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Application Number:	EPF/2787/21
Site Name:	172 Manor Road Chigwell IG7 5PX
Scale of Plot:	1:1250

Report Item No: 15

APPLICATION No:	EPF/2787/21
SITE ADDRESS:	172 Manor Road Chigwell IG7 5PX
PARISH:	Chigwell
WARD:	Grange Hill
APPLICANT:	Mr S Powell
DESCRIPTION OF PROPOSAL:	Extension to form x2 no. additional apartments, with associated parking, cycles, refuse & landscaping with access taken from Mount Pleasant Road.
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=659024

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: 01 and 03
- 3 Prior to first occupation of the extension hereby permitted the window in the north facing elevation at first floor level and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.
- 4 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.
- 5 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building, or those specified on the approved plans and application form.
- 6 Prior to any above groundworks, details and location of the parking spaces equipped with active Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. For the avoidance of doubt it is expected that both new parking spaces have a EVCP. The details must include details as follows:
 - Location of active charging infrastructure; and
 - Specification of charging equipment to be used.

- 7 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.
- 8 All material excavated from the below ground works hereby approved shall be removed from the site.
- 9 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.
- 10 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.
- 11 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.
- 12 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.

- 13 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
- 14 Prior to the 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.

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 a two and a half storey 'L' shaped building containing 6 flats with parking to the front and a communal garden area to the rear. The site is located on a corner site at the junction of Manor Road and Mount Pleasant Road. The site is not within the Metropolitan Green Belt or a Conservation Area.

Description of Proposal:

The proposal seeks consent for the extension of the existing block to add two additional dwellings – 1 x 1 bed and 1 x 2 bed dwellings. The proposal extends the existing building 6m to the rear, will be the same depth as existing and will have a pitched roof 0.8m lower than the main roof. The proposal also includes the addition of 2 additional parking spaces.

This is a revised scheme following a previous refusal for a large extension which would contain 3 flats.

Relevant History:

EPF/0357/20 - Proposed extension to form x3 no. additional 2 bedroom apartments with associated parking, cycles, refuse & landscaping with access – Refused for the following reasons:

The proposed building, by reason of its scale, bulk, mass, and form, constitutes an inappropriate form of development in the context of the site and its surroundings. The building would be visually prominent and would be detrimental to the character and appearance of the area, contrary to policies CP2, CP7, DBE1, DBE2, DBE3 and DBE9 of the adopted Local Plan and Alterations, policies DM9 and DM10 of the Local Plan Submission Version (2017), and the NPPF.

The proposed development results in a poor standard of accommodation and amenity for future occupiers, as evidenced by the cramped form of the internal accommodation and amenity space. As such, the proposal is contrary to policies CP2, CP7, DBE1, DBE2, DBE3, DBE8 and DBE9 of

the adopted Local Plan and Alterations, policies SP1, T1, DM9 and DM10 of the Local Plan Submission Version (2017), and the NPPF.

The proposed development would have a severe and unacceptable impact on the living conditions occupiers of the Flats 1, 2, 3, 4, 5 & 6 Manor View, 172 Manor Road and 170 Manor Road and the surrounding residential residents by reason of an increased sense of enclosure, general intrusion, overlooking and loss of privacy from the intensive character of the proposed level of occupation, and therefore contrary to policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policies DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF.

The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such evidence, and of a completed Section 106 planning obligation to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution, the proposed development is contrary to policies CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017, the NPPF, and the requirements of the Habitats

EPF/2150/03 – Demolition of existing property and erection of 6 no. flats - Approved

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: 12

Responses received: 4 Objections received from the following addresses:

81 MOUNT PLEASANT ROAD

121 WOODLAND AVENUE, E11 3RB – on Behalf of Woodland Properties

FLAT 2, 83 MOUNT PLEASANT ROAD

13 LYNDHURST RISE (Flat owner)

The objections can be summarised as follows:

Overdevelopment, insufficient parking, poorly maintained site, existing freeholder/leaseholder issues, increased noise and pollution and loss of communal area.

CHIGWELL PARISH COUNCIL – The Council STRONGLY OBJECTS to this application because this proposal would be a severe over-development of the existing structure. Further, it would cause an unacceptable reduction in amenity space for the additional apartments, there is no basement impact assessment and no sustainability checklist.

Main Issues and Considerations:

Principle of Development

The site is within the urban area of Chigwell within 400m of Grange Hill Underground Station. Development is encouraged on sites such as these to make best use of available land outside of the District. Therefore, the principle of additional flats on this site is considered acceptable.

Character and appearance

The proposal results in a subservient extension to the existing building, that respects the character of the existing block and surrounding streetscene. The roof is set down from the main ridge height and design cues have been taken from the existing building resulting in an acceptable design. Matching materials are also proposed.

Amenity

The proposal will add additional windows to the side and rear of the block, therefore additional overlooking may be possible but this is not considered so excessive above that possible at the existing block. There is a corner window at the end of the proposal, however as this will be dual aspect, the north facing windows can be obscured glazed at high level to avoid any perception of overlooking to the north.

There is a set in from the shared boundary with No. 81 Mount Pleasant Road of 6m, which is considered more than sufficient distance to avoid any loss of light or outlook and given the reduced roof height will not be overbearing.

Amenity of Future and current Occupiers

The scheme meets the nationally described space standards and therefore provides an acceptable amount of internal amenity.

The proposal does take away part of the existing communal garden area for the existing dwellings, however this was previously considered quite generous and in the region of 230m² will remain, which meets policy requirements.

Highways and Parking

This proposal is for an additional two dwellings and an additional 2 parking spaces have been proposed. This is acceptable and in line with transport policies.

Drainage

The Land Drainage Officer has no objection to the scheme, however has requested an informative to ensure the basement area is properly investigated.

Trees and Landscape

The Tree and Landscape Officer has no objection to the proposal subject to conditions to ensure tree protection, retention of trees and shrubs and details of hard and soft landscaping. There was a preserved Monterey Cypress tree within the site which was granted to be felled in 2018. A replacement has been planted (a Thuja) but this has now died. The submitted plans propose a Pine tree as a replacement which is considered acceptable.

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.

Notes on Comments Received

Land Drainage have no objection to the basement build, subject to an informative ensuring the applicant is aware that it is their responsibility to investigate ground conditions.

The application was submitted prior to the requirement for a sustainability checklist and has been held back due to the SAC backlog.

Issues between the leaseholder and freeholder are outside the scope of planning control.

Conclusion:

The proposal results in new dwellings in an urban part of the District. It proposes an acceptable design, with limited harm to amenity. It is considered that the proposal has overcome the previous reasons for refusal and 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