

Delegated Report
59 Lechmere Avenue, Chigwell, IG7 5HA
EPF/1728/24

Site and Surroundings

The site comprises a two-storey detached dwellinghouse located within a built-up area of Chigwell. It is sited on a prominent corner position on the east side of the road. It is not listed nor in a conservation area or a flood zone. There are no protected trees on site. The site lies within the inner zone of influence of the Epping Forest Special Area of Conservation (EFSAC).

Proposal

Proposed erection of 2 no. 4-bedroom houses. Demolition of existing house.

Relevant Planning History

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023)

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

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

SP1	Spatial Development Strategy 2011-2033
H1	Housing Mix and Accommodation Types
T1	Sustainable Transport Choices
DM1	Habitat Protection and Improving Biodiversity
DM2	Epping Forest SAC and the Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM10	Housing Design and Quality
DM11	Waste Recycling Facilities on New Development
DM15	Managing and Reducing Flood Risk
DM16	Sustainable Drainage Systems
DM17	Protecting and Enhancing Watercourses and Flood Defences
DM18	On Site Management of Wastewater and Water Supply
DM19	Sustainable Water Use
DM21	Local Environmental Impacts, Pollution and Land Contamination
DM22	Air Quality

National Planning Policy Framework 2023 (Framework)

The Framework is a material consideration in determining planning applications. The following paragraphs are considered to be of relevance to this application:

Paragraphs 131 & 135

Summary of Representations

Number of neighbours Consulted: 12. 2 response(s) received.

Site notice posted: N/a

NEIGHBOUR OBJECTIONS from 60 and 62 Fontayne Avenue, summarised as:

- Opposes to the intensification of the site leading to noise and nuisance from additional dwellers.
- Vehicle, noise and light pollution from additional carparking spaces backing onto rear gardens with potential nuisance throughout the day and night.
- Concerned about the location of parking on the slope backing onto the rear gardens of residents in Fontayne Avenue.
- Clarity needed on where the cycle storage will be located.
- Loss of light and outlook from the built form.

CHIGWELL PARISH COUNCIL – The Council **OBJECTS** to the proposal on the following grounds:

'It is considered to be overdevelopment of the site and by nature of the design, not in keeping with the character of the area.'

'The Council is pleased to see the proposed contributions to net zero and asks that if planners are minded to approve this application that compliance with the commitments set out by the applicant in the new build sustainability checklist are conditioned as part of any permission'

EFDC CONTAMINATED LAND: No objection subject to conditions.

ESSEX COUNTY COUNCIL – HIGHWAYS: No objection subject to informative.

EFDC LAND DRAINAGE - No objection subject to foul drainage and surface water drainage conditions. The site is within three metres of a public sewer and will require build over consent from the Water Authority.

Planning Considerations

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality
- b) Highway safety and parking provision
- c) Standard of accommodation
- d) The impact to the living conditions of neighbours
- e) HRA and the impact on the Epping Forest Special Area of Conservation (EFSAC).
- f) Ecological impact
- g) Biodiversity Net Gain (BNG)

Character and appearance

The proposed development represents a clean, simple design and acceptable appearance and integrates well with the dominant post war architectural style of the street. However, due to its overall height, the built form does not successfully synchronize with the existing roof hierarchy and together with the ground level difference, results in a dominating form of development in a prominent corner position. This is also notable from Broadhurst Gardens due to the slope in the road. The proposal is a significant contrast in terms of its overall size and relationship with no.57 from the lower lying existing dwelling it replaces.

Whilst the DAS refers to having reduced the eaves height and overall height to match that of no.57, the height is greater than that previously proposed in applications EPF/1129/20, and EPF/0458/20. With the ground sloping both to the rear and side (adjacent to the public highway) the proposed semi-detached pair of dwellings demonstrate disregard of the topography and appear as a block of equal height.

As such the proposal is considered overly massed, of excessive height resulting in a negative impact to the street scene and detrimental to the character and appearance of the wider area.

Highway Safety and Parking

With regards to the parking arrangements for the proposed dwelling, 2 car parking spaces are required for a 2 bed+ dwelling in line with the Councils adopted parking standards (Essex Parking Standards 2009), however, the adopted Parking Standards also state where proposals are within sustainable travel locations, less parking provision could be acceptable. New development is expected to demonstrate EV charging facilities and safe and secure cycle storage. Additional space for cycle storage is not required where there is already a garage within the curtilage of the site. It is noted that no objection has been received from the highways officer, so it is considered that there would be no detrimental impact to the safety operation of the highway network.

