



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE WEST **Wednesday 12th July 2023**

You are invited to attend the next meeting of **Area Planning Sub-Committee West**, which will be held at:

Council Chamber, Civic Offices, High Street, Epping
on **Wednesday 12th July 2023 at 7.00 pm**

Georgina Blakemore
Chief Executive

**Democratic Services
Officer:**

Democratic Services Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors S Heather (Chairman), D Stocker (Vice-Chairman),
R Bassett, Green, H Kane, S Kane, J Lea, J Lucas, M Markham,
T Matthews, J Parsons, R Pugsley, C Whitbread and S Yerrell

PLEASE NOTE THAT THIS MEETING IS OPEN TO ALL MEMBERS TO ATTEND

This meeting will be broadcast live and recorded for repeated viewing.

1. WEBCASTING INTRODUCTION

This meeting is to be webcast and the Chairman will read the following announcement:

“I would like to remind everyone present that this hybrid meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or other such use by third parties).

Therefore, by participating in this meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If any public speakers on Microsoft Teams do not wish to have their image captured, they should ensure that their video setting throughout the meeting is turned off and set to audio only.

Please also be aware that if technical difficulties interrupt the meeting that cannot be overcome, I may need to adjourn the meeting.

Members are reminded to activate their microphones before speaking”.

2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 6)

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

To be announced at the meeting.

To report non-attendance before the meeting, please use the [Members Portal webpage](#) to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the [Council's website](#), at the bottom under 'Contact Us'.

4. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

5. MINUTES (Pages 7 - 8)

To confirm the minutes of the last meeting of the Sub-Committee held on 12 April 2023.

6. SITE VISITS

To identify and agree requirements for formal site visits to be held with regard to any planning application listed in this agenda, prior to consideration of the application.

7. EPF/0817/22 - LAND OFF HONEY LANE, WALTHAM ABBEY, EN9 3AY (Pages 9 - 20)

To consider the attached report on an application for a mixed use development, comprising of a 75 bed care home, doctor's surgery, dental surgery & 6 x no.affordable residential units.

8. EPF/2072/22 - LEABANK, MEADGATE AND HILLSIDE NURSERIES, SEDGE GREEN, ROYDON, HARLOW, CM19 5JS (Pages 21 - 34)

To consider the attached report on the change of use of the site from horticulture to a site for storage purposes (Use Class B8).

9. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, 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.

10. 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):

| Agenda Item No | Subject | Exempt Information Paragraph Number |
|-----------------------|----------------|--|
| 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.

Background Papers:

Article 17 - 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 and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

This page is intentionally left blank

Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans Sub-Committees

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. If you wish to observe meetings live you can [view the webcast](#) on the Council's website. Alternatively, you can attend in person and will be seated in the public gallery of the Council Chamber.

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 Committee.

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**, by telephoning the number shown on the front page of the agenda. You can register to speak at the meeting either virtually via MS Teams or in person at the Civic Offices. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Services. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are generally allowed: Only one objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

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 **3 minutes**. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

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

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee South or Area Plans Sub-Committee West you will either address the Committee from within the Council Chamber at the Civic Offices or will be admitted to the meeting virtually via MS Teams. Speakers must NOT forward the MS Teams invite to anyone else under any circumstances. If attending virtually, your representation may be supplied in advance of the meeting, so this can be read out by an officer on your behalf should there be a technical problem. Please email your statement to: democraticservices@eppingforestdc.gov.uk

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 are available on [our website](#). Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

How are the applications considered?

The Committee 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 Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.

An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
 - (i) the Council's approved policy framework; or
 - (ii) the development or other approved plan for the area; or
 - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

Further Information

Further information can be obtained from Democratic Services, email democraticservices@eppingforestdc.gov.uk

EPPING FOREST DISTRICT COUNCIL AREA PLANNING SUB-COMMITTEE WEST MEETING MINUTES

Wednesday, 12 April 2023, 7.00 - 7.48 pm

Council Chamber, Civic Offices, High Street, Epping

| | |
|--|--|
| Members Present: | Councillor S Heather (Chairman) Councillors D Stocker (Vice-Chairman), R Bassett, H Kane, S Kane, J Leppert, J Lucas, T Matthews, J Parsons, M Sartin and S Yerrell |
| Members Present (Virtually): | Councillors |
| Apologies: | Councillor(s) N Avey, J Lea and R Pugsley |
| Officers In Attendance: | Adrian Hendry, Rebecca Moreton and James Rogers |
| Officers In Attendance (Virtually): | Graham Courtney |

[A RECORDING OF THE MEETING IS AVAILABLE FOR REPEATED VIEWING](#)

59 WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

60 WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements agreed by the Council, to enable persons to address the Sub-Committee in relation to the determination of applications for planning permission.

61 DECLARATIONS OF INTEREST

Pursuant to the Council's Members' Code of Conduct, Councillors Sartin and Heather declared a non-pecuniary interest in the following item of the agenda by virtue of being members of the Lea Valley Regional Park Authority. The Councillors had determined that they would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2587/22 – Sedge Gate Nursery, Sedge Green, Nazeing.

62 MINUTES

RESOLVED:

That the minutes of the Sub-Committee held on 08th February 2023 be taken as read and signed by the Chairman as a correct record.

63 ANY OTHER BUSINESS

It was reported that there was no urgent business for consideration at the meeting.

64 EPPING FOREST DISTRICT COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)

It was noted that the Epping Forest District Council Planning Policy Briefing note was available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.pdf>

65 SITE VISITS

There were no formal site visits requested by the Sub-Committee.

