



# Epping Forest District Council



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Application Number:	EPF/0633/20
Site Name:	233-235 Fencepiece Road Chigwell. IG7 5DY
Scale of Plot:	1:1250

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/0633/20
<b>SITE ADDRESS:</b>	233-235 Fencepiece Road Chigwell IG7 5DY
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>APPLICANT:</b>	Wistone Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of two semi-detached dwellings and replacement with x6 no. apartments with basement car park ** SAC CASE HELD IN ABEYANCE 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=634973](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=634973)

**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: 001, 002, 010, 011, 012, 013, 100E, 101F, 102G, 103 G, 104 E, 105D, 106 C, 107 C, 108 C, 109 and 110
- 3 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.
- 4 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA). The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:
  - Location of active and passive charging infrastructure;
  - Specification of charging equipment; and
  - Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
    - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
    - b) How charging point usage will be charged amongst users;
    - c) The process and the triggers for identifying when additional passive charging points will become activated; and

- d) 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.
- 5 Prior to any above ground works, details of levels shall 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.
- 6 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.
- 7 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 No services shall be installed within the root protection area of lime trees on the site frontage unless the Local Planning Authority gives its prior written approval.
- 9 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 10 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. All hard and soft landscape works shall be carried out in accordance with

the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. 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.

- 11 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents.
- 12 All material excavated from the below ground works hereby approved shall be removed from the site.
- 13 The method of construction of the basement at 233 -235 Fencepiece Road shall be agreed in writing with the Local Planning Authority. No work shall commence on the basement until such written approval is obtained. Only construction methods in accordance with the written approval shall be undertaken.
- 14 The specific noise level emitted from the operation and any mechanical equipment (with regard to the use and operation of the car lift) installed into 233 - 235 Fencepiece Road, Chigwell, Essex shall not exceed 30 dBA L<sub>Amax</sub>, when measured 1m from the façade of nearby noise sensitive premises.
- 15 Prior to the occupation of the property and operation of the car lift a suitability qualified noise consultant carries out a report to ensure that noise from mechanical equipment (with regard to the use and operation of the car lift) installed into 233 - 235 Fencepiece Road, Chigwell, Essex shall not exceed 30 dBA L<sub>Amax</sub>, when measured 1m from the façade of nearby noise sensitive premises.
- 16 No preliminary ground works shall take place until 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 tool. 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.
- 17 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 the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

- 18 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.
- B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.
- 19 Prior to the first occupation of the development the access arrangements, 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.
- 20 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.
- 21 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 22 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

*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 contains two semi-detached two storey properties located on the west of Fencepiece Road within the built up area of Chigwell. There are street trees on the grass verge directly to the front of the site. The rear of the site is slightly irregular as the garden for 235 is longer than that for 233. There are a mix of size, type and character of dwellings along Fencepiece Road. The site is approximately 1km from Grange Hill Station. The site is not within the Metropolitan Green Belt or a Conservation Area.

### **Description of Proposal:**

The proposal seeks consent for the demolition of the existing properties and the replacement with a new build containing 6 flats with basement parking for 6 cars and 1 parking space at surface level. The basement parking will be accessed via a car lift. The building will contain 4 x 1 bed units, and 2 x 2 bed units with private and communal garden areas to the rear.

### **Relevant History:**

None relevant

### **Policies Applied:**

#### *Adopted Local Plan:*

CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
DBE1 – Design of New Buildings  
DBE2 – Amenity Issues  
DBE3 – Development Layout  
DBE8 – Private Amenity Space  
DBE9 – Loss of Amenity  
ST6 – Car parking

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

#### Submission Version Local Plan (2017)

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards to unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP3-Place Shaping  
H1 – Housing Mix and Accommodation Types  
T1 – Sustainable Transport Choices

DM2 – Epping Forest SAC and the Lee Valley SPA  
DM9 – High quality design  
DM10 – Housing design and quality  
DM11 – Waste recycling facilities on new development  
DM18 – On site management of waste water and water supply  
DM22 – Air Quality

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

Number of neighbours consulted: 22

Responses received: 22 Objections received from the following addresses:

229, 231 and 368 FENCEPIECE ROAD

1, 1A, 8, 9, 10, 17, 20, 27 and 32 MURTWELL DRIVE

3, 47, 49, 50 (& 3 additional objectors with no house nos) SHRUBLAND CLOSE

CHIGWELL RESIDENTS ASSOCIATION

The objections can be summarised as follows:

Will cause congestion, impact on water supplies, parking issues already and insufficient parking proposed, flooding issues, strain on services, will set a precedent, loss of privacy, overshadowing, highway safety, noise from car lift, bulky and overdevelopment, out of character, forward of building line.

