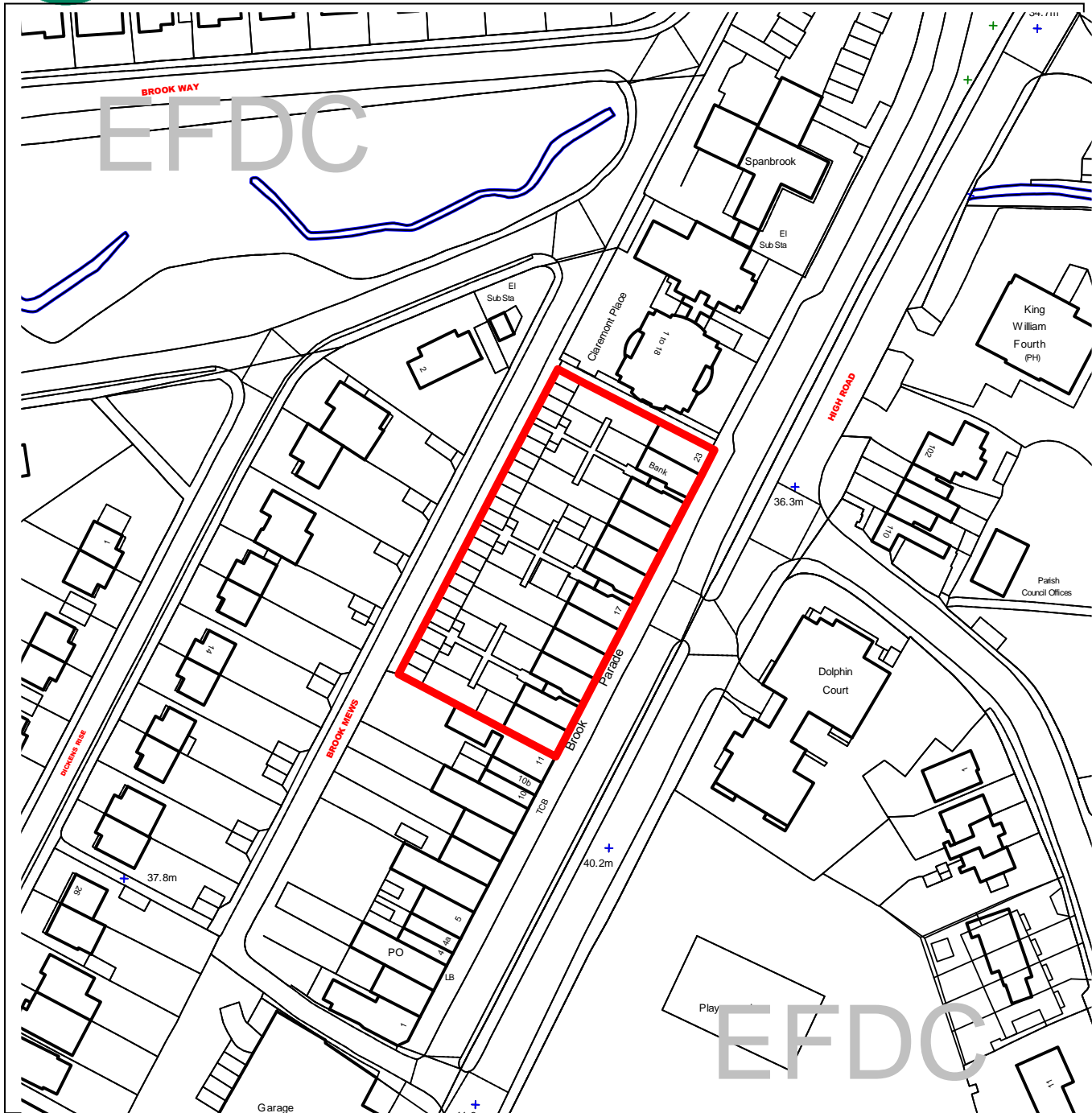




# Epping Forest District Council



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Application Number:	EPF/2701/19
Site Name:	13-22 Brook Parade Chigwell, IG7 6PF
Scale of Plot:	1:1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/2701/19
<b>SITE ADDRESS:</b>	13-22 Brook Parade Chigwell Essex IG7 6PF
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>APPLICANT:</b>	Mr Geoffrey Gay
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed construction of an additional storey comprising of x6 no. two bedroom flats.  *** SAC Case now progressing ***
<b>RECOMMENDED DECISION:</b>	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=630274](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=630274)

**CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: BP-1, LP-1, P-1, P-2, P-3, P-4, P-5, P-6, P-7, P-8, P-9, P-10, P-11, P-12 and P-13A
- 3 The developer shall be responsible for implementing a Traffic Regulation Order (TRO) for double yellow lines to prohibit parking along the north west side of Brook Mews (approx. 155m) - to include all costs associated with the TRO legal processes and the associated highway works; for implementing the relevant signing and lining and all other statutory processes.
- 4 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 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.
- 5 The cycle parking facilities, as shown on the approved plan, are to be provided prior to the first occupation of the development and are to be retained as such at all times.
- 6 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 7 Prior to the first occupation of the dwellings hereby approved, details of a privacy screens between the dwellings on the balconies that adjoin no lower than 1.7 metres high shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented before occupation in accordance with the approved details and so retained.
- 8 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). 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 LPA 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 LPA.
- 9 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.
- 10 The refuse facilities, as shown on the approved plan, are to be provided prior to the first occupation of the development and are to be retained as such at all times.
- 11 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 the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).*

### **Description of Site:**

The application site forms one half of Brook Parade, a three storey flat roof terrace of commercial units at ground floor with residential above. The residential upper section is offset with alternating protruding sections. The site is located on a hill which slopes up to the south. The parade is stepped in height to follow the natural slope of the road so increases in height to the south. Access to the residential units is from the rear within Brook Mews (which acts as a service road for

the commercial units and residential units above). The site is within the centre of Chigwell Village, within 150m of Chigwell Underground Station. The site is not located within the Green Belt or a Conservation Area.

### **Description of Proposal:**

The application seeks consent for the construction of an additional storey comprising of x 6 no. two bedroom flats. Each flat will have access to a private terrace area to the front of the building. The proposal also includes refuse and cycle storage.

### **Relevant History:**

EPF/2030/20 - Prior approval for the proposed construction of 2x additional stories comprising of x6 no. two bedroom flats – Not lawful

EPF/2967/20 - Prior approval for the proposed construction of 1 x additional stories comprising of x4 no. two bedroom flats (Revised application) – Prior approval required and granted

### **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

*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 2<sup>nd</sup> 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:

<b>Policy</b>		<b>Weight</b>
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
T1	Sustainable Transport Choices	Significant
P7	Chigwell	Significant
D1	Delivery of Infrastructure	Significant

### **Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted: 74

13 Objections received from the following addresses:

11, 14, 15A, 16, 18, 18A, 20 and 22 BROOK PARADE

CLAREMONT PLACE RESIDENTS (2 CLAREMONT PLACE) and 5 CLAREMONT PLACE

11, 14 and 15 DOLPHIN COURT

Objections can be summarised as follows

Issues during construction, loss of business to shop units, overlooking and loss of privacy, out of character, overdevelopment, car parking issues, loss of light, loss of view, existing refuse issues and overcrowding.

CHIGWELL PARISH COUNCIL: The Council Strongly Objects to this application, because the proposed development is an over-intensification of the existing structure and completely out of character to the streetscene. Further, this proposal would result in a lack of amenity space and is categorically an over- development of the site.

A re-consultation took place in early December 2021, given the length of time that this application has been held in abeyance due to the SAC issues. The following responses were received.

Objections from:

2 DICKENS RISE,

18A BROOK PARADE

1 to 15 DOLPHIN COURT, HIGH ROAD

The objections can be summarised as follows:

Out of Character with Chigwell, impact on parking, no refuse storage, no infrastructure to support, imposing, loss of view

4 DICKENS RISE – Comment – outstanding waste issues on Brook Mews

## **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 above a small parade of shops and very close to Chigwell Underground Station. Due to its location it is considered a fairly sustainable site, albeit the regularity of this part of the 'loop' is acknowledged.

