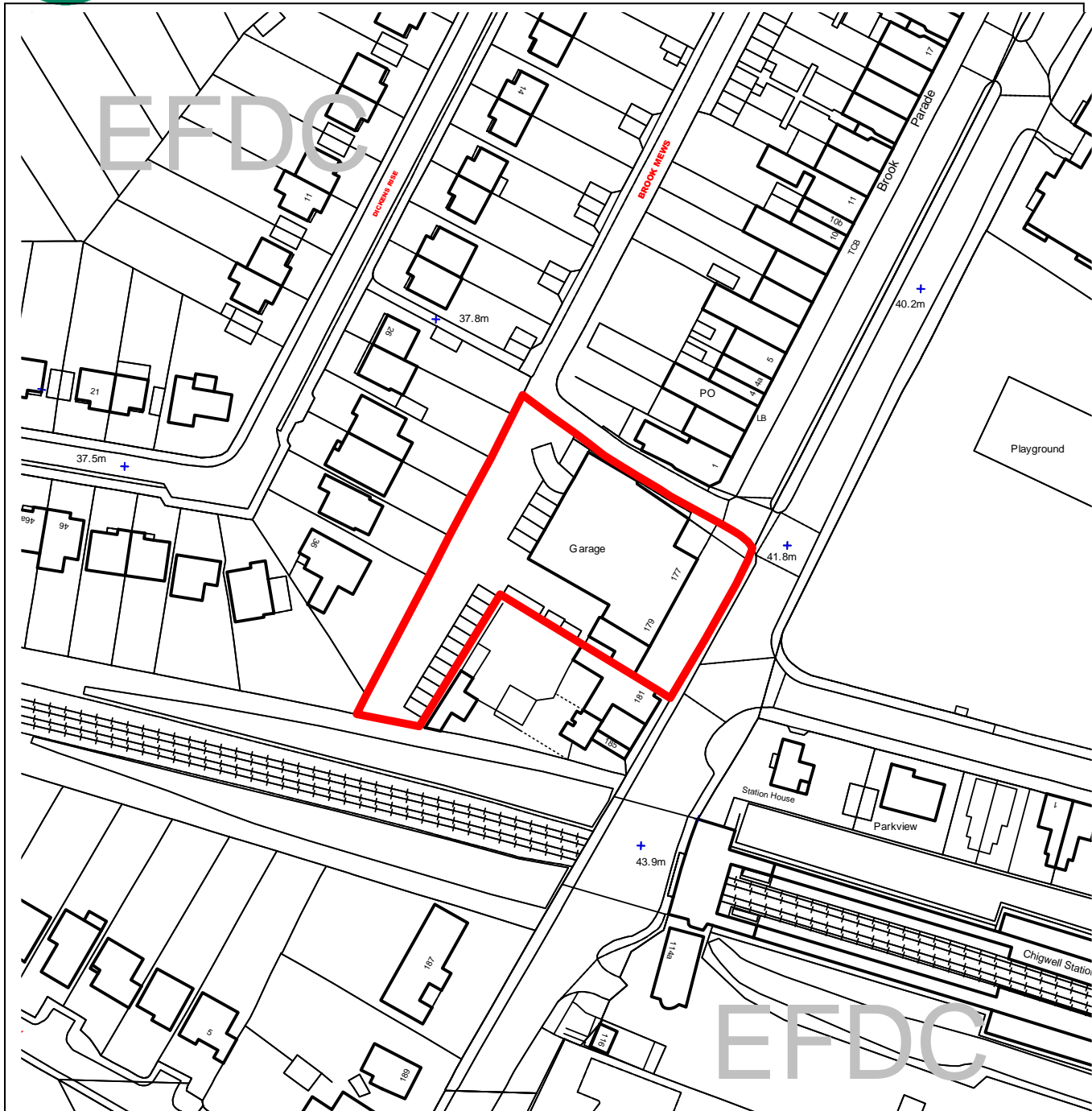




Epping Forest District Council



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Application Number:	EPF/2868/20
Site Name:	177 High Road Chigwell IG7 6NX
Scale of Plot:	1:1250

