

# committee agenda



## ***District Development Control Committee Tuesday, 6th October, 2009***

**Place:** Council Chamber, Civic Offices, High Street, Epping

**Time:** 7.30 pm

**Democratic Services Officer:** Simon Hill, The Office of the Chief Executive  
Tel: 01992 564249 Email: [shill@eppingforestdc.gov.uk](mailto:shill@eppingforestdc.gov.uk)

### **Members:**

Councillors B Sandler (Chairman), M Colling (Vice-Chairman), K Chana, R Frankel, Mrs R Gadsby, A Green, Mrs A Haigh, J Hart, J Markham, G Mohindra, R Morgan, Mrs C Pond, P Turpin, J Wyatt and Mrs L Wagland

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**A BRIEFING WILL BE HELD FOR THE CHAIRMAN, VICE-CHAIRMAN AND GROUP SPOKESPERSONS OF THE-COMMITTEE, AT 6.30 P.M. IN COMMITTEE ROOM 1 PRIOR TO THE MEETING**

### **1. WEBCASTING INTRODUCTION**

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chief Executive will read the following announcement:

“This meeting will be webcast live to the Internet and will be archived for later viewing. Copies of recordings may be made available on request.

By entering the chamber’s lower seating area you consenting to becoming part of the webcast.

If you wish to avoid being filmed you should move to the public gallery or speak to the webcasting officer”

**2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 5 - 6)**

General advice to people attending the meeting is attached.

**3. MINUTES (Pages 7 - 10)**

To confirm the minutes of the last meeting of the Committee held on 4 August 2009 (attached).

**4. APOLOGIES FOR ABSENCE**

**5. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.

**6. DECLARATIONS OF INTEREST**

(Assistant to the Chief Executive) To declare interests in any item on this agenda.

**7. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

**8. PLANNING APPLICATION EPF/1020/09 - CAFFÉ NERO, 271 HIGH STREET, EPPING, ESSEX CM16 4DA - RETENTION OF GROUND FLOOR A1/A3 USE (Pages 11 - 18)**

(Director of Planning and Economic Development) To consider the attached report.

**9. PLANNING APPLICATION EPF/0894/09- 4 NINE ASHES FARM COTTAGES, ROOKERY ROAD, BLACKMORE- FIRST FLOOR SIDE EXTENSION AND GROUND FLOOR REAR EXTENSION (Pages 19 - 24)**

(Director of Planning and Economic Development) To consider the attached report.

**10. PLANNING APPLICATION EPF/1399/09- GARDEN CENTRE, 212 MANOR ROAD, CHIGWELL - OUTLINE PLANNING APPLICATION FOR 69 RESIDENTIAL UNITS (54 AFFORDABLE), PUBLIC OPEN SPACE AND A COMMUNITY FACILITY (D1 USE) WITH ALL MATTERS RESERVED EXCEPT ACCESS. (Pages 25 - 40)**

(Director of Planning and Economic Development) To consider the attached report.

**11. EPF/1071/09- GARDEN CENTRE, 212 MANOR ROAD, CHIGWELL - REDEVELOPMENT OF LAND FORMERLY IN USE AS A GARDEN CENTRE TO PROVIDE 21 FLATS, 80% OF WHICH WILL BE AFFORDABLE HOUSING (REVISED APPLICATION) (Pages 41 - 54)**

(Director of Planning and Economic Development) To consider the attached report.

**12. EXCLUSION OF PUBLIC AND PRESS**

**Exclusion:** To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

**Confidential Items Commencement:** Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

**Background Papers:** Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer

responsible for the item.

## **Advice to Public and Speakers at Council Planning Subcommittees**

### **Are the meetings open to the public?**

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

### **When and where is the meeting?**

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and members of the Subcommittee.

### **Can I speak?**

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak, you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

### **Who can speak?**

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

Sometimes members of the Council who have a prejudicial interest and would normally withdraw from the meeting might opt to exercise their right to address the meeting on an item and then withdraw.

Such members are required to speak from the public seating area and address the Sub-Committee before leaving.

### **What can I say?**

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

If you are not present by the time your item is considered, the Subcommittee will determine the application in your absence.

### **Can I give the Councillors more information about my application or my objection?**

**Yes you can but it must not be presented at the meeting.** If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website [www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk). Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

### **How are the applications considered?**

The Subcommittee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

### **Further Information?**

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

## EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** District Development Control Committee      **Date:** 4 August 2009

**Place:** Council Chamber, Civic Offices, High Street, Epping      **Time:** 7.30 - 9.32 pm

**Members Present:** B Sandler (Chairman), Mrs P Brooks, K Chana, Mrs D Collins, R Frankel, A Green, J Hart, J Markham, G Mohindra, R Morgan, Mrs C Pond, P Turpin, J Wyatt and Mrs L Wagland

**Other**

**Councillors:** K Angold-Stephens, R Bassett, A Clark, D Jacobs, J Knapman, G Pritchard, B Rolfe, D Stallan, A Watts and C Whitbread

**Apologies:** M Colling and Mrs A Haigh

**Officers Present:** N Richardson (Assistant Director (Development Control)), S G Hill (Senior Democratic Services Officer) and R Perrin (Democratic Services Assistant)

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### 14. MINUTES

**Resolved:**

That the minutes of the meetings of the Committee held on 9 June 2009 and 6 July 2009 be taken as read and signed by the Chairman as a correct record.

### 15. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Committee noted that Councillor P Brooks was substituting for Councillor A Haigh and Councillor D Collins was substituting for Councillor M Colling at the meeting.

### 16. DECLARATIONS OF INTEREST

Pursuant to the Councillors Code of Conduct, Councillors B Sandler, K Chana, G Mohindra and L Wagland declared personal interests in item 11 (40a Hainault Road, Chigwell) by virtue of being members of Chigwell Parish Council. The members remained in the meeting for the duration of the discussion and voting on that item.

Pursuant to the Councillors Code of Conduct, Councillor P Brooks declared a personal interest in item 7 (O2 Mast, Honey Lane, Waltham Abbey) by being a member of the Waltham Abbey Town Council Planning Committee. The member remained in the meeting for the duration of the discussion and voting on that item.

### 17. ANY OTHER BUSINESS

There was no further business for consideration at the meeting.

**18. O2 MAST, HONEY LANE, WALTHAM ABBEY**

The Committee considered a report on the circumstances of the installation of a telecommunications mast in Honey Lane, Waltham Abbey. The Council had failed to issue a decision on whether the application for the mast required prior approval which had led to the mast gaining deemed consent. The Council had submitted its decision letter one day outside the statutory period and would have refused to have granted approval based upon harm to the locality.

The Committee noted advice received from Counsel and possible discontinuation action under the Town and Country Planning Act 1990 and the consequences of that action. Further they noted the likely outcome of this action and advice that there was a clear demonstrable need for a mast in the locality.

The Committee noted recommendations for compensating local residents who had originally submitted representation against the mast and that the level of compensations was a matter for the Cabinet.

The Committee received representation from an objector to the mast.

The Committee were of the view that the Council should not proceed with the discontinuation action based upon the likelihood of success of such action and that the Cabinet should be asked to consider the levels of further compensation to be paid to residents.

**Resolved:**

(1) That the Council not proceed with a Discontinuance Order under S102 of the Town and Country Planning Act 1990 requiring the removal of the mobile phone mast at Honey Lane, Waltham Abbey; and

(2) That the Cabinet consider compensation to be paid to residents for the Council's failure to make a timely decision on an application for a determination as to whether prior approval for the mobile phone mast was required.

**19. PLANNING APPLICATION EPF/0508/09 - GREENLEAVER MOBILE HOME PARK, HOE LANE, ROYDON - CHANGE OF USE TO INCLUDE THE STATIONING IF CARAVANS FOR 5 FAMILY GYPSY PITCHES WITH UTILITY/DAY ROOM BUILDINGS AND HARD STANDING**

The Committee considered a report brought before the Committee on the basis that the proposal was of major importance and was affected by the current consultation process for the Gypsy and Traveller DPD.

The application sought use of land at Greanleaver Mobile Home Park, Hoe Lane, Roydon for the stationing of five additional gypsy family pitches bringing the total on the site to 15.

Members were concerned at the sites location within the green belt and whether the proposal met the test of very special circumstances envisaged by the local plan. Members were of the view that no special circumstances had been put forward by the applicant that were sufficient to outweigh harm to the green belt. Additionally, members considered that the narrow one track access road was inadequate for the



proposed development. The Committee considered and voted upon a proposal to refuse permission on the basis of their concerns.

**Resolved:**

That planning application EPF/0508/09 be refused for the following reasons:

(1) The site is within the Metropolitan Green Belt. The proposed works represent inappropriate development and are therefore at odds with Government advice, as expressed in PPG2, policies GB2A and H10A of the adopted Local Plan and Alterations and the East of England Plan 2008. They state that within the Green Belt permission will not be given, except in very special circumstances for the construction of new buildings or for the change of use or extension to existing buildings except for the purposes of agriculture, mineral extraction or forestry, small scale facilities for outdoor participatory sport and recreation, cemeteries, or similar uses which are open in character. In the view of the Local Planning Authority the application does not comply with these policies and there are no very special circumstances sufficient to justify the grant of permission; and

(2) There is inadequate and sub-standard access to the site and the addition of 5 additional gypsy pitches to the 10 already granted for the site would result in an over-intensification of the use of the site and this access, and is therefore contrary to policy ST2 of the Adopted Local Plan and Alterations 2006.

**20. ERECTION OF A DWELLINGHOUSE WITHOUT PLANNING PERMISSION AT RED COTTAGE, NEW FARM DRIVE, ABRIDGE**

The Committee considered a report referred by Area Planning Committee East.

The report outlined that an eight bedroom detached dwelling with basement had been constructed on land at New Farm Drive, within the Metropolitan Green Belt, without planning permission. A further large conservatory was also now part constructed on the site again without the benefit of planning permission. The house had received building regulation approval.

The Committee noted that a permission had been issued on the site in 2005 but that the erected dwelling was significantly larger and in design. The house was within the Metropolitan Green Belt and, by policy definition, harmful to its openness.

The Committee considered that the applicants should be given a four week period in which to submit a full planning application for the site which the District Development Control Committee would consider.

**Resolved:**

That the owner of Red Cottage, New Farm drive be given a period of four weeks from the date of the meeting to submit a full planning application for the dwelling, the application to be considered by the District Development Control Committee.

**21. DIRECT ENFORCEMENT ACTION - CAR WASH AT 1 - 3 COOPERS HILL, ONGAR**

The Committee received a report on the continuing use of land at 103 Coopers Hill, Ongar as a car wash. This was despite an Enforcement Notice being issued in December 2007 requiring the cessation of such a use and subsequent dismissal of an appeal against the Notice and the refusal of a planning application and dismissal of an appeal against that refusal.

The Committee were asked to consider direct action under the Town and Country Planning Act 1990 to secure compliance with the Enforcement Notice including the removal from the site of equipment, a canopy and moveable structures.

The Committee noted that the funding of any action would be subject to Cabinet approval.

**Resolved:**

(1) That the Director of Planning and Economic Development be authorised to take direct action under Section 178 of the Town & Country Planning Act 1990 on one or more occasions to secure compliance with the requirements of the Enforcement Notice on the Car Wash at 1-3 Coopers Hill, Ongar issued 11 December 2007, subject to Cabinet approval to incur associated expenditure; and

(2) That a report be made to the Cabinet accordingly.

**22. PLANNING APPLICATION EPF/1064/09 - 40A HAINAULT ROAD, CHIGWELL - CHANGE OF USE FROM VACANT (FORMERLY AGRICULTURAL) TO CAR PARKING FOR USE IN ASSOCIATION WITH VICTORY HALL**

The Committee noted that at their meeting on 9 June 2009 it had been resolved to grant planning permission for the erection of a new dwelling on a site adjacent Victory Hall, Hainault Road, Chigwell subject to the completion of a Section 106 legal agreement securing the creation of additional car parking for use in association with Victory Hall and the transfer of the land to Epping Forest District Council. An application seeking the planning permission required to enable that change of use had now been received and the Committee were asked how they wished the application to be considered to avoid delay in its determination.

**Resolved:**

That the planning application for the change of use of the land for car parking in association with Victory Hall, Hainault Road, Chigwell and the submitted layout of 17 car parking spaces be referred to the meeting of Area Plans-South on 26 August 2009 for determination.

