

**Delegated Report  
404 Fencepiece Road, Chigwell  
EPF/2761/21**

### **Site and Surroundings**

The site comprises of a detached dwelling within a built-up area of Chigwell. It is not within a conservation area nor is it listed.

### **Proposal**

The proposal is for the demolition of existing dwelling and construction of 8 new apartments in 2 blocks with private access road, amenity and off-street car parking (Revised application to EPF/2351/19).

### **Relevant Planning History**

EPF/1051/19 - Application for Outline Planning Permission for demolition of existing dwelling and the erection of a building comprising x 10 no. self-contained apartments with associated car parking and amenities - Refused

EPF/2351/19 - Outline application for demolition of existing dwelling and erection of a building comprising of x 8 no. self-contained apartments with associated car parking & amenities. (Revised application to EPF/1051/19) – Refused

### **Development Plan Context**

#### *Local Plan and Alterations 1998 & 2006 (LP)*

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
CP7	Urban Form and Quality
H2A	Previously Developed Land
H4A	Dwelling Mix
U3B	Sustainable Drainage Systems
DBE1	Design of New Buildings
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

#### *National Planning Policy Framework 2021 (Framework)*

The Framework is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- a) approving development proposals that accord with an up-to-date development plan



H1	Housing Mix and Accommodation Types
T1	Sustainable Transport Choices
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
DM15	Managing and Reducing Flood Risk
DM16	Sustainable Drainage Systems
DM19	Sustainable Water Use
DM21	Local Environmental Impacts, Pollution and Land Contamination
DM22	Air Quality

### **Summary of Representations**

Number of neighbours Consulted: 16. No response(s) received  
 Site notice posted: Yes.

CHIGWELL RESIDENTS ASSOCIATION – Objection - Summarised as;

- Overdevelopment / Out of character
- Setting precedent & urbanisation
- Traffic congestion/Highway safety;
- Parking provision;
- Impact on neighbouring amenities;
- Loss of greenery/garden space; and
- Trees and landscape.

CHIGWELL PARISH COUNCIL - OBJECTION – The proposal fails to meet the required Essex Parking Standards and thus has insufficient parking for the number of units. The approval of flatted developments sets an unwelcome precedent in the area. The Council considers the density of the proposal will result in an over intensification of the site and is concerned about the lack of amenity space. The proposal does not demonstrate that it will enable EFDC to achieve its policy target of net zero carbon by either 2030 or 2050.

### **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. The impact to the living conditions of neighbours;
- d. Standard of Accommodation for future occupiers;
- e. Trees and landscaping; and
- f. The impact on the Epping Forest Special Area of Conservation.

#### *Character and Appearance*

The proposed Georgian design differs from that of the locality, in that the locality consist of traditional building typologies with similar architectural characteristics, form and plot sizes. Therefore, the proposed development in terms of its form, scale and of a modern design will compete with that of the established character and appearance of the locality and appear as harmful overdevelopment of the site.

New buildings need to relate positively to the locality by complementing and enhancing the character and appearance of the area. Having regard to the comments above, this is can be

achieved by having regard to the distinctive local architectural styles, detailing and materials, building heights and the form, scale and massing prevailing around the site.

In light of the above, the scale, bulk and massing of the proposed dwelling including the design fails to relate positively to the locality.

Consequently, the proposal is contrary to policies CP2, CP7 and DBE1 of the LP, policy DM9 of the LPSV and paragraphs 126 and 130 of the Framework.

#### *Highway Safety & Parking Provision*

The Highways officer has raised no objections and the proposed parking and cycle provision is acceptable, given the site is within a highly sustainable location, some 0.6m from Grange Hill Underground Station, in accordance with Policy T1 of the LPSV.

#### *Living Conditions of neighbours*

The proposal is of a substantial size and despite the separation distance from the common boundary, due to its overall scale, bulk and massing would appear highly prominent and overbearing when viewed from the rear glazing and garden area of 406 Fencepiece Road.

Too add, the proposal would result in an increase in the intensification of the site in terms of noise and general disturbance from comings and goings to and from the site compared with the existing dwelling. The cumulative impact of increased occupiers in terms of noise, comings and goings as well as due to the number of kitchens, bathrooms of the proposed development, is such that it would likely to result in excessive noise and disturbance to residents of both the new flats and neighbouring dwellings.

Therefore, the proposal fails to safeguard the living conditions of neighbouring properties & to some extent future users, contrary to Policy DBE9 of the LP, Policy DM9 of the LPSV and Paragraph 130 (f) of the Framework.

#### *Standard of Accommodation*

The proposed development would meet/exceed the National Described Space Standards as set out in Policy DM10, and the units are dual aspect so would receive adequate lighting and with a reasonable outlook. However, whilst some units will have access to a private external amenity space, overall it is considered the proposal fails to provide a good level of external amenity space for future users of the dwellings i.e. a functional one.

Thus, the proposal would fail to provide an acceptable level of accommodation for future users of the dwellings, contrary to Policy DBE8 of the LP, Policy DM9 (h) of the LPSV and Paragraph 130 (f) of the Framework.

#### *Trees and Landscaping*

The Councils Tree Officer has raised an objection to the proposal as it has failed to demonstrate that there would be no detrimental impact to the existing trees on site, and also raised concerns regarding the proposed landscaping.

#### *EFSAC*

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 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 recreational pressures and atmospheric pollution.

### **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.

Notwithstanding the above, in the absence of a completed s106, the Council in this instance are unable to secure the required mitigation measures.

### **Conclusion**

The proposal has failed to overcome the previous reasons for refusal. As such for the reasons set out above having regard to all the matters raised, it is recommended that planning permission be refused.

PL-5861\_01, PL-5861\_02, PL-5861\_03A, PL-5861\_04A, PL-5861\_05, PL-5861\_06, PL-5861\_07, PL-5861\_08, PL-5861\_09A, PL-5861\_10A, PL-5861\_11, and PL-5861\_12.

The proposal, by reason of its scale, bulk, massing and design, fails to relate positively to the locality, would appear as harmful overdevelopment of the site, and would result in a greater urbanisation of the site causing harm to the character and appearance of the locality which is predominantly suburban in nature. The proposal is, therefore, contrary to policies CP2, CP7 and DBE1 of the adopted Local Plan 1998 & 2006, Policy DM9 of the Local Plan Submission Version 2017, and Paragraphs 126 and 130 of the NPPF 2021.

By reason of the siting, scale, bulk and massing of the proposed development, it would appear highly prominent and overbearing when viewed from the rear glazing and garden area of 406 Fencepiece Road. Furthermore, due to the proposed intensification of residential activity from the site, it would likely result in excessive noise and disturbance to neighbouring amenities, including that of future users of the proposed dwellings. The proposal also fails to provide any functional external amenity space for future users. Consequently, the proposal does not safeguard the living conditions of neighbouring properties nor provide a good level

of accommodation for future users, contrary to Policies DBE8 & DBE9 of the adopted Local Plan 1998 & 2006, Policy DM9 of the LPSV 2017, and Paragraph 130 (f) of the NPPF 2021.

It has not been sufficiently demonstrated that the retention and protection of trees (including veteran trees), will be successfully implemented in accordance with relevant guidance and best practice, contrary to Policy LL10 of the adopted Local Plan 1998 & 2006, Policy DM5 of the Local Plan Submission Version 2017, and Paragraph 180 of the NPPF 2021.

In the absence of a completed Section 106 planning obligation the proposed development fails 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. Failure to secure such mitigation is contrary to policies CP1 and CP6 of the adopted Local Plan 1998 & 2006, Policies DM2 and DM22 of the Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.