

Report Item No: 1

APPLICATION No:	EPF/0043/09
SITE ADDRESS:	Aves 221 High Street Epping Essex CM16 4BL
PARISH:	Epping
WARD:	Epping Lindsey and Lindsey and Thornwood Common
APPLICANT:	Mr Tim Dulley
DESCRIPTION OF PROPOSAL:	New shop front.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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 shall be carried out in accordance with the amended plans received on 05/03/09 unless otherwise agreed in writing with the Local Planning Authority.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

New shop front to existing shop frontage. The proposal removes the existing bow window and 'porch' area to create a slightly larger shop window whilst retaining and introducing a stallriser, mullions and pilasters in a traditional manner.

Description of Site:

221 High Street is a three storey Grade II Listed property with Aves Opticians occupying the ground floor shop front and offices above. The shop is on the western side of the Epping Town Centre and within the Epping Conservation Area.

Relevant History:

EPU/0062/61 – New Shopfront – Approved. This application is the approval for the existing bow fronted shop front
EPF/0235/06 - Internal alterations and new shop front. (Resubmitted application) – Approved but not implemented
EPF/0403/09 – Grade II listed building application for a new shop front and internal alterations – Concurrent Application
EPF/0044/09 – New projecting sign and fascia sign both externally illuminated – Concurrent Application
EPF/0404/09 – Grade II listed building application for a new projecting sign and fascia sign both externally illuminated – Concurrent Application

Policies Applied:

Epping Forest District Local Plan and Alterations

DBE12 – Shopfronts
HC6 – Development within the Conservation Area
HC7 – Development and materials within the Conservation Area
HC10 – Works to Listed Buildings

Summary of Representations:

EPPING TOWN COUNCIL: Object to the loss of the bow frontage
At the time of writing the Parish Council were intending to reconsider their comments on the basis of some confusion over the applications, however, the Parish Council meeting was postponed although it should be re-scheduled before the Committee meeting and any revised comments will be provided verbally.

NEIGHBOURS

3 properties were consulted and a site notice was erected, no responses were received

Issues and Considerations:

It is noted that an application was approved in 2006 for a new shopfront at this property but not implemented. This current proposal is similar as both the approved and current proposal relate to the removal of the bow window and a replacement shopfront with larger window area, stallriser, mullions and pilasters.

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

- Impact on the Listed Building
- Appropriateness of the design within the Conservation Area

Impact on the Listed Building

HC10 requires any work to a listed building not to detract from the historic interest or architectural character and appearance of the buildings. The County Council Historic Buildings and Conservation Advisor has no objection to the proposed shop front and felt that the main value of this property is the group contribution it makes to the High Street. The replacement shopfront does not remove any historic feature as the existing shop front dates from the 1960's.

Appropriateness of the design within the Conservation Area

The amended plans take into account earlier comments by the Council's Conservation Officer regarding the retention of some sort of 'pargetting' feature which has been incorporated by introducing rendered pilasters with stippled effect, which is more in keeping with the existing building.

The proposed shopfront has been designed in a traditional manner and it is considered that the design complies with advice contained within the Council's Shopfronts and Advertisements Design Guidelines 1992.