66 PLANNING APPLICATION - EPF/3282/21 38 HONEY LANE, WALTHAM ABBEY EN9 3BS

RESOLVED:

[Approved with conditions, subject to S106 agreement \(as recommended\).](#)

67 PLANNING APPLICATION - EPF/2587/22 SEDGE GATE NURSERY, SEDGE GREEN, NAZEING, WALTHAM ABBEY EN9 2PA

RESOLVED:

Members determined to [refuse consent as per the officer recommendation](#). However, this matter will be referred to DDMC for a final decision.

CHAIRMAN



Epping Forest District Council



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

| | |
|---------------------|--|
| Application Number: | EPF/0817/22 |
| Site Name: | Land Off, Honey Lane Waltham Abbey, EN9 3AY |
| | |

Contains Ordnance Survey Data. © Crown Copyright 2013
EFDC License No: 100018534

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

OFFICER REPORT

Application Ref: EPF/0817/22
Application Type: Full planning permission
Applicant: Mr Ray Tod
Case Officer: James Rogers
Site Address: Land Off
Honey Lane
Waltham Abbey
EN9 3AY

Proposal: Application for a mixed use development, comprising of a 75 bed care home, doctor's surgery, dental surgery & x6 no. affordable residential units.

Ward: Waltham Abbey Honey Lane
Parish: Waltham Abbey
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nyzi>
Recommendation: Refuse

This application is before this Committee since it has been 'called in' by Councillor Sam Kane (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The application site is located on the southern side of Honey Lane, on the eastern edge of Waltham Abbey. It is currently an undeveloped field within the Green Belt, approximately 400m northwest of junction 26 of the M25 and 1.3 miles from the centre of Waltham Abbey.

There are a number of protected trees on the northern boundary of the site and other trees and vegetation throughout. The result of this is a verdant and open site when viewed from Honey Lane.

Proposal

Application for a mixed use development, comprising of a 75 bed care home, doctor's surgery, dental surgery, 6 affordable dwellings and a new access.

Relevant Planning History

EPF/2124/16 – Proposed erection of 90 bed care home – Refused for the following reasons:

1. The site is located within the Metropolitan Green Belt and the proposal constitutes inappropriate development that is harmful to the Green Belt. Whilst the benefits of providing care accommodation to meet local needs is a material consideration that weighs in favour of the development it is not considered that this, or the other material considerations, are sufficient enough to outweigh the harm to the Green Belt. Therefore no very special circumstances exist and the application is contrary to the guidance contained within the National Planning Policy Framework and policies CP2 and GB2A of the adopted Local Plan and Alterations.
2. Insufficient information has been provided to demonstrate that the proposed development can be achieved without unacceptable loss or damage to existing landscaping on the site, contrary to the guidance contained within the National Planning Policy Framework and policy LL10 of the adopted Local Plan and Alterations.

Development Plan Context

Epping Forest District Local Plan 2011- 2033

The Local Plan (2011-2033) has now been formally adopted by the Council and therefore has full weight when considering planning applications. The following policies are relevant:

| | |
|------|---|
| SP2 | Spatial Development Strategy 2011-2033 |
| T1 | Sustainable Transport Choices |
| DM2 | Epping Forest SAC and the Lee Valley SPA |
| DM3 | Landscape Character, Ancient Landscapes and Geodiversity |
| DM4 | Green Belt |
| DM5 | Green and Blue Infrastructure |
| DM7 | Heritage Assets |
| DM9 | High Quality Design |
| DM10 | Housing Design and Quality |
| DM15 | Managing and Reducing Flood Risk |
| DM16 | Sustainable Drainage Systems |
| DM19 | Sustainable Water Use |
| DM20 | Low Carbon and Renewable Energy |
| DM21 | Local Environmental Impacts, Pollution and Land Contamination |
| DM22 | Air Quality |

National Planning Policy Framework 2021 (“The Framework”)

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

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the Framework are of relevance to this application:

| | |
|------------|---|
| Paragraphs | 126 & 130 |
| Paragraphs | 137, 147 - 150 |
| Paragraph | 180 |
| Paragraphs | 189, 194, 195, 197, 199, 200, 207 & 208 |

Summary of Representations

Waltham Abbey Town Council – **Objection**

“The committee recognises that this is a revised application and ultimately a smaller care home than previously designed, however, there is still significant concern over the size and scale of the development and its impact on the green belt. The committee feels that the inclusion of the extra units aside from the home itself overdevelop this green belt site. There are also concerns that the levels of parking are not sufficient for all users of this development. There has been an objection from a resident noting a number of issues with the proposed development.”

18 Neighbour objections received, summarised as:

- Significant undue harm to the Green Belt
- The need for the development has not been demonstrated
- The site is not allocated in the Local Plan
- Proposal is completely out of character with the area
- There will be significant increased traffic

Planning Considerations

The report will now consider the application against the requirements of the Development Plan and the adopted Local Plan.

The Green Belt

The Framework identifies that the Government attaches great importance to the Green Belt. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The fundamental characteristics of the Green Belt are its openness and its permanence, or in other words, it is characterised by an absence of development.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Government requires the decision maker to ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm identified is clearly outweighed by other considerations. The adopted Local Plan echoes the position of the NPPF and both identify that certain forms of development are not considered to be inappropriate in the Green Belt.

In this case it is clear that the proposal does not fall into any identified exception and is therefore inappropriate development. In addition, given its significant size and scale it will cause considerable harm to the visual openness of the Green Belt. The proposal will cause a significant urbanising effect, due to the buildings themselves, the swathes of hardstanding, large areas of car parking and the significant increase in residential paraphernalia and domestic activity in and around the proposed new dwellings. The proposal conflicts with the fundamental purpose of the Green Belt of keeping land permanently open and will result in substantial urban sprawl. In accordance with the requirements of the Framework, this harm must be afforded substantial weight against the proposal. Very special circumstances are required to clearly outweigh these and any other harm, and these are considered in the planning balance and conclusion section of this report.

