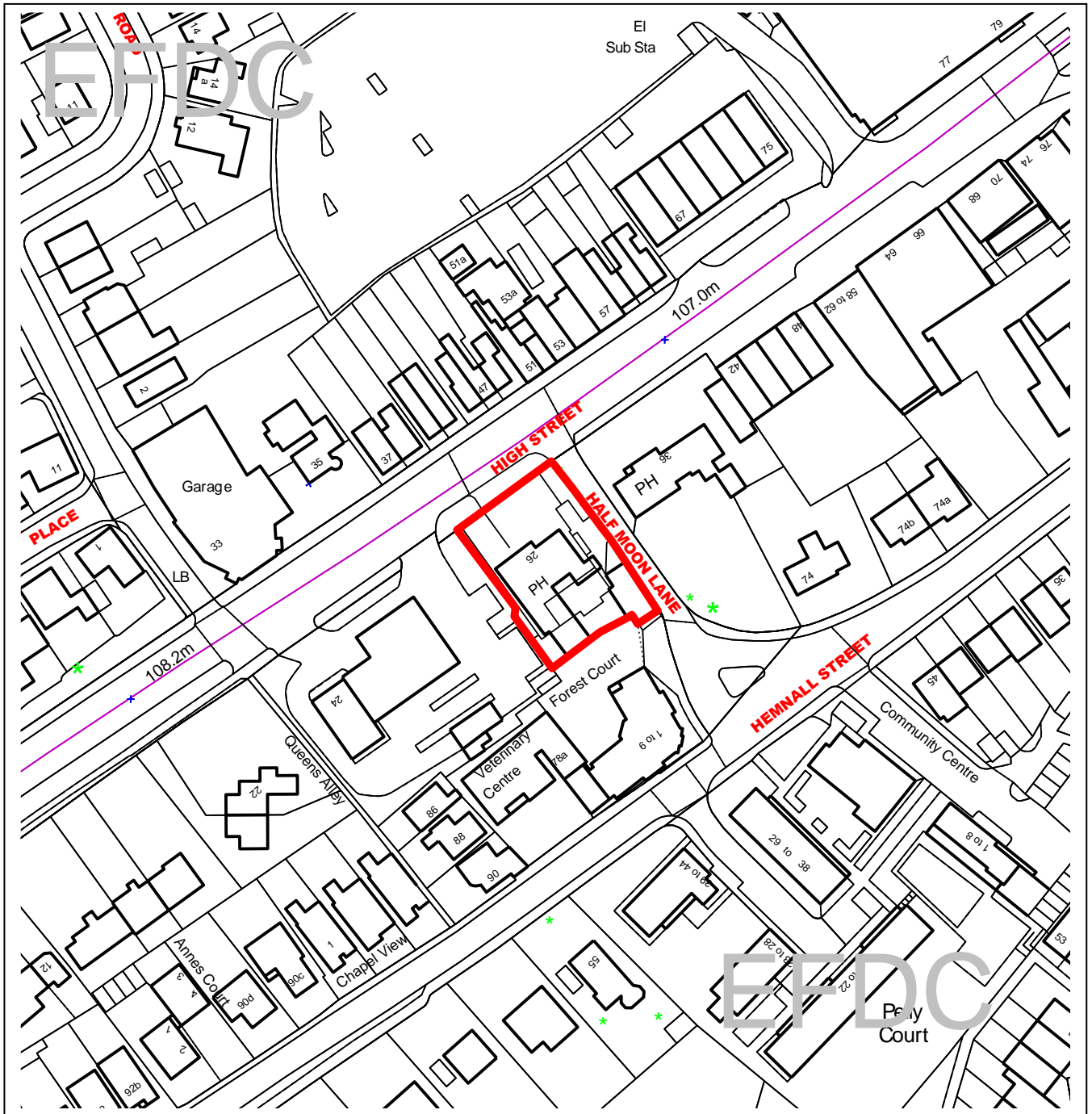




Epping Forest District Council



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/2806/19
Site Name:	Revival Court 26 High Street EppingCM16 4AE
Scale of Plot:	1:1250