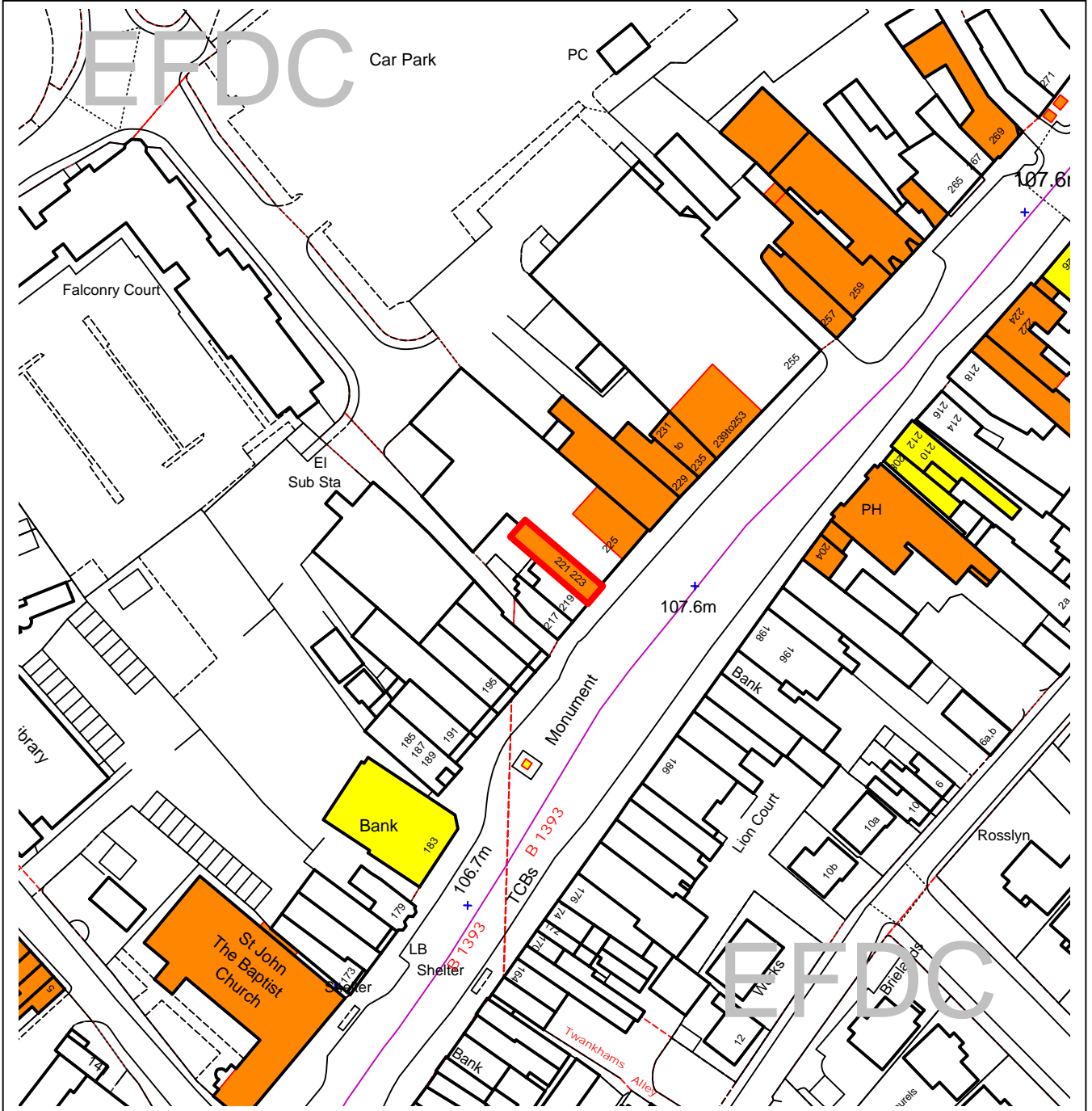
Conclusion:

Since this proposal is to replace a modern shopfront with one of a traditional design it would preserve the special architectural and historic interest of this listed building and preserve the character and appearance of the Epping Conservation Area. It is therefore recommended that conditional planning permission be granted.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	1
Application Number:	EPF/0043/09, EPF/0044/09, EPF/0403/09, EPF/0404/09
Site Name:	Aves, 221 High Street, Epping, CM16 4BL
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0403/09
SITE ADDRESS:	Aves 221 High Street Epping Essex CM16 4BL
PARISH:	Epping
WARD:	Epping Lindsey and Lindsey and Thornwood Common
APPLICANT:	Mr Tim Dulley
DESCRIPTION OF PROPOSAL:	Grade II listed building application for a new shop front and internal alterations.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 Notwithstanding the approved drawings, details of the proposed pargetting/stippled design to the render shall be submitted for approval by the Local Planning Authority prior to commencement of development and the development shall be implemented in accordance with such approved details.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

Grade II listed building application for new shop front to existing shop frontage and internal alterations. The internal alterations include the removal of the existing porch and removal and relocation of internal partitions.

Description of Site:

221 High Street is a three storey Grade II Listed property with Aves Opticians occupying the ground floor shop front and offices above. The shop is on the western side of the Epping Town Centre and within the Epping Conservation Area.

