

Extract from Area Planning Subcommittee East 12 January 2012

APPLICATION No:	EPF/2126/11
SITE ADDRESS:	Billie Jeans 26 High Street Epping Essex CM16 4AE
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Kiko Ventures Ltd
DESCRIPTION OF PROPOSAL:	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.
RECOMMENDED DECISION:	Grant Permission (Subject to S106)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=532058

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 strictly in accordance with the approved drawings nos: 2768 L01-1A, 2768 PL04D, 2768 PL05D, 2768 PL06B, 2768 PL07B, 2768 PL10D, 2768 PL10-1D, 2768 PL10-2D, 2768 PL10-3D, 2768 PL10-4D and 2768 PL11-1A.
- 3 No development, including demolition or preliminary groundwork's of any kind shall take place until the applicant/developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
- 4 No construction works above ground level shall have taken 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, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 5 No development shall take place until details of foul and 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.

- 6 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 7 The use hereby permitted shall not be open for customers / members to enter outside the hours of 0700 to 2330 on Monday to Saturday and 0800 to 2300 on Sundays and Bank/Public Holidays.
- 8 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.
- 9 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 10 Prior to commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority for the permanent closure of the redundant vehicular access onto the High Street and to include:
 - The construction of a footway with kerbing to replace the redundant lay-by/vehicular access across the site frontage,
 - Position and type/design of bollards on the new footway.
 - The provision of two dropped kerb crossing points with tactile paving across Half Moon Lane at its junction with the High StreetThe approved details shall be implemented prior to first occupation and use of the development.
- 11 There should be no obstruction above ground level within a 2.4m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway of Half Moon Lane. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- 12 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport approved by Essex County Council.
- 13 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

- 14 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
- 15 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 16 No deliveries shall take place at the site outside the hours of 0700 to 2100 on Monday to Saturday and 0800 to 1800 on Sundays and Bank/Public Holidays.
- 17 Notwithstanding the details shown on the approved drawings submitted with this planning application, prior to commencement of works, details of waste storage shall be submitted to and agreed in writing by the local planning authority and shall be implemented and maintained in accordance with the approved details.
- 18 Equipment shall be installed to suppress and disperse cooking/food preparation fumes and smells to a minimum. The equipment shall be effectively operated and maintained for so long as the use continues. Details of the equipment shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to first commencement of use or occupation.

And subject to a S106 legal agreement to be completed within 6 months requiring the developer to pay an education contribution to Essex County Council of £11,944 (index linked).

This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(d))

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).)

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site:

This 0.09 hectare application site consists of a two storey detached contemporary drinking bar/late-night club building with a front forecourt area and enclosed rear yard with vehicular access. The outside walls of this building are a striking painted pink. There is a block of recently

built residential flats to the rear of the site, a petrol filling station immediately to the west and the Duke of Wellington Pub to the east located on the other side of a narrow side road, Half Moon Lane. The site has a frontage to the east on this side road, but its main frontage is north onto the High Street.

The site is at the south-western end of the commercial High Street, within the defined town centre of Epping. The character of the area is a mix of commercial and residential properties.

Description of Proposal:

Consent is being sought for the demolition of the existing buildings on the site to be replaced by a new building consisting of an A1 Retail/ A3 Restaurant use on the ground floor and two floors of residential over, comprising of four x 1-bed and eight x 2-bed flats, each served by a balcony amenity area. 16 off street parking spaces would be located to the side and the rear of the building. The building would be up to the front boundary of the site adjacent to the back-edge of the pavement.

Relevant History:

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

EPF/1310/04 – Side Conservatory – granted 2004

EPF/1311/04 – Single storey side bar extension – granted

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

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

Summary of Representations:

40 neighbouring properties were consulted and site notices were erected in Hemnall Street and the High Street.