Impact on the surrounding area

The existing site is an open field directly adjacent to existing houses on the southern side of Honey Lane and marks the end point of development on this side of the road. Opposite, the town continues with housing and other types of development in a continuous row until it stops with the Marriot Hotel located on the northern roundabout of the M25. The absence of development on the southern side of Honey Lane marks a significant area of green space between Waltham Abbey and the M25 motorway.

The proposed development is significant, both in terms of its scale and also the level of activity it would generate. Essentially it can be categorised as three separate forms of development across the full extent of the site: the proposed care home, the doctors surgery/dentist, and the six affordable housing units. Given the context of the site, which is on the outskirts of one of the largest urban areas in the District and which has a rather substantial amount of development opposite, the notion of new development on the site would not, in principle, appear out of place.

Dealing with each detailed design in turn, the proposed care home is a large three and a half storey building which would provide 75 places for new residents. It is well set back from Honey Lane and therefore whilst large in scale it would not serve to dominate the frontage, particularly given the quite robust landscaping that already exists adjacent to the road. In terms of its detailed design, it is a conventional albeit unremarkable style of care home and given that it will not be overtly visible from public view it would not have a significant impact on the character and appearance of the street scene. It would be important however for the building to use high quality materials to ensure a good finish and this could be secured through condition.

Similarly, the building for the doctors/dentists surgery is well set back from Honey Lane and therefore would not appear overly prominent from the road, despite the fact that it too would be a large building in the area. The detailed design has some conventional elements with hipped and gabled roof profiles but also has a rather awkward ridge and eaves profile with differing levels, giving the building a disjointed appearance. Whilst far from ideal, on balance the proposed architectural design would not cause harm to the character and appearance of the area given its set back from the road. Similarly to the proposed care home, high quality materials will be required for the design to appear successful and this can be ensured through condition.

Turning to the proposed dwellings, a conventional residential design has been chosen with traditional hipped and gabled roof profiles, of which there are many in Waltham Abbey. The proposal has a mixture of detached and semi-detached dwellings which will give a little architectural interest as opposed to an identical row of houses. Proposed new dwellings of this design would clearly not be harmful in the context of an existing town. Subject to a condition requiring high quality materials, there will not be harm caused to the character and appearance of the area.

Whilst the proposal would result in significant change to what is essentially an open field at present, in the context of the site, directly adjacent and also opposite to substantial development in Waltham Abbey it is concluded that the proposal would not cause harm or appear out of place to the character or appearance of the area.

Tree and landscaping issues

The EFDLP requires that new development must, amongst other things, ensure that there will not be direct, indirect or cumulative harm to the existing landscape character of an area and proposals must retain and where possible enhance existing provision. In this case, the Tree and Landscape Team have objected to the application, summarising that:

Our records show that on the site boundary nearest to Honey Lane there are two veteran trees (also subject to a TPO)....Trees and their surroundings are nationally recognised as irreplaceable habitats and need to be afforded greater protective areas than non-veteran trees because they can be harmed by even small changes within their rooting areas.

The current proposal includes siting a corner of the care home building within the recommended buffer zone around one of the veteran trees (T13 on TPP) and a 'No Dig' system within the rooting area of the other (T2 on TPP). Given that the trees are currently growing in an open field environment, the alteration of their rooting area & surrounds is unacceptable. It is not just the actual tree that requires protection, but the whole soil structure and rooting environment of the tree. The buffer zone around these trees, as prescribed by Government Standing Advice, needs to remain as field.

Additionally, the submitted Arboricultural Report does not note that these trees have veteran status, so the Arb Impact Assessment, Method Statement and Tree Protection Plan are all based on the standard calculations and methodology within British Standard BS5837:2012. This gives insufficient consideration & protection to the veteran trees and their environment.

As a result it is clear that the proposal does not demonstrate that there would not be harm caused to the existing landscape assets towards the front end of the site, in direct conflict with policy DM5 of the EFDLP.

Living conditions of neighbours and standard of accommodation proposed

The proposed new houses will have their gardens facing westwards, towards some existing dwellings known collectively as "Cobmead". The two most northerly proposed dwellings would back onto the rear garden of no.176 Honey Lane, however, leaves a significant distance to the boundary and therefore would not cause excessive overlooking.

The remaining dwellings to the south will back onto either the side elevations of existing houses or parking areas and therefore will not cause significant overlooking.

Highway and parking

The Essex County Council highway engineer has commented that:

The Highway Authority has considered the above planning application, visited the site and thoroughly assessed the submitted transport information and has concluded that the proposal is not contrary to National/Local highways and transportation policy and current safety criteria.

The applicant has submitted a Transport Assessment (TA), that demonstrates to the satisfaction of the Highway Authority, in terms of safety and capacity, that the vehicular impact of the proposed development will be minimal on the highway in the vicinity of the site and on the wider highway network.

The proposed access has suitable geometry and visibility for the speed of the road. Furthermore, the proposed pedestrian facilities and access arrangements have not raised any issues within the Stage 1 Road Safety Audit.

The applicant has also demonstrated that suitable turning for all vehicles is available on-site and all vehicles will be able to egress from the site in a forward gear. Furthermore, a Car Park Accumulation Assessment has been undertaken that demonstrates that the proposed parking provision should be able to cope with the demand.

Consequently, the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network.

Land Drainage

The Land Drainage Team consider that the proposal is acceptable subject to planning conditions to ensure that there is a sustainable drainage strategy in place in accordance with the submitted Flood Risk Assessment.