Relevant History:

EPU/0062/61 – New Shopfront – Approved. This application is the approval for the existing bow fronted shop front

EPF/0235/06 - Internal alterations and new shop front. (Resubmitted application) – Approved but not implemented

EPF/0043/09 – New Shop front – Concurrent Application

EPF/0044/09 – New projecting sign and fascia sign both externally illuminated – Concurrent Application

EPF/0404/09 – Grade II listed building application for a new projecting sign and fascia sign both externally illuminated – Concurrent Application

Policies Applied:

Epping Forest District Local Plan and Alterations

HC10 – Works to Listed Buildings

Summary of Representations:

EPPING TOWN COUNCIL: Object to the loss of the bow frontage

At the time of writing the Parish Council were intending to reconsider their comments on the basis of some confusion over the applications, however, the Parish Council meeting was postponed although it should be re-scheduled before the Committee meeting and any revised comments will be provided verbally.

NEIGHBOURS

3 properties were consulted and a site notice was erected, no responses were received

Issues and Considerations:

It is noted that an application was approved in 2006 for a new shopfront at this property but not implemented. This current proposal is similar as both applications propose the removal of the bow window and a replacement shop front with larger window area, stallriser, mullions and pilasters.

The main issue that arises with this application is considered to be the following:

- Impact on the Listed Building

Impact on the Listed Building

HC10 requires any work to a listed building not to detract from the historic interest or architectural character and appearance of the buildings. The County Council Historic Buildings and Conservation Advisor has no objection to the proposed shop front and felt that the main value of this property is the group contribution it makes to the High Street. The replacement shopfront does not remove any historic feature as the existing shop front dates from the 1960's.

The interior of the shop has also been inspected and it is considered that the partitions proposed for removal have no special historic architectural interest and again no objections were raised to this element of the proposal.

Conclusion:

Since this proposal is to replace a modern shopfront with one of a traditional design and to restore the original floor plan by removing modern partitions it would preserve the special architectural and historic interest of this listed building. It is therefore recommended that listed building consent be granted.

Report Item No: 3

APPLICATION No:	EPF/0044/09
SITE ADDRESS:	Aves 221 High Street Epping Essex CM16 4BL
PARISH:	Epping
WARD:	Epping Lindsey and Lindsey and Thornwood Common
APPLICANT:	Mr Tim Dulley
DESCRIPTION OF PROPOSAL:	New projecting sign and fascia sign both externally illuminated.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 Details of the type of materials and colours of fascia and projecting sign shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 2 The signage displayed shall be in accordance with the amended plans received on 05/03/09 unless otherwise agreed in writing with the Local Planning Authority.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

Projecting sign and fascia sign both externally illuminated by single 3.15m long trough light located under the jettied overhang of the first floor. The signage includes stand-off individual lettering spelling 'aves optometrist'. The stand-off lettering will have a maximum height of 0.3m. The projecting sign will state the same and measure 0.75 x 0.4m. The shop currently has a similar style stand-off lettering and projecting sign.

Description of Site:

221 High Street is a three storey Grade II Listed property with Aves Opticians occupying the ground floor shop front with offices above. The shop is on the western side of the Epping Town Centre and within the Epping Conservation Area.

Relevant History:

EPU/0062/61 – New Shopfront – Approved. This application is the approval for the existing bow fronted shop front

EPF/0235/06 - Internal alterations and new shop front. (Resubmitted application) – Approved but not implemented

EPF/0403/09 – Grade II listed building application for a new shop front and internal alterations – Concurrent Application

EPF/0043/09- New shopfront – Concurrent Application

EPF/0404/09 – Grade II listed building application for a new projecting sign and fascia sign both externally illuminated – Concurrent Application

Policies Applied:

Epping Forest District Local Plan and Alterations

DBE13 – Advertisements

HC6 – Development within the Conservation Area

HC7 – Development and materials within the Conservation Area

HC10 – Works to Listed Buildings

Summary of Representations:

EPPING TOWN COUNCIL: Objection

At the time of writing the Parish Council were intending to reconsider their comments on the basis of some confusion over the applications, however, the Parish Council meeting was postponed although it should be re-scheduled before the Committee meeting and any revised comments will be provided verbally.

