

Appendix 1
Extract from Area Planning Subcommittee South 26 May 2010

APPLICATION No:	EPF/2361/09
SITE ADDRESS:	Garden Centre 212, Manor Road Chigwell Essex IG7 4JX
PARISH:	Chigwell
WARD:	Grange Hill
APPLICANT:	Mr John Capper
DESCRIPTION OF PROPOSAL:	Redevelopment of land formerly in use as a garden centre to provide 21 flats 80% of which will be affordable housing. (Revised application)
RECOMMENDED DECISION:	Refuse Permission

REASON FOR REFUSAL

- 1 The proposed development, is inappropriate in the Metropolitan Green Belt and therefore, by definition, harmful to it. No very special circumstances that outweigh that harm and other harm have been demonstrated. Moreover, by reason of its height, bulk, massing and density the development would be detrimental to the semi-rural setting of the site and would cause considerable harm to the open character and visual amenities of the Metropolitan Green Belt. The development is, therefore, contrary to policies ENV7 of the East of England Plan and DBE1, GB2A and GB7A of the Adopted Local Plan and Alterations.

- 2 The proposed buildings due to their detailed design, in particular the varying roof pitches within the development would fail to respect their setting, contrary to policies ENV7 of the East of England Plan and DBE1 of the Adopted Local Plans and Alterations.

This application is before this Committee since the recommendation conflicts with a previous resolution of this Committee (Pursuant to Section P4, Schedule A (i) of the Council's Delegated Functions).

Description of Proposal:

This application seeks planning permission for a residential development comprising 21 flats (6 x 1 bed and 15 x 2 bed). It is proposed that 17 of the flats (in excess of 80%) would be delivered through a Registered Social Landlord as affordable housing. The tenure of the affordable housing will be negotiated with the Council's Housing Directorate. The remaining 4 units will be available for private ownership. The accommodation would be provided in four separate blocks, with the

buildings along the Manor Road frontage of the site being two storeys in height and the development to the rear of the site rising to three storeys. Access into the site would be via the proposed access road leading into an adjacent development site (for which the District Development Control Committee has resolved to grant planning permission subject to the completion of a Section 106 agreement). The application proposes a 21 space underground car park with additional cycle/motorcycle storage, with an additional four visitor car parking spaces being provided at surface level. Useable amenity space would be in the centre of the site enclosed by the blocks and the access to the underground car park. It would also be provided in the form of balconies and terraces. A total of 474m² of absolute space would be provided, of which 120 would be balconies and terraces. The proposed development would have hipped, concrete tiled roofs and a range of elevational finishes including brickwork, rendered blockwork and timber cladding.

Description of Site:

The application site is situated on the north-west side of Manor Road opposite Grange Hill Underground Station. It is situated within the Metropolitan Green Belt and 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 to the front. There is an electricity sub station at 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 comprises an area of approximately 0.23 hectare which falls within the applicant's ownership and a section of land within the adjacent site (outside of the applicant's ownership) upon which part of the access road is proposed.

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.

EPF/1071/09. Redevelopment of land formerly in use as a garden centre to provide 21 flats, 80% of which will be affordable housing. (Revised application). Refused by the District Development Control Committee (06/10/09) for the following reasons:

- 1. The proposed new vehicular access onto Manor Road, would, given the existing vehicular accesses either side, be a hazard to vehicles emerging from and entering the site, as well as a hazard to the free-flow of traffic and users of this road, such that it would be detrimental to highway and pedestrian safety, contrary to policy ST4 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 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.*

Adjacent Site

EPF/1399/09. Outline planning application for 69 residential units (54 affordable), public open space and a community facility (D1 Use) with all matters reserved except access. Pending consideration...

The above application has a resolution that the Council will grant planning permission subject to the completion of a legal agreement – which is presently under negotiation. Following the resolution of the District Development Control Committee to grant permission, the application was referred to the Government Office for the East of England. The Secretary of State has considered that the application may be determined by the District Council.

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
 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
E4B – Alternative Uses for Employment Sites

Public Consultation:

Notification of this planning application has been sent to Chigwell Parish Council, London Borough of Redbridge and to 36 neighbouring properties.

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:

CHIGWELL PARISH COUNCIL: No objection.