Land Contamination

1940-1970 historic photographs show small buildings, disturbed ground & imported soils present along the Northern & North eastern boundary, 1990 photograph shows the onsite disposal of additional soils during construction of the offsite car park to the East, 2001-2004 photographs show a track created

across the top of the site and down the Western side of the site between these dates, and more recent photography shows that made ground has been spread across the site following construction of the 4 dwellings on the former car park to the East.

It is reported that ground gas mitigation measures suitable for Characteristic Situation 2 are to be installed in lieu of additional ground gas monitoring (only a single round of gas monitoring reported to have been previously undertaken) in order to remove the accumulation and inhalation risks to occupiers pathway, which is acceptable provided that a verified proprietary gas membrane with a Gas Protection Score of 2 is used in addition to a very well ventilated beam & block floor void (the use of 1200g or 2000g polythene membranes is no longer acceptable).

Apart from ground gases, the submitted report has not mentioned any specific contaminants associated with former potentially contaminating uses (e.g. Made Ground: *asbestos, PAH, metals & inorganics* or the Electric Substation: *Petroleum Hydrocarbons & PCBs*) and the Qualitative Risk Assessment presented in Table C5 has not been carried out in accordance with the Classification of Severity criteria presented in Table C3 which classifies short term acute potential exposure risks as Severe (e.g. inhalation of asbestos fibres and explosive/asphyxiant accumulation/inhalation ground gas risks) and chronic exposure risks as Moderate (e.g. Lead and Benzo(a)pyrene) which if there is considered to be a Low Likelihood of an event occurring, would result in a Moderate risk for exposure to asbestos and a Low/Moderate risk with respect to other made ground potential contaminants (PAH, Metals & Inorganics) and organic contaminants (PCBs & petroleum hydrocarbons) which would require further investigation.

Provided that a detailed list of potential pollutant linkages is submitted with the required Phase 2 investigation protocol, it should not be necessary for a Phase 1 condition to be added to any approval granted.

The Epping Forest Special Area of Conservation

Biodiversity features within, or associated with, a Special Area of Conservation are given the highest level of protection under UK law, and national planning policy in England. The provisions of the EU Habitats Directive are given effect in UK law by the Conservation of Habitats and Species Regulations 2017, as amended ("the Habitats Regulations").

Under the Habitats Regulations, the EFSAC is classified as a 'European Site' and, as such, any plans and projects (including applications for planning permission) that are likely, either alone or in combination with other plans or projects, to have a significant effect on the EFSAC must be subject to an assessment, known as an Appropriate Assessment ("AA"). The purpose of an AA is to ascertain whether any plan or proposal, either alone or in combination, will have an adverse effect the integrity of the European Site.

The Council has a legal duty as the 'competent authority' under the Habitats Regulations (2017) to protect the EFSAC from the effects of development (both individually and in combination) having regard to the representations of Natural England ("NE").

The EFDLP was supported by a Habitats Regulations Assessment dated June 2021 ("the HRA 2021"). Two specific 'pathways of impact' relating to new development within the District were identified as being likely to have a significant effect on the integrity of the EFSAC. Firstly, an 'urbanisation' pathway of impact primarily as a result of increased levels of visitors using the EFSAC for recreation arising from new residential development (referred to as "recreational pressure"). Secondly, damage to the health of the protected habitats and species of flora within the EFSAC from an atmospheric pollution 'pathway of impact' (referred to as "air quality") caused primarily by motor vehicles using roads within 200m of it. The HRA 2021 undertook an Appropriate Assessment of the planned development allocated within the EFDLP, including the effect of that development on the EFSAC. The HRA 2021 concluded that, subject to securing urbanisation/recreational pressure and air quality mitigation measures the growth of EFDLP will have no adverse effect on the EFSAC.

Recreational pressure

With regards to recreational pressure, the site is located within the 6.2km zone of influence to the EFSAC and as such new occupants of the development have the potential to use it for recreational

purposes, which as noted above has the potential to cause it irreversible harm. However the Council does have a recreation strategy to mitigate against such potential adverse effects. The strategy includes various mitigation measures, including a Strategic Access Management and Monitoring Strategy (“SAMM strategy”). The measures identified require financial contributions from new residential development in the order of £343.02 per dwelling which in this case would include the 75 new care places. This is of course dependent on an appropriate method to deliver such financial contributions, which can only be through either a S106 legal agreement or a unilateral undertaking on behalf of the applicant and both are dependent on planning permission being granted.

Air Quality

The HRA 2021 advises that without appropriate mitigation measures, new development proposed in the District would cause harm to the integrity of the EFSAC as a result of atmospheric pollution. A key contributor to atmospheric pollution arises from vehicles using roads in close proximity (i.e. within 200m of the EFSAC).

The strategic solution to the potential adverse effects caused by the increased level of traffic is the Air Pollution Mitigation Strategy (“The APMS”). The APMS identifies a number of mitigation measures, a number of which are required to be delivered as part of individual planning applications alongside strategic initiatives and monitoring requirements, the implementation of which will require a financial contribution to be secured from individual developments.

The evidence base that has been developed to inform the APMS has taken into account Annual Average Daily Traffic (AADT) that would arise from proposed allocations in the EFDLP. The use of AADT is the appropriate method for understanding the effects of atmospheric pollution on both human and ecological health. The APMS therefore provides the mechanism by which the competent authority can arrive at a conclusion of no adverse effect on the EFSAC as a result of planned development. In this case, the proposal has not been allocated in the EFDLP and so cannot simply rely on the APMS for its mitigation. Rather, it will need to deliver its own bespoke package of mitigation measures. These measures have been set out by the Council’s transport consultants who have concluded no adverse effect on the EFSAC subject to the following:

- EFDC HRA contribution per household;
- Resident Welcome Packs to include Travel Packs that identify the active travel and public transport facilities and services;
- All in curtilage residential car parking spaces to include EV charging provision;
- Staff Travel Plans to be prepared and submitted for approval and managed thereafter for by the operators of the GP and Dental surgeries and the Care Home provider; and
- 30% of all non-residential car parking spaces to include EV charging provision, with the ability to extend this provision to all parking spaces.