NEIGHBOURS

3 properties were consulted and a site notice was erected, no responses were received

Issues and Considerations:

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

- Impact on Amenity
- Impact on Public Safety
- Impact on the Listed Building and Character of the Conservation Area

Impact on Amenity

The signage will be externally illuminated by a trough light under the existing first floor jetty and it is not considered that the light from the signage or the signage itself will have any adverse impact on the amenities of any nearby residents. The signage will be positioned on the proposed replacement shop front and is of a similar design to the existing shop signage and is therefore not considered to be incongruous to the host building or the surrounding town centre area.

Impact on Public Safety

It is not considered that the proposed signage will have a negative effect on public safety, particularly that of highway safety. The shop front itself is set back from the High Road behind an existing parking area.

Impact on the Listed Building and Conservation Area

The signage proposed has a relatively modern, classic appearance, but it is considered to complement the surrounding listed building and the character of the Conservation Area. The impact of this proposal on the Listed Building is dealt with in more detail under the concurrent Listed Building Consent EPF/0404/09.

Conclusion:

The proposal is not considered to have a detrimental effect on amenity, public safety or the Listed Building and Conservation Area. It is therefore recommended that express consent for the display of the proposed signage be granted.

Report Item No: 4

APPLICATION No:	EPF/0404/09
SITE ADDRESS:	Aves 221 High Street Epping Essex CM16 4BL
PARISH:	Epping
WARD:	Epping Lindsey and Lindsey and Thornwood Common
APPLICANT:	Mr Tim Dulley
DESCRIPTION OF PROPOSAL:	Grade II listed building application for a new projecting sign and fascia sign both externally illuminated.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 Details of the type of materials and colours of the fascia and projecting sign shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the works and the works shall be implemented in accordance with such approved details.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

Grade II listed building application for projecting sign and fascia sign both externally illuminated by single 3.15m long trough light located under the jettied overhang of the first floor. The signage includes stand-off individual lettering spelling 'aves optometrist'. The stand-off lettering will have a maximum height of 0.3m. The projecting sign will state the same and measure 0.75 x 0.4m. The shop currently has a similar style stand-off lettering and projecting sign.

Description of Site:

221 High Street is a three storey Grade II Listed property with Aves Opticians occupying the ground floor shop front with offices above. The shop is on the western side of the Epping Town Centre and within the Epping Conservation Area. It is not within the Metropolitan Green Belt.

Relevant History:

EPU/0062/61 – New Shopfront – Approved. This application is the approval for the existing bow fronted shop front

EPF/0235/06 - Internal alterations and new shop front. (Resubmitted application) – Approved but not implemented

EPF/0403/09 – Grade II listed building application for a new shop front and internal alterations – Concurrent Application

EPF/0043/09- New shopfront – Concurrent Application

EPF/0044/09 –Projecting sign and fascia sign both externally illuminated – Concurrent Application

Policies Applied:

Epping Forest District Local Plan and Alterations

HC10 – Works to Listed Buildings

Summary of Representations:

EPPING TOWN COUNCIL: Object to the loss of the bow frontage

At the time of writing the Parish Council were intending to reconsider their comments on the basis of some confusion over the applications, however, the Parish Council meeting was postponed although it should be re-scheduled before the Committee meeting and any revised comments will be provided verbally.

NEIGHBOURS

3 properties were consulted and a site notice was erected, no responses were received

Issues and Considerations:

The main issue that arises with this application is considered to be the following:

- Impact on the Listed Building

Impact on the Listed Building

HC10 requires any work to a listed building not to detract from the historic interest or architectural character and appearance of the buildings. The signage will be positioned on the proposed replacement shop front, and not attached to any historic fabric of the building. The proposal is of a similar design to the existing shop signage, and is considered to complement the existing and proposed elements of the building. The proposal is therefore not considered to detract from the historic value of this property.

Conclusion:

Since this proposal is to replace acceptable existing signage with similar signage that is of sympathetic design in terms of its size, location, proportions and method of illumination it would preserve the special architectural and historic interest of this listed building. It is therefore recommended that conditional listed building consent be granted.