APPLICATION No:	EPF/2806/19
SITE ADDRESS:	Revival Court 26 High Street Epping CM16 4AE
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Alec Smith
DESCRIPTION OF PROPOSAL:	Proposed replacement of existing shop front, external downlighters, pavement & entrance alterations for A3 restaurant use of ground floor.
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=630613

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 and retained strictly in accordance with the approved drawings numbers: 2019/07/02 Rev C; 2019/07/01; 2019/07/03; 2019/07/04; 2019/07/05; 2019/07 Rev B; 2019 08 Rev B; 2019/07/09 Rev B; 2019/07/10A; 2019/07/12 Rev A; Agents Letter dated 4th March 2020.
- 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 The use hereby permitted shall not be open to customers / members outside the hours of 0700 to 2330 on Monday to Saturday and 0800 to 2300 on Sundays and Bank Holidays.
- 5 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.

- 6 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

- 7 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and 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.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate - Delegation of Council function, Schedule 1, Appendix A.(f).)

Description of Site:

This application site consists of a 3 -storey detached property located to the south-western end of the commercial High Street, within the defined Town Centre of Epping but outside of the Primary Retail Frontage.

The building has approval for an A1/A3 (2012) use to the ground floor with residential at first and second floor which has been part implemented with residential on the upper floors being occupied with the ground floor presently vacant. The external fabric of the building is yellow stock brick on the ground floor and black weatherboarding at first and second level.

The site was originally a contemporary drinking bar/late-night club building with a front forecourt area and enclosed rear yard with vehicular access. The site is bounded by a mixed usage of buildings with residential to the rear of the site, a petrol filling station to the immediate west and the Duke of Wellington Pub to the east on the other side of Half Moon Lane.

The property is not located within Epping Town Centre Conservation Area and not Statutory Listed.

Description of Proposal:

Planning permission was approved in 2011 Ref: EPF/2126/11 for the demolition of the existing bar and replacement with a mixed-use development comprising of A1 Retail/A3 Restaurant use on the ground floor and two floors of residential over, comprising of 12 residential units and 16 car spaces.

This application seeks consent for alterations to the approved scheme involving the – Replacement of the existing shop front display windows to the ground floor front elevation with smaller windows and a disabled front door.

8 down-lighters to the front and east ground floor flank elevations designed to give a tight angle dimmable downward light with no light to be cast upwards measuring 76mm W x 105mm H x 125mm D sited 3m above ground level.

Relevant History:

EPF/2807/19 - Application for Approval of Details Reserved by conditions 12" details of the proposed class A1 and A3 uses to be submitted" 15 "Equipment shall be installed to suppress and disperse cooking/food preparation fumes and smells" for EPF/2603/15. (Proposed demolition of an existing bar & construction of x 12no. residential units plus A1 - A3 use of ground floor). - Approved -10/03/20

EPF/0701/19 - Application for Approval of Details Reserved by condition of EPF/2126/11 - Condition 20 'details of proposed business' (Demolition of existing bar & replacement with a mixed use development, comprising retail/food & drink use (Classes A1 and A3) at ground level & x 12 no. residential units at first & second floors together with 16 car parking spaces, access & landscaping) to enable increased parking to 19 spaces with introduction of a stacked parking system and use of roof voids(s) to enable duplex flats; amendments to design and external appearance. - Approved - 21/05/2019

EPF/2665/15 - Application for Approval of Details Reserved by condition 5 'foul and surface water disposal', 13 'surface water discharge' and 15 'surface water discharge' on planning permission EPF/2126/11 (Demolition of existing bar and replacement with a mixed use development, comprising retail/food and drink use (Classes A1 and A3) at ground level and 12 residential units at first and second floors together with 16 car parking spaces, access and landscaping) - Approved 07/06/2016

EPF/1756/15 - Application for Approval of Details Reserved by condition 3 'Archaeological work' and 8 'Tree protection' on planning application EPF/2126/11 (Demolition of existing bar and replacement with a mixed use development, comprising retail/food and drink use (classes A1 and A3) at ground level and 12 residential units at first and second floors together with 16 car parking spaces, access and landscaping). - Approved -18/09/2015