These measures can all be secured by either conditions or legal agreements and as such, subject to their delivery it is concluded that there will not be an adverse effect on the special interest features of the EFSAC. Similarly to the recreational issues, if planning permission is refused, the failure to deliver of these measures will need to form an additional reason for refusal.

Very special circumstances advanced

Since the proposal constitutes inappropriate development in the Green Belt that causes additional harm to its openness and conflicts with its fundamental purposes, the applicant must advance very special circumstances (“VSCs”) to clearly outweigh this harm.

The main thrust of the VSCs advanced by the applicant is the need, principally for the care home itself, but also the doctors surgery/dentist and the delivery of affordable housing.

As with any material planning consideration, the starting point is to first consider the requirements of the Development Plan and the status of the EFDLP. It is pertinent to consider the recent Local Plan Inspectors (“the LPI”) report, particularly in relation to “Issue 2”:

“Whether the Local Plan makes appropriate provision for housing of all kinds to meet the needs of society”.

The LPI concluded that:

“Subject to the main modifications described above, the plan makes sufficient provision for housing over the plan period and takes a practical and sound approach towards housing delivery and the housing trajectory. There is adequate evidence to indicate that a 5-year supply of housing will be maintained. The plan delivers an appropriate mix of housing tenures, types and sizes and makes adequate provision for affordable housing, older people, specialist housing, Gypsy and Traveller accommodation and accessible homes to meet the identified needs of different groups. The plan therefore makes appropriate provision for housing of all kinds to meet the needs of society.”

It is clear therefore that in general, the recently adopted EFDLP does indeed provide an appropriate amount of specialist housing, which includes care homes for older people.

It is also important to note however that policy H1 of the EFDLP sets out general policy support for specialist types of accommodation, including care homes where there is evidence of an unmet need. In order to further understand the issue, the Council has commissioned the Housing Learning and Improvement Network (“Housing LIN”) to undertake an assessment of housing and accommodation needs of older people. The report covers the following areas:

- Demographic evidence relating to the local older population.
- Housing, health and social care, and socioeconomic factors in relation to the local older population.
- Evidence in relation to the current supply of specialised housing and accommodation for older people.
- Quantitative estimates of future need for housing and accommodation for older people to 2033, and to 2037.

Housing LIN identified that over the plan period (2011-2033) there is a need for 1,538 residential and nursing care beds in the District. On an annualised basis there is a need for 70 care beds to be provided each year from 2011, and therefore the District should have provided 839 care beds by 2023. However, the current level of provision is 1,268 beds, which equates to an annual delivery of 106 care beds each year since 2011. So currently 429 additional care beds have been provided above the annualised trajectory. Whilst there remains a total need for 270 care beds over the plan period, which equates to 27 care beds per year from now until 2033, given the current annualised overprovision there is no immediate need for the care home.

These figures are, however, very conservative since Housing LIN did not include two extant permissions that have not yet been delivered which are:

- EPF/2686/20 – Chapelfield. This development has permission to provide 80 bedspaces including provision for dementia patients.
- EPF/1244/11 – Bell Hotel – this development has permission to provide 60 bedspaces.

Therefore, another 140 care beds that could be delivered have not been included in these figures, which if included would leave only 130 beds, or 13 care beds per year, needed by 2033.

In the context of the conclusion reached by the LPI that the EFDLP makes sufficient provision for housing over the plan period as well as the clear oversupply that currently exists in the district, there is not a demonstratable need for the proposed care home.

Turning to the proposed doctors surgery/dentist, the applicant sets out that there is a local need for such facilities in the local area. The Hertfordshire and Essex Integrated Care Board (“the ICB”) as the primary healthcare commissioner with full delegation from NHS England have commented that they have no

objection subject to conditions and planning obligations. However, this does not constitute a clear support of the scheme, nor does it identify a need for the delivery of the healthcare facilities but in actual fact comment that the development would:

“...have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable”.

Indeed, the EFDLP itself sets out the infrastructure requirements for each area within the District through the Infrastructure Delivery Plan (“the IDP”). The IDP identifies a need for 173sqm of additional GP spaces in Waltham Abbey over the plan period as well as the equivalent of 0.4 full time dentists. However, there are numerous allocation sites in Waltham Abbey capable of delivering such a need, including the Waltham Abbey Strategic Masterplan Area. As such whilst it can be concluded that there is a general need for such provision in Waltham Abbey, this is a need over the plan period (until 2033) but it does not demonstrate a current acute need in the local area.

Finally, turning to the proposed affordable housing, it is clear that the delivery of affordable housing is always a positive aspect of development proposals, even though, in this case there is no policy requirement for them to be so. However, in the context of the now adopted EFDLP, which as the LPI identified:

“...The plan delivers an appropriate mix of housing tenures, types and sizes and makes adequate provision for affordable housing...”

It is clear that there is no “need” for the delivery of affordable housing over and above the growth contained in the EFDLP and therefore it is unconvincing as a VSC.

This conclusion is entirely consistent with that reached on the previously refused application in 2017 (EPF/2124/16) where a similar argument was advanced by the applicant, that there was an acute “need” for a care home in this location and that should constitute the VSC required to clearly outweigh the harm to the Green Belt.