Objections from the following residential properties have been received:

195, 199, 201 Manor Road
21, 31, 48, 84 Grange Crescent
1a Long Green
29 Millwell Crescent
25 Warren Court, Manor Road

The objections have been submitted on the following grounds:

Character and Appearance - The open space which forms part of Jennikings Garden Centre is integral to the semi-rural character of this area. The estate at the top of Manford Way cannot be regarded as high density. 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. The frontage of the development does not take into account the character of the street scene, which is characterised by significant set backs from the road. 21 flats on this small piece of land is wrong – nice small houses would be a better solution. This is not a suitable location for flats and would bring down the tone of the area which is currently a quiet, family orientated, idyllic community.

Green Belt - This should not be considered as a “redevelopment” – this is Green Belt Land that has not been previously developed. The bulk of the site is not used as a garden centre - it is a car park. Application does not comply with policy GB16 of the Local Plan. The area adjacent to the railway line marks the edge of the open countryside and once this line is breached there will be no other defensive line to hold.

Parking and Traffic - This part of Chigwell will not be able to cope with the extra traffic onto an already busy road. Insufficient car parking for flats which are likely to have 2 cars each. 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. Number of parking spaces has been reduced from the previous application.

Sustainability - The bus service has been 'talked up'. There are effectively just two southbound bus routes and none serving destinations to the north, east or west. The nearest proper shopping facility is in Hainault. We are not aware that the site is close to school and healthcare facilities within Epping Forest District.

Nearby Listed Buildings - The construction may affect nearby listed buildings. The development would overwhelm the row of listed cottages opposite, causing harm to their setting.

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. Sewage system will need upgrading.

Other Matters - The garden centre use is existing, not 'former' as described by the applicant; the area of land should be kept in case an extension to the cemetery is needed; potential for property values to decrease; potential increase in crime and anti-social behaviour. Including loud parties, vandalism, fast food litter and loitering.

Other representations have been received from the following parties:

MRS L MILES (Co-owner of the adjacent site): Objection.

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

LONDON BOROUGH OF REDBRIDGE: Objection. The properties at 195-209 Manor Road, located to the south of the application site and within the London Borough of Redbridge are Grade II Listed properties. Paragraph 2.17 of PPG15 states that: "Where a listed building forms an important visual element in a street, it would probably be right to regard any development in the street as being within the setting of the building. A proposed high or bulky building might also affect the setting of a listed building some distance away, or alter views of a historic skyline." The listed buildings are opposite the application site. It is considered that the application site forms an integral part of the setting of the listed buildings. It is noted that the listed buildings are sunk relative to the road and that their current setting is open fields and a low lying set back single storey garden centre. Manor Road has a variable character, but existing buildings face and address the road, even when set back in the case of the listed buildings. Conversely one of the proposed blocks facing Manor Road faces sideways. From a conservation perspective, the London Borough of Redbridge does not see any justification for the proposal rising to three storeys to the rear of the 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 significant wall of development adjacent to the rural aspects of the site, notably the wildflower slopes of the railway to the west, and the discrete lane, country path and pastures to the east. It is noted that there are some flats further along Manor Road to the west of the railway line. However, the area adjacent to and east of the railway line marks the edge of the open countryside defined by Manor Road to the south. The adjoining residential areas to the south and west are of low-density character. The scheme does not relate well to the existing character and settlement pattern of the area described above. The development would intrude substantially into an area of open character, notwithstanding the presence of the nursery. It would detract from the sense of openness in this part of Manor Road. National Government guidance in PPG2 on Green Belts states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. It is not considered that the openness of the green belt is being maintained by the proposal for the reasons stated above. Furthermore, 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. Therefore, the proposal is considered to prejudice the visual amenity of the green belt which is contrary to section 3.15 of PPG2 which states “The visual amenities of Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.” Whilst it is noted that this site is previously developed and that Epping Forest DC allows development of affordable housing on Green Belt land under policy GB16 of its Local Plan. The policy sets out a number of criteria that should be satisfied before development can be deemed acceptable. Redbridge has concerns that three of the six criteria have not been adequately met namely that any scheme should be “well related to the existing settlement,” “not have a detrimental impact on the character of the locality,” and “isolated pockets of development should be avoided.”