Report Item No: 10

APPLICATION No:	EPF/2868/20
SITE ADDRESS:	177 High Road Chigwell IG7 6NX
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	White Square Investments
DESCRIPTION OF PROPOSAL:	Proposed mixed-use development to provide 35 residential dwellings (Use Class C3) and 512 sqm of commercial floorspace (Use Class E) together with cycle and car parking, landscaping, provision of new pavement and loading bay on Brook Mews and associated infrastructure. ** New information added to website **
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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=645633

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:
220054/PP/001
220054/PP/002 P0
220054/PP/010
220054/PP/020 B
220054/PP/030 (Existing)
220054/PP/031 (Existing)
220054/PP/032 (Existing)
220054/PP/110 B
220054/PP/120 B
220054/PP/121 B
220054/PP/122 B
220054/PP/123 B
220054/PP/124 B
220054/PP/125 B
220054/PP/130 B
220054/PP/131 B
220054/PP/132 B
220054/PP/133 B
220054/PP/134 B
220054/PP/135 B
220054/PP/140

- 3 No development shall commence above slab level until details and a schedule of materials and products of all external facing materials to be used in the construction of the building hereby approved, have been submitted to and approved in writing by the Local Planning Authority and approved in writing by the Local Planning Authority. The development shall not be occupied/used until it has been carried out in accordance with the approved details. The development shall thereafter be retained as such.

Detailed drawings including drawings of:

- Principal features on the facades e.g. bay studies (1:50 @ appropriate paper size)
- Details of each envelope / roof type (1:20 @A3)
- Detailed brick elements including mortar joint profile and brick texture panels (1:20 @A3)
- Details of glazing systems including any manifestation (1:20 @A3)
- Key junctions/bonds between materials/finishes (1:20 @A3)
- Parapets, roof edges, rooftop plant screening, lift over runs etc (1:20 @A3)
- Elevational location of all joints e.g. structural, movement, panels (1:100 @ appropriate paper size)
- Elevational location of all openings in envelope e.g. ventilation grilles, bird & bat boxes (1:100 @ appropriate paper size)
- Elevational location of all items which are fixed to the façade eg fins/louvres, signage, rainwater pipes, lighting, CCTV, alarms including any provision for cable runs boxes (1:100 @ appropriate paper size)
- Head, jamb and sill details, including profiles, for typical openings and all ground floor entrances and doors to balconies / terraces (1:20 @A3)
- Details of balconies and terraces including floor finishes (1:20 @A3)
- Balustrade details (1:20 @A3)
- Details of soffits and canopies (1:20 @A3)
- Details of materials and products, including finishes, of:
 - Façade and roof cladding materials
 - Brick and mortar type including mortar joint profile
 - Window / door types (including finishes, glass types and any manifestation)
 - Facing metalwork (e.g. balustrades, service doors, screens, gates)
 - All items which are fixed / integrated to the façade (eg fins/louvres, vent grilles, rainwater pipes, signage, bird/bat boxes)
 - Soffit and canopy materials
 - Balcony and terrace floor finishes

A list of façade types and junctions shall be agreed with the Local Planning Authority in advance.

- 4 The ground floor units shall only be used as Class E and for no other purpose (including any other purpose of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.

- 5 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.

- 6 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 7 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 8 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:
 1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
 7. Tree protection measures.
 8. Measures to control noise to nearby sensitive receptors.
- 9 No ground works 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.
- 10 Details of privacy screens (with a minimum height of 1.7m) between all connected balconies, the podium and between flats 1.02 and 1.03, 1.06 and 1.07, 2.02 and 2.03 and 2.05 and 2.06 shall be submitted and agreed in writing by the Local Planning Authority prior to first occupation. The agreed screens shall be installed prior to first occupation and shall be permanently retained in that agreed position and form.
- 11 The E use hereby permitted shall not be open to customers / members outside the hours of 7am to 10pm on Monday to Saturday and 8am to 10pm on Sundays and Bank Holidays.
- 12 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