There is even more compelling evidence in this application to conclude that the VSCs advanced are unconvincing due to the adoption of the EFDLP and consequent conclusion that the district provides an adequate supply of specialist housing. This is further underpinned by the up-to-date information provided by Housing LIN, that the Council has a current, significant, oversupply of residential care beds at this stage in the plan period.

Final balance and conclusion

The entirety of the proposal is clearly inappropriate development in the Green Belt, would cause significant additional harm to its openness, would fundamentally conflict with the fundamental purpose of the Green Belt and would erode its open character. In accordance with the requirements of the Framework, each of these harms must be afforded substantial weight against the proposal. In addition, there would be significant, undue harm caused to the existing landscape assets on the site and considerable weight should be attached to this.

In such circumstances the applicant must demonstrate VSCs to clearly outweigh the harm to the Green Belt. For the reasons set out above, it is clear that the care home, the doctors surgery/dentist and the affordable housing are not necessary in the context of the allocated development in the EFDLP. As such, considered individually and cumulatively they do not outweigh, never mind clearly outweigh the very significant harm that would be caused to the Green Belt as well as the landscape harm that has been identified.

It is therefore recommended that planning permission is refused and, in such circumstances, an additional reason for refusal will need to be added since the financial contributions towards the mitigation measures of the EFSAC cannot be secured.

If you wish to discuss the contents of this report item please contact the case officer by 2pm on the day of the meeting at the latest, or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Case Officer: James Rogers

Email: jrogers@eppingforestdc.gov.uk

Refusal Reason(s): (3)

- 1 The proposal constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. In addition, the proposal would cause significant additional harm to its openness and would conflict with its fundamental purpose of keeping land permanently open. The nature of the proposal would cause a significant increase in the residential paraphernalia in and around the site which would cause additional significant harm to the character of the Green Belt. The very special circumstances advanced by the applicant do not clearly outweigh these identified harms to the Green Belt and the other harms identified. The proposal is therefore contrary to policy DM 4 of the adopted Local Plan (2011-2033) and with the requirements of chapter 13 of the National Planning Policy Framework (2021).
- 2 The proposal fails to demonstrate that it would not cause significant harm to the existing landscape character of the site, particularly on its front boundary adjacent to Honey Lane. As such it is in conflict with policy DM5 of the adopted Local Plan (2011-2033) and with the landscape guidance contained in the National Planning Policy Framework (2021).
- 3 Since there is no appropriate mechanism to secure the necessary financial contribution towards managing the effects of air pollution and recreational pressure on the Epping Forest Special Area of Conservation, the proposal fails to demonstrate its compliance with policies DM 2 and DM 22 of the adopted Local Plan (2011-2033), with paragraphs 181 and 182 of the National Planning Policy Framework (2021) and with the requirements of the Habitat Regulations (2017)

Informatives: (2)

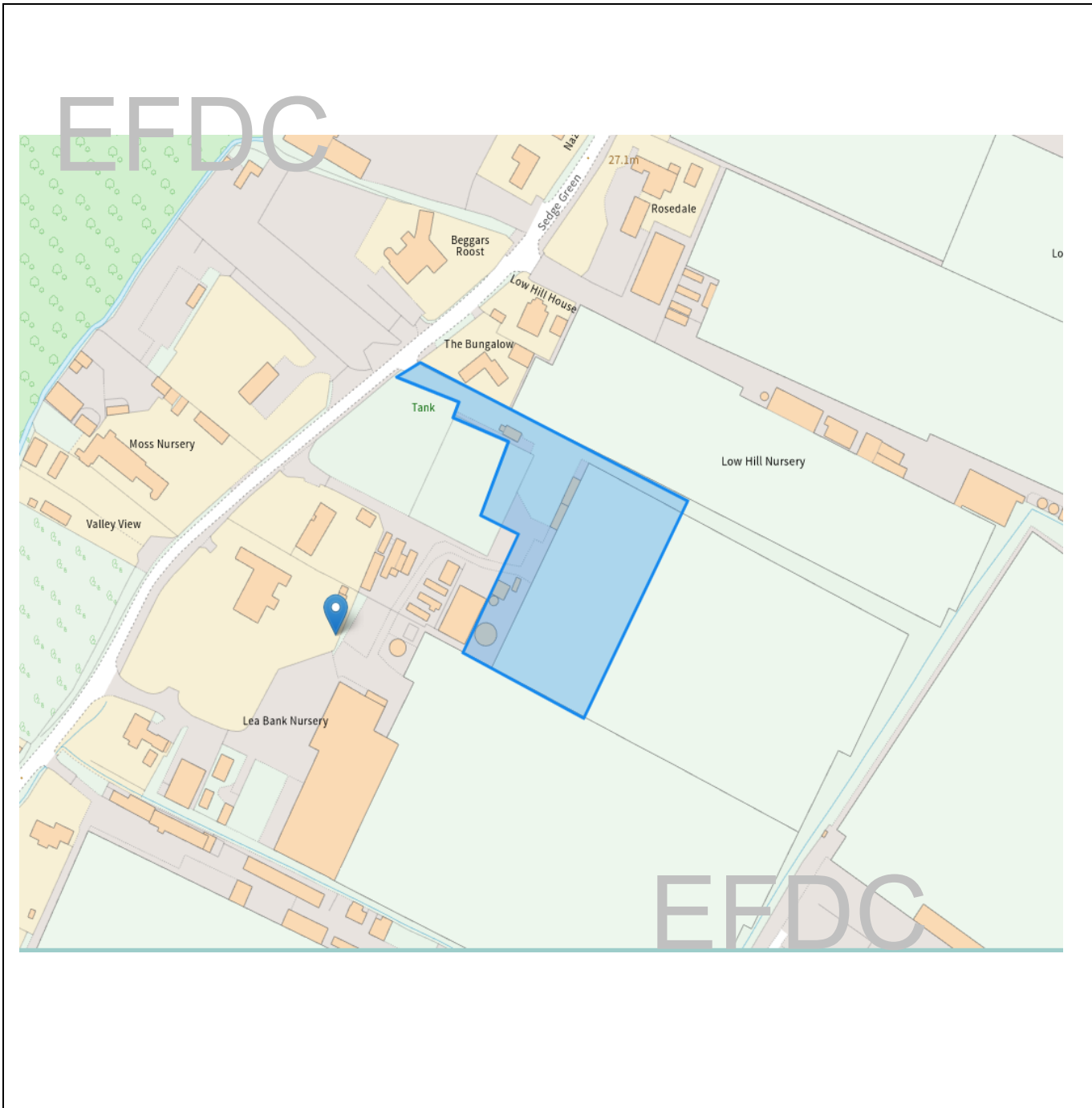
- 4 The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority has a formal post-application advice service. Please see the Council's website for guidance and fees for this service - <https://www.eppingforestdc.gov.uk/planning-and-building/apply-for-pre-application-advice/>. If appropriate, the Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development through this service.