It should be noted that prior approval has been given for the erection of four flats across half of the site, which is a viable 'fallback position' in this instance.

## **Design**

The proposal results in a flat roof addition to the existing building. The proposal will follow the roofline of the existing roof in the same descending pattern. The proposal will be contemporary in nature, clad with grey zinc panels which will effectively contrast, but not dominate, the main brick façade below.

The proposal has been set back from the front elevation which avoids it appearing overbearing or in competition with the existing building, whilst allowing for a small area of private amenity space for each flat.

This proposal would only provide an additional floor on the lower part of the parade, which is understood to be in separate ownership from the upper part. The increase in height is considered acceptable however, particularly as this is the 'lower' part of the parade and the adjacent building 'Claremont Place' is higher than this section of Brook Parade. The proposal is therefore considered to be an acceptable addition within the streetscene and the wider area.

## **Impact on Amenity**

### **Existing Neighbours**

The proposal will cause some disturbance to existing occupiers during construction, however any disturbance can be controlled to a degree by condition (for example by limiting working hours and ensuring a construction management plan is submitted). Nonetheless, construction nuisance in itself is not a material planning consideration.

Although the additional floor will allow for further views than existing, this is not considered to be excessively above that of the existing situation from current upper level. It is noted that the distances to the next nearest properties to the front/rear are 32m/50m, which is an acceptable level of separation.

### **Amenity of Future Occupiers**

All the flats meet the Nationally Described Space Standards and are dual aspect. In addition, each flat has access to two terrace areas amounting to approximately 11m<sup>2</sup> of private amenity space. A privacy screen will have to be provided between the terraces that adjoin but this can be reasonably conditioned as such.

## **Highways and Parking**

The proposal does not provide any additional parking spaces, but given the application site is within 150m of Chigwell Underground Station, the proposal is in line with the ethos of SVLP policy T1, which encourages car free development within 400m of a station.

A parking survey was submitted with the application and Essex County Council were consulted on the survey and this proposal. The Highways Officer found that the applicant submitted a robust Parking Survey which demonstrates to the satisfaction of the Highway Authority that there is parking capacity available on-street in the vicinity of the site. Furthermore, it has also been demonstrated that this would not cause any detriment to highway safety as a result.

The North Essex Parking Partnership (NEPP) were consulted on the application and their advice was to secure a double yellow line along the north west side of Brook Mews to prevent indiscriminate parking along this section to preserve access for existing properties and emergency vehicles.

Given that there is potential to increase parking along Brook Mews as a direct result of this development it this seems to be a reasonable request and will eliminate any potential safety issues with regards to the road being blocked. Consequently, the Highway Authority is satisfied that the development will not be detrimental to highway safety or efficiency at this location.

In addition to the above ample covered cycle parking is proposed.

## **SAC and Air Quality**

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV).

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concluded that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology underpinning the appropriate assessment of the LPSV, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently, the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

1. Recreation activities arising from new residents (recreational pressures); and
2. Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

## **Stage 1: Screening Assessment**

This application has been screened in relation to both the recreational pressures and atmospheric pollution Pathways of Impact and concludes as follows:

1. The site lies within the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently, the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
2. The development has the potential to result in a net increase in traffic using roads through the EFSAC.

Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

## **Stage 2: 'Appropriate Assessment'**

### Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC, as is the case with this planning application. The applicant has agreed to make a financial contribution in accordance with the Interim Approach. . Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

### Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. The applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

## **Conclusions:**

The Council is satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions as set out above, the application proposal would not have an adverse effect on the integrity of the EFSAC.



## **Other Matters**

### **REFUSE**

During the application, Officers requested details of the refuse store so that it was clear that this could be provided to an acceptable level without relying on a condition. The details show that an ample refuse area can be provided.

### **Conclusion:**

Given the above, approval subject to conditions and 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](mailto:contactplanning@eppingforestdc.gov.uk)***