Issues and Considerations:

The main issues in this case are:

1. the acceptability of the proposed development within the Green Belt;
2. the loss of the site as employment land;
3. the impact of the proposed development on the amenities of the occupiers of neighbouring dwellings;
4. the design of the development;
5. the impact of the development on the character and appearance of the area;
6. impact on nearby listed buildings;
7. the proposed highway and parking arrangements;
8. the proposed provision of affordable housing;
9. the level of amenity of the proposed dwellings; and
10. 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 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. Such development is, by definition, harmful and can only be allowed where very special circumstances that outweigh the harm caused by reason of inappropriateness and any other harm caused by the development are demonstrated. Such circumstances must be unique and not readily capable of being applicable to any other site in the Green Belt.

There have, however, been other cases within the District where it has been accepted that the provision of affordable housing may contribute towards a case of very special circumstances for allowing a development within the Green Belt. Such cases require a very careful and balanced assessment of the weight to be attached to the special circumstances and the weight to be attached to the harm to the Green Belt.

In this instance, the harm to the Green Belt extends beyond that of inappropriateness. The density of the development in terms of both its footprint and height would cause considerable harm to the

open character of the Green Belt, contrary to policy GB2A of the Local Plan. Furthermore, policy GB7A of the Local Plan states that the Council will refuse planning permission for development which would be 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. The proposed development, by reason of its height, bulk, massing and density would be detrimental to the open character of the Green Belt, contrary to this policy. For the same reasons, it would be harmful to the rural character of the locality and especially harmful to the visual amenities of the Green Belt.

The development is also of poor design that would detract from the character and appearance of the locality in general. These objections are discussed further below. The very special circumstances proposed by the applicant are:

1. The development would contribute towards making up a shortfall in affordable housing in the locality.
2. The development would secure a financial contribution of £40,000 towards the re-opening of a Post Office in the locality.
3. The site is previously developed land.
4. The site is in a sustainable location for residential development.
5. The development would improve the appearance of the site.
6. The situation of the site is such that there are no long views of it.
7. Land beyond the site will continue to remain open.

The Officer's comments on these seven points are as follows:

The proposal would provide 17 affordable flats by way of a contribution towards meeting the District's need for affordable housing. No social housing provider has expressed an interest in the proposal and the design of the development with an underground car park may affect the viability of the flats as social housing. This has not been addressed in the proposal. Moreover, while the site is in a sustainable location, the need for social housing is a District wide need that is not related to any particular site. A case that a proposed residential development contributes to meeting the need for social housing can be made in relation to any site within the Metropolitan Green Belt.

Although the site is previously developed, it is open and planning policy for Green Belts makes it clear that their purpose is to ensure land within the Green Belt is permanently kept open. The condition of the land is not relevant to the inclusion of the land in the Metropolitan Green Belt.

The condition of the land and whether the development would improve its appearance and its visibility cannot amount to very special circumstances.

It is accepted that the proposed development of this site 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. The re-opening of the Post Office would be of benefit to the wider community, in addition to the future occupiers of the proposed development. However, in recent years there have been a number of Post Office closures and accordingly, a financial contribution towards an off-site post office facility cannot be considered as a very special circumstance.

Although not raised by the applicant, there is a potential argument that the resolution to grant outline planning permission on a much larger area to the north and west of the site amounts to a very special circumstance. This is clearly a material consideration. However, until such time that

a planning permission is actually issued, the weight that should be given to that decision must be limited. In these circumstances, this cannot be regarded as a very special circumstance. With regard to the planning application for the adjacent site, following referral to the Secretary of State and negotiations with regard to the provisions of the Section 106 legal agreement, a draft agreement was sent to the applicant on 17th March 2010. At the time of writing this report, no formal response has been received from the applicant's solicitors. Under these circumstances, it would be premature to attach any considerable weight to this matter, at this time.

In the Planning Officer's view, the identified harm to the Green Belt is not outweighed by the benefits of the special circumstances. It is considered that for the development to be acceptable the harm to the Green Belt would need to be considerably reduced. It is suggested that this could be achieved by a reduction to the height (particularly towards the front of the site) and mass of the proposed development.