EPF/2366/15 - Application for Approval of Details Reserved by condition 6 ' wheel washing', 9 'flood risk assessment', 10 'vehicular access' and 17 'waste storage' on planning application EPF/2126/11 (Demolition of existing bar and replacement with a mixed use development, comprising retail/food and drink use (Classes A1 and A3) at ground level and 12 residential units at first and second floors together with 16 car parking spaces, access and landscaping).- Approved 06/-6/2016

EPF/2458/16 - Details of materials in compliance with condition 3 of EPF/2603/15.- Approved 14/10/2016

EPF/1411/18 - Change of Use of ground floor A1/A3 to B1 offices - Approved -31/10/2018

EPF/2686/17 - Non-material amendment to planning application EPF/2603/15 - Most changes primarily to the internal layouts and loft terrace orientations and notable external changes would be the window types to become tilt and turn windows/doors in the rear, west elevation - Approved

EPF/1779/16 - Non material amendment to EPF/2603/15 (Minor Material Amendment variation of condition 2 'plan numbers' on planning application EPF/2126/11 (Demolition of existing bar and replacement with a mixed use development, comprising retail/food and drink use (Classes A1 and A3) at ground level and 12 residential units at first and second floors together with 16 car parking spaces, access and landscaping). To enable increased parking to 19 spaces with introduction of a stacked parking system and; use of roof voids (s) to enable duplex flats; amendments to design and external appearance) - Approved

EPF/2603/15 - Minor Material Amendment variation of condition 2 'plan numbers' on planning application EPF/2126/11 (Demolition of existing bar and replacement with a mixed use development, comprising retail/food and drink use (Classes A1 and A3) at ground level and 12 residential units at first and second floors together with 16 car parking spaces, access and landscaping). To enable increased parking to 19 spaces with introduction of a stacked parking system and; use of roof voids (s) to enable duplex flats; amendments to design and external appearance - Approved

EPF/2126/11 - Demolition of existing bar and replacement with a mixed - use development comprising retail/food and drink use (Classes A1 and A3) - Approved 11th January 2012 - Implemented

EPF/1013/11 - Use of outside forecourt area for display of garden furniture - Refused 2011

EPF/1311/04 - Single storey side bar extension - Approved

EPF/1310/04 - Side Conservatory - Approved - 2004

EPF/0178/08 - Retention of elevation changes - Allowed on Appeal

EPF/0167/77 - Alterations and extension including change of use of attached cottage and extension to car park - Approved 1977

Consultations and Summary of Representations:

EPHING TOWN COUNCIL - NO OBJECTION

33 adjoining neighbours were notified on the 24/01/2020 and 7 objections have been received that raise the following concerns: -

Epping Society –

Proposed changes to the ground floor full height windows do not sit well in the same street scene. The existing fenestration is a feature on all floors of the High Street elevation

6 Revival Court –

The Air ventilation on condition has not been complied with by the applicant and they have not provided any sort of information as to what system they intend to install and how it will operate. This is concerning as air quality pollution, smells and fumes are serious implications of this application

The applicant has not demonstrated how the lights would not affect the loss of amenity and light pollution to residential units other than simply saying it and waste storage.

12 Theydon Place, Epping -

Object to a restaurant In Revival Court due to a lack of parking for customers and there is inadequate parking in the area. Noise and disturbance.

26 High Street Epping -

Parking is already a big problem on the yellow lines on Half Moon Lane next to the Duke of Wellington pub, and within Revival Court's parking area. We regularly have people parking in our parking bays (which are numbered for each apartment), and in the wider parking area (i.e. not designed to be parked on) making it difficult to get in and out of our spaces. The proposed parking arrangements in the application are inadequate - there is not enough room for the two spaces they are proposing as the parking bays would block the residents' entry to the building.

The proposed plans are to move the location of the entrance/exit door to directly below the bedrooms of two apartments (including ours) which would cause greater noise disruption

Flat 4 Revival Court -

Application EPF/2806/19 does not give sufficient information to comply with the council requirements. The applicant has not demonstrated how the air vents will not obstruct to the residents of revival court. The current plans would lead to fumes and smells being pumped into residential units. There are inadequate parking facilities in the area. Waste Storage.