TOWN COUNCIL – Object. The application brings the building much closer to the road and further forward than any neighbouring property, therefore likely to cause a problem with access and egress from the nearby side road as well as the garage. The loss of this property as a public house is actually the loss of a community asset. Although undesirable, the present use of the building has still been represented as a community function and the conversion of the premises from that function into residential or commercial property represents loss of yet any other community asset on top of the loss of The Globe, The Spotted Dog and others. If a change of use is to be granted, then this factor needs to be taken into account. Committee were also concerned that the building is too tall for its environment although there is a reasonably eclectic mix of heights present in the High Street and High Road, nevertheless, this property outstrips those premises near to it and would look incongruous and overdeveloped. Committee also expressed considerable concern over the inadequate parking provision. The property owner's representative was unable to advise Committee as to whether the parking would be devoted to the residential properties or would be ancillary to the commercial use. Committee was concerned that parking was inadequate for both uses and possibly even inadequate for either use given the dearth of alternative on street or off street parking in the vicinity of this development.

EPPING SOCIETY – Disappointed to see plans for part of our Town's heritage to be demolished. Aware building not listed nor in a conservation area and that its present use or that of former use as a public house is probably not viable, leaving little alternative but redevelopment. Wish to object because site is grossly overdeveloped with the building occupying nearly the whole site; building frontage to the back of pavement should conform to block of shops the other side of the Duke of Wellington public house; design does not follow town's vernacular, use of ground floor as a single unit may entice use as a mini-market on the edge of town to detriment of town centre; flats

are small; balconies are too small to be of practical use and do not have good outlook; parking spaces on side will have to reverse out, and two on rear have no room for manoeuvre; two spaces at front for disabled and loading are too close to light controlled pedestrian crossing. Elevation inconsistency with ground floor plan.

74 MADELLS – Object on basis this was an old building forming part of the beginning of the High Street which the builders ruined and should be forced to reinstate. If not, current building is too big and would be dangerous traffic wise in this busy part of Epping with roads leading off with not enough parking to be provided.

22 HIGH STREET – Aware of lack of footpath at the front and current front car park blocking pedestrian access particularly for disabled and parents with prams, therefore would be an ideal opportunity for the development to provide a dedicated raised footpath to link up with existing either side.

61 HIGH STREET – Strongly support the change of use. Since current Billie Jeans was given permission and changed from a pub to club has been nothing but noise on a Friday and Saturday night (and damage to our cars). Current building is an eye-sore.

3 CHAPEL VIEW, 90A HEMNALL STREET – Just about anything would be an improvement. We are in favour.

Policies Applied:

TC1 - Vitality and viability of shopping centre.
TC2 – Sequential Approach
TC3 – Town Centre Function
CP2 – Protecting the quality of the Rural and Built Environment
CP3 – New development
CF12 – Retention of Community facilities
H2A – Re-use of Previously developed land
H3A – Housing density
H4A – Dwelling mix
E4A – Protection of Employment Sites
E4B – Alternative uses for Employment sites
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private Amenity Space
DBE9 – Loss of amenity
ST1 – Location of Development
ST4 – Road safety
ST6 – Vehicle Parking
I1A – Planning Obligations

Issues and Considerations:

The main issues that arise with this application are:

- Principle of development
- Vitality and Viability of Town Centre
- Loss of the Community facility
- Design, layout and impact on street scene
- Impact to neighbouring amenity
- Parking and highway matters

- Any other Material Planning Matters

Principle of Development - Vitality and Viability of Town Centre

The application site is a former public house located within the town centre of Epping. It is clearly Previously Developed Land (PDL) and, whilst there is no presumption that land that is previously developed is necessarily suitable for housing development, there is a national annual target set out in PPS3 that “at least 60 per cent of new housing should be provided on previously developed land”, which is reflected locally within policy H2A that seeks to deliver “at least 70% of all new housing on previously developed land”. The residential in this case is on the upper floors and is compatible with other similar developments in the High Street at this floor level. The proposal is supported by policy TC3 of the Local Plan, which states that the Council will permit residential developments in town centres, but not at ground floor level.

The proposed ground floor retail or restaurant use is again compatible with other ground floor uses in the town centre. Policy TC1 of the adopted Local Plan confirms that the Council will in principle permit proposals which sustain or improve the vitality and viability of any of the defined shopping centres. The flexibility to bring forward retail and/or restaurant units at ground floor level, as part of this proposal, conforms to this policy. It is outside the key retail frontage but both uses are appropriate to the town centre and benefit the functioning of the centre. In either case, it will strengthen the vitality and viability of the town centre and provide greater employment opportunities than as at present.

