

**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**

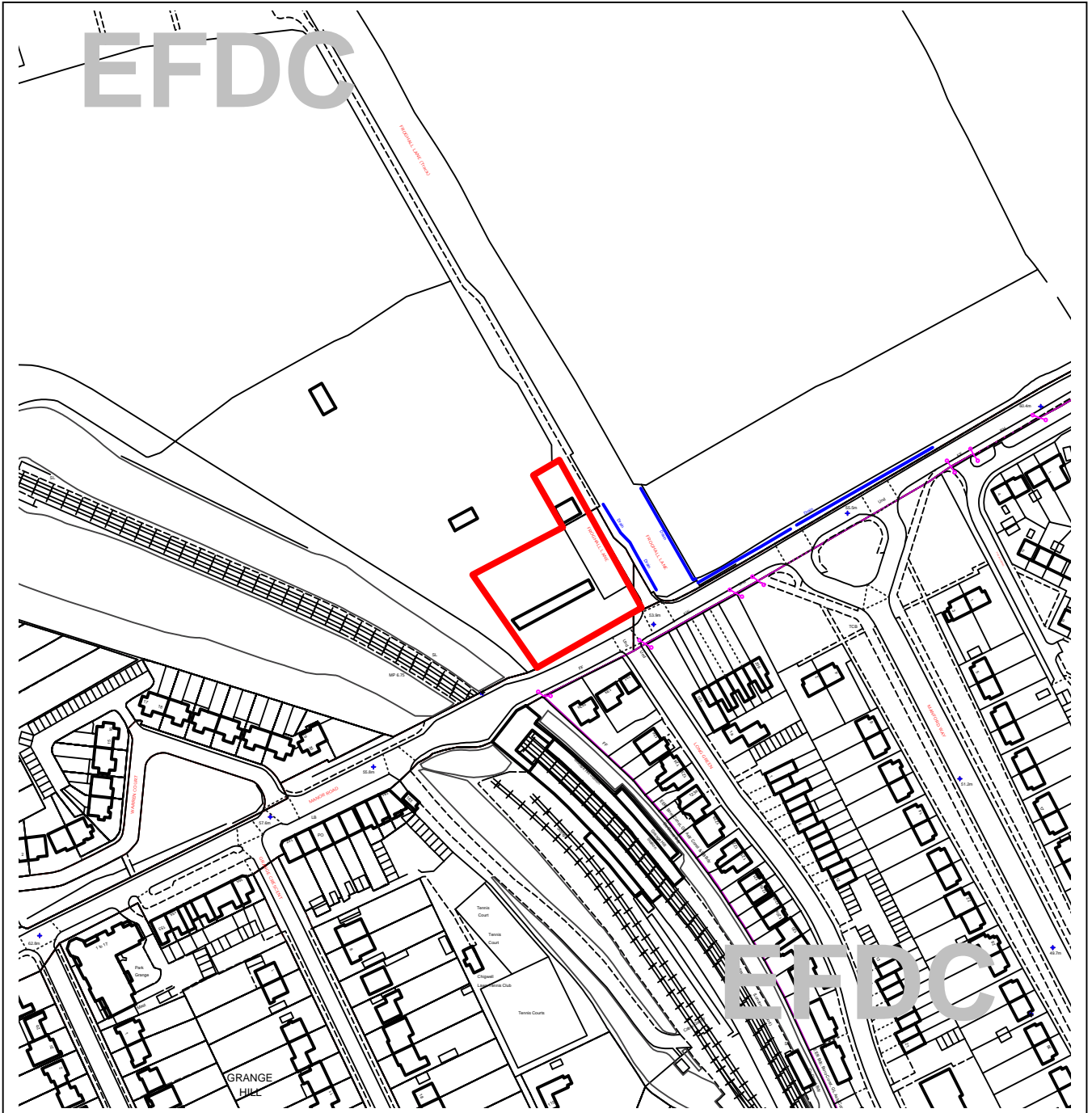
In light of the above appraisal and after full consideration of all material planning conditions, it is considered that the proposed development would be unacceptable. In particular, the design and density of the scheme are considered to be unsatisfactory, no justification has been provided for the affordable 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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Application Number:	EPF/1071/09
Site Name:	Garden Centre, 212, Manor Road Chigwell, IG7 4JX
Scale of Plot:	1/2500