loading and unloading of plant and materials;**
 - (iii) storage of plant and materials used in constructing the development;**
 - (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
 - (v) measures to control the emission of dust and dirt during construction, including wheel washing; and**
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.**
- 6. No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.**
- 7. 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 07.30 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.**
- 8. 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 an 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.

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. Prior to the first occupation of the development the access, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
11. Prior to the first occupation of the development the existing vehicular access shall be permanently closed off incorporating the reinstatement of the footway and full height kerbing.
12. Prior to first occupation of the development the developer shall be responsible for the implementation of Real Time Passenger Information, to Essex County Council specification, to the south-bound bus stop adjacent to the site.
13. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation per dwelling - of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
14. There shall be no discharge of surface water onto the Highway.
15. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
16. Before each phase of development approved by this planning permission, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, should be submitted to and approved in writing by the local planning authority. The scheme should be based on the surface water drainage statement referenced A3433/NSW/SurfaceWaterDrainageStatement/TheGoldenLionPC, issued 18/11/2015.

The scheme shall include:

- (i) a survey of existing drainage on site. Once the survey has been conducted the applicant should demonstrate permission from the relevant water body for any proposed connection to a surface water sewer;**
- (ii) infiltration testing in line with BRE 365 and a ground survey to confirm underlying soils and groundwater levels. If infiltration testing is found to be viable, this method should be utilized where feasible with run-off rates from the site restricted to a maximum of 4.8l/s for the 1 in 1, 8.3l/s for the 1 in 30 and 9.7l/s for the 1 in 100 inclusive of climate change. If infiltration is found to be unviable run-off rates from the site should be restricted to a maximum of 5l/s for the 1 in 1, 8.5l/s for the 1 in 30 and 10l/s for the 1 in 100 inclusive of climate change event;**
- (iii) storage for the 1 in 100 year event inclusive of climate change storm event;**
- (iv) an appropriate level of treatment for all runoff leaving the site in line with CIRIA Guidance; and**
- (v) details of final exceedance and conveyance routes.**

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

- 17. The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.**
- 18. Prior to commencement of the development the applicant must submit a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies.**
- 19. The adopting body responsible for maintenance of the surface water drainage system shall record yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.**
- 20. No development shall take place until details of 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.**
- 21. The development shall be carried out only in accordance with the Daytime Bat Assessment Report by Betts Ecology unless the Local Planning Authority gives its written consent to any**

variation. If any bats are found during this demolition all works must stop immediately and advice sort from a fully licenced ecologist.

- 22. Prior to first occupation of the development hereby approved, the proposed screen around the communal terrace shall be fitted with a brick wall to a height of 1.1m with a 0.7m obscured glass screen on top as shown on drawing No. PL22 and shall be permanently retained in that condition.**

Report Detail

This application is before the District Development Management Committee since it is a major category application as defined by DCLG (more than 10 dwellings) for development on the Council's own land (Pursuant to The Constitution, Part Two, Article 10(c)). The Council is not the applicant. In this case the Council owns the freehold of the Public House site and is the owner of No. 10 Newmans Lane.

Description of Site:

The application site is situated on the north side of Borders Lane at the junction with Newmans Lane and is a roughly rectangular site. The site slopes up to the north and is on a much higher level than the shopping parade opposite on Borders Lane and the properties to the rear on Borders Walk. The southern part of the site is the Public House Site with the two storey, flat roof Golden Lion pub located at an angle facing the Newmans Lane/Borders Lane junction. There is a car parking area to the north of the pub building and beyond this Nos. 10 and 12 Newmans Lane – a pair of semi-detached two storey dwellings. No. 10 is unoccupied and is currently boarded up and it is understood that this is due to subsidence issues with the property.

The site particularly at the junction corner is quite well screened by existing vegetation and the southern part of the site is grassed over. Several trees are preserved (2 oaks and 1 ash) and there is a veteran oak on the site.

The land to the east is a relatively recently developed housing estate, located behind a large open green area, and previously was the "Upper" site to Epping Forest College, before it was redeveloped.