- 13 The cycle store hereby approved shall be retained so that it is capable of allowing the storage of bikes, and shall at no time be converted into a room or used for any other purpose.
- 14 No air conditioning units or extraction systems shall be installed without the prior written approval of the Local Planning Authority.
- 15 The development hereby approved shall be carried out in accordance with the submitted Arboricultural Impact Assessment by TMA dated November 2020. The development shall be carried out only in accordance with the approved AIA unless the Local Planning Authority gives its written consent to any variation.
- 16 Details and location of all parking spaces equipped with active EVCP must be submitted prior to above ground works commencing on site, including details which shall demonstrate that the development will deliver active EVCPs from occupation. The details shall include:

1. Location of active and passive charging infrastructure;
2. Specification of charging equipment; and
3. Operation/management strategy.

The council will expect that a management plan for the charging points is set out clearly. This will address:

1. Which parking bays will have active and/or passive charging provision, including disabled parking bays;
2. How charging point usage will be charged amongst users;
3. The process and the triggers for identifying when additional passive charging points will become activated; and
4. Electricity supply availability.

The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.

The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation.

- 17 Prior to the works above slab level, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.
- 18 Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%).

- 19 No development (other than demolition, site clearance and enabling works) shall commence until a Phase II Geoenvironmental Ground Investigation is undertaken in accordance with the submitted Phase I Geoenvironmental Desk Study dated 2 December 2020. . If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 20 Prior to the first occupation of the development the access arrangements, including the footway and service bay, 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.
- 21 Prior to the first occupation of the development the redundant dropped kerb along the frontage and side of the site shall be fully reinstated, including full footway construction and with full height kerbing.
- 22 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers, and/or Oyster Cards, for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.
- 23 The acoustic performance of the design and construction of the development shall be carried out strictly in accordance with those set out in the submitted Noise and Vibration Assessment by Ardent dated December 2020.
- 24 All rooms within the development hereby approved shall be provided with sufficient double glazing and acoustically treated trickle ventilators, or other means of ventilation that will provide adequate ventilation with the windows closed, to ensure that the occupiers are provided with reasonable resting/sleeping conditions with reference to British Standard BS8233:2014 - Guidance on Sound Insulation and Noise Reduction for buildings - Code of practice (or such other standard which may supersede it from time to time) in accordance with the submitted Noise and Vibration Assessment by Ardent dated December 2020.
- 25 Details of the double glazing and acoustically treated trickle ventilators, or other means of ventilation, referred to within the above condition shall be submitted to and agreed in writing by the Local Planning Authority and installed in accordance with the agreed details before any of the proposed residential development is occupied.
- 26 The cumulative rating level of any mechanical plant installed on the site (as defined by BS4142:2014) shall not exceed the prevailing background noise level. If the background noise level is exceeded, the use of the mechanical plant shall cease until it is brought below this level. The measurement position and assessment shall be made according to BS4142:2014.

- 27 Prior to the occupation of the Class E commercial units a management plan outlining the frequency and timing of deliveries, refuse collection and servicing shall be submitted to and agreed in writing by the Local Planning Authority.
- 28 All mechanical plant (save for fridges/freezers/chillers) used within the E commercial units shall be turned off 30 minutes after food preparation and cooking ceases.
- 29 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for works on top of the cutting for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:
- provide foundation and groundwork details for all structures close to the top of London Underground cutting
 - provide details on the use of tall plant/scaffolding
 - demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering our land
 - demonstrate that there will at no time be any potential security risk to our railway, property or structures
 - accommodate ground movement arising from the construction thereof

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

- 30 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 31 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

This application is before this Committee since it is an application for residential development consisting of 10 dwellings or more (other than an application for approval of reserved matters) and it is for a type of development that cannot be determined by Officers if more than five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

This item was deferred to enable the publication of the Viability Appraisal work and for re-consultation with neighbours regarding this, to update the report to provide further information regarding viability, and to see whether a viability expert and the Urban Design Officer can attend the meeting to answer any questions raised by Members.

Additional commentary on the viability and design issues follows, with the original Committee report reproduced below.