Report Item No: 5

APPLICATION No:	EPF/0190/09
SITE ADDRESS:	Belgique 14 Forest Drive Theydon Bois Epping Essex CM16 7EY
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mrs A Bekaert Woush Ltd
DESCRIPTION OF PROPOSAL:	Continuance of use of premises as a mixed use for purposes within Use Class A1 (shops) and as a cafe within Use Class A3 (restaurants and cafes) and retention of an outside freezer unit.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The seating area for the Cafe should not exceed 50% of the gross ground floor area.
- 2 The Use hereby permitted shall not be open to customers/ members of the public outside the hours of 8.00am to 6.00pm Monday to Saturday, 8.00am to 3.00pm on Sundays and Bank/Public holidays.

This application is before this Committee since it is an application contrary to an approved policy of the Council, and is recommended for approval (Pursuant to Section P4, Schedule A (b) of the Council's Delegated Functions).

Description of Proposal:

This is a retrospective planning application to continue the existing use of the premises which was changed from the last known A1 use into a mixed use for retail purposes within Use Class A1 (shops) and as a Cafe within Use Class A3 (restaurants and cafes) and for the retention of an outside freezer unit located at the rear of the premises.

Description of Site:

The subject site accommodates a single ground floor unit in the middle of a three-storey block located on the eastern side of Forest Drive, Theydon Bois within the defined Theydon Bois local centre. Surrounding units within the local shopping area are commercial units on the ground floor

with a mixture of residential and office accommodation above. Council records demonstrate the lawful use of the premises is for retail purposes within Use Class A1 and the existing mixed use started in January 2008. The rear yard area of the premises is used for storage including storage of waste.

Relevant History:

EPO/0216C/59 Approved in 1959 - Shop front

EPF/0415/93 Approved in 1993 - Single storey rear extension.

EPF/1124/96 Approved in 1996 - Erection for a temporary period of a single storey rear extension for storage use.

EPF/1604/97 Refused on 27/01/1998: - Change of use from retail shop (A1) to hot food takeaway (A3) and single storey structure to rear to house ducting.

Reasons: *The proposed change of use will lead to the loss of a retail unit in a defined shopping parade and the proposed ducting would be inadequate for its purpose.*

EPF/1697 Approved 2007 – Single storey rear extension for shop usage

EPF/2636/07 Approved 2007 – New illuminated shop sign

EPF/2635/07 Invalid 2007 – New shop front

EPF/1226/08 Withdrawn – Retention of change of use from Sui Generis to retain/ A3 use

Policies Applied:

Epping Forest District Local Plan and Alterations

TC1 – Town centre hierarchy

TC3 – Town centre function

TC6 – Local centres

ST6 – Parking provision

DBE9 – Neighbours amenity

Summary of Representations:

THEYDON BOIS PARISH COUNCIL: No objection to the proposal.

SITE NOTICE DISPLAYED – 19/02/2009

10 letters sent out with 1 letter of representation received.

- 15 FOREST ROAD OBJECTS: As this application is retrospective it would be unfair to other applicants that have been recently refused A3 license. It could also set precedence and encourage other businesses to not follow proper planning procedure.

Issues and Considerations:

The key issues for consideration relevant to this application are the impact of the use on the vitality and viability of the local centre, the effect on the amenity of local residents and highway safety.

Retention of mixed A1/A3 Use

- Notwithstanding the applicant's description of the proposal on the forms that state the previous use of the unit was a non retail use in a class of its own (a sui generic use), the council's records show the last known use of the premises was for retail use as a planning application was approved under EPF/1697/07 in 2007 for a single storey rear extension for the retail premises. Photographs of the site taken in 2007 prior to the change of use demonstrate the last known occupier of the shop was a firm trading under the name Tropical Water Aquatics and is indicative of usage solely for purposes within Use Class A1.