Description of Proposal:

This proposal seeks planning permission for the demolition of the existing public house and 10 and 12 Newmans Lane and the construction of 30 flats located within two blocks with associated parking and landscaping. 8 x 1 bed flats are proposed and 22 x 2 bed flats are proposed. 45 parking spaces in total are to be provided.

The larger of the 2 blocks (Block A) will form a rough 'L' shape to the southern side of the site and house 23 flats. It will be 32m in length on the Newmans Lane elevation and 33m in length on the Borders Lane elevation. Parking for 17 cars will be located behind this block in an undercroft with a first floor communal terrace area above.

Block A will be set back from Borders Lane by a minimum of 8m increasing to 20m with a pedestrian access from Borders Lane. Block A will be set back from Newmans Lane by a minimum of 5m. Block A will be part 4 storey at the corner element at the Borders Lane/Newmans Lane junction reducing to 2 storeys to the

north and east elements. This block has a maximum height of 11.6m and minimum of 7m and has been designed with a flat roof.

To the north of Block A is a larger parking area for 28 cars and a landscaping area around the preserved oak tree.

Block B is then situated to the north of the site and will house 7 flats in a three storey block. This block will be located 2.2m from the shared boundary by No. 14 Newmans Lane (the next semi-detached dwelling). Block B has a maximum height of 9m with a flat roof.

Relevant History:

None relevant

Policies Applied:

Epping Forest District Local Plan and Alterations

CP1 Achieving Sustainable Development Objectives
CP2 Protecting the Quality of the Rural and Built Environment
CP3 New Development
CP6 Achieving Sustainable Urban Development Patterns
CP7 Urban Form and Quality
H2A Previously Developed Land
H3A Housing density
H4A Dwelling Mix
H5A Provision for Affordable Housing
H6A Thresholds for Affordable Housing
H7A Levels of Affordable Housing
DBE1 Design of New Buildings
DBE2 Affect on Neighbouring Properties
DBE3 Design in Urban Areas
DBE6 Car parking in new development
DBE7 Public Open Space
DBE8 Private Amenity Space
DBE9 Loss of Amenity
DBE12 Shopfronts
LL11 Landscaping Schemes
ST1 Location of Development
ST2 Accessibility of development
CF12 – retention of Community facilities

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:

LOUGHTON TOWN COUNCIL: The Committee has NO OBJECTION to this application.

145 Neighbours consulted and site notices erected:

1 BORDERS WALK – Concern with regards to loss of light to back garden and front windows; loss of privacy from communal terrace; loss of vegetation acting as a screen; overbearing; windows from north and south east elevation from Block B will face garden; increase demands on infrastructure; insufficient car parking; too high;
5 DURNELL WAY – Concern with regards to insufficient parking
15 DURNELL WAY – No objection to demolition or to flats but objection to height of Block A and balconies causing loss of privacy also concern with regards to insufficient number of parking spaces proposed
7 NEWMANS LANE – Concern with regards to insufficient parking provision
28 BROOK ROAD – Objection too high compared to surroundings
14 NEWMANS LANE – Support – attractive design and change for the better
ADDRESS UNKNOWN – Objection - Loss of pub and will be a concrete jungle

Issues and Considerations:

The main issues that arise with this application are considered to be the following:

- Principle of the proposed development;
- Affordable Housing provision
- Design and appearance;
- Impact on neighbouring amenity;
- Highway matters and car-parking; and
- Trees and Landscaping issues

Principle of Development

The site is classed as previously developed land and located in a sustainable location under 1km from Debden Underground station and the shops and services provided on Debden Broadway, in addition to the shops and services located directly opposite the application site. The site is one that is suitable for a redevelopment scheme. A concern has been raised by one of the neighbouring properties regarding the loss of the Public House. A viability assessment has been submitted with regards to the viability of the Public House that concludes that the Public House was a failing business and the Council have no evidence to dispute this claim. Additionally the assessment included a map and list of bars and restaurants in the local area which is extensive so other options are available to the community.

The proposal provides adequate parking (discussed in detail below) and amenity areas have been incorporated by the use of private balconies and communal terrace areas.