Viability

The Applicant submitted full viability information which was assessed by the Council's external viability consultants. The viability information both submitted and the subsequent consultant responses have been made available for public viewing online and a re-consultation took place.

Following initial assessment by the Council's consultant, further information was sought from the Applicant with regards to benchmark land value, private residential values, car parking values, construction costs, a reduction in developer's profit allowance, and the adoption of a 40% presales assumption.

Additional information was submitted by the Applicant's consultant including evidence with regards to profit, rent-free periods and they provided additional costs information. The Applicant's consultant also made fair observations around car parking values and how these relate to the value of the private units (i.e. increase value). As a result of the changes made, the Council's Viability Consultant confirmed that the appraisal provided shows a deficit and therefore affordable housing regrettably cannot be provided on site.

Despite the deficit illustrated, the proposed contribution of £600,000 towards off-site affordable housing along with the contributions for education and libraries remains offered.

The viability and financial appraisal submitted is transparent and complies with the respective guidance (planning policy and RICS guidance) and therefore is compliant with policy H2 of the SVLP 2017.

Other Matters

As an aside, the full comments from the Urban Design Officer are now available online (at the July meeting only the earliest comments were publicly viewable) and further discussion has taken place between the Applicant and the Council's Urban Design Officer. Following these discussions the Urban Design Officer concedes that the only main outstanding concern is regarding the frontage line of the top floor set-back storey, which is forward of the set-back storey on the adjacent Cube development and will therefore be more visible and prominent, particularly from the Green opposite. However it is noted that 'The Cube' building has a very large protruding canopy. It is considered, as stated previously in the Officer report, that overall the design is acceptable regardless of this one outstanding area of discussion.

Re-consultation responses

CHIGWELL PARISH COUNCIL: The Council **STRONGLY OBJECTS** to applications because of the lack of affordable housing; the requirement of the Planning authority for a minimum quota of 40% affordable housing has not been achieved by this proposal. The published financial viability statement and supporting documentation of the proposal fails to demonstrate that the proposed contribution or supply is sufficient. The absence of any allocated parking for the proposed four commercial units will lead to increased on street parking. No considerations or contributions have been included in this proposal towards alternative transport infrastructure such as public electric vehicle charging points or cycle routes. The Committee also noted that although the number of units had been reduced from 40 to 35, the total gross internal area had only been reduced by 23 square metres and considered the development to still be too large and over intensification. The Committee noted that the Urban Design Officer remained unable support this application. The Committee feel this application fails to meet the objectives of Chigwell Parish's Climate Change

pledge in that only two of the 35 units are looking to substantially reduce carbon emissions by achieving Passive Haus standards. The Committee feels the proposal fails to meet all three of the overarching objectives as laid out in paragraph 8 of the NPPF (2021). This proposal, by lack of adequate affordable housing, fails to meet the community's needs. This proposal, by lack of adequate mitigation in 33 of the 35 proposed dwellings, fails to use natural resources prudently, fails to minimise waste and pollution, and fails to mitigate and adapt to climate change, including moving to a low carbon economy.

Neighbour Re-consultation:

13 neighbours responded to the re-consultation objection to the scheme beyond that outlined below within the original report queries were raised with regards to the costs put forward by the applicant.

1 neighbour supported the scheme following the re-consultation

ORIGINAL REPORT

Description of Site:

The application site is a corner site located at the junction of the High Road and the access to Brook Mews currently operating as a car dealership and maintenance garage. The existing buildings are one and two storey and span the width of the site. The site is directly adjacent to the new development known as 'The Cube'. The site is 'L' shaped extending behind the adjacent development so that it is bounded in part by the underground line and backs onto the residential properties located on Dickens Rise. The site slopes up to the south. The site is not located within the Green Belt or a Conservation Area.

Description of Proposal:

The application seeks consent for the demolition of the existing buildings and replacement with a mixed use development to provide 35 residential dwellings and 512m² of commercial floor space (Use Class E) together with cycle and car parking and associated landscaping. The proposal also includes a new pavement along Brook Mews. The proposal was revised following first submission altering the design and reducing the number of units from 40.