- Policy TC6 sets out criteria against which the planning merits of a proposed change of use in a local centre should be assessed. The policy states the Council will not grant permission for the loss of a retail unit in a local centre unless it can be demonstrated that: (i) there is no market demand for a retail use, (ii) the service provided is continued in another location in the village or locality, and (iii) the new use would meet an identified community need. The policy seeks to ensure that local centres continue to serve a useful function in meeting shopping needs by protecting existing shopping facilities for the benefit of local residents.
- The applicant has not provided any supporting material with the application so it is not known what efforts, if any, were made to continue a retail use at the premises.
- There is no information submitted with the application dealing with the matter of whether there is no market demand for a retail use at the premises.
- The applicant has not provided any information on whether the service provided by the previous use is continuing in another location in the village or locality.
- The new use does not meet an identified community need.
- Consequently the proposal fails to comply with any of the criteria set out in policy TC6. In such circumstances it is necessary to consider whether there are any other material considerations to be taken into account that are of such weight they dictate the decision the application should not be in accordance with the adopted development plan policy for the locality.
- The Council's shopping policies seek to sustain and improve the vitality and viability of town centres and PPS6 supports the diversification of town centre uses as this can widen the range and quality of activities making the centre more attractive for local residents, shoppers and visitors.
- The unit this application relates to has been trading for over a year as "Belgique", a mixed use bakery with a counter take-away facility and Café/ coffee shop with a seating capacity of approximately 42 covers. Officers consider that over this time period, the use of the site has contributed to the vitality and viability of the local centre and has encouraged local residents to use the shopping centre at the weekend. This opinion is based on anecdotal evidence rather than any survey results, however, there certainly seems little or no evidence of harm being caused to the vitality and viability of the local centre by the new use during this time.
- Officer's opinion is that the use has a positive impact on vitality and viability and this has much to do with the fact that the use is a day time use generating footfall during the times other retail uses in the centre are open. In doing so, it is likely that some of the footfall generated will be as a result of linked shopping trips that support other retail uses. Even if no linked trips are generated, there is a benefit to the character of the centre in having a vibrant daytime use within it.
- Policy TC3 does not support proposals that would result in long stretches of 'dead' daytime frontage. As the application forms indicate, the premises open at 8am to 6pm Monday - Saturday and 8am to 3pm on Sundays. These opening times encourage daytime activities to the centre throughout the week and this serves as a positive reflection for the viability and vitality of this local centre.
- Therefore, while the retention of mixed A1 / A3 Use at the premises is a departure from the relevant adopted local plan policies, since the use includes a retail element and contributes to the vitality and vitality of this local centre, it is considered that, on balance, the proposal to continue the use is acceptable within the locality.
- If members agree that the use is, on balance, an acceptable use in this location, consideration should be given to whether this particular use is so unique it should only be allowed on the basis it is a unique use and therefore any planning permission given should be personal to the applicant.
- Officer's opinion is that the use is not so unique and that similar uses are common in shopping areas therefore a personal planning permission cannot be justified

Impact on neighbouring amenity

- As a daytime use that generally does not carry out primary cooking on site, the only potential source of harm to amenity is through the impact of noise from the external freezer unit. No harm to amenity is caused by the ordinary activities of customers and staff at the premises.
- In considering neighbour amenity there are a number of flats above the ground floor commercial units within this parade. The only on-site external facility provided for the on-going use of the premises and forming part of the description, is an outside freezer unit measuring 2.0m x 1.6m sited at the rear of the premises.
- The freezer unit fits quite snugly between the flank wall of the subject building and the flank wall that demarcates the adjacent premises to the site No. 16 Forest Drive. As such the freezer unit is hidden from view and is not easily visible from the service yard.
- The freezer unit is also attached with a silenced Electrolux compressor attached, hence it does not generate a lot of noise, as such it does not result in any harm to the amenities of neighbouring occupiers and the retention of the unit is acceptable.

Parking

- There is no evidence to show that demand for on street parking within the area has increased to the detriment of the locality as a consequence of the present use of the premises; however it is expedient to add a condition in order to limit the use of the premises, as over-intensification of the A3 use could potentially lead to an increase in traffic and parking.

Neighbours Objections

- A neighbouring shop, No. 15 Forest Drive has raised an objection based on the retrospective nature of this planning application and the possibility that this method could be employed by other commercial premises within the locality.
- In addressing these objections, while a retrospective planning application is not encouraged and the partial loss of a retail unit has been enabled this proposal, the principle of a mixed retail / café use with a take-away facility at these premises contributes to the vitality and viability of this local town centre and as such an exception should be made to adopted local plan policy.
- The parish council has not raised an objection and with the exception of the letter from the neighbouring premises at No. 15 Forest Drive, no objections have been received from the local residents.