Affordable Housing Provision

Local Plan policy seeks the provision of 40% of the units (13 in this case – 12 for the development plus 1 to replace No. 10 Newmans Lane) within a development of this type as affordable housing. Paragraph 50 of the NPPF advises that where local planning authorities have identified a need for affordable housing, policies should require this need to be met on site, unless off-site provision of a financial contribution of broadly equal value can be robustly justified. The NPPF also places considerable emphasis of meeting housing need within the presumption in favour of sustainable development, within paragraph 7 it identifies that for development to be sustainable it must have economic, social and environmental dimensions. The NPPF defines the social role of planning as, in part, supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of the present and future generations.

The application, did not propose either the on-site provision of affordable housing, or any financial contribution towards off-site provision elsewhere. The Council's Housing Development Officer initially objected to the proposal as the applicant has asserted that the level of affordable housing required by the Council's Local Plan would make the proposed development unviable. A Viability Assessment was included with the application but this gave limited evidence to demonstrate that the provision of any affordable housing would be unviable.

The applicant agreed to pay for the submitted Viability Assessment (and subsequently updated report) to be formally validated by the Council's own affordable housing viability consultants in order to independently verify that the development would not be viable if the affordable housing requirements were met in full.

There was a significant delay in the assessment being formally validated as the purchase price had not been agreed with the Council at the time the application was first made.

The Consultants have now returned their findings and consider that there is a £165,000 surplus and therefore the Housing Development Officer has requested this as a contribution for affordable housing off-site and removed their earlier objection. The applicant has agreed to this request and therefore the proposal meets the requirements of policy H6A and H7A as the shortfall has been justified by the findings of the viability assessment.

Design and Appearance

The proposal results in a contemporary addition to the street scene with two flat roof blocks. Block A is tiered from 2 storey, rising to 4 storey at the Newmans Lane/Borders Lane junction creating a prominent addition to this corner plot. Although 4 storeys in height, there are 3 storey (with pitched roof above) buildings opposite (the shop parade on Borders Lane) and to the rear (the townhouses and flats beyond on Borders Walk). Although 4 storeys (and on higher ground) the proposal will be the same height as the parade of shops opposite and it is not considered that a part 4 storey development is unacceptable in this location.

In addition to the above variations in height, further along Borders Lane, part of the Epping Forest College Site is 4 storey and although in a more mixed commercial area, planning permission has been granted for a 7 storey tiered development on the Winston Churchill Public House Site at the corner of the Broadway in an area of mainly 2 and 3 storey buildings.

The proposal will be a conspicuous development, however it is considered that the proposal will be a bold, addition to this prominent corner plot replacing a rather incongruous flat roof public house.

Block B is 3 storey and although adjacent to the 2 storey 14 Newmans Lane will be only 1.1m higher. This relatively modest increase in height coupled with a separation distance of 3.8m provides an adequate distinction between old and new and the two distinct architectures. Although slightly forward of No. 14 this is considered acceptable given the distinction between the two developments.

The proposal with areas of glazing, dark brick and render results in a contemporary appearance which does not follow the surrounding red brick or clad appearance of surrounding properties. However, it is not considered that the surrounding area has

a strong architectural theme and the use of brick rather than solely render is considered a nod to the dominance of brick (albeit red) in the locality.

Additionally (covered in further detail below) landscaping is to be retained and further landscaping added and this will create a softer frame to the appearance of the building. The set backs from the road frontages with landscaping will also create a sense of space and openness as the proposal is situated well into the site.

Impact on Neighbouring Amenity

The proposal will result in additional built development on this site than the current centrally located Public House and therefore some impact on surrounding neighbouring amenity is expected. The nearest neighbouring properties are No. 14 Newmans Lane and 1 Borders Walk.

With regards to No. 14 Newmans Lane – the occupier is supportive of the application and the developer has worked with the owner of this property to minimise any concerns. Notwithstanding this support, the amenity of this property has been assessed. Block B is closest to 14 Newmans Lane but does not extend beyond the rear of this property at the closest point and therefore it is not considered to result in any excessive loss of light or outlook. Side and rear facing windows are proposed on Block B however these are either secondary windows or serve non-habitable rooms and therefore can be conditioned as obscured glazed to avoid any actual or perception of overlooking and this will also respect the amenities of the properties in Borders Walk to the rear.