This proposal is for a 'L' shaped main building fronting onto the High Road and Brook Mews. This building will be 2 and a half stories to the rear (Dickens Rise) raising to 4 stories towards the front (High Road). To the rear, backing onto the railway line will be a separate two storey block (Block B) with 2 additional flats.

The proposal will have a central raised amenity space with parking under, and surface level parking with vehicle access through a gated access with flats over. 29 car parking spaces are proposed with cycle parking for all flats.

4 commercial units are proposed at ground floor fronting onto the High Road.

The proposal also includes a pavement and loading bay along Brook Mews.

Relevant History:

None relevant

Policies Applied:

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).

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

CP2 – Protecting the quality of the Rural and Built Environment
DBE1 – Design of new buildings
DBE2 - Effect on neighbouring properties
DBE5 – Design and Layout of new development
DBE8 – Private amenity space
DBE9 – Loss of amenity
ST01 – Location of Development
ST06 – Vehicle Parking
LL10 – Adequacy of provision for landscape retention
TC6 – Local Centres

NPPF:

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.

Epping Forest District Local Plan (Submission Version) 2017

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 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 conclusions.

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
SP2	Spatial Development Strategy	Significant
DM2	Epping Forest SAC and the Lee Valley SPA	Significant
DM9	High Quality Design	Significant
DM10	Housing Design and quality	Significant
DM11	Waste recycling facilities on new development	Significant
DM10	Housing Design and Quality	Significant
DM22	Air Quality	Significant
E2	Centre Hierarchy/Retail Policy	Significant
T1	Sustainable Transport Choices	Significant
H1	Housing Mix and Accommodation	Significant
H2	Affordable Housing	Significant
P7	Chigwell	Significant
D1	Delivery of Infrastructure	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 76

36 objections received from the following addresses:

13, 15, 22, 24, 28, 38, 66 DICKENS RISE

CHIGWELL RESIDENTS ASSOCIATION

22 DACRE GARDENS

1 OAK LODGE AVENUE

28 MEADOW WAY

31 CHIGWELL PARK DRIVE

219 HIGH ROAD

5 EMMAUS WAY

12 REGENCY CLOSE

15 LEE GROVE

6 COOLGARDIE AVENUE

40B HAINAULT ROAD

15 CHESTER ROAD

17 OBJECTIONS WHERE NO ADDRESS WAS SUPPLIED

The Objections can be summarised as follows

Too High, too high a density, not in character, increased in traffic, proximity to Dickens Rise – loss of light and privacy, Brook Mews is too narrow, overdevelopment, increased noise and disturbance, insufficient parking when parking issues exist, construction issues, impact on utilities, loss of employment, no affordable housing, covenants on land.

2 supports received from the following addresses:

24 BROOK WAY, CHIGWELL

14 BRIDGE HILL, EPPING

No longer suitable for a garage and good design

CHIGWELL PARISH COUNCIL: No objection to this application, on the condition that the accordant viability assessments for affordable housing are conducted by the appointed housing officers.

Main Issues and Considerations:

The main issues are considered to be the principle of the development, design and amenity, highways and parking, affordable housing and impact on the EFSAC.

Principle of Development

The application site is located on previously developed land within the village of Chigwell, this location is in compliance with the ethos of SVLP policy SP2 which encourages this form of development outside of the Green Belt. The site is located adjacent to a small parade of shops and opposite Chigwell Underground Station. Due to its location it is considered a fairly sustainable site, (albeit the regularity of this part of the 'loop' are acknowledged).

The existing use of the site as a car showroom and workshop has 17 full-time employees. The applicants have provided evidence that the proposed development (given the amount of commercial floorspace) has the capacity for 23-30 full-time employees. This would provide an increase in employment opportunities of between 6-13 full time employees.

In addition to increasing the employment capacity of the application site, the proposal is considered to have a positive impact on the vitality and viability of Brook Parade. The addition of the proposed four commercial units will complement the existing local services provided by Brook Parade.