**CHAIRMAN**

## **Report to District Development Control Committee**

**Date of meeting: 6 October 2009**



**Epping Forest  
District Council**

**Subject: Planning Application EPF/1020/09 – Caffé Nero, 271 High Street,  
Epping, Essex CM16 4DA – Retention of ground floor A1/A3 use**

**Officer contact for further information: J Cordell**

**Committee Secretary: S Hill Ext 4249**

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### **Recommendation:**

**That the Committee considers the recommendation of the Area Plans Sub-committee East to grant planning application EPF/1020/09 subject to the following conditions:**

- 1. The applicant shall create and retain a window display in accordance with approved drawing CN231/sk1 within 28 days of this notice.**

**Reason: To maintain and enhance the appearance of the retail area within the Epping High Street.**

- 2. The premises shall be used solely for mixed A1/A3 use and or no other purpose except sole A1 use (including any other purpose in class A3, A4 or A5 of the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.**

**Reason: To ensure that no alternative use is made of the premises which would cause harm to the vitality and viability of the retail core in the Town Centre.**

- 3. This consent shall endure solely for the benefit of the applicant Caffé Nero and for no other person, persons or business.**

**Reason: Permission is granted in view of the particular circumstance of this applicant.**

- 4. The mixed A1/A3 use hereby permitted shall not be open to customers/members outside of the hours of 7am-7pm on Monday to Saturday and 9am-5pm on Sundays.**

**Reason: In order to minimise noise and disturbance to local residents.**

### **Report**

This application has been referred by the Area Plans Sub Committee East with a recommendation for approval. The report to the Sub-Committee (attached as an

Appendix to this report) carried no recommendation from Officers due to the particular circumstance of the application, the history relating to the application and associated enforcement proceedings.

### **Planning Issues**

The Area Sub-Committee East considered the mixed A1/A3 use within the retail core area of the Town Centre. A similar application had previously been refused and enforcement action was instigated. The applicant submitted an Appeal which was dismissed.

The Sub-Committee discussed the additional information submitted by the applicant comprising information relating to current consumer habits in the High Street and demonstration that a mixed A1/A3 Caffe Nero facility does not generally detract from the vitality and viability of Town Centres. The applicant also provided details of a proposed window display and current economic circumstances. The Sub-Committee attributed this additional information significant weight alongside the social benefits offered by the facility which frequently served the local community as a meeting place.

### **Conclusion**

Officers presented the application to the Area Plans Sub-Committee East without recommendation. The Sub-Committee reviewed Officer's conclusions and the application details and referred the application to the District Development Committee with a recommendation for approval subject to the conditions above. Members of the Sub-Committee took the view that whilst the proposals did present a departure from policy TC4 of the Adopted Local Plan relating to retail frontage, the proposals were considered to support the aims and objectives of this policy as it was demonstrated that the proposals would contribute to the vitality and viability of the Town Centre and the proposed window display would enhance the appearance of the High Street.

**Extract from Area Planning Subcommittee East on 12 August 2009.  
Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1020/09
<b>SITE ADDRESS:</b>	Caffe Nero 271 High Street Epping Essex CM16 4DA
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Lindsey and Thornwood Common
<b>APPLICANT:</b>	Nero Holdings Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Retention of ground floor A1/A3 use.
<b>RECOMMENDED DECISION:</b>	No Recommendation

*This application is before this Committee because;*

- *it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to Section P4, Schedule A (k) of the Council's Delegated Functions) following discussions at the Area Sub-Committee East on 13<sup>th</sup> May 2009.*
- *it is an application contrary to the provisions of the approved Development Plan (Pursuant to Section P4, Schedule A (a) of the Council's Delegated Functions).*

**Description of Proposal:**

The applicant seeks consent for the retention of the ground floor mixed A1/A3 use. The proposals seek to retain the business trading as Caffe Nero.

A similar application was refused under EPF/1456/06, enforcement action has been initiated and the appeal against the enforcement notice has been dismissed.

The current application differs from that which was previously considered as follows:

- The business has now been successfully trading since April 2007 and additional generic information has been supplied detailing consumer habits of customers suggesting the Cafe increases footfall in the High Street.
- The current application includes a proposed window display of a floor-to-ceiling set of 4 shelves to display goods for retail across the front window, replacing existing table and chairs in this area.
- The current economic climate differs from when the application was previously considered.
- Recent planning applications and appeals which have taken place subsequent to the determination of the previous application.

### **Description of Site:**

271 High Street is a terraced unit situated between two A2 uses, the Halifax on the corner with Buttercross Lane and the Abbey National. The site is situated within the Conservation Area and within the Retail Core of Epping High Street. The property is not listed.

The site is currently trading as Caffe Nero with a mixed A1 and A3 use. The size of the unit and habits of consumers results in approximately 21% of customers taking food products away for consumption off the premises, with the remaining eating onsite. Some food products are heated or reheated onsite, however no cooking takes place. The store currently maintains 48 seats with an additional 4 seats in the window.

### **Relevant History:**

EPF/1456/06 – Retrospective application for Change of Use to mixed A1/A3  
This application was refused under delegated powers for the following reason:

*The development results in an unacceptable amount of non-retail units within the identified primary shopping frontage and will result in more than two non-retail units together. The development therefore undermines the retail function of the Town Centre contrary to policy TC4 of the adopted Local Plan.*

No appeal was lodged against the planning application and enforcement proceedings were commenced. The Enforcement proceedings were appealed and dismissed. The Enforcement proceedings require the primary function for consumption of food and drink on the premises to cease and remove all furniture facilitating the primary purpose (food and drink consumption onsite). Some limited seating could remain and sale for consumption off the premises can continue.

### **Policies Applied:**

#### Epping Forest District Local Plan and Alterations policies:

CP1 – Achieving Sustainable Development Objectives  
CP6 – Achieving Sustainable Urban /Development Patterns  
TC1 – Town Centre Hierarchy  
TC2 – Sequential Approach  
TC3 – Town Centre Function  
TC4 – Non-retail Frontage  
TC5 – Window Displays  
DBE9 – Loss of amenity  
DBE12 – Shopfronts  
ST1 – Location of Development

The following National Guidance is also of relevance:

PPS1 – Delivering Sustainable Development  
PPS6 – Planning for Town Centres  
Consultation Paper on a new Planning Policy Statement 4 – Planning for Sustainable Economic Development (published for consultation in December 2007, not yet adopted).

### **SUMMARY OF REPRESENTATIONS:**

The two immediate neighbouring properties were notified and a site notice was erected in the Cafe window. The following responses were received:

EPPING TOWN COUNCIL: Committee object to this application. Council noted the successful defence of the Local Plan provisions against non-retail frontage in regard to the applicant property. The Planning Committee are concerned that if this application is now approved, it will be impossible for the planning authority to defend Epping Town Centre against further erosion to the non-retail frontage in accord with Policy TC4. Committee therefore request the District Council to look very closely at this issue so as to ensure a consistent approach in conformity with published Local Plans.

- 2 Letters of objection:

23 CROWS ROAD – Object on the grounds of the previous refusal.

ST AGNES, 62A BOWER HILL – Object on the grounds of the previous refusal and expenditure of the Council to date.

- 9 Letters of support:

23 HIGHFIELD GREEN – Support a business attracting people to the High Street and a vacant unit would not benefit the High Street.

20 SILVER BIRCH AVENUE - Support a popular shop that is an attraction in the High Street and attentive to customers with disabilities.

34 BEAUFORT CLOSE – Support a busy business which encourages trips to surrounding shops and allows training assistant dogs on the premises.

20 SILVER BIRCH AVENUE – A popular meeting place for the local community

179 LINDSEY STREET – A well frequented business which operates as well as other coffee shops. A vacant unit would be difficult to fill in present economic climate.

67 ST JOHNS ROAD – A popular outlet attracting customers to the High Street. An enforced closure would be detrimental and unreasonable with other service providers such as hairdressers and nail bars allowed.

20 LADYFIELDS, LOUGHTON – A popular venue with good access for buggies, part of the Epping experience.

47 WEALD BRIDGE ROAD – A good refuge when waiting for buses and a good facility for elderly customers.

### **Issues and Considerations:**

The main issue for Members to consider is whether the information which is supplied in this fresh application is sufficient to justify a departure from policy and the previous decision issued.

In principle the application remains contrary to Local Plan policy resulting in a non-retail frontage of more than 30% (32.5%) and three adjoining non-retail units. As a mixed use with predominant sales relating to the A3 (Restaurant and Café) element, little emphasis can be placed on the A1 (Shop) use of the unit, as such Members would be justified to uphold the previous decision issued by Officers. The Council's shopping policies are intended to support the vitality and viability of Town Centres by retaining attractive, varied retail core centres in accordance with PPS6.

The applicant has now been trading since 2007 and has been able to demonstrate a regular custom of in excess of 2200 visits per week, more than 300 daily. Many customers visit the unit specifically to meet friends or because of the ease of accessibility in the spacious layout which is

particularly attractive to the elderly, those with disabilities and those with children: this is evident from the letters of support detailed above.

The applicant has now provided information relating to a survey for the reason for customers visiting Town Centres, the information submitted specifically relates to a study in Rugby, however whilst clearly not being in our district or local, this information can be considered indicative of consumer trends. This information established the main purpose of the visit to the Town Centre, 39% were shopping, 24% were not visiting solely to shop but would do so, 17% were visiting solely to visit Caffe Nero and the remainder were meeting friends, working or using non-retail facilities elsewhere. This information suggests not only that footfall is increased around the store, but also that the Café itself is an attraction.

Members may view this additional information cumulatively with the letters of support, as sufficient to demonstrate that although not a primarily retail use, the presence of a mixed A1/A3 café does not detract from the viability of the Town Centre in this location as other non-retail uses may.

Members may also wish to reflect on planning appeals and applications which have been considered subsequent to the previous application, many of which have been viewed in the current economic downturn. At the enforcement appeal for this site the Inspector made comment on the number of visiting clientele to the store and the apparent support from surrounding businesses and the public. Officers would suggest that Members may view this unit as a function supporting the vitality and viability of the Town Centre.

More recently, in an application in Theydon Bois, Members permitted an additional non-retail unit beyond usual policy with the addition of Belgique, although not in an area with a retail frontage policy, this application did permit a non-retail use where retail use should be encouraged. In this instance it was considered the unit did not result in dead daytime frontage and that it increased local footfall. The same principle may be considered for Epping Town Centre, although it is acknowledged that there are other café type uses in the locality, but with the addition of a shop window display, Members could consider the proposals more acceptable than the previously refused scheme.

Should Members consider that the applicant has now demonstrated that there is no loss of vitality to the Town Centre as a result of the occupation by Caffe Nero, then whilst there is a departure from retail frontage policies, the objective underpinning policy to retain vitality in Town Centres may not have been compromised. This view could be supported by emergent PPS4 which supports flexibility to changing economic climates and consumer trends in line with a view to delivering sustainable development (PPS1).

### **Summary**

Officers have presented this application to Members without recommendation. This is because on this occasion the application details are very finely balanced. There is clear policy reason to refuse planning permission and the application has been previously refused and enforcement has been upheld, therefore the Council is in a position to continue these proceedings. However, this is the first time this planning application has been directly in front of Members and the applicant has now come forward, offering the insertion of a window display and additional information to demonstrate that the operator use does not detract from the viability and vitality of the Town Centre. Members need to reach a view whether this demonstration is sufficient to override policy principles to achieve underlying policy objectives. This flexibility is promoted by emergent PPS4, however this policy remains to be formally adopted.

Should Members be minded to refuse the application, it would be reasonable to do so on the same basis as the previous application and Officers will seek to resume enforcement action.