7 Revival Court -

Parking is already an issue. -The proposed plans are to move the location of the entrance/exit door to directly below the bedrooms of two apartments (including ours) which would cause greater noise disruption than if kept to the existing doors which face onto the high street.

We also think the council should give consideration as to whether the A1-A3 is still appropriate for this unit. It was initially granted this class usage from an application in 2011 and there have been a number of changes in the nearby area since; more shops, an increase in population and increased number of residents.

12 Revival Court:-

Conditions not been complied with- The applicant has not demonstrated how the lights would not affect the loss of amenity and light pollution to residential units other than simply saying it –Condition 17 not approved. original permission must be complied with - No provision for a smoking area and customers will, without doubt, still smoke and most likely outside the restaurant door in Half moon Lane which is directly under my (Flat 6) Bedroom – meaning I will have to inhale second hand smoke, in addition to the noise pollution this will cause. This conflicts with DM9H 9 (iv) - 2 Customer parking spaces (no spaces for staff) is simply not adequate and this will add to, already existing, severe illegal parking on Half Moon lane (often blocking the driveway of revival court residents) and the limited number of parking space on the highstreets and Hemnall street which already suffers. North Essex Parking partnership have previously said there resources are already being drained and cannot offer further regulation, particularly at weekends and evenings. Conditions from permission that are not complied with in this application: EPF/2126/11

Policies Applied:

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
DBE1: Design of new buildings
DBE2: Effect on neighbouring properties
DBE3: Design in urban areas
DBE9: Neighbouring Residential amenity
TC1: Town Centre Hierarchy
TC3: Town Centre Function
LL10: Adequacy of provision for landscape retention

National Planning Policy Framework (NPPF) (February 2019)

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.

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

Paragraph 85
Paragraph 102 - 111
Paragraph 193 - 195

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 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

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
E2: Centre Hierarchy/Retail Policy	Significant
CF12: Retention of Community facilities	Significant
E4A : Protection of Employment Sites	Significant
ST1 : Location of Development	Significant
ST4: Road safety	Significant
ST6: Vehicle Parking	Significant
T1: Sustainable Transport Choices	Significant
TC1: Vitality and viability of shopping centre.	Significant
TC3: Town Centre Function	Significant

Issues and Considerations:

The main issues that arise with this application are:

- Design and impact on street scene
- Impact to neighbouring amenity
- Parking and highway
- Trees and Landscaping
- Any other material planning considerations.

Principle of Development

The National Planning Policy Framework, 2019 sets out a strategy to provide for sustainable development and considers that ensuring the vitality of town centres is a key tenet in securing sustainable development. Town Centres should be recognised as the heart of communities and policies should be pursued which ensure their viability and vitality, thereby ensuring competitiveness and customer choice.

The council's overall strategy towards shopping and service uses as set out in TC3 and TC4 of the Local plan is to maintain and enhance the vitality and viability of existing centres.

A planning application for the redevelopment of the site involving a 3 - storey building was approved in 2012 with residential at first and second floor and a mixed A1/A3 use at ground floor Ref: EPF/2126/11 which has been implemented with the ground floor presently vacant.

There was no condition in the decision notice that stated how much of the ground floor had to be allocated to A1 or A3 use. The site lies within Epping Town Centre but outside of the primary retail frontage and where non retail uses can be supported. As such the proposed ground floor as an A3 restaurant is considered appropriate and would strengthen the vitality and viability of the town centre creating employment opportunities and a community facility complying with policy TC1 of the adopted Local Plan.

Design, layout and impact to street scene

In terms of design and appearance, adopted Local Plan policy DBE1 (Design of New Buildings) seeks buildings to respect their setting in terms of, amongst other things, detailing. The proposed external alterations from the approved plans of 2011 is the replacement of the front shop windows for 4 smaller windows involving yellow stock brickwork which are considered acceptable and would not detract from the character of the High Street in this location.

Impact on the amenity of adjoining residential properties

In terms of noise generation and hours of operation, a relatively high level of economic and shopping activity is expected in a mixed usage area when compared to the likely levels of activity generated in a primarily residential area.