With regards to the existing use, it is understood that the lease is expiring and the size and layout of the site is not suitable for a modern car dealership due to the compromised vehicle access arrangements and the small forecourt area.

Design

The proposal was presented to the Council as a pre-application scheme and has been altered through the course of the pre/actual application following comments from Officers, including the Council's Urban Design Officer.

The application site is occupied by the former Volvo garage and car showroom that are situated on the High Road and corner of Brook Mews. The car showroom is a modest one to one and a half storey building that is set back from the highways and pavement edge. The area at the front of the site was formerly used as parking related to the car showroom.

To the south of the site is the 'Cube' residential development that is three storeys in height with an inset fourth storey. The northern boundary of the site is bounded by Brook Mews which leads to

the rear of and Brook Parade. Brook Parade is a restrained 1930s three storey terrace of retail/commercial units with residential at first and second floor. Brooks Mews provides service access to Brook Parade and the rear of adjacent Dickens Rise, a residential development of two storey, predominately semi-detached dwellings. Across the road from the site is Chigwell London Underground Station.

The High Road, where the site is situated, faces onto Station Green which is a triangular area of open space bound by Station Road and Hainault Road. The streets bordering Station Green are occupied by predominately low-rise residential development, with the exception of development to the north of Brook Parade which extends to four storeys but like other development in the vicinity have generous set-backs from the main High Road.

The Urban Design Officer has provided comments on the scheme including:

The completion of the block adjoining the Cube developments is positive and through considered and high-quality elevations will contribute positively to the public realm. There is also a significant benefit in the provision of 35 new homes with private and communal amenity in a highly sustainable location

Although the Officer has raised some concerns with aspects of the scheme including the outlook to LG01 and Building B, the access route to Building B, the absence of a lift, the forward projection of the top floor compared to that at 'The Cube' and the use of glass screens for the balconies (lack of privacy); positive comments have been received also.

Layout and access:

- It is noted that the principle of a commercial use fronting onto the High Road is supported and the residential typology on Brook Mews is also acceptable. Whilst there are extents of inactive frontage on Brook Mews, the applicant has introduced a further core entrance (following Officer advice) and proposed green walls to activate and soften this frontage.
- The residential core entrances appear legible and well resolved.
- There is a concern regarding the accessibility of the communal courtyard for those dwellings served by the second residential core. It is noted, however that there is an access point via the under-croft car park so that residents would not need to enter the main residential core to gain access unless they needed to use a lift.
- The orientation of the dwellings is supported, with almost all dwellings either dual-aspect or with an east-west aspect. The exceptions are flat 1.12 and corresponding flats above, however, given the orientation of the site and the need to provide robust frontage to the two street-facing perimeters, this is acceptable.

Bulk, massing, scale:

- The completion of the block, started by 'The Cube' development is positive and the massing is generally acceptable, with positive features to respond to the surrounding context, including the chamfer to the corner of Brook Mews/ High Road and the stepping down of the ground floor plinth on the High Road to respond to the topography of the site, the scale of Brook Parade and the proportions relative to the full height of the building.
- Whilst the proposal will be prominent from long views along the High road and from the Green opposite, particularly in the context of the open character and generous set-backs of the surroundings, the chamfer and articulation of the main massing make this acceptable.

Residential Design Quality:

- The layouts appear generally well considered, with private amenity to each and meeting overall Nationally Described Space Standard minimum areas.

Appearance and Materials:

- The elevational approach, high quality material palette and detailing is generally supported and detailed elements such as brick specification and patterns for brick detailing/ sample panels should be secured through Conditions. These should be in line with the quality of detailing in the precedent images provided on p26 of the DAS. Similarly, the Conditions should require the approval of details such as window frame materials, door materials, rainwater goods materials, positions of any vents or services on the elevations as these will have a significant impact on the quality of the building.

Landscape:

- The courtyard amenity is well considered with high-quality landscape proposals. Conditions should require detail regarding the maturity of trees being proposed, in line with illustrations/ sections within the Landscape Design Statement.