Loss of Employment Land

Policy E4A of the Local Plan safeguards employment sites from redevelopment to other uses, unless a number of criteria are satisfied. In this instance, having regard to the resolution to grant planning permission at the adjacent site (the main area of the garden centre) it is not considered that the refusal of planning permission on this basis would be justified. Policy E4B of the Local Plan relates to alternative uses for employment sites and favours uses which fulfil community needs prior to open market residential use. The policy recognises affordable housing as being an appropriate community need. Furthermore, a community need has recently been identified for the re-opening of the former Post Office in Manor Road. This application proposes 80% affordable housing and the applicant has also confirmed that they would be willing to enter into a legal agreement to provide a contribution towards the cost of re-opening the Post Office and also towards its running costs for the first three years. It is anticipated that this contribution would be in the region of £40,000, payable over a three year period. Having regard to this package of community benefits, the loss of the employment use is justified in this instance.

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) there would not 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 there would not be a material loss of privacy.

The proposal indicates side windows in the rearmost block (within the northern section of the site), which would face into the neighbouring site. The applicant has submitted revised plans which indicate that these windows would be obscure glazed. As these windows would all be secondary windows to living/dining rooms, a condition requiring that they are obscure glazed would meet all the tests set out in Circular 11/95.

The awkward shape of the site results in similar problems with the front/rear of this rear block. As they occupy most of the width of this part of the site, the flats are heavily reliant on the open aspect of land outside the applicants control for their natural light and outlook. At the rear (east), the blocks face onto Froghall Lane. To the front (west) they would again face into the neighbouring site, with a separation distance of approximately 2.5 metres to the site boundary (the stairwell would abut the boundary). Following an amendment to the submitted plans, the internal layout of this block has been altered, so that all the windows facing west onto the adjacent site would be non-habitable. Accordingly, these may also be conditioned to be obscure glazed, to mitigate any harm to the future occupiers of either this or the neighbouring site.

Design

The design of the development, to some extent, is improved in relation to that which was the subject of the previous application. The buildings on the Manor Road frontage would have an improved relationship with the street scene than on the previous scheme, as they would create a better defined frontage and contain more elevational detailing and fenestration.

However, there is significant scope for the design of the development to be improved further by reducing its height and bulk. This could be achieved in part by lowering the roof pitch of the blocks at the front of the site to match those behind, which would reduce the height of these blocks by up to one metre. The design would benefit from the regularisation of all roof pitches within the development, including on the projecting gable sections.

Alterations to the roof pitches (as discussed above) have been suggested to the applicant's agent. In response, the agent has commented that they have been deliberately pitched in a way to reduce the height differential between the three storey blocks to the rear of the site and the two storey blocks. The agent states that this will reduce the dominance of the blocks to the rear on the street scene.

However, the Planning Officer's opinion is that rather than reduce the dominance of the rear blocks, this element of the design actually increases the dominance of the front blocks.

Overall, it is considered that the design is unacceptable, due to the density and scale of the development proposed and due to the varying roof pitches.

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 mainly 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, 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, 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. 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 higher standard of design should be required in accordance with the above advice.

Impact on Nearby Listed Buildings

The row of listed cottages is located on the opposite side of Manor Road and is 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 the proposed development would not be detrimental to their setting.

Notwithstanding this assessment, 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. In particular, London Borough of Redbridge considers that the three storey element at the rear of the site is potentially harmful and unmitigated, to the detriment of the visual amenities of the area and the setting of the listed terrace.

Highways and Parking

The access to the proposed development would be via the proposed estate road into the adjacent site. This access has been agreed in principle on the outline planning application into the adjacent site. That application has a resolution from the District Development Control Committee for planning permission to be granted, subject to the completion of a Section 106 legal agreement.

That agreement is presently being negotiated. That application was referred to the Government Office (as a departure from the Local Plan) and the Secretary of State has allowed the Council to determine the application. This arrangement is, therefore, considered to be acceptable. However, as this development would be entirely reliant on the construction of this road for vehicular access, it will be necessary for a legal agreement to ensure that the development does not commence prior to the construction of the access road to an agreed standard, if permission is granted.