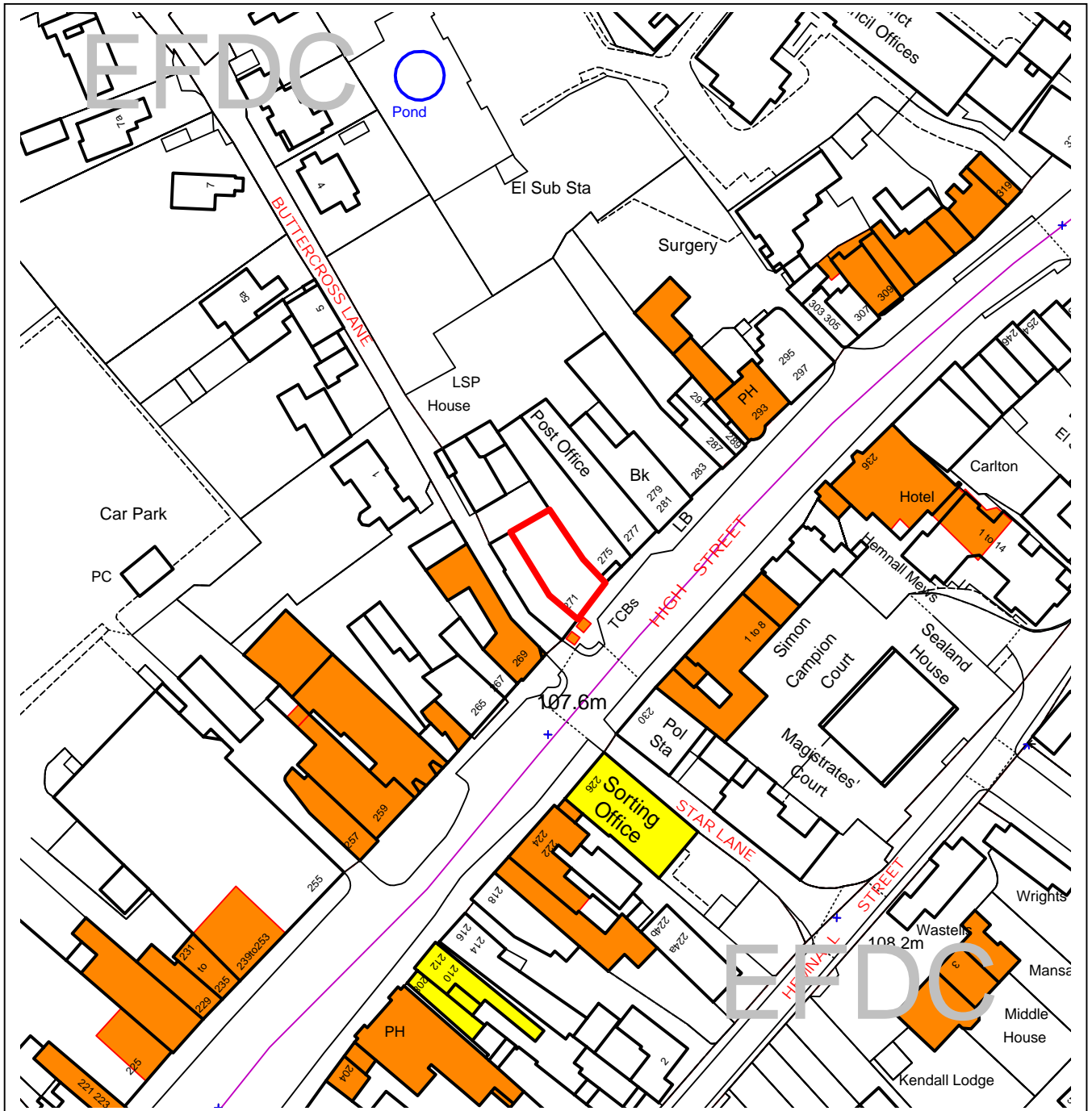


Should Members be minded to approve the scheme in light of the additional information, Officers would recommend a condition requiring the window display to be retained and the use to be only mixed A1/A3 and not sole use as A3 at any time to ensure the premises is not later used solely as a restaurant or purely a seating hot food Café. As it would be contrary to adopted Local Plan policy, particularly TC4 because of the town centre's percentage of non-retail being more than 30%, the matter would then need to be referred on to District Development Control Committee for a decision.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	1
Application Number:	EPF/1020/09
Site Name:	Caffe Nero, 271 High Street Epping, CM16 4DA
Scale of Plot:	1/1250

## **Report to District Development Control Committee**

**Date of meeting: 6<sup>th</sup> October 2009**



**Epping Forest  
District Council**

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**Subject: Planning Application EPF/0894/09– 4 Nine Ashes Farm Cottages, Rookery Road, Blackmore– First Floor Side Extension and Ground Floor Rear Extension**

**Officer contact for further information: K Smith  
Committee Secretary: S Hill Ext 4249**

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### **Recommendation:**

That the Committee considers the recommendation of the Area Plans Sub-Committee East on 12<sup>th</sup> August 2009 to grant planning permission subject to conditions.

### **Report Detail**

This application has been referred by the Area Plans Sub Committee East with a recommendation for approval. The report to the Sub-Committee (attached as Appendix 1) carried a recommendation from Officers to refuse planning permission and the planning merits of the case are attached.

### **Planning Issues**

The Sub-Committee felt that the circumstances of this site justify a larger extension than that which would normally be permitted under the Council's Green Belt policies.

However, Officers consider that, whilst the ground floor rear extension is a fairly minor addition which would not materially impact upon the open character of the Green Belt, the proposed first floor extension would add considerable bulk to the property and would detract from the open character and appearance of the green belt, restricting the existing view of then open countryside from Rookery Road. A very similar scheme was refused planning permission in 1997 (EPF/0931/97). Since then, the existing ground floor side extension has been added (as permitted development) and the large two storey rear extension has also been added, with the benefit of planning permission. Accordingly, the existing dwelling is substantially larger than when the previous similar scheme for this development was proposed and refused planning permission.

### **Conclusion**

Should the Committee grant planning permission it should be subject to conditions requiring matching external materials and the removal of permitted development rights which would have allowed further single storey extensions without the need for planning permission.

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**Extract from Area Planning Subcommittee East on 12 August 2009**  
**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0894/09
<b>SITE ADDRESS:</b>	4 Nine Ashes Farm Cottages Rookery Road Blackmore Ingatestone Essex CM4 0LG
<b>PARISH:</b>	High Ongar
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>APPLICANT:</b>	Mr David Cass
<b>DESCRIPTION OF PROPOSAL:</b>	First floor side extension and ground floor rear extension.
<b>RECOMMENDED DECISION:</b>	Refuse Permission

#### **REASON FOR REFUSAL**

- 1 The application site is located within the Metropolitan Green Belt. The proposed extension is of a size which does not constitute a reasonable or proportionate extension to a dwelling within the Green Belt. The extension, due to its size and siting, would be an inappropriate development which would be harmful to the objectives of including land within the Metropolitan Green Belt contrary to policy GB2A of the adopted Local Plan and Alterations.
  
- 2 The proposed extension would be a disproportionate addition which would unbalance the pair of semi detached houses and appear as a dominant and intrusive addition within the street scene to the detriment of the character and appearance of the area, contrary to polices CP2 and DB10 of the adopted Local Plan and Alterations.

*This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).*

#### **Description of Proposal:**

This application seeks planning permission for a first floor extension above the existing ground floor side extension and a rear extension infilling the area to the side of the bathroom. The first floor extension to the side would cover the footprint of the existing extension. Its roof would be approximately 0.6 metre lower than that of the main dwelling. The rear extension would be adjacent to the existing ground floor rear extension, which would be re-roofed to be incorporated

into the proposed extension. It is considered that this element of the scheme, if constructed independently of the side extension, may be permitted development.

**Description of Site:**

The application site comprises a semi detached dwelling located within the Metropolitan Green Belt. The dwelling has been considerably extended. It has a ground floor extension to the side, which appears to have been constructed as permitted development. To the rear there is a large (5.1 metre deep) two storey extension with a smaller, single storey, extension to the side.

**Relevant History:**

EPF/0474/97 Ground and first floor side and rear extensions and detached garage/store Refused 20/05/97. For the following reasons:

1. The site is located within the Metropolitan Green Belt. The proposed development is at odds with Government advice, the policies of the adopted Local Plan and Approved Essex Structure Plan, in that it does not constitute a reasonable extension to an existing dwelling. Thus this application is unacceptable, because the proposed extension by reason of its size, design and siting would harm the objectives of the Metropolitan Green Belt. Furthermore it would be dominant and intrusive in the surrounding area and the dwelling as existing has accommodation which meets contemporary living standards.
2. The proposed garage by reason of its size and siting, forward of the existing dwelling, would be a dominant and intrusive feature, to the detriment of the character of the area and this part of the Green Belt.

EPF/0931/97 Two storey side extension, rebuilding kitchen and single storey rear extension Refused 12/08/97. For the following reasons:

1. The site is located within the Metropolitan Green Belt. The proposed development is at odds with Government advice, the policies of the adopted Local Plan and Approved Essex Structure Plan, in that it does not constitute a reasonable extension to an existing dwelling. Thus this application is unacceptable, because the proposed extension by reason of its size, design and siting would harm the objectives of the Metropolitan Green Belt. Furthermore it would be dominant and intrusive in the surrounding area; and the dwelling as existing has accommodation which meets contemporary living standards.

EPF/1325/97 Ground and first floor rear extensions Approved 02/12/97.

**Policies Applied:**

East of England Plan

ENV7 – Quality in the Built Environment

Adopted Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

DBE9 – Neighbouring Amenity

DBE10 – Residential Extensions

GB2A – Development in the Green Belt

### **Summary of Representations:**

1 property was consulted and no response was received:

HIGH ONGAR PARISH COUNCIL – Support. The Parish Council fully supports this proposal and recommended its approval.

### **Issues and Considerations:**

The main issues in this case are the impacts of the proposed extensions on the amenities of the occupiers of neighbouring dwellings, on the character and appearance of the area and on the open character of the Metropolitan Green Belt. Regard will also be had to the planning history of the site. Three planning applications were considered by the Council in 1997. Whilst this was some 12 years ago, it is considered that the relevant considerations, particularly the designation of the land within the green belt and the presumption against inappropriate development, remain unchanged.

#### **Neighbouring Dwellings**

The proposed first floor side extension, due to its location in relation to neighbouring properties, would not have a detrimental impact on amenity. Furthermore the rear extension, due to its height and depth (approximately 2 metres), would not cause a material loss of amenity.

#### **Design and Appearance**

It is considered that the proposed rear extension would have an acceptable appearance. However, it is considered that the proposed side extension would be a bulky addition to the property which, albeit partly subservient due to its lowered eaves and ridge height in relation to the main dwelling and its set back from the front elevation, would unbalance the pair of semi detached properties.

#### **Green Belt**

The house has been considerably extended in the past. Its original floor area of approximately 100 square metres has been increased to 160 square metres. It is considered that the proposed rear extension is a fairly minor addition, both in terms of its size and also due to its position, located at the rear of the dwelling adjacent to the large two storey extension approved in 1997. Accordingly, it would not be detrimental to the open character of the Metropolitan Green Belt. However, the proposed first floor extension would add considerable bulk to the property and would detract from the open character and appearance of the green belt, restricting the existing view of the open countryside from Rookery Road. A very similar scheme was refused planning permission in 1997 (EPF/0931/97). Since then, the existing ground floor side extension has been added (presumably as permitted development) and the large two storey rear extension has also been added, with the benefit of planning permission. Accordingly, the existing dwelling is substantially larger than when the previous similar scheme for this development was proposed and refused planning permission.