In recent years, the current drinking establishment has been a source of disturbance to the detriment of the town centre as well as residential amenity. There are residential properties both opposite and to the immediate rear and Members may well consider that this application provides the opportunity to remove this establishment. Planning permission would then be required to turn it back from an A1 or A3 use to its current A4 use.

Loss of the community facility

Public Houses are generally social meeting places and considered in policy terms to be a community facility. Policy CF12 seeks to ensure community facilities will only be lost where it is conclusively shown that:

- i) *The use is no longer needed or no longer viable in its current location; and*
- ii) *The service, if it is still needed, is already, or is to be, provided elsewhere and accessible within the locality to existing and potential users.*

Where planning permission is granted for proposals that will entail the loss of community facility, the Council will consider favourably alternative uses which fulfil other community needs.

This is no longer a public house and harkening back to this former use is now rather historical. Despite the closure of two pubs close to, but outside of, the town centre (The Globe and The Spotted Dog) the town is still well served by public houses (one of which is next door) and bars. The loss of the use is more than compensated for by the proposed use of the ground floor, which in any case could now be converted into retail or a restaurant use without the need for planning permission. The retail and restaurant use would be a suitable alternative community use that is appropriate to a town centre location.

Design, layout and impact to street scene

The proposed building at three storeys will be in keeping with similar scaled buildings that prevail in the townscape. It will be taller than the current two storey building and come further forward, beyond neighbouring properties, but not to the extent that it would appear discordant. A commercial frontage on the front boundary of the site is repeated in many other parts of the town

centre and the mass of this comparatively large building would be broken up by slight projecting gabled roof bay features and balconies. This reflects other High Street buildings and will use a mix of external materials that prevails in the locality, including brickwork broken by glazed frontage to the ground floor front elevation and timber weatherboarding to offer some relief. It is considered that rather than causing visual harm, it will provide an attractive frontage to passing traffic entering the town from the west.

Concerns have been expressed that the building should be set back to align with shops to the east (no.42 onwards), just beyond the Duke of Wellington pub. However, there is no strict defined building line that present buildings conform to and the fronts of buildings generally run in short stretches on both sides of this road in this part of the town centre, such that the proposal would not be out of keeping. It will also prevent on-site parking from appearing so visually unsightly and dominant at the front, which conforms to the principle design requirements of the Essex Design Guide.

The new building will be larger and have a greater footprint than the existing building on the site and those immediately surrounding, but it will still have the appearance of a traditional roof slope and ridge line. Maximising density is suitable for town centre location provided, of course, that it is not at the expense of other material planning considerations. Policy H3A of the Local Plan allows development of higher densities in areas of good public transport and other facilities. The proposed density will be 133 dwellings per hectare which is acceptable in a town centre location. The whole of the site area is not taken up by a building footprint and there is still room for 16 parking spaces together with a delivery and turning area at the rear and the retention of 2 protected trees in the north-east corner of the site. As with many town centre, mixed residential/commercial developments, there is limited scope for private gardens, but all the flats will have balcony areas providing some level of private amenity space. Outlook will be similar to other residential properties in this locality and therefore not a reason to withhold planning permission on this ground. Among objections raised is that this is gross overdevelopment. But, this generally has limited justification in a town centre location if the building scale and parking provision is appropriate with its surroundings and the development makes good use of urban land, as in this case.

Finally, it has been commented in one of the representations received that the current building should be retained. The building may be late nineteenth century, but it does not have any overriding intrinsic merit which would mean that its loss should be resisted. It is neither statutory nor locally listed and indeed would not meet the parameters to justify inclusion given there are no internal original features and externally it has been much altered. It is also well outside the conservation area boundary to the east, such that its loss would not harm its character and appearance.

Impact on neighbouring amenity

There are residential properties on the other side of the High Street to the north and in the recent residential flatted development to the immediate rear. Those houses opposite will be approximately 20 metres away, which across a main road is a reasonable separation distance. The flats to the rear at Forest Court do not have main habitable room windows on their rear elevation and despite the proposed use of balconies, there will be no undue loss of privacy to occupants of neighbouring residential properties. The rear area of these flats is a parking area and access, similar to that proposed at the application site. Compared with the present bar/club late night use, the proposal will result in less disturbance and noise to the benefit of the local area.