Conclusion:

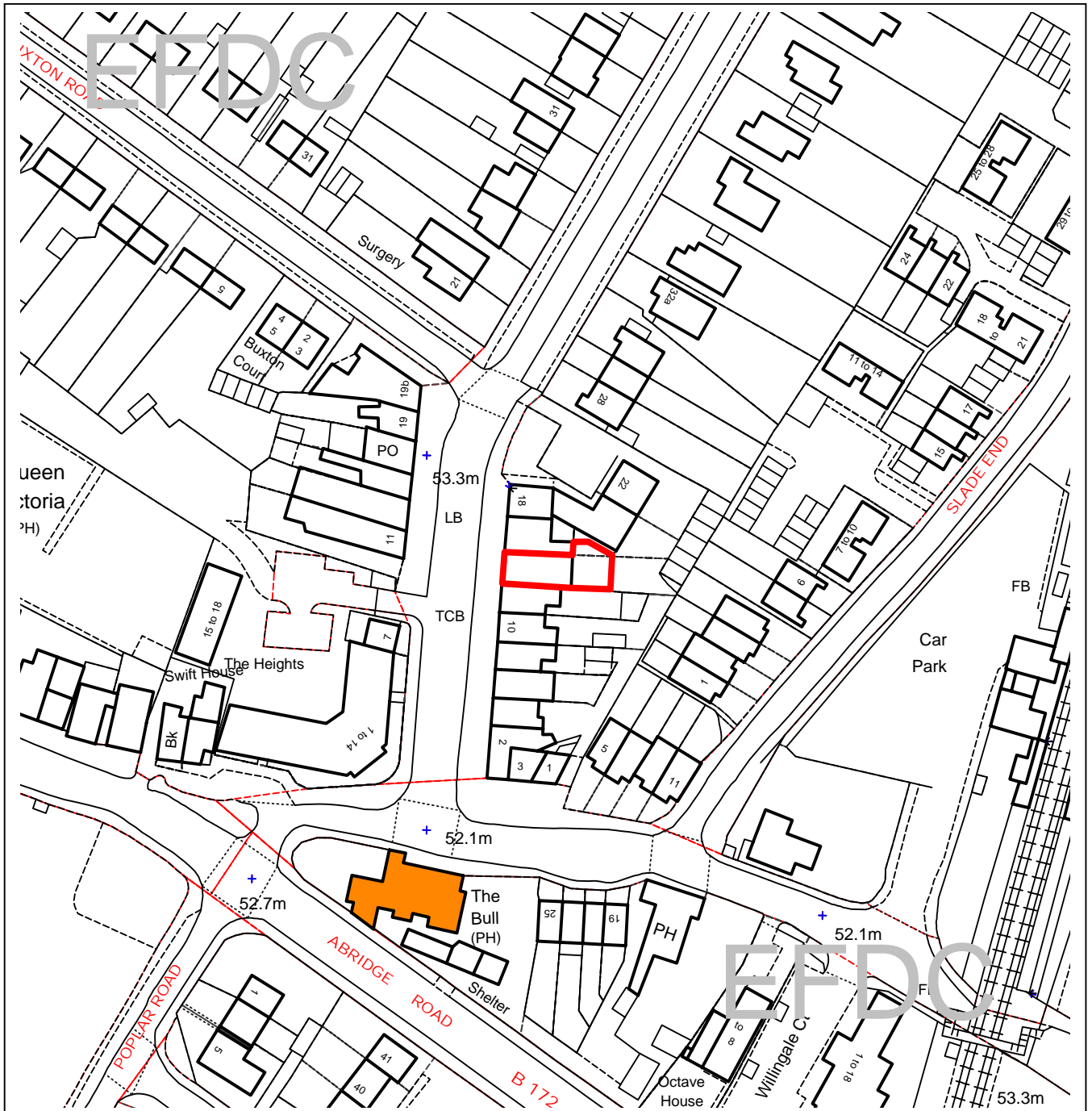
The present A1 / A3 use of this unit, while contrary to town centre policies adopted within the local plan, contributes to the vitality and viability of this local centre. As such it is recommended that planning permission is approved with conditions to ensure a percentage of the premises will be retained as retail use and to ensure that the future use of the premises will avoid long periods of dead daytime frontage.

This application is therefore recommended for approval. If members agree that planning permission should be granted, given the clear conflict with adopted planning policy this application should be referred to District Development Control Committee for decision.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	5
Application Number:	EPF/0190/09
Site Name:	Belgique, 14 Forest Drive, Theydon Bois, CM16 7EY
Scale of Plot:	1/1250