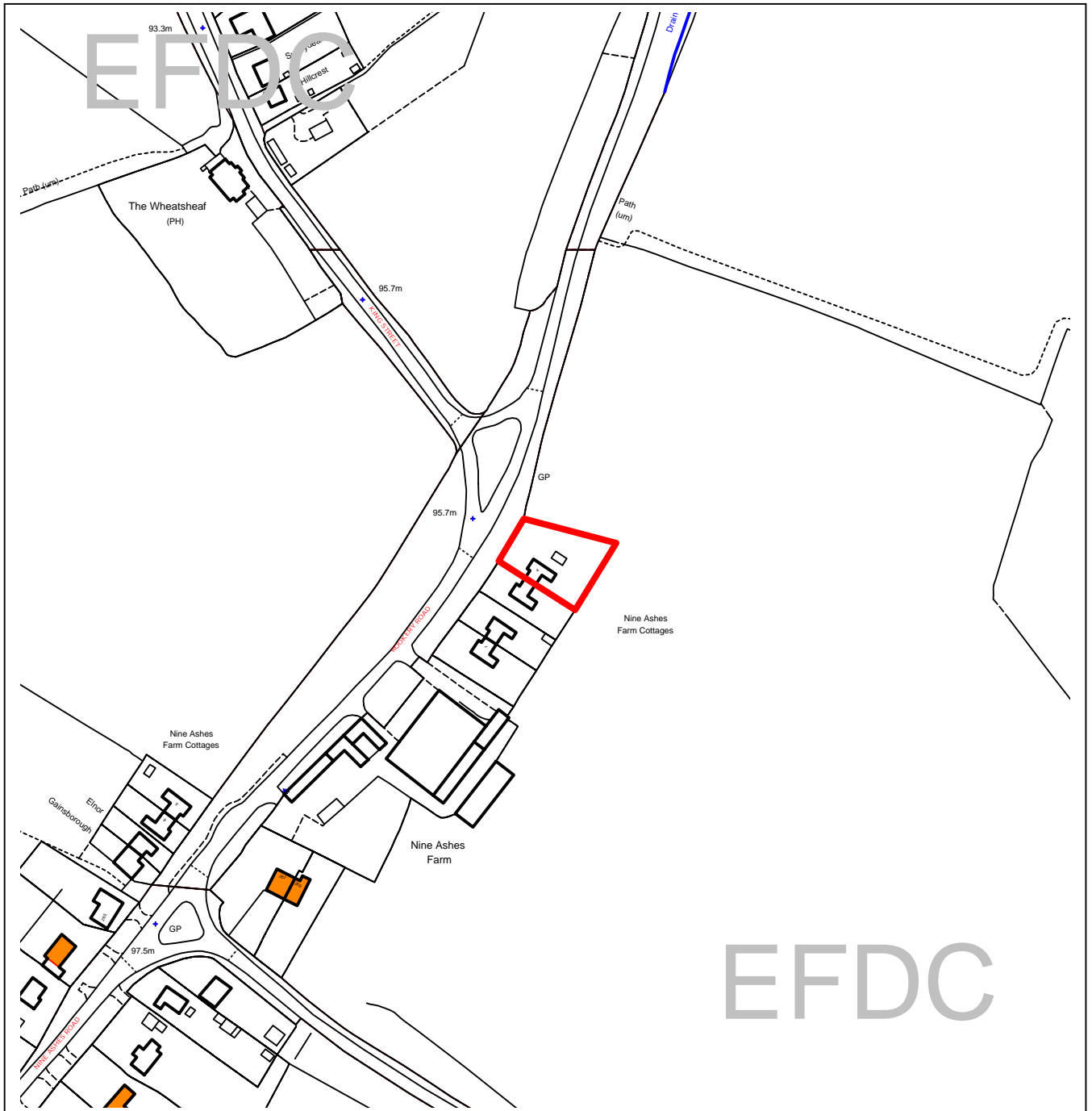
### **Conclusion**

It is considered that the proposed first floor side extension would be a disproportionate and bulky addition which would unbalance the pair of semi detached houses. Due to its disproportionate scale, the development would be inappropriate within the Green Belt and no case for very special circumstances has been made. It is recommended that planning permission be refused for these reasons.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>4</b>
Application Number:	EPF/0894/09
Site Name:	4 Nine Ashes Farm Cottages, Rookery Road, Blackmore, CM4 0LG
Scale of Plot:	1/2500



## **Report to District Development Control Committee**

**Date of meeting: 6<sup>th</sup> October 2009**



**Epping Forest  
District Council**

**Subject: Planning Application EPF/1399/09– Garden Centre, 212 Manor Road, Chigwell – Outline planning application for 69 residential units (54 affordable), public open space and a community facility (D1 Use) with all matters reserved except access.**

**Officer contact for further information: K Smith  
Committee Secretary: S Hill Ext 4249**

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### **Recommendation:**

That the Committee considers an outline planning application on land Garden Centre, 212 Manor Road, Chigwell for 69 residential units (54 affordable), public open space and a community facility (D1 Use) with all matters reserved except access, which has been referred by Area Plans Subcommittee South without a recommendation.

### **Report Detail**

This application has been referred by the Area Plans Sub Committee South on 16 September 2009. The report to the sub-committee (attached as Appendix 1) carried a recommendation from officers to grant planning permission (subject to a Section 106 agreement) and the planning merits of the case are attached.

### **Planning Issues**

The debate at the Sub-Committee meeting was inconclusive, with some Members implying support for this scheme, which they felt was a better design than the scheme for the adjacent site and which incorporates a community facility and public open space. Conversely, some Members expressed concern with some elements of the scheme, in particular the size of the area of Green Belt land that would be developed and the number of units proposed to be development on both this site and the adjacent site. Generally, Members expressed a desire for a cohesive approach to the development of both this application site and the adjacent site (upon which there is a current planning application for 21 flats which is also on this Agenda).

Officers consider that that the provision of affordable housing on this site would make a valuable contribution towards the identified need within the District. When this is considered in conjunction with site specific factors (such as the proximity to the transport network and local shops, the location of the site on the edge of the urban area, the previously developed status of the land and the distinct boundaries to all sides of the site, which would retain a defensible boundary to the Metropolitan Green Belt), it is considered by Officers that there is a strong case for exceptional

circumstances to justify an exception to the normal green belt policy of restraint. Whilst this application only seeks outline planning permission, it is accompanied by indicative plans that illustrate that a development of this scale can be comfortably accommodated within the site. At a density of approximately 53 dwellings per hectare, the development of this site is considered to be acceptable in line with Government advice and the surrounding built-up area.

Further to the planning obligations set out in the Officer's report to the Sub-Committee, Councillor Knapman suggested at the Sub-Committee meeting that the proposed development of the two sites would generate additional demand for services which were provided by the Post Office within the local shops until its recent closure. The Post Office was closed following a review and consultation exercise undertaken by Royal Mail in 2007. Following the closure of this and other Post Offices across the country, Royal Mail provided local authorities with an option to re-open Post Offices, provided that they are 'cost-neutral' to Royal Mail and do not have a significant impact on surrounding Post Offices. Discussions regarding this matter are taking place between Officers, Essex County Council and the applicant's agent at the time of preparing this report.

## **Conclusion**

Should the Committee recommend granting planning permission, the application will have to be referred to the Government Office for the East of England, as a departure from the Local Plan. The recommendation to grant planning permission should be subject to conditions requiring:

- The submission of the reserved matters
- The use of suitable external materials;
- Highway matters including details of the site access, the discharge of water from the site, the provision of the car parking, and the layout of the roads and footpaths in accordance with the Essex Design Guide;
- The submission of further information relating to tree protection and site landscaping;
- The submission of a Flood Risk Assessment;
- Construction matters including a restriction of working hours and the provision of wheel washing facilities;
- The submission of further information relating to site levels; and
- Further information/mitigation relating to contaminated land issues;
- The submission of further information regarding the potential for protected species on the site; and
- Further detail relating to the storage of refuse facilities.

It is further recommended that any grant of planning permission should be subject to a legal agreement to secure planning obligations, within 9 months of the date of a resolution, which may include:

- The amount, tenure and occupancy of the affordable housing;
- Highway Improvements (Works and/or financial contributions);
- Education Provision (financial contribution and/or other); and
- Community benefits (financial contribution and/or other).

**Extract from Area Planning Subcommittee South on 16 September 2009**  
**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1399/09
<b>SITE ADDRESS:</b>	212 Manor Road Chigwell Essex IG7 4JX
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>APPLICANT:</b>	Mr Graham Cox
<b>DESCRIPTION OF PROPOSAL:</b>	Outline planning application for 69 residential units (54 affordable), public open space and a community facility (D1 Use) with all matters reserved except access.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to S106)

#### CONDITIONS

- 1 Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 2 Application for the approved reserved matters referred to in condition 1 must be made not later than the expiration of three years from the date of this notice. The development hereby permitted must be begun not later than the expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last matter approved.
- 3 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 4 No development shall take place on site, including site clearance, tree works, demolition, storage of materials or other preparatory work, until all details relevant to the retention and protection of trees, hereafter called the Arboricultural Method Statement, have been submitted to the Local Planning Authority and approved in writing. Thereafter the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

The Arboricultural Method Statement shall include a tree protection plan to show the areas designated for the protection of trees, shrubs and hedges, hereafter referred to as Protection Zones. Unless otherwise agreed, the Protection Zones will be fenced, in accordance with the British Standard Trees in Relation to Construction-

Recommendations (BS.5837:2005) and no access will be permitted for any development operation.

The Arboricultural Method Statement shall include all other relevant details, such as changes of level, methods of demolition and construction, the materials, design and levels of roads, footpaths, parking areas and of foundations, walls and fences. It shall also include the control of potentially harmful operations, such as burning, the storage, handling and mixing of materials, and the movement of people or machinery across the site, where these are within 10m of any designated Protection Zone.

The fencing, or other protection which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works have been completed and all equipment, machinery and surplus materials removed from the site.

The Arboricultural Method Statement shall indicate the specification and timetable of any tree works, which shall be in accordance with the British Standard Recommendations for Tree Works (BS.3998: 1989).

The Arboricultural Method Statement shall include a scheme for the inspection and supervision of the tree protection measures. The scheme shall be appropriate to the scale and duration of the works and may include details of personnel induction and awareness of arboricultural matters; identification of individual responsibilities and key personnel; a statement of delegated powers; frequency, dates and times of inspections and reporting, and procedures for dealing with variations and incidents. The scheme of inspection and supervision shall be administered by a suitable person, approved by the Local Planning Authority but instructed by the applicant.

5 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) have been submitted to an approved in writing by the Local Planning Authority, and these works shall be carried out as approved. These 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 vehicle artefacts and structures, including signs and lighting and functional services above and below ground. 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, unless the Local Planning Authority gives its written consent to any variation.

6 No development shall take place, including site clearance or other preparatory work, until all details relevant to the implementation of hard and soft landscape works and tree planting, hereafter called the Landscape Method Statement, have been submitted to the LPA, and the development shall not commence until the Landscape Method Statement has been approved by the LPA in writing. All landscape works shall be undertaken in accordance with the approved details, unless the LPA has given its prior written consent to any variation.

The Landscape Method Statement shall include as appropriate, protection of the

planting areas, where appropriate by fencing, during construction; preparation of the whole planting environment, particularly to provide adequate drainage; and the provision which is to be made for weed control, plant handling and protection, watering, mulching, and the staking, tying and protection of trees. The Landscape Method Statement shall also normally include provision for maintenance for the period of establishment, including weeding, watering and formative pruning, and the removal of stakes and ties. Provision shall be made for replacement of any plant, including replacements, that are removed, are uprooted, or which die or fail to thrive, for a period of five years from their planting, in the first available season and at the same place, with an equivalent plant, unless the LPA has given its prior written consent to any variation.

All hard and soft landscape works shall be completed prior to the occupation or use of any part of the development, unless the LPA has given its prior written consent to a programme of implementation. The hard and soft landscape works, including tree planting, shall be carried out strictly in accordance with any approved timetable.

The Landscape Method Statement shall state the provision which is to be made for supervision of the full programme of works, including site preparation, planting, subsequent management and replacement of failed plants.

- 7 Before the occupation or use of any phase or part of the development, whichever is the soonest, a Landscape Management Plan (LMP) shall be submitted to and approved by the LPA.

The LMP shall contain a statement of the long-term aims and objectives covering all elements of the implementation of the agreed landscape scheme and full details of all management and establishment operations over a five-year period, unless otherwise agreed in writing by the LPA. It shall also include details of the relevant management, and supervisory responsibilities.

The LMP shall also include provision for a review to be undertaken before the end of the five year period. A revised LMP shall be submitted for the agreement of the LPA before five years has expired. The revised details shall make similar provisions for the long term maintenance and management of the landscape scheme. The revised scheme shall also make provision for revision and updating.

The provisions of the LMP, and subsequent revisions shall be adhered to and any variation shall have been agreed beforehand in writing by the LPA. No trees, shrubs, hedges or other plants shall be removed for the duration of the Landscape Management Scheme or its revisions, without the prior written approval of the LPA. Any trees, shrubs, hedges or other plants being so removed shall be replaced in the first available planting season by an equivalent replacement or replacements to the satisfaction of the LPA. Management of the landscape scheme in accordance with the LMP or their agreed revisions shall not cease before the duration of the use of the development unless agreed in writing by the LPA.

- 8 Prior to the commencement of the development hereby permitted, details of the provision of suitable temporary access arrangements to the application site in connection with the land forming/construction operations, to include wheel washing facilities, any necessary traffic management, turning and off loading facilities for delivery/construction vehicles within the limits of the site together with an adequate parking area for those employed in developing the site shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with these approved details.

- 9 Prior to the first occupation of any part of the development hereby approved details of an access to adoptable standards, to include visibility splays of 90m by 2.4m by 90m, 10.5m radii kerbs (if unachievable radii should be to the maximum possible) and 5.5m carriageway width with 2m wide footway along the edge of the site boundary and the bell mouth of the access (x2 footways), including the removal of any redundant dropped kerbs and replacement with full upstand kerbs shall be submitted to the Local Planning Authority for approval in writing. The details approved shall be implemented prior to the first occupation of the development approved and retained thereafter.
- 10 All roads and footpaths within the development should be designed in accordance with the Essex Design Guide.
- 11 A flood risk assessment 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 programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment.
- 12 Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing 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.
- 13 Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

- 14 Prior to the commencement of the development hereby approved, details of mitigation methodology regarding reptiles and bats which may be present on the site shall be submitted to the Local Planning Authority for approval in writing. The

development shall proceed in accordance with the approved details.