This part of the town centre is of a mixed usage with commercial on the ground floor and residential/commercial at first floor and therefore already quite buoyant in nature. Noise levels would already be at an unnaturally high level at all times of the day and into the night. It is whether the use would add to the noise and disturbance over the existing use of the premises.

Planning permission has already been approved for an A1/A3 use in 2011 with restrictive opening hours until 11.30pm. The NPPF gives advice that the hour's people would normally have their periods of rest and sleep is between 2300 and 0700 hours. It is therefore considered that the proposed hours are adequate to mitigate any impact of disturbance to a reasonable degree.

An appropriate condition would be attached to any approval to ensure that the proposed opening hours are adhered to in the interest of protecting neighbouring amenity. It is considered that the use of the ground floor remains as an A3 use where it is considered that patrons will arrange times to eat and sit down and not stand around outside for long periods of time. In terms of impact on the living conditions of neighbouring occupiers, it is not considered that the A3 use would result in any additional material level of noise and disturbance to the residential occupiers above what has already been approved. The external wall mounted 'Down-lighters'

are designed to give only a tight angle downward light so as not to cast any light upwards and are also dimmable down-lighters and in this respect the application is considered not to result in any amenity implications in the form of a loss of intrusion and has a satisfactory relationship to the adjoining properties and complies with policy DBE9 of the adopted Local Plan and Alterations 1998-2006, policy DM9 of the Submission Version, 2017.

In response to the objections received, mainly from the residents living above the ground floor of the building. The conditions relating to the 2012 Ref: EPF/2126/11 have been discharged with the most recent conditions regarding the air extraction duct, waste details approved just recently under Ref: EPF/2807/19 which is the same plan submitted in this application for which the Environment Health officer has no objection.

Planning permission has already been approved for the restaurant A3 use of the building in 2012 and this application is seeking predominantly only to alter the front windows from glazed doors to smaller windows for which there is no objection.

Parking and Highway Matters

The proposals would provide 16 off-street parking spaces to the side and rear of the site for the residents and 2 car spaces for the restaurant. Policy ST4 and ST6 of the Local Plan requires that new development does not harm highway safety and that development should provide parking in accordance with adopted standards.

National guidance advises that in implementing parking policies, developers should not be required to provide more parking spaces than they wish, other than in exceptional circumstances. The town centre location prevents there being such circumstances and Half Moon Lane and Hemnall Street to the rear are roads with extensive double yellow lining, thus preventing on road parking from taking place. Similarly, parking is restricted from taking place at the front. Whilst the level of parking would be lower than the maximum level sought by the Essex County Council Vehicle Parking Standards, it would not harm highway safety and no objections to the amended plans has been raised by the Essex County Council Highways Engineer.

The parking standards also allow flexibility in town centres well served by public transport (Epping underground station within walking distance as well as bus stops within close proximity) and existing car parking facilities in this case, two public car parks. This is such a location and, in conclusion, the proposed level of parking provision is satisfactory and refusal for such a sustainable location is unlikely to be supported on appeal.

Trees and Landscape

The original permission to develop the site (EPF/2126/11) incorporated conditions that required a disabled parking space to be provided. Given the elongated surface root which creates a significant trip hazard this space is usable for car parking. There is no objection to the amended drawings subject to tree protection (and arboricultural supervision) when removing and laying of new surfacing, and details of new landscaping (to include a 16-18cm girth silver birch to replace the TPO 'd alder tree, and to cover the increased planting area near the London Plane tree.

Conclusion:

The proposed alterations to the ground floor façade of the building and the use of the ground floor is considered acceptable in accordance with the shopping parade designation and as such retains the viability and the character and appearance of the surrounding area. The development is not considered to result in any adverse impact on the neighbouring properties above what has already been approved and there is no requirement for additional car parking. It is considered that the proposal would maintain little variance in current demands and activities in the shopping area. This factor coupled with what has already been approved; the scale of the proposal and the high public transport sustainability of the location with its proximity to a train station and bus lane would ensure that the proposal would not result in any adverse effects on either the traffic or parking provisions within the area. In light of the above, the proposal is considered to comply with relevant National and Local Plan policies and is therefore recommended for approval.

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: contactplanning@eppingforestdc.gov.uk