Bearing in mind the likely timeframe for this to happen (considering that the road does not yet have outline consent) it is considered that it will be necessary to grant consent for a period in excess of the standard 3 years to enable the required works to take place prior to commencement. A period of five years has been discussed with the applicant's agent, who considers this to be a reasonable approach to take.

The development would include a total of 25 car parking spaces; 21 within an underground car park (including two disabled access width bays) and 4 at surface level. Space for cycle and motorcycle storage is also provided within the underground car park.

The number of parking spaces falls below the Council's minimum standard, which for this scale of development would be 41 spaces. However, having regard to the location of the site close to an underground station and in close proximity to local services, it is considered that a reduction below the Council's normal standard is justified. Accordingly, the level of car parking proposed is considered to be acceptable.

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, to justify allowing this development to take place within the Metropolitan Green Belt. The proposal is supported by the Council's Housing section, which has confirmed that the number of applicants on the Housing Needs Register across the District now exceeds 5000. However, concern has been raised by the Council's Director of Housing regarding the viability of delivering the affordable housing, due to the expense of the proposed underground car park.

Amenity of Proposed Dwellings

The removal of the access road from the scheme following the previous refusal has enabled the provision of additional amenity space. Furthermore the nature of the amenity space is considerably improved due to it mainly being located in one large central area. Other smaller areas are provided, notably in the form of balconies and terraces associated with individual flats.

The amount of amenity space accords with Local Plan policy. Policy DBE8 of the Local Plan also 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. Having regard to the nature of the scheme the location of the amenity space is acceptable. 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 due to it being surrounded by buildings to the south, east and west, it is this layout which shields the area from public view. Accordingly, this application generally complies with the criteria set out in policy DBE8.

Sustainability

As discussed previously, the site is in a sustainable location, having good access to public transport services and local amenities. In the Design and Access Statement, the applicant advises that the use of extensive glazing to the individual apartments takes advantage of solar gain and natural light and will help to minimise energy use. Whilst it is envisaged that water efficient and energy saving systems will be incorporated within the build other methods of waste and rain water storage will be considered and installed where possible. The Statement also makes reference to the provision of cycle storage and recycling facilities.

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 leave a shallow soil depth above) which may mean 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.

The proposed development would clearly necessitate the removal of a substantial section of vegetation along the Froghall Lane boundary.

Waste and Recycling

The inadequate provision of storage for waste and recycling was identified as a reason for refusal for the previous scheme, which proposed three small bin stores located around the site. The location of the stores would have presented difficulties for refuse collectors. This revised scheme proposes a single refuse storage area (approximately 4.3 x 4.6 metres) located on the corner of the development at the closest point to the access road. This arrangement is acceptable and addresses the previous reason for refusal. Details of the layout of the bin store may be secured by planning condition.

Education

Essex County Council (ECC) has 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.

ECC have further advised with regard to secondary provision that the local school for this development would be West Hatch School and the 2008-2013 Essex School Organisation Plan (SOP) shows that there is currently a deficit in places at this school. A deficit will remain

throughout the SOP period and therefore additional places are required at the School. The proposed development will add to that need. Due to the position of the proposed development in relation to the M11 there are no suitable alternative secondary schools in Essex. The development falls within Grange Hill Ward and there are no available early years and childcare provision within the Ward.

There has been concern raised in respect of previous applications within this part of the District that the development site would be outside the catchment area for West Hatch School and as a result it is not necessary, or reasonable for the applicant to make a contribution on this basis. This is a matter which will require careful consideration, if it is determined that planning permission should be granted.

Protected Species

Having regard to surveys on the adjacent site, it is considered likely that there may be protected species present on the site (particularly within the vicinity of the Froghall Lane boundary). If planning permission is granted, planning conditions will be required to ensure the submission of an ecology survey and the implementation of any mitigation methods which the survey identifies as being necessary.