CHIGWELL PARISH COUNCIL –The Council OBJECTS to this application, because the proposal would result in an over-development of the existing site, this would establish an undesirable precedent, which is out of character for this locality. Further, the proposed vehicular parking facilities are wholly below the planning policy standard and the suggestion to install a car-lift seems highly impractical.

### **Main Issues and Considerations:**

#### Principle of Development

This site is within the built up area of Chigwell, a sustainable, urban area where development is encouraged as it is development making best use of available non-Green Belt land within the District. The site is approximately 1.5km north of the shops and services within Barkingside and 1km away from Grange Hill Underground Station.

#### Character and appearance

The proposal results in the demolition of the two existing semi-detached properties and the replacement with one block, that will have the appearance of a large single dwelling with one front entrance to the flats.

The design of the proposal is the result of pre-application discussions with the applicant, to ensure that the proposal relates positively to the context, and it is considered that this has been achieved with the differing roof heights, bay window features, timber detailing window design and the 'lean-to' single store elements. It is considered that the proposal makes a positive contribution to the streetscene and complements, if not enhances this varied streetscene. Although there are no blocks of flats within the immediate vicinity there is a very large and wide property at 239 which is comparable to this proposal.

Although the proposal results in fairly deep building, in the main traditional roof pitches have been utilised and traditional materials are proposed including timber doors and window.

#### Neighbouring Amenity

The application site has several main adjoining neighbours, 231 and 237 Fencepiece Road and to the side/rear 1, 1A and 2 Murtwell Drive.

With regards to No. 231 the proposal extends 4.6m beyond the main rear wall of this neighbour, however the nearest element will be single storey with the main two elements set some 4.3m from the shared boundary with a flank to flank distance of some 10m. Given these distances, the 45 degree rule is met from the nearest first floor window.

In terms of overlooking to No. 231 and those properties in Murtwell Drive, there are additional first floor windows proposed but the closest first floor window will be screened with a slatted design which will restrict oblique views. Other views will be possible but these will be far reaching and it is noted that the first floor rear facing windows are all bedroom windows i.e. not highly used sitting areas where overlooking may be more of an issue.

To the north, the proposal is set 0.9m from the shared boundary, and again this is only a single storey element with the main two storey flank set some 4.3m from the shared boundary. Again the 45 degree rule is met from the nearest first floor window at No. 237.

Side facing windows are proposed on both flanks, on the basis that these either serve bathrooms or are secondary windows these can be conditioned to be obscured glaze to avoid any actual or perception of overlooking from these.

Impact on neighbouring amenity was considered acceptable previously and did not form a reason for refusal.

Noise from the car lift has been raised as a potential concern and the Council's Environmental Health Officer has been consulted on this application. The EH Officer has suggested conditions to ensure that the lift does not cause any significant loss of amenity through noise. The nature of the noise of the lift is that it will be mostly 'off' so any lift cycle will not be significant when the average noise levels on the site were assessed. However, the noise may be intrusive and to prevent this a noise limit is suggested and this is considered reasonable to protect existing (and future occupiers) amenity.

#### Amenity of Future Occupiers

The proposal revised through the pre-application submission to create a better layout and outlook for the proposed units. Two of the flats have their own private garden with the rest sharing a large communal area which more than meets standards. Privacy is maintained between the units due to the traditional design.

#### Highways and Parking

This proposal is for 6 dwellings with 7 parking spaces. Given the move towards more sustainable travel, this complies with SVLP policy T1 particularly as this is a fairly sustainable location. Bike storage is proposed at ground level. Although neighbour concerns regarding parking are noted, this number of spaces is policy compliant.

With regards to comments from Essex County Council Highways, they have no objection to the proposal subject to conditions as the Highway Authority is satisfied that the proposal will not be detrimental to highway safety or efficiency at this location.

#### Other Matters

#### Basement

The proposal includes a basement, and a basement impact assessment has been submitted which concludes that the basement is possible without harm to drainage, trees, or amenity.

#### Drainage

The Land Drainage Officer has no objection to the scheme, however has requested conditions relating to submission of a Flood Risk Assessment to avoid generating additional run off.



## EFSAC and air quality

**RESIDENTIAL APPLICATIONS: Lies in the 3km - 6.2 km Zone of Influence and would result in a net increase in Average Annual Daily Traffic on roads through the Epping Forest Special Area of Conservation**

**Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)**

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 Impact Pathways 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 3km - 6.2 km 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 the application proposal lies more than 3km from the boundary of the EFSAC there is no requirement to make a financial contribution. Within this strategic context the Council is satisfied that the application proposal would not, as a result, have an adverse impact on the integrity of the EFSAC.

### 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.

### **Conclusion:**

The proposal results in new dwellings within an urban part of the District, it proposes a well-conceived design drawing on the surrounding detailing, has limited harm to surrounding neighbours and it is located in a sustainable part of the District. Therefore given the above assessment and subject to a legal agreement the application is 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: 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)***