5

This decision is made with reference to the following plan numbers:(21) 1 F, (00) 4D, (00) 5C, (00) 7D, (9) 1, (9) 4 A, 009 A, (21) 3D, (21) 2, (00) 6 D, (27) 2, (00)3 E, (9) O, (00) 2 E, (27) 1 A, (00) 8 A and 01 Rev B



Epping Forest District Council



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

| | |
|---------------------|---|
| Application Number: | EPF/2072/22 |
| Site Name: | Leabank Meagate and Hillside Nurseries Sedge Green Roydon CM119 |
| | |

Contains Ordnance Survey Data. © Crown Copyright 2013
EFDC License No: 100018534

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

OFFICER REPORT

Application Ref: EPF/2072/22
Application Type: Change of use
Applicant: Mr Faranda
Case Officer: Muhammad Rahman
Site Address: Leabank Meadgate And Hillside Nurseries, Sedge Green, Roydon, Harlow, CM19 5JS
Proposal: Change of use of the site from horticulture to a site for storage purposes (Use Class B8).
Ward: Lower Nazeing
Parish: Nazeing
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Onm9>
Recommendation: Refuse

This application was deferred from the 08 February 2023 meeting to allow the applicant/agent to submit additional information for review by the Council.

Members will note that the application was recommended for refusal for the reasons set out below;

1) The application site is located within the Metropolitan Green Belt and the proposed development would constitute inappropriate development, by definition, harmful to the Green Belt including harm derived from loss of openness. No very special circumstances exist that clearly outweighs the harm from the development and therefore the proposal is contrary to Policies CP2, GB2A, GB7A, GB8A & E13B of the adopted Local Plan 1998 & 2006, Policies SP6 & DM4 of the Local Plan Submission Version 2017, and Paragraphs 137, 147 - 150 of the NPPF 2021.

2) The proposed development would result in the loss of existing glasshouses situated within a designated E13A glasshouse area, which would undermine the policy approach of protecting the Lea Valley glasshouse industry, contrary to policy E13B of the adopted Local Plan and Alterations, and policy E 1 and E 3 of the Submission Version Local Plan (2017).

3) The proposed development will result in an increase in the level of hardstanding and general activity on the site, resulting in an unacceptable intensification and urbanisation of the existing site that harms the wider landscape and character of this rural area, which predominantly consist of Glasshouses, contrary to policy CP2 of the adopted Local Plan 1998 & 2006, Policy DM9 of the LPSV, and the NPPF 2021.

4) The proposed development, due to its unsustainable location, would result in a reliance on the use of the private vehicles and lead to the promotion of unsustainable patterns of growth where there are limited public transport choices, contrary to Policies CP1, CP3, and CP9 of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.

5) By reason of the lack of sufficient information, the Council are unable to determine the whether the proposal could be carried out without a detrimental impact to the safety operation of the Highway Network, contrary to Policy ST4 & GB8A of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.

6) The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public

interest why the proposed development should be permitted. In the absence of such information, and including any mitigation measures, the proposed development is contrary to Policies DM2 and DM22 of the Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

A reconsultation was undertaken on the additional submitted information and a number of further comments were received as per below;

Nazeing Parish Council - It was noted that there were no significant amendments to the application, the Council had previously objected to the proposal and Cllr Joslin read the Council's previous resolution. It was resolved to object to the proposal, for the same reasons given previously. Resolved – To object to the proposal on the following grounds: i) The roads in Nazeing are all either B-roads or lanes by name and nature and are not suitable for use by heavy lorries. There is already overuse of these roads by this type of vehicle, which has caused a rapid deterioration and subsequent hazardous conditions for users. This would be exacerbated by the proposed change of use. ii) The Lea Valley is well known for being a long-standing centre for salad and vegetable growing for the country and the greenhouse industry. Turning these greenhouses into warehouses is completely against this concept and will adversely alter the dynamics of the local community. iii) In the event that permission is granted, the Council considers that a condition should be attached that the warehouses are used only in connection with the existing greenhouses.

Dobbs Weir Residents Association - The residents association of Dobbs Weir would like to state their OBJECTION to this planning application.

1. The change of use from agricultural to industrial/storage use would be detrimental to the area which is within the Lea Valley Park.
2. Dobbs Weir is already blighted by the illegal use of our road from overweight HGVs which breach the weight limit in place
3. The original plans stated that the site will have HGV traffic to serve the new units, however the new Transport plan submitted on 6th March 2023 states that the maximum size vehicle will be a 7.5 ton panel van. We question what has changed that the site will now not need to use HGVs which were so readily included on the original refused plan and we notice that HGV traffic will still serve the site.