Parking and Highway Matters

The proposals would provide 16 off-street parking spaces to the side and rear of the site. The present use has 4 parking spaces accessed directly off the High Street. The plans have been

amended deleting two roadside disabled parking spaces/ loading bays in the High Street adjacent to the front boundary of the site following highway objections. This would have been within the zig-zag road marking of an existing signalised pedestrian crossing and have been in clear conflict with highway safety.

Policy ST4 and ST6 of the Local Plan requires that new development does not harm highway safety and should provide that development should provide parking in accordance with adopted standards.

Essex County Council Highway Officers would accept 12 spaces given its town centre location close to shops and services and proximity to frequent public transport facilities. However, the proposed 16 spaces, whilst a little tight at the rear, does allow one car space for each flat and a further 4 for visitor or for ground floor users. 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. A Green Travel Plan is also required and therefore it is reasonable to assume that not all residents would choose to have cars. The parking standards also allow flexibility in town centres well served by public transport. This is such a location and in conclusion, the proposed level of parking provision is satisfactory and refusal in such a sustainable location is extremely unlikely to be supported on appeal.

Access arrangements are acceptable. Whilst the side boundary would be opened up to Half Moon Lane, this is not a heavily trafficked thoroughfare and the parking spaces have sufficient space to enter and leave the site and with good visibility. Similarly at the rear, there is an existing access point to the site and the Forest Court flats which would not result in highway safety conflict.

The development will finance and provide for a pavement to be formed and continue across the public facing frontage to link up with that existing on either side. This is clearly a highway benefit for all pedestrian users in this part of the town centre.

Other matters

The development is of a size where it is necessary to avoid generating additional runoff and provides the opportunity to improve existing surface water runoff. As such a Flood Risk Assessment is required, but this can be controlled by condition.

The layout is considered acceptable with regards to bin storage and collection, but a condition is still required to ensure that adequate space is provided to both serve the residential and ground floor use.

The site lies within the known extent of the built-up area of post-medieval Epping and immediately outside that of the medieval core. Very little archaeological fieldwork has been undertaken within Epping. As a result, little is known of the nature, complexity or preservation of archaeological deposits within the town's historic core. Future excavation of medieval and post medieval archaeological deposits within the town in order to establish its development, trade and distribution networks and social and economic context has been highlighted as a research priority at a regional and national level. An archaeological investigation of the proposed development site is likely to add considerably to our knowledge of the historic and spatial development of the market town of Epping. A full archaeological condition should therefore be imposed on this application, in line with Planning Policy Statement 5: Planning for the Historic Environment (PPS 5)

In addition, a financial contribution of £11,944 is sought for primary education contribution which has been assessed against the requirements of the 2010 Community Infrastructure Regulations. The development would generate an increased demand for additional spaces. The figure is calculated from Essex County Council's formula for education contribution requirements and is an appropriate need in this case.

Conclusion:

The proposal makes good use of previously developed land and brings forward mixed use to a site well served by public transport within a sustainable town centre location. It satisfies national and local plan housing objectives and promotes positive economic development through the provision of retail and restaurant uses, which will add to the vitality and viability of the town centre. The draft National Planning Policy Framework issued in July 2011 is also a material consideration in the determination of planning applications and introduces the presumption in favour of sustainable development, which this clearly is.

The loss of the current late night bar and club, in particular, is welcomed, as is the unsightly appearance of the building. The new building would be more prominent because of its more forward position and scale, but it is well designed and will visually benefit streetscape providing an attractive public facing frontage. It does maximise the density for the site, but it allows for improved parking provision and space for deliveries at the rear, as well as the retention of the two protected trees. Whilst the objections and concerns, particular from the Town Council and Epping Society, have been carefully considered, Officers conclude in this case that the proposal will complement the character and appearance of the area without causing undue harm to neighbouring amenity or highway safety. It 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: Nigel Richardson
Direct Line Telephone Number: 01992 564110***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	4
Application Number:	EPF/2126/11
Site Name:	Billie Jeans, 26 High Street Epping, CM16 4AE
Scale of Plot:	1/1250