It is noted that the following response was received from the Crime Prevention Tactical Advisor and Designing Out Crime Officer:

Essex Police is content the ethos of Crime Prevention Through Environmental Design (CPTED) is being addressed adequately. Essex Police are confident the development will meet POLICY ST2 – ACCESSIBILITY OF DEVELOPMENT (v), design and layout which will reduce the potential for crime and fear of crime.

Although the Urban Design Officer has not fully supported the scheme, it is considered that the proposal is a positive addition to the streetscene and the majority of design comments provided during pre-application and during the application process have been incorporated into the design.

Impact on Amenity

Existing Neighbours

The proposal will back onto properties on Dickens Rise and at the closest point will be 1m from the rear boundary closest to No.26 and 28 Dickens Rise. This will be the flank wall to the 2 and a half storey block, but despite the application site being located on higher ground given the 20m+ rear gardens this is considered sufficient to avoid this element appearing overbearing to the occupants of these properties. There are no side facing windows on this element and therefore loss of privacy is not considered an issue. In addition, due to the sloped roof, the roof pitches away from the rear boundary of the site minimising the overall impact.

With regards to the main block fronting the High Road, this is a minimum of 35m from the rear boundary of properties in Dickens Rise. Given this distance it is not considered to give rise to any excessive loss of amenity in terms of loss of light, privacy or outlook. Although the proposal will be visible to the properties, (particularly due to the higher ground) it is not considered to be overbearing given the distance.

The first floor podium garden/amenity space will be within 19m of the shared boundary to the properties on Dickens Rise. Given the distance and the slope down to Dickens Rise views will be limited.

To the south of the application site is the two storey Block B which is located 1.5m with the shared boundary with No.36 Dickens Rise. Again, given the 12m + to the boundary and this case that the building will have a flat roof it is again not considered so overbearing to justify a refusal. There are no flank windows proposed so privacy will be retained. This building may actually, by default, screen 'The Cube' development from this side of Dickens Rise.

It is noted that 'The Cube' building extends closer to the Dickens Rise properties than this proposal in terms of direct overlooking.

Future occupiers of The Cube

There are no side windows proposed on the flank of 'The Cube' that is adjacent to the development and therefore there are no overlooking issues out of the adjacent development. The application proposal retains light/access to the light well mid-way down the flank of 'The Cube' and the nearest window on the proposed development is angled to avoid any loss of privacy into or from 'The Cube'.

Again no side windows are proposed on Block B which will avoid any loss of privacy to 'The Cube'. Block B is set at a much lower level than 'The Cube' and there will be a distance of 4.2m to the outer railing of the first floor rear facing balcony at 'The Cube'. Although a relatively short distance given the otherwise open aspect to these balconies coupled with the low height of Block B the impact on these new flats are not considered excessive.

Amenity of Future Occupiers

All of the flats meet the Nationally Described Space Standards. Through the course of the pre and application process the number of single aspect units have been decreased, and as above this is now acceptable.

In addition to the amenity space provided, both individually and communal space, the proposal is across the road from a large green area and play area provided by Station Green.

Environmental Health have raised the proximity of the Underground line with regards to noise impacts on future residents and have recommended double glazing and trickle vents as a solution and this can be conditioned to ensure ventilation without excessive noise is possible.

Conditions can be added with regards to opening times of the commercial units so that early/late noise is controlled for all new and existing residents.

Details of any air conditioning/extraction units etc which may cause any noise or nuisance can also be conditioned so that the Council has control over what may be installed in the future.

Affordable Housing and Infrastructure Delivery

Policy H2 in the LPSV requires that on development sites which provide for 11 or more homes, or residential floor space of more than 1000m² (combined gross internal area), the Council will require 40% of those homes to be for affordable housing provided on site. The type, design and mix of housing should also reflect that classified as market housing. This proposal should therefore provide 14 units as affordable.

Policy D1 of the LPSV provides that new development must be served and supported by appropriate on and off-site infrastructure and the contributions are as below and requests from ECC Education have been received requesting the following contributions:

Early Years and Childcare: £20,204

Primary Education: £67,345

Libraries: £2567.40

Both policies H 2 and D 1 of the LPSV require that proposals that do not accord with these policies must be accompanied by a financial and viability appraisal (with supporting evidence), which is transparent and complies with relevant national or local guidance applicable at the time.