Our residents are seeing the increased industrialisation of the area through individual planning applications for change of use from agricultural to industrial purposes. This is a major concern as it appears that soon, Dobbs Weir will become sandwiched between the Hoddesdon Industrial Estate and the increasing industrialisation of Sedge Green. Our road and infrastructure were not designed for this and our residents are suffering with noise, pollution, destruction of our road, property, signage and regular traffic chaos. Our pavements are too dangerous to walk on due to speeding traffic and HGVs and the Council need to visit our village to appreciate the issues we have which are being compounded by the these applications. All in an area that the Lee Valley Park are promoting for walking and cycling.

8 NEIGHBOUR OBJECTIONS – Summarised as:

- Traffic/Air Pollution – Increased HGV movements;
- Highway/Pedestrian Safety;
- Intensification of Use – Increase noise & general disturbance; and
- Los of Glasshouse – Out of keeping with area.

Following the review of the additional submitted information, Officers consider reason for refusal #5 relating to highway safety has been overcome. This is due to previous issues raised by the Highway Officer being overcome. The Highways Officers comments are below;

Further to the receipt of the amended plans and Transport Statement, the Highway Authority is satisfied that the proposal will only generate a small amount of additional traffic in the peak hours, which will have little or no discernible impact on the surrounding highway network.

Furthermore, the intention is to now use the existing main access for the site, which has appropriate visibility and geometry.

Consequently, the Highway Authority is satisfied that the impact of the proposal will not be detrimental to highway safety, capacity, or efficiency at this location or on the surrounding highway network.

Notwithstanding the above, the other reasons for refusal still remain.

Furthermore, On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council. This means the policies referenced in the original Officer report from the superseded Local Plan are no longer relevant.

Additionally, a further review was carried out scrutinising the submitted structural survey by the Councils Building Control Team. This review concluded that the existing glasshouse are lightweight structures and will require a lot of works to turn it into a functional warehouse. As such the proposal can no longer be considered under Paragraph 150 (d) of the NPPF which states; the re-use of buildings provided that the buildings are of permanent and substantial construction. For clarity, Officers do not consider Glasshouses to be permanent buildings, and so the proposal fails to meet any of the exceptions within the NPPF. Thus, it is inappropriate development within the Green Belt, which is, by definition harmful. The assessment on the openness of the Green Belt as carried out in the original officer report still stands.

Lastly, an argument raised by the Agent at the last meeting was the future viability of the remaining glasshouse and how permitting the proposal would allow for this. This is known as 'Enabling Development'. Further information re this was requested by Officers, however the information submitted does not lead Officers to a different Conclusion.

It is essential that the Glasshouse industry is protected within this District. News reports indicate a crisis of British produce within the supermarkets. An extract from the Guardian (dated 6th September 2022) is below;

The Lea Valley, also known as the cucumber capital and Britain's salad bowl, is one of the diamonds of the UK's embattled horticultural sector. The Lea Valley Growers Association (LVGA), seeded through an area running across Greater London, Essex and Hertfordshire, comprises more than 180 hectares (450 acres) of glasshouses, run by 80 growers. The valley should be a jewel in the crown for a country concerned with homegrown industry and food security.

But hit by Brexit, a flawed Home Office plan for workers, and now rising energy prices, more than a third of the growers have applied for planning permission to knock down 60 hectares of greenhouses to replace them with housing estates, warehouses and small factories. Their applications have been granted.

"Without government assistance for British food producers, the largest hub in the UK's glasshouse sector could face extinction within the next two years," said Lee Stiles, the LVGA secretary, "to be concreted over by houses and industry.

“The association has 80 growers and 450 acres of glasshouses,” he said. “Twenty growers have permission for housing, representing 100 acres, and another 10 have permission to develop their 50 acres for light industrial uses.”

Source: <https://www.theguardian.com/environment/2022/sep/06/cucumber-capital-growers-selling-up-as-brex-it-and-energy-crisis-hits-britains-vegetable-industry>

Policy E3 (Food Production and Glasshouses) is supportive of new or replacement glasshouses subject to a number of criteria. In addition, the supporting text to Policy E3 Para 3.61 sets out that ‘the market opportunities for home grown products, together with concern about food security and the widening gap between what the nation produces and requires is leading to renewed aspiration and real opportunities for growth in the sector. The industry appears to have good growth prospects, and food has been agreed as one of the sector priorities for the London Stansted Cambridge Corridor.’ Policy E3 is supported by several evidence-based documents including The Lea Valley Food Task Force Final Report 2018 (EB615). The proposal would therefore undermine one of the objectives of the Local Plan which is to support the diversification of the agricultural economy including the expansion of the glasshouse industry, which Policy E3 facilitates. It is also noted that Government published its Food Strategy in 2022 which focuses on longer-term measures to support a resilient, healthier, and more sustainable food system that is affordable to all.

Members will need to consider whether the loss of the Glasshouse and its replacement with a warehouse is acceptable taking into account the above concerns.

The original Officer report has been reproduced below.

This application is before this Committee since it has been ‘called in’ by Councillor Bassett (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The site comprises of multiple large glasshouses within the Green Belt. There are no listed buildings on site, nor is the site within a conservation area, however, it is within an EFDC flood assessment zone.

Proposal

The proposal is for change of use of the site from horticulture to a site for storage purposes (Use Class B8), including a proposed welfare block.

Proposed Opening Hours are:

7am - 6pm on Mondays to Fridays, 8am - 1pm on Saturdays and at