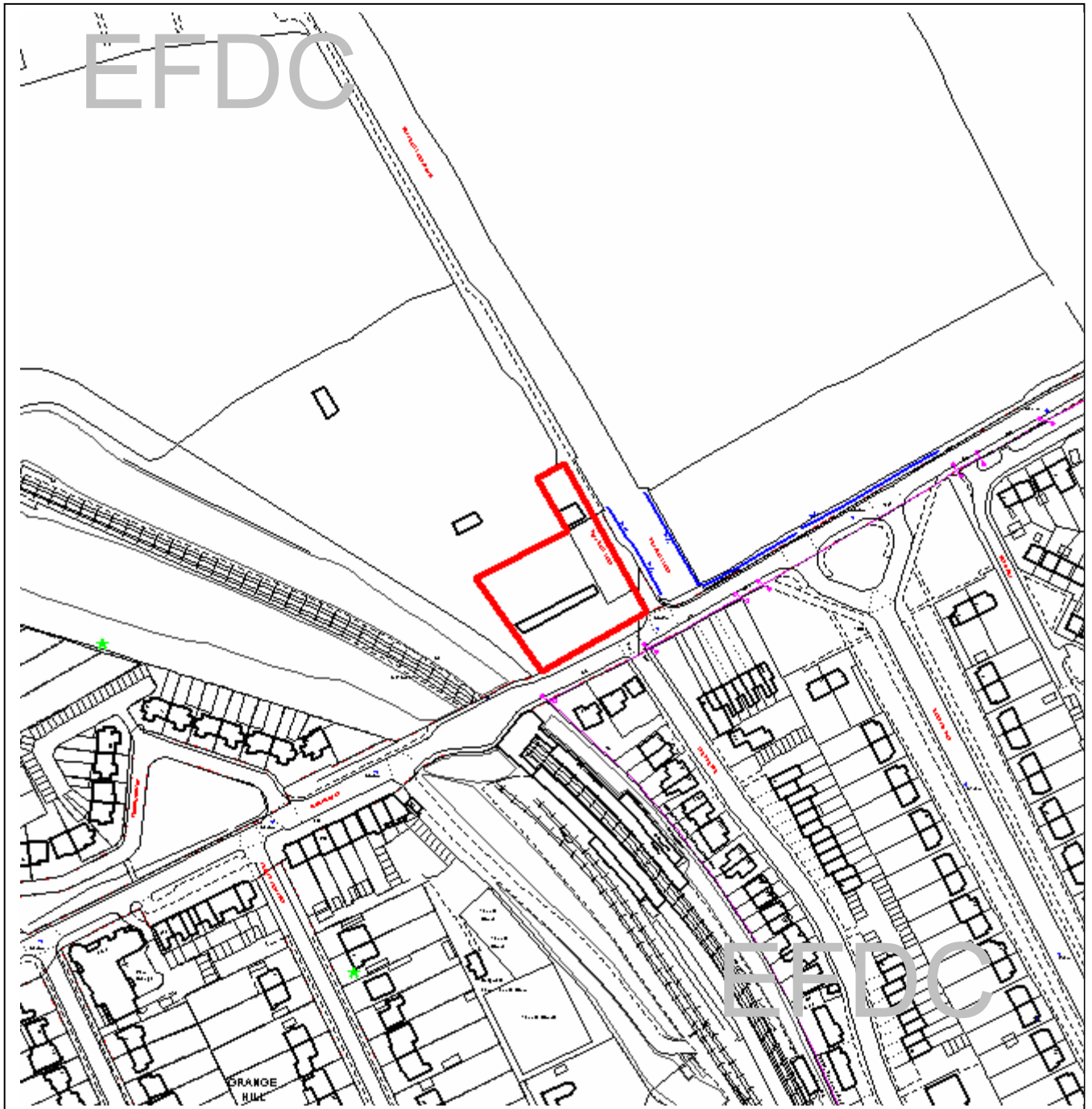
Conclusion

The scale and density of the development proposed is such that the level of harm to the open character and visual amenities of the Metropolitan Green Belt would be such that it would not be outweighed by the circumstances set out by the applicant, as while they amount to material considerations they are not of an order that could amount to very special circumstances. Furthermore despite improvements to this scheme following the previous refusal, the design is still not to an acceptable standard. In particular, it is considered that the varying roof pitches within the development (most notably the steepness of roof pitches adjacent to Manor Road and on the projecting section at the rear of the rearmost block facing) would be harmful to visual amenity. For these reasons, 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/2361/09

Site Name:

Garden Centre, 212, Manor Road
Chigwell, IG7 4JX

Scale of Plot:

1/2500