This proposal offers no affordable housing and the application was accompanied by a viability appraisal that has been assessed by the Council's Consultants. The Consultants have confirmed that the viability of the scheme does not allow for on site affordable housing.

However, following negotiations with the Applicant and Agent it was agreed that a surplus of £85,000 could be contributed towards offsite affordable housing (in addition to the Education and SAC payments which were accounted for within the viability). This was agreed on the proviso that a viability review took place following completion of the development in case additional contributions were made available. Following further negotiations in liaison with the Council's Housing Team, the requirement for the late stage viability review has been dropped in exchange for a payment of £600,000 (as opposed to the initial £85,000) for off site affordable housing. This has been agreed by the Applicant and as above the S106 has been drafted on this basis.

Highways and Parking

The proposal provides 29 car parking spaces for 35 dwellings resulting in 0.8 spaces per a dwelling. This is an under provision if the Essex Parking Standards are strictly applied. However, policy T1 of the SVLP actively promotes sustainable travel and T1 F (iv) is clear in that *'Reduced car parking, including car free, development in sustainable locations will be supported'*. In addition the supporting text for T1 states: *'Where practicable and within 400m of a railway station, the Council will seek reduced car parking, including car free, development.'*

This development is within 50m of the underground station and given the ethos of policy T1, in this case perhaps too much parking is provided. However, given the neighbour comments regarding parking stress and although within a close distance to the station there is no supermarket/doctor/other necessary services within walking distance it is considered an acceptable compromise that parking is reduced but not to a 'car free' level.

Suitably located and appropriate provision of cycle storage is provided to encourage alternative sustainable transport.

The Highway Authority has assessed the application and submitted information, visited the site, and has concluded that in highway terms it is not contrary to national and local highway and transportation policy and current safety criteria. The applicant has submitted a robust Transport Statement (TS) which demonstrates to the satisfaction of the Highway Authority that there will be a reduction in vehicle movements associated with the site. Therefore, no further junction or capacity assessment is required. Furthermore, the development is removing all vehicular access from the High Rd which will be beneficial to general highway safety.

The parking provision would be considered acceptable in highway safety terms, although given the proximity and easy access to other modes of sustainable transport in the vicinity, it could be reduced further to help facilitate a push towards more sustainable travel.

It is noted that the proposed service/loading bay would be sited behind the highway boundary and would therefore have to be managed directly by the developer, to prohibit ad-hoc parking in it, as the existing Traffic Regulation Order would not extend beyond the highway boundary.

Consequently, the Highway Authority is satisfied that the development will not be detrimental to highway safety, capacity and efficiency at this location or on the wider highway network.

SAC and Air Quality

The site is within the 3.2km buffer around the Epping Forest Special Area of Conservation (SAC). Due to the proximity to the SAC, a contribution towards recreational mitigation is required for any

new dwelling (set at £352) and the applicant is in agreement to enter into a legal agreement for this contribution.

In addition to the requirement for a contribution towards mitigating against recreational pressures, all new developments within the District that result in additional car movements require mitigation to alleviate the air quality issues within the SAC. However, in this case sufficient information has been provided to prove that the proposed scheme will have fewer car movements than the existing use. A Transport Statement and EFSAC Technical Note accompanied the application and has been assessed by the Council's Transport Planner and has suggested the following measures need to be secured:

- The per-dwelling financial contribution of £335 towards air pollution must be paid
- New car parking spaces must have access to an EV charging point. Because of the change of use, I would suggest this applies to all new residential parking spaces.
- Initiatives to support walking, cycling and public transport use - cycle parking is proposed

Given the above, it is considered that the proposed scheme complies with SVLP policy DM22.

The applicant is in agreement with the contribution and for both aspects the S106 is being worked on to have at least a draft by the Committee meeting.

Conclusion:

Given the above discussion, approval subject to a legal agreement is recommended.

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: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564414***

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