The proposal comprises communal facilities for 4 car parking spaces along with two EV charging points to the rear of the site with an existing dropped kerb extended and accessible from Broadhurst Gardens. One of the car parking spaces does not meet the minimum requirements at 2.5m wide. An accompanying swept path analysis has not been supplied to demonstrate turning areas. Further, more than 50% of the existing rear amenity space is dedicated to car parking resulting in the loss of garden amenity. The proposed dwelling closest to no.57 would not benefit from self-contained parking access requiring occupants to crossover neighbouring land and share cycle storage facilities requiring a management strategy (not supplied) to avoid further loss of neighbour amenity. The proposal has not adequately demonstrated effective use of land for car/cycle parking and is therefore not supported.

Standard of Accommodation

The proposal would exceed the National Described Space Standards for two 4 bed-6-person dwellings (112m²) with a GIA at some 138m² and 145m² respectively. The dwellings would have functional external amenity space of approximately 98m² and 65.5m² respectively with a reasonable outlook for future users of the dwellings, and light levels given its orientation towards the northeast.

Living Conditions

With regards to the impact on No's 57, there is sufficient separation between dwellings to avoid the terracing effect. As such, it is not considered that there would be any material harm to their living conditions, in terms of loss of light, overshadowing, loss of privacy, overbearing and visual impact.

Both dwellings would be sited some 24m away from the rear garden to No. 60 and No.62 Fontayne Gardens. Officers note the concerns raised regarding potential noise nuisance from the intensification of the site. An additional dwelling for a single-family household located to the rear of neighbours at Fontayne Avenue is not likely to result in excessive noise nuisance in this urban residential setting and is considered to result in low to moderate harm. Siting of the car parking spaces to the rear gardens at of residents at Fontayne Avenue is also not likely to result in excessive vehicle pollution considering the separation by way of fencing with boundary hedging and two out of the three spaces facing Fontayne

Avenue could be for electric cars using renewable energy. However, impact from car lights shining towards neighbours at Fontayne Road could cause disturbance at various times of the day and night resulting in loss of neighbour amenity. In this case, the proposal does not accord with Policy DM9 which seeks to safeguard against loss of neighbour amenity.

Epping Forest Special Area of Conservation (EFSAC)

In accordance with Policy DM2 of the Local Plan, the Council will expect all relevant development proposals to assist in the conservation and enhancement of the biodiversity, character, appearance and landscape setting of Epping Forest and the Lee Valley. The Council will expect all relevant development proposals to ensure that there is no adverse effect on the site integrity of the Epping Forest Special Area of Conservation and the Lee Valley Special Protection Area.

The proposal provides a TRICS analysis to ascertain AADT levels associated with the proposed development however the rationale of the report concerns highway safety rather than impact of air pollution on the EFSAC and does not identify the potential cumulative omission levels from the additional trips. It does however confirm an increase of vehicle trips overall. The application contains inadequate reference or identification of the impact from recreational pressure from the proposed development on the likely impact on the integrity of the EFSAC and instead refers to low impact from dog walking and ownership of cats.

With the site increasing from a 3-bedroom 5-person capacity to two x 4-bedroom 6-person capacity, results in a net increase of 7 people located within 3 kilometres of the EFSAC. This net increase in people is considered highly likely to result in additional recreational pressure on the EFSAC.

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 2011-2033 (2023).

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.

Ecological impact

The site is not a roosting site for bats but further surveys may be required. The proposed ecological measures are proportionate to the size, scale and location of the proposed development.

Biodiversity Net Gain

Unless exempt, the UK Environment Act 2021 introduced mandatory Biodiversity Net Gain (BNG) for developments, requiring a 10% increase in biodiversity after development compared to the pre-development baseline. BNG became a legal requirement in England under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

The proposal suggests a net gain in habitat biodiversity of 26.36% and a net change in hedgerow biodiversity of 1334.56%. The proposal does not contain interrogatable formats to verify this information therefore it is not possible to confirm there is a biodiversity net gain from the proposal.

Housing Supply

The proposal provides a net increase in 1 market housing unit which could contribute to the overall housing supply in the Epping Forest District.

The Epping Forest District Local Plan 2011–2033 was adopted on the 06 March 2023. As agreed by the Local Plan Inspector, when considered against the stepped trajectory the latest 5-year housing land supply, including a 20% buffer, stands at 5.4 years. Therefore, the plan makes sufficient provision for housing over the plan period and takes a practical and sound approach towards housing delivery and the housing trajectory. There is adequate evidence to indicate that a 5-year supply of housing will be maintained. The plan delivers an appropriate provision for affordable housing, older people, specialist housing, Gypsy and Traveller accommodation and accessible homes to meet the identified needs of different groups.

As such, the Council can demonstrate a five-year supply of land for housing and therefore the 'tilted balance' as set out in paragraph 11 of the NPPF is not engaged.

For the reasons set out above, having regard to the matters raised, it is recommended that planning permission be refused.