- 15 The development shall proceed only in accordance with the recommendations set out in Section 7 (pages 25-27) of the Desk Study and Extended Phase 1 Habitat Survey produced by Thompson Ecology (July 2009) unless otherwise agreed in writing by the Local Planning Authority.

**and subject to a Section 106 Legal Agreement to secure 54 residential units (78%) for on-site affordable housing, and a contribution towards highway and public transport improvements in the locality, and education provision.**

*This application is before this Committee for the following reasons:*

*since it is an application for development of a significant scale and/or wider concern and is recommended for approval (Pursuant to Section P4, Schedule A (c) of the Council's Delegated Functions);*

*since it is an application for residential development of 5 dwellings or more and is recommended for approval (Pursuant to Section P4, Schedule A (d) of the Council's Delegated Functions); and*

*since it is an application for commercial development and the recommendation differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions).*

**Description of Proposal:**

This application seeks outline planning permission for a residential development with public open space and a community facility. The proposal will provide a total of 69 housing units, of these 54 units proposed are affordable (78%). The breakdown is 15 market housing units (21%), 37 social rented units (53%) and 17 intermediate housing units (24%). All matters other than access are reserved for consideration at a later time.

**Description of Site:**

The application site is previously developed, accommodating part of the Jennykings Garden Centre. The site is bounded by Manor Road to the south, the railway line to the west and Froghall Lane to the east. There are some mature trees along the northern boundary and some dense vegetation along the eastern site boundary with Froghall Lane. The land across the site is generally level, but with a slight decrease towards the Froghall Lane boundary.

**Relevant History:**

CHI/0187/57. Layout of new roads & erection of 72 houses. Refused 21/08/57.

CHI/0132/73. Use of land for residential purposes. Refused 23/05/73.

CHI/0279/73. Proposed residential development. Refused 23/05/73.

CHI/0577/73. Use of land for residential purposes. Refused 30/01/74.

Members will recall recent planning applications for residential development on the adjacent site. The most recent (EPF/1071/09) was referred to the District Development Control Committee with a recommendation of support by Area Plans South on 5<sup>th</sup> August 2009.



**Policies Applied:**

East of England Plan

SS7 – Green Belt  
H1 – Regional Housing Provision 2001-2021  
H2 – Affordable Housing  
T14 - Parking  
ENV7 – Quality in the Built Environment  
LA1 – London Arc

Adopted Local Plan and Alterations

HC12 – Development Affecting the Setting of a Listed Building  
GB2A – Development in the Green Belt  
GB7A – Conspicuous Development  
GB16 – Affordable Housing  
H2A – Previously Developed Land  
H3A – Housing Density  
H4A – Dwelling Mix  
H5A – Provision for Affordable Housing  
H6A – Site Thresholds for Affordable Housing  
H7A – Levels of Affordable Housing  
CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
CP4 – Energy Conservation  
CP5 – Sustainable Building  
CP6 – Achieving Sustainable Urban Development Patterns  
CP7 – Urban Form and Quality  
CP8 – Sustainable Economic Development  
DBE1 – Design of New Buildings  
DBE2 – Impact of New Buildings  
DBE5 – Design and Layout  
DBE8 – Amenity Space Provision  
ST1 – Location of Development  
ST2 – Accessibility of Development  
ST4 – Highways Considerations  
ST6 – Car Parking Standards  
LL11 – Landscaping Schemes  
E4A – Protection of Employment Sites

**Summary of Representations:**

CHIGWELL PARISH COUNCIL: No objection.

35 properties were consulted, a site notice erected and responses were received from the following properties – their comments are summarised below:

9 WARREN COURT  
28 WARREN COURT  
1A LONG GREEN  
42 LONG GREEN  
115 LONG GREEN  
81 MOUNT PLEASANT ROAD  
205 MANOR ROAD

## Green Belt

Development could set a precedent for future developments on Green Belt land. Development would further encroach onto Green Belt Land and would destroy more of the countryside to the detriment of local residents and future generations.

## Need

There is no need for this build. There are seven empty flats in my complex in Long Green (raised by 42 Long Green). There are already plans to build flats at junction of Manor Road and Fencepiece Road so why build more?

## Highways and Parking

Existing traffic congestion in the locality would worsen. Parking is limited on the development site. Limited access/egress to and from the site. Difficulties for pedestrians crossing the road.

## Character and Appearance.

Would be out of character with the surrounding semi-rural area. Would overpower the nearby listed cottages.

## Neighbouring Amenity

Increased noise and pollution. Overlooking of neighbouring gardens and houses (raised by 28 Warren Court). Would spoil views of the forest and cemetery. Loss of privacy for visitors to cemetery.

## Impact of setting of Listed Buildings

Would overpower nearby listed cottages. Could cause movement to the nearby listed cottages, which have only limited foundations.

## Other Matters

Already strain on local facilities (schools and doctors). The Council's reasons for refusing 116 houses at Grange Farm should apply here too. Increased risk of crime. Grange Hill Station has a poor service to central London.

ESSEX AREA RAMBLERS. Objection. The amount of traffic which would inevitably be generated would present a threat to the safety of Manor Road. The large number of affordable residences is not exceptional circumstances.

## **Issues and Considerations:**

The main issues in this case are:

- The acceptability of the proposed development within the green belt;
- The impact of the proposed development on the amenities of the occupiers of neighbouring dwellings;
- The design of the development;
- The impact of the development on the character and appearance of the area;
- Impacts on nearby listed buildings;
- The proposed highways and parking arrangements;
- The proposed provision of affordable housing; and

The sustainability of the proposed development.

### Acceptability of the Development within the Green Belt

The site is located within the Metropolitan Green Belt, where new residential development is considered to be inappropriate. In this instance, the applicant has put forward a case explaining why they consider that there are very special circumstances which justify this development within the Green Belt. The applicant's case for exceptional circumstances is that *'the particular merits of this case mean that the limited harm to the function of the Green Belt by allowing inappropriate development is outweighed by the acute identified need for family affordable housing accommodation, particularly 3+ bed houses with private gardens, that cannot be met in any other way and which can be reasonably expected to persist in the long term'*.

Policy GB16 of the local plan deals with affordable housing on Green Belt sites and provides for small scale affordable housing development as a whole to be built within the green belt subject to a number of criteria.

Policy GB16 provides for the provision of affordable housing in the Green Belt so long as it is small-scale and a "settlement". The policy allows for affordable housing where:

- There is a demonstrable social or economic need not met elsewhere,
- It is supported by the local parish council and a proper appraisal of need,
- It is well related to the existing settlement,
- Will not have a detrimental impact on the character of the locality,
- There are no significant grounds for objection on highways, infrastructure or other planning grounds.
- Isolated pockets of development should be avoided.

The application site is located on the edge of the urban area. The site is well served by transport infrastructure, not least by Grange Hill Underground Station. The submitted Affordable Housing Statement refers to the identified need in the Council's most recent (2003) Housing Needs Survey. The need for the affordable housing proposed is supported by both the Council's Housing Services and also Moat Homes Limited, one of the preferred Registered Social Landlord's (RSL's). Moat state 'we feel that the housing requirements for the District have been adopted and consequently feel that this scheme offers a good opportunity for Moat to increase its housing stock within Epping Forest'. There has been no objection to the scheme raised by Chigwell Parish Council. Accordingly, it is considered that the provision of affordable housing on this site may be acceptable in relation to the criteria set out in policy GB16, subject to consideration of the other planning merits of the case. These will be considered in subsequent sections of this report.

Policy GB7A of the Local Plan states that the Council will refuse planning permission for development conspicuous from within or beyond the green belt which would have an excessive adverse impact upon the openness, rural character or visual amenities of the green belt. It is considered that the height and density of the development proposed is such that it would be in keeping with the pattern of surrounding development. Furthermore due to the natural screening to the northern and eastern boundaries of the site and the context of the western and southern boundaries (which are adjacent to the railway line and Manor Road) it is not considered that the development would appear overly conspicuous. There is also built development opposite to the south and to the west on the other side of the railway line. It therefore would not appear isolated in the countryside.

### Affordable Housing

Policy GB16 specifically relates to proposals for affordable housing within the Green Belt and has been discussed above. Policy H5A sets out a list of criteria which are to be applied to consider whether a site is suitable for affordable housing. These are:

- The overall level, nature and distribution of housing need in the district;
- The size and characteristics of the site;
- The type of affordable housing required and the type of dwellings proposed on the site;
- The dispersal of affordable housing throughout the site;
- The nature of any adjacent housing; and
- The proximity of the site to public transport and accessibility to facilities.

There is a considerable need for the provision of affordable housing within the District, with currently 4,700 applicants being registered on the Council's Housing Register. The site is located in close proximity to the existing urban area and the associated transport infrastructure. Surrounding residential developments are generally modest sized semi-detached and terraced dwellings, with some detached dwellings interspersed. The mix of dwellings proposed accords with policy H4A in terms of the size and tenures. The mix of housing also generally meets the identified need with the only exception being the suggestion by the Head of Housing that the four 4+ bed houses be replaced with 3 bed houses, for which there is a greater need. This mix can be finalised in an associated Section 106 legal agreement which would ensure the provision of affordable housing to the development.

#### Neighbouring Amenity

Neighbouring amenity is an issue which will need to be considered at greater depth upon the submission of reserved matters relating to the detailed design of the development. Notwithstanding this, it is considered that the site is capable of accommodating a development of the scale proposed without resulting in material harm to the amenities of the occupiers of neighbouring residential properties. The closest property to the site is 193a Manor Road, located on the opposite side of the street. Some concern has also been raised by a local resident regarding the potential impact on Warren Court, to the west of the site. However, the nearest gardens of these properties are located some 75 metres from the site, separated by the railway line and it is not considered that a development of a reasonable height would cause any material loss of privacy.

#### Design

The detailed design of the proposed development is also an issue which is reserved for later consideration. However, an indicative layout and indicative sections have been submitted which indicate that the development would be fairly spacious and of a reasonable density, in keeping with the built development in the area. The maximum building height shown on the sections are three storey buildings. Considerable amounts of the vehicle parking shown on the site layout would be enclosed in car courts away from the main street views. An indicative masterplan also shows how the adjacent site could be integrated as part of a comprehensive development.

#### Impact on the Character and Appearance of the area

The impact of the proposed development on the character and appearance of the area will need to be fully considered upon the submission of reserved matters. Notwithstanding this, it is considered from the indicative plans provided and the density proposed that a development of this scale could be accommodated without any material harm to the character and appearance of the area.

#### Impact on Nearby Listed Buildings

The row of listed cottages is located on the opposite side of Manor Road and are set back from the public highway. Their location on the other side of the street visually divorces them from the site and as a result it is not considered that the proposed development would be detrimental to their

setting. Concern has been raised by a local resident regarding the potential for disturbance from the construction proposed to cause movement to the listed cottages, which are built on limited foundations. Having regard to the distance separating the cottages from the application site (approximately 57 metres to the nearest cottage) and the location of the road in between, it is not considered that sufficient weight should be applied to this consideration as to justify the refusal of planning permission on this basis.

### Highways and Parking

Access is the only reserved matter for which consent is being sought at this stage. Essex County Council, the Highway Authority, has no objection to the proposed development subject to a number of planning conditions and other requirements which would need to be facilitated by means of a Section 106 legal agreement. Matters to be included within a section 106 would include the provision of a financial contribution towards the provision of traffic orders and road markings along both sides of Grange Crescent between Froghall Lane and Grange Crescent; the closure of the lay-by on the north-eastern carriageway; the provision and implementation of a Transport Information and Marketing Scheme for sustainable transport; and improvements to bus-stops. Accordingly, subject to the imposition of the planning conditions suggested by the Highways Authority and subject to the completion of a legal agreement to secure the above, it is considered that the proposed access arrangements are acceptable.

### Trees and Landscaping

The existing landscaping on the site is generally located to the site boundaries and it should therefore be feasible to work around these in the detailed layout proposals. Accordingly, it is expected that most of the existing trees on the site would be retained. This may be controlled by the use of a tree protection condition. The submitted tree survey recommends that a 5m strip of vegetation is retained along the boundary with Froghall Lane, this is not shown on the submitted indicative layout. However, this is a matter which may be considered upon the submission of reserved matters relating to design and landscaping. It is considered that a development of the scale proposed would need to be softened by additional landscaping and this may also be controlled by the use of planning conditions.