With regards to No. 1 Borders Walk and the neighbouring properties on Borders Walk both block A and B will be visible. Following a suggestion by the occupier of No. 1 Borders Walk the landscaping scheme was amended to introduce further screening along the shared boundary to screen the proposal further from view and this is considered to mitigate the proposal appearing overbearing.

Block A has a communal terrace at first floor to the rear which will be accessible by all flats. This will be fully enclosed by a 1.1m high wall with a 0.7m high obscure glazed screen above (cumulative height of 1.8m) and therefore this will prevent any overlooking to the properties on Borders Walk. A second shared terrace is also provided at third floor and although do not have obscured glass will only offer far reaching views (due to the height) and in any event across the front, more public areas of Borders Walk and the public green to the front.

Concern has also been raised by No. 15 Durnell Way due to the proposed balconies on the block A. However, these will either only overlook front, more public areas or over the proposed parking areas and therefore it is not considered that the balconies result in any excessive overlooking.

Highways and Parking

The Essex County Council Highway's Officer has assessed the site in line with national and local policy, and current safety guidance and has found that the proposal is not contrary to it. The proposed level of traffic generation is likely to be less, or at worse case, comparable to the lawful use of the site as a public house and the new access will be safe and efficient. Consequently the Highway Authority is satisfied that the proposed development will not be detrimental to highway

Further to this the Highways Officer considers the parking provision to be acceptable given the accessible location of the development and the applicant has demonstrated that the parking and turning areas work effectively.

45 parking spaces are proposed for 8 x 1 bed and 22 x 2 bed units. According to the Essex Parking Standards a minimum of 52 plus parking should be provided. However, as the Highways Officer has stated this reduction is considered acceptable given the accessible location (where a reduction in parking standards is permissible) which is under 1km to Debden Underground station and the shops and services provided on Debden Broadway, in addition to the shops and services located directly opposite the application site.

Trees and Landscaping

There are several preserved trees on the site and an 'area' preservation order on the adjacent site (to the front of Borders Walk). A tree report was submitted with the proposal which numbers the preserved trees as T8, T9 and T10 (2 oaks and 1 ash). The oaks are in good health with a safe useful life expectancy of 40+ years, and whilst the ash has some issues, it has an expected safe useful life expectancy of 20+ years. Given the location of these trees along the Borders Lane boundary of the site, they are of high public amenity value and the retention of them is possible.

T1 in the report is the veteran oak within the existing car park area. The existing car park area is large and informal in that it is not marked up with white lines, as such it is up to individuals as to where they will park – given a choice this is unlikely to be under the crown spread of the tree. The submitted plans formalise the parking layout and with a suitable surfacing should result in improvements to the rooting area of this tree.

The Tree and Landscape Officer has no objection to the proposal subject to a condition requiring tree protection details and hard and soft landscaping scheme.

Other Issues

Drainage

Due to the size of the development (classed as a major) the Essex County Council's Flood and Water Management Team have been consulted on the proposal. A Flood Risk Assessment was submitted as part of the application and following discussion with the Flood Team this is now acceptable and Essex County Council raise no objection to the scheme subject to conditions.

In addition the Council's Land Drainage team were also consulted and have requested a condition relating to the surface water drainage.

Contamination

The occupants of managed flats are not considered to be particularly vulnerable to the presence of contamination and records indicate that the site formed part of a field until the public house was built in 1952, meaning that contamination from industrial use is unlikely. Although there remains the potential for asbestos impacted hardcore to have been used when the public house and car park were built and for the building to contain asbestos materials, it is the responsibility of the developer to ensure the safe development of the site and to pass on responsibilities for its safe management.

It should not, therefore, be necessary to regulate risks from land contamination under the planning regime by way of conditions.

Education

Essex County Council has confirmed that they will not be seeking an education contribution for this development.

Conclusion:

The proposal, given the above assessment is an acceptable scheme and one that subject to a contribution for off-site affordable housing, is recommended for approval.