### Drainage and Flooding

This planning application was not accompanied by a Flood Risk Assessment (FRA) at the time of submission. Accordingly, in the absence of the FRA being submitted the Environment Agency has lodged an objection. However, an FRA was submitted on 26<sup>th</sup> August and it is anticipated that the Environment Agency comments in respect of the FRA can be verbally reported to the Planning Committee.

### Sustainability

Policies CP1 – CP8 of the adopted Local Plan relate to achieving sustainable development and place emphasis on encouraging developments which provide for renewable energy, energy conservation and sustainable building. These are matters which will generally need to be considered at the reserved matters stage. However, the applicant has submitted a sustainability statement in which they commit to achieving the Code for Sustainable Homes Level 3 for all residential units on the development. They suggest that this may be secured by the use of a planning condition.

## Other Matters

### *Loss of Employment Site*

Policy E4A of the Local Plan safeguards employment sites from redevelopment to other uses, unless a number of criteria are satisfied. An element of employment would be retained on the site due to the proposed provision of a community use. Whilst exact employment figures would be dependent on the exact use, which is not yet confirmed, it is considered that this policy has been addressed. The application form suggests that 5 people could be employed on the site and whilst this would be dependant upon the exact use of the facility proposed, it is considered to be accessible bearing in mind the existing use of the land which does not generate large numbers of employees.

### *Education*

ECC have advised that if planning permission is granted they would seek a financial contribution towards Early Years and Childcare provision and Secondary Education provision in the locality. Due to a surplus of primary school places in the locality they would not seek a contribution towards primary education.

### *Protected Species*

The application is supported by an Extended Phase 1 Habitat Survey and Natural England has no objection to the proposed development subject to the recommendations contained within that study. It is also considered likely that there could be reptiles present on the site and, less likely, that bats may also be present. It is considered that a planning condition requiring a mitigation methodology would prevent any adverse impacts on these species groups.

## **Conclusion**

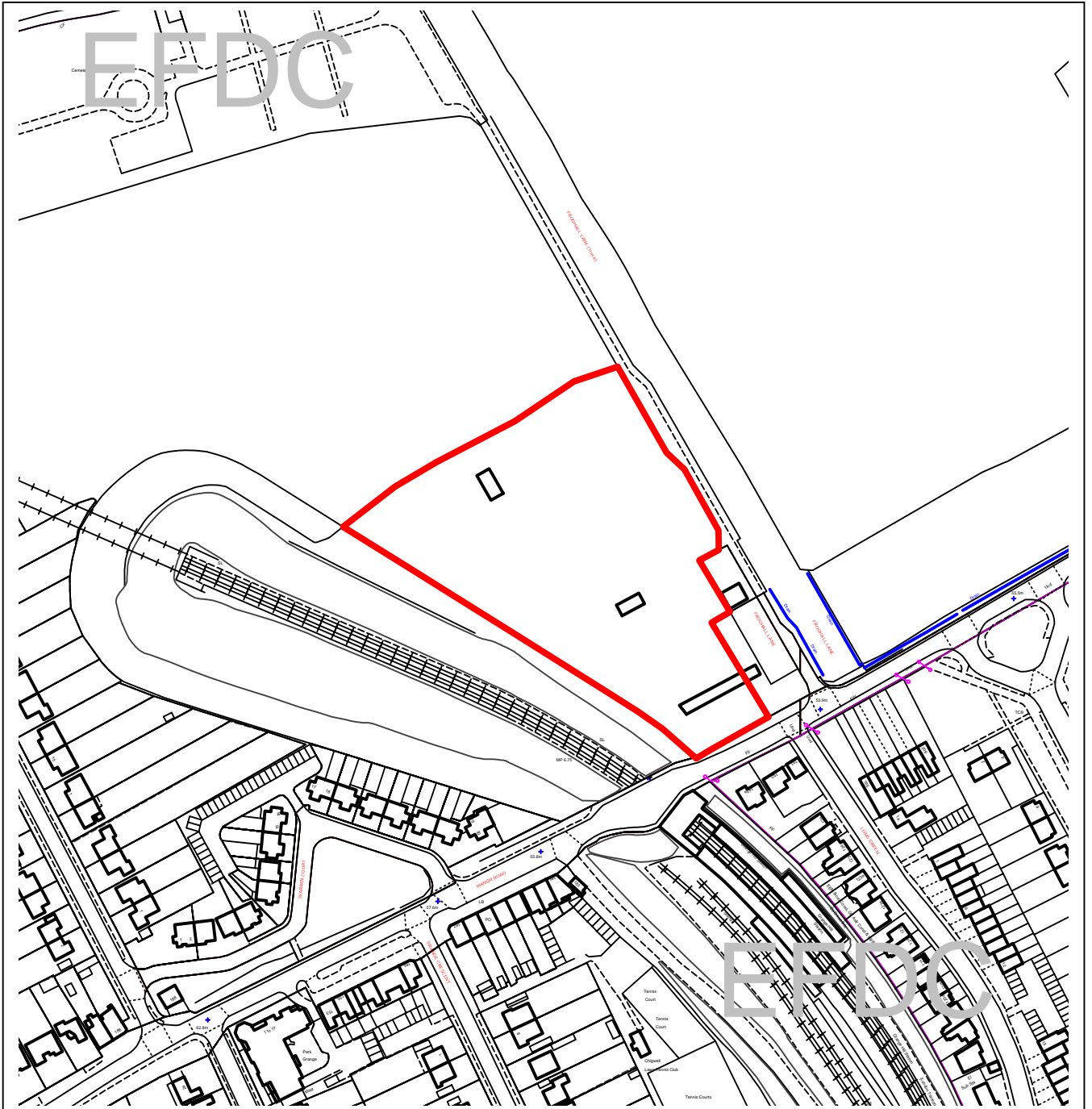
In light of the above appraisal, it is considered that the provision of affordable housing on this site would make a valuable contribution towards the identified need within the District. When this is considered in conjunction with site specific factors (such as the proximity to the transport network, the location of the site on the edge of the urban area, the previously developed status of the land and the distinct boundaries to all sides of the site, which would retain a defensible boundary to the Metropolitan Green Belt), it is considered that there is a strong case for exceptional circumstances to justify an exception to the normal green belt policy of restraint.

For these reasons, it is recommended that planning permission be granted, subject to the completion of a Section 106 legal agreement to secure the matters referred to in this report also subject to those planning conditions discussed.



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/1399/09
Site Name:	212 Manor Road, Chigwell, IG7 4JX
Scale of Plot:	1/2500

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## **Report to District Development Control Committee**

**Date of meeting: 6<sup>th</sup> October 2009**



**Epping Forest  
District Council**

**Subject: Planning Application EPF/1071/09– Garden Centre, 212 Manor Road, Chigwell – Redevelopment of land formerly in use as a garden centre to provide 21 flats, 80% of which will be affordable housing (revised application)**

**Officer contact for further information: K Smith  
Committee Secretary: S Hill Ext 4249**

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### **Recommendation:**

That the Committee considers the recommendation of the Area Plans Sub-Committee South, on 5<sup>th</sup> August 2009, to grant planning permission subject to conditions.

### **Report Detail**

This application has been referred by the Area Plans Sub Committee South with a recommendation for approval. The report to the Sub-Committee (attached as Appendix 1) carried a recommendation from Officers to refuse planning permission and the planning merits of the case are attached.

### **Planning Issues**

The debate at the Sub-Committee meeting centred mainly on the merits of the proposed level of affordable housing on this site, which the Sub-Committee consider provides very special circumstances for allowing an inappropriate development within the Metropolitan Green Belt. The Sub-Committee consider that this site is suitable for an affordable housing development. They noted that the site is Previously Developed Land and also that it has appeared untidy in the past, having had several buildings erected on its associated with the garden centre use. Furthermore, the Sub-Committee felt that the site was a sustainable location for an affordable housing development, being located in close proximity to an underground station and bus routes.

Officers agree with the Sub-Committee that the site is in a sustainable location and a development may be acceptable where it is of an acceptable design and has demonstrated a case for very special circumstances for allowing a development within the Green Belt. Notwithstanding this, Officers had several concerns with the proposed scheme. In particular, the design and density of the scheme are considered to be unsatisfactory, no justification has been provided for the affordable housing provision, the development would result in the loss of an existing employment site, the provision of storage for refuse is considered to be unsatisfactory and the development does not comply with the Council's sustainability policies. Fundamentally, Officers consider that the applicant has failed to

demonstrate a case for very special circumstances to justify the proposed development within the Green Belt.

## **Conclusion**

Should the Committee recommend that granting of planning permission, the application will need to be referred to the Government Office for the East of England as a departure from the Local Plan. The recommendation to grant planning permission should be subject to conditions requiring:

- The use of suitable external materials;
- Highway matters including details of the site access, the discharge of water from the site, the provision of the car parking;
- The submission of further information relating to tree protection and site landscaping;
- Construction matters including a restriction to working hours and the provision of wheel washing facilities;
- The submission of further information relating to site levels; and
- Further information/mitigation relating to contaminated land issues; and
- Further detail relating to the storage of refuse facilities.

It is further recommended that any grant of planning permission should be subject to a legal agreement to secure planning obligations, within 9 months of the date of a resolution, which may include:

- The amount, tenure and occupancy of the affordable housing;
- Highway Improvements (Works and/or financial contributions);
- Education Provision (financial contribution and/or other); and
- Community benefits (financial contribution and/or other).

**Extract from Area Planning Subcommittee South on 5 August 2009**  
**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1071/09
<b>SITE ADDRESS:</b>	Garden Centre 212, Manor Road Chigwell Essex IG7 4JX
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>APPLICANT:</b>	Mr John Capper
<b>DESCRIPTION OF PROPOSAL:</b>	Redevelopment of land formerly in use as a garden centre to provide 21 flats, 80% of which will be affordable housing. (Revised application)
<b>RECOMMENDED DECISION:</b>	Refuse Permission

#### REASON FOR REFUSAL

- 1 The applicant has failed to demonstrate very special circumstances for allowing the proposed development. Accordingly, the development would be inappropriate within the Metropolitan Green Belt, contrary to policies SS7 of the East of England Plan and GB2A of the Adopted Local Plan and Alterations.
- 2 The proposed development, by virtue of its density and design, would have a bulky and dominant appearance which would be exacerbated by the proposed linking sections between the blocks which would be detrimental to the semi-rural setting of the site and to the surrounding Green Belt land contrary to policies ENV7 of the East of England Plan and DBE1, H3A and GB7A of the Adopted Local Plan and Alterations.
- 3 The proposed buildings, due to their detailed design, in particular the varying roof heights, the use of cat slide roofs along the site frontages and the lack of detailing on the elevations fronting Manor Road, would fail to respect their setting in terms of orientation, roof-line and detailing, contrary to policies ENV7 of the East of England Plan and DBE1 of the Adopted Local Plan and Alterations.
- 4 The applicant has failed to demonstrate that the loss of the site for employment purposes is justified in relation to the criteria set out in policy E4A of the Adopted Local Plan and Alterations.

- 5 The proposed bin storage area is inadequate to accommodate the waste and recycling which would be generated by the proposed development, resulting in the potential for additional open storage which would be harmful to the character and appearance of the area, contrary to policy DBE1 of the Adopted Local Plan and Alterations.
- 6 The applicant has failed to demonstrate that the proposed development would incorporate principles of energy conservation and would utilise renewable energy resources, contrary to policies CP4 and CP5 of the Adopted Local Plan and Alterations.

*This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).*

**Description of Proposal:**

This application seeks full planning permission for the erection of a residential development comprising 21 flats (15 x 2 bed and 6 x 1 bed). The blocks to the front of the site would be two storeys in height and the rear blocks would be higher, with second floor accommodation partly contained within the roof space. The development would comprise four distinct blocks, with most of the car parking for the site contained in an underground car park below the blocks on the side of the site closest to Froghall Lane.

**Description of Site:**

The application site presently forms part of Jennikings Garden Centre. It is hard surfaced with a number of buildings occupying the site and an area of car parking at the front. There is an electricity sub station to the rear of the site. The front of the site is fairly open onto Manor Road, to the east is Froghall Lane and to the west is the railway line. The site has an area of approximately 0.23 hectare.

*The area of land to the south of the site falls within the administrative area of London Borough of Redbridge, and the row of cottages opposite (195-209 Manor Road) are Grade II listed.*

**Relevant History:**

CHI/0187/57. Layout of new roads & erection of 72 houses - see PF 1231 compensation. Refused 21/08/57.

CHI/0132/73. Use of land for residential purposes. Refused 23/05/73.

CHI/0279/73. Proposed residential development. Refused 23/05/73.

CHI/0577/73. Use of land for residential purposes. Refused 30/01/74.

EPF/1964/07. Outline application for proposed development of 22 no. 2 bed flats, 2 no. 1 bed flats and 1 no. 3 bed flats plus car parking. Withdrawn.

EPF/2405/07. Outline application for proposed development of 20 no. 2 bed flats, 4 no.3 bed flats and car parking. Refused 14/02/08.

EPF/0400/09. Redevelopment of land formerly in use as a garden centre to provide 25 flats 80% of which will be affordable housing. Refused 21/04/09.

**Policies Applied:**

East of England Plan

SS7 – Green Belt  
H1 – Regional Housing Provision 2001-2021  
H2 – Affordable Housing  
T14 - Parking  
ENV7 – Quality in the Built Environment  
LA1 – London Arc

Adopted Local Plan and Alterations

HC12 – Development Affecting the Setting of a Listed Building  
GB2A – Development in the Green Belt  
GB7A – Conspicuous Development  
GB16 – Affordable Housing  
H2A – Previously Developed Land  
H3A – Housing Density  
H4A – Dwelling Mix  
H5A – Provision for Affordable Housing  
H6A – Site Thresholds for Affordable Housing  
H7A – Levels of Affordable Housing  
CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
CP4 – Energy Conservation  
CP5 – Sustainable Building  
DBE1 – Design of New Buildings  
DBE2 – Impact of New Buildings  
DBE8 – Amenity Space Provision  
ST4 – Highways Considerations  
*ST6 – Car Parking Standards*  
LL11 – Landscaping Schemes  
E4A – Protection of Employment Sites

**Public Consultation:**

34 properties and the adjacent authority, London Borough of Redbridge were consulted

The application has also been advertised by the display of a site notice and by the publication of an advertisement in The Guardian local newspaper as a Major Application of wider concern.

The following representations have been received:

Objections from the following residential properties have been received: 193, 199 Manor Road; 1a, 42 Long Green; 21, 31, 71, 84 Grange Crescent, 25 Warren Court

The objections have been submitted on the following grounds:

### Character and Appearance

This type of development is totally out of character with the area. This is a semi rural village and a building of this size is out of character in this setting. Such a development would set a precedent and encourage future proposals on the site and beyond. Such a development would not only be out of keeping and out of scale with the overall character of the surrounding properties and Grange Hill as a whole, but it would also contribute to the continual creep of in-filling in the area.

### Neighbouring Amenity

Development will block light and overlook the front bedrooms of 193 Manor Road. Would ruin view from Long Green and make area feel claustrophobic.

### Green Belt

If the proposal is accepted it would set a precedent for Green Belt developments and would encourage development proposals on adjacent land.

### Parking and Traffic

This part of Chigwell will not be able to cope with the extra traffic onto an already busy road. Existing illegal parking in the area has caused incidents where vehicles (including an ambulance on an emergency call) have found their progress blocked by cars.

### Nearby Listed Buildings

The construction may affect nearby listed buildings. The development would dominate the row of listed cottages opposite.

### Drainage and Flooding

For many years local residents have had problems with sewerage and surface water. The drains have only recently been widened to alleviate the problem. The proposed development could potentially cause these problems to return.

### Other Matters

Developing more housing stock and more vehicle parking will increase the risk of crime. Problems for school/health services. Loss of employment when the garden centre closes. Empty flats in Long Green complex and already approved plan for more flat further up road, so why build more on Green Belt Land. Disturbance to privacy of visitors to cemetery next to proposed development. Inadequate public transport.

The following representations have also been made:

CHIGWELL PARISH COUNCIL. Support. The Council SUPPORTS this application and it would like to see priority for the affordable housing to be given to people with a connection to Chigwell.

LAKEHOUSE CONTRACTS LTD. Objection. Have an interest in the adjacent site. The site boundary infringes on land where we have a legal interest. If the west boundary were reduced to its correct position the distance between the facing blocks would be just 13 metres and not the required minimum 18m. The density of the development is over 100 dwellings to the hectare, unacceptably above that of this neighbourhood and quite out of keeping. The development provides for dwellings within 3 metres of the boundary with habitable rooms overlooking the adjoining land. This blights the adjoining land and endangers the aspect from rooms within the

scheme. The provision of amenity space is poor and inadequate given the likely number of children occupying the development. Our affordable housing partner advises that there is no pressing need for flatted developments on land that may better provide a high percentage of family houses, in keeping with the area and for which there is a demonstrable need in Epping Forest. No environmental or ecological survey has been presented in relation to the land along the Froghall Lane boundary. Details of noise and vibration attenuation should be included with the application. The main highway junction with Manor Road is as unsatisfactory as previous designs as is the turning head within the development which is clearly unsuitable for refuse, emergency or trade vehicles. The positioning of the junction is also dangerous.

MRS L MILES (Co-owner of the adjacent site). Objection. We already have an access from Manor Road. Another road so close would be madness and would cause all sorts of traffic problems. The site would block out natural light to our land, being so close.

SALLY STURRIDGE (Co-owner of the adjacent site). Objection. The land is not technically part of the garden centre. Over dense. Not enough green space. Road not large enough and in wrong position.

ESSEX AREA RAMBLERS. Objection. This is an entirely improper use of land in Green Belt surroundings.

ESSEX COUNTY COUNCIL SCHOOLS, CHILDREN & FAMILIES DIRECTORATE. No objection. Seek education/childcare contribution.

LONDON BOROUGH OF REDBRIDGE. Objection. The London Borough of Redbridge considers the details provided are not sufficient for it to fully visualise the scheme, particularly with respect to the impact of the proposal on the nearby listed buildings. Notwithstanding the lack of submitted information, Redbridge Council has significant concerns about design, bulk and scale and impact on the listed buildings. Manor Road has a variable character, but existing buildings face and address the road, even when set back, as in the case of the listed buildings. Conversely, buildings on the application site all face sideways, including those that front the road. They could be double fronted. The development does not appear to attempt to address Manor Road. From a conservation perspective, Redbridge Council does not see any justification for the proposal rising to three storeys to the rear of this site and consider that the additional bulk is potentially harmful and unmitigated, harming the visual amenities of the area and the setting of the listed terrace. The proposed buildings would also present a relatively massive wall of development adjacent to the rural aspects of this site. The design of the buildings does not appear to draw from the rural character and the informal domestic, rural/suburban character of this specific location. The site itself, being low lying and single storey, currently relates more closely to the agricultural/rural character of the adjoining field, yet no reference is made to that character and setting. The London Borough of Redbridge therefore considers that based on the material submitted with the application, that the applicant has failed to demonstrate that residential development can be accommodated on this site and both preserve the setting of the listed buildings and protect the open character of this greenbelt site.

### **Issues and Considerations:**

The main issues in this case are:

- The acceptability of the proposed development within the green belt;
- The impact of the proposed development on the amenities of the occupiers of neighbouring dwellings;
- The design of the development;
- The impact of the development on the character and appearance of the area;
- Impacts on nearby listed buildings;

The proposed highways and parking arrangements;  
The proposed provision of affordable housing;  
The level of amenity of the proposed dwellings; and  
The sustainability of the proposed development.

### Acceptability of the Development within the Green Belt

The site is located within the Metropolitan Green Belt, where new residential development is considered to be inappropriate. In this instance, the applicant has put forward a case explaining why they consider that there are very special circumstances which justify this development within the Green Belt. It is proposed that 80% of the proposed 21 units on the site would be provided as affordable housing. The Design and Access Statement contends that '*redevelopment as proposed would make more efficient use of this strategically positioned site and provide a high proportion of quality low cost housing in a sustainable location without any obvious amenity drawbacks*'.

The application site is located on the edge of the urban area. The site is well served by transport infrastructure, not least by Grange Hill Underground Station. Notwithstanding this, the site is located within the Metropolitan Green Belt and as a result residential development would be inappropriate. There have, however, been other cases within the District where it has been accepted that the provision of affordable housing may justify very special circumstances for allowing a development within the Green Belt. However, in this case there appears to be very little justification put forward in support of this argument. There is no explanation within the planning document as to how the figure of 80% has been reached, for example there is no financial appraisal detailing the costings of the development. In the absence of this information, it is considered that the applicant has failed to demonstrate their case for very special circumstances.

Furthermore, policy GB7A of the Local Plan states that the Council will refuse planning permission for development conspicuous from within or beyond the green belt which would have an excessive adverse impact upon the openness, rural character or visual amenities of the green belt. It is considered that the proposed development, by virtue of its density would be detrimental to the open character of the green belt, contrary to this policy.

### Neighbouring Amenity

Due to the distance that would separate the proposed development from the nearest residential properties (it is in excess of 25 metres from the site to the dwellings on the opposite side of Manor Road adjacent to the Underground station) it is not considered that there would be a material loss of amenity. The row of listed cottages in Manor Road have their main areas of amenity space located to the front. However, the development would be located approximately 22 metres from these gardens and due to this relationship and the length of the gardens it is not considered that there would be a material loss of privacy.

### Design

The proposed development would be two storeys in height along the part of the site fronting onto Manor Road, rising to three storeys (with second floor accommodation being partly within the roof space) at the rear of the site. The development would comprise 4 blocks with an access road running between. Ramp access would be provided to an underground car park. Whilst it is considered that buildings not exceeding two storeys along the Manor Road frontage may be appropriate, the buildings proposed have considerably steeper roof pitches than the blocks to the rear of the site and as a result there would only be one metre difference in the height of the blocks. It is considered that the design of the development would be enhanced by the use of the same roof pitch throughout. Furthermore, it is considered that there is scope to reduce the height of the development at the front of the site.



The design of the development has incorporated varying heights and building projections to add interest to the key elevations. It is considered that the design of this scheme is significantly improved in relation to the scheme which was refused planning permission earlier this year. Notwithstanding this, it is considered that there are elements of the design which could be improved further still. In particular, the use of cat slide roofs on the elevations facing Manor Road and Froghall Lane does not appear to integrate well with the remainder of the elevations, the lift tower which also serves to link the blocks could be more subservient in relation to the main blocks, thereby reducing the bulk and impact of the development, the elevations fronting onto Manor Road could contain more windows to better integrate the development into the street scene, the covered walkway extending along Block 1 on the elevation fronting the courtyard could be removed or better designed so that it would have a less functional appearance and the pitches of the main roofs of the development could be more uniform as discussed above. Furthermore, the pitch of the projecting section on the elevation of Block 1 facing towards the cemetery should match that of the main roof.

### Impact on the Character and Appearance of the area

Further to issues relating to the detailed design of the proposed development, it is considered that the development proposed would be an overdevelopment of the site. The density is only accommodated by the site because the car parking would all be below ground level and the proposed level of amenity space is at the minimum level that might be considered as acceptable. Having regard to Government advice, it is considered that such a dense development might be acceptable in another context. However, in this instance, bearing in mind the Green Belt location of the site and the semi-rural character of the surroundings of the site, it is considered that the density is excessive. A development of lower density would provide a softer edge to the surrounding countryside and would be more in keeping with the character of surrounding development. It is considered that the proposed development would be at odds with the character and appearance of the surrounding area, which, in the immediate vicinity of the site, is characterised by fairly low density development and views across open space.

Within the Design and Access Statement submitted with the planning application, the applicant states that this proposed development would help the Council to meet its housing and affordable housing targets. Government advice clearly directs a need to meet these targets and strong emphasis is placed upon the need for the efficient and effective use of land to achieve this. PPS3 states '*more intensive development is not always appropriate. However, when well designed and built in the right location, it can enhance the character and quality of an area. Successful intensification need not mean high rise development or low quality accommodation with inappropriate space. Similarly, in Conservation Areas and other local areas of special character where, if proper attention is paid to achieving good design, new development opportunities can be taken without adverse impacts on their character and appearance*'. It is considered that if a case were submitted upon which the development of this site could be considered to be justified as an exception to normal Green Belt policies of restraint, a much higher standard of design should be required in accordance with the above advice.

### Impact on Nearby Listed Buildings

The row of listed cottages are located on the opposite site of Manor Road and are set back from the public highway. Their location on the other side of the street visually divorces them from the site and as a result it is not considered that the proposed development would be detrimental to their setting. Notwithstanding this, comments have been received from London Borough of Redbridge stating that they have significant concerns about design, bulk and scale and impact on the listed buildings, they consider that the three storey element at the rear of the site is potentially harmful and unmitigated, harming the visual amenities of the area and the setting of the listed terrace.

### Highways and Parking

Essex County Council Highways have advised that the proposed access arrangements are satisfactory, subject to the imposition of planning conditions. The County Council would seek a contribution of £11,000 towards improvements and upgrades to the bus stops (to include raised kerbs, posts, timetables etc) and the lighting (5 new lanterns) in the vicinity of the site.

The application proposes 28 car parking spaces (25 in an underground car park and 3 surface spaces for use by visitors). The level of car parking proposed is in accordance with the Council's present standards. However, it is considered that the scheme would benefit from some additional cycle parking.

### Affordable Housing

The Council seeks affordable housing provision of 40% on residential developments comprising 15 or more dwellings. This application proposes to provide 80% affordable housing (all social-rented), to justify allowing this development to take place within the Metropolitan Green Belt. However, the application is not accompanied by a Financial Appraisal and there does not appear to be any justification contained within the submitted documents to explain how the figure of 80% has been reached. This gives rise to two concerns with the development. Firstly, if the development can be justified by the provision of affordable housing, could a higher number of the units be provided as affordable housing without making the scheme unviable? If a higher number of the units could be made affordable, this should be the case. Conversely, and bearing in mind the current economic climate and costly elements of the design such as the creation of an underground car park, is the scheme actually viable at present? If not, there is a risk that the affordable housing may be later found to be undeliverable.

Policy GB16 of the Local Plan deals specifically with affordable housing on green belt sites. This policy states that planning permission may be granted for small scale affordable housing schemes within the smaller settlements as an exception to the normal policy of restraint. However, this policy is subject to a number of criteria. At criterion (i) it is stated that it is expected that an application would be supported by a proper appraisal of need. At criterion (ii) it is stated that there should be no significant grounds for objection on highways, infrastructure or other planning grounds. Whilst it is not considered that the location of the site is within a smaller settlement, it is considered that the principles of the policy are still relevant.

There has been no appraisal of need submitted with the planning application, contrary to the expectations of policy GB16. Furthermore, it is considered that there are planning grounds for objection to this planning application. Particularly relating to its design, its density and the lack of space within the site.

### Amenity of Proposed Dwellings

Private amenity space would be provided in several locations around the site, although most would be contained within two areas located to the front of Block 1. In addition to the strips of land (approximately 2 metres in width) around the buildings, a total area of approximately 446 square metres is proposed to be provided as amenity space. Policy DBE8 of the Local Plan suggests that private amenity space should usually be provided at the rear of dwellings; directly adjacent to and accessible from the buildings; of a size and shape which enables reasonable use; and of an aspect that would receive sunlight throughout the year. Most of the amenity space is not located to the rear of dwellings. However, as this is a flatted development and the amenity space would be communal, it is not considered that this would be harmful. The proposed amenity space is directly adjacent to and accessible from the buildings, is generally of a size and space that would enable reasonable use and whilst it would receive limited sunlight in the morning, it would receive sunlight throughout late morning, afternoon and early evening. Accordingly, it is considered that

this application generally complies with the criteria set out in policy DBE8. Furthermore, the supporting text to policy DBE8 suggests that a minimum of 25 square metres of private amenity space could be provided per flat. This would result in a minimum requirement of 525 square metres in this case. Accordingly, there would be a shortfall in provision of approximately 4 square metres per flat below the recommended minimum. However, the Local Plan states that this standard may be relaxed in certain circumstances, including where the housing is affordable and the amount of land available is likely to be at a premium. Furthermore, policy DBE8 is contained in the 1998 Local Plan and due to the age of this policy, more weighting may be applied to Government advice contained within PPS3 as a material planning consideration. PPS3 places considerable emphasis on making efficient and effective use of land. Accordingly, it is considered that the proposed level of amenity space would be satisfactory.

### Sustainability

Policies within the 'Core Policies' chapter of the Local Plan seek to achieve sustainable development. Policy CP2 (ii) seeks to protect the quality of the rural and built environment by enhancing and managing land in the Metropolitan Green Belt and urban fringe. It is considered that accepting inappropriate development within the green belt would be contrary to this policy. Policies CP4 and CP5 seek development designed to conserve energy and to incorporate renewable energy schemes. The submitted plans and the Design and Access Statement make very limited and vague references to how this will be incorporated into the scheme. Furthermore, in order for the affordable homes to be taken on by a Registered Social Landlord they would need to meet the funding requirements of the Homes and Communities Agency. In particular they would need to achieve Level Three of the Government Code for Sustainable Homes. No information has been provided to confirm that these standards have been met. If they have not, then aside from the issues arising in respect of the lack of compliance with the Council's sustainability policies, it may be the case that the proposed affordable housing is undeliverable.

The location of the proposed development in such close proximity to an Underground station would be in accordance with policy CP3, although it is considered that the amount of cycle storage (less than the area of one car parking space) is insufficient for 25 flats and would, therefore be contrary to policy CP5 (i).

### Other Matters

#### *Landscaping*

This planning application is not supported by a landscaping scheme, although some indicative landscaping is shown on the submitted plans. It is unclear whether the indicative landscaping suggests the planting of trees or shrubs. There are constraints on the site (for example the close proximity of buildings to site boundaries and the provision of the underground car park which would have a shallow soil depth above) which may mean that there are limitations to the amount and type of landscaping which may be provided. Notwithstanding this, some site landscaping may be secured by planning condition, if permission is granted.

#### *Waste and Recycling*

The Council's Waste Management Service advise that this development would generate a requirement for 4 refuse bins, 4 recycling bins and 1 glass bin. The storage of these bins would require an area of at least 7 x 4 metres. The application proposes three bin stores at ground level (2.7 x 2.3m, 2.6 x 2.3 m and 2.6 x 1.6m) and one recycling store (3.6 x 2.5) in the underground car park. This does not provide sufficient area for the storage requirements. Furthermore, the storage of the recyclable waste in the underground car park is impractical as waste collection contractors would not retrieve it from below ground level. It is also impractical to expect the contractors to collect the refuse from three different locations. It is considered that a single bin store providing

adequate space for the storage requirements of the site should be provided. In addition, there does not appear to be sufficient space within the site to enable a refuse collection vehicle to turn around in order to egress in forward gear.

#### *Loss of Employment Site*

Policy E4A of the Local Plan safeguards employment sites from redevelopment to other uses, unless a number of criteria are satisfied. The applicant considers that there would be no loss of employment, as the application site relates to the garden centre car park and the garden centre itself would remain. However, the site does include land currently used as garden centre and additionally this does not address any other criteria listed in policy E4A and it is considered that if the site is no longer required for its existing employment use then its use for other employment generating uses should be considered prior to it being used for residential development.

#### *Fire Brigade Access*

The site layout appears to fail to comply with the Fire Brigade's access requirements as set out in the Building Regulations (Approved Document B; Section 11) as the distance between the closest access point for the Fire Brigade (20 metres from the Highway without a turning area being available) would not be within 45 metres of the whole of the building. However, planning case law suggests that because there is other legislation available to control this matter (i.e. The Building Regulations) this is not considered to be a material planning consideration. This does, however, further suggest that the scheme in its proposed form is undeliverable.

#### *Education*

ECC have advised that if planning permission is granted they would seek a contribution of £9,246 towards Early Years and Childcare provision in the locality and £35,072 towards secondary education provision. Due to a surplus of primary school places in the locality they would not seek a contribution towards primary education.

#### *Land Ownership*

Despite the reduction in the size of the site following the previous application, the owners of the adjacent site have advised they have an ownership interest in part of the site. It is not for the Council, as local planning authority, to become involved with this ownership dispute. However, the applicants have been advised that if they need to enter into a legal agreement as a result of any planning permission which may be granted on the site, they will be required to prove ownership at that time.

#### *Protected Species*

An objector to the scheme has suggested that slowworms might be present on the site. Accordingly, if planning permission is granted a planning condition may be necessary to ensure that if this protected species is present on the site, they are removed prior to the commencement of the development.

### **Conclusion**

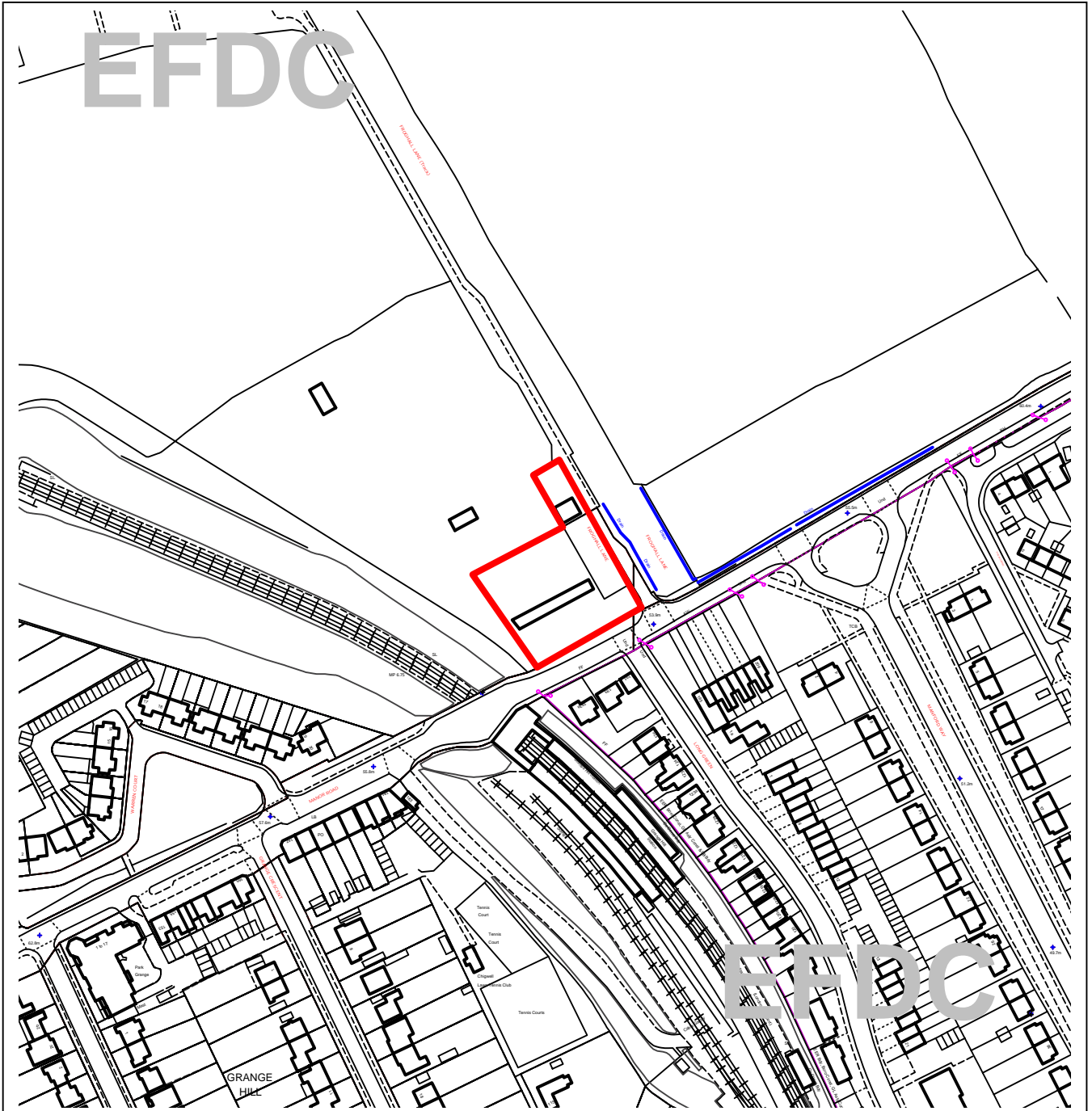
In light of the above appraisal and after full consideration of all material planning conditions, it is considered that the proposed development would be unacceptable. In particular, the design and density of the scheme are considered to be unsatisfactory, no justification has been provided for the affordable housing provision, the development would result in the loss of an existing employment site, the provision of storage for refuse is considered to be unsatisfactory and the development does not comply with the Council's sustainability policies. Fundamentally, the

application site is located within the Metropolitan Green Belt, where the development is considered to be inappropriate and it is considered that the applicant has failed to demonstrate a case for very special circumstances to justify the proposed development. Accordingly, it is recommended that planning permission be refused.



# Epping Forest District Council

## Area Planning Sub-Committee South



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Agenda Item Number:	2
Application Number:	EPF/1071/09
Site Name:	Garden Centre, 212, Manor Road Chigwell, IG7 4JX
Scale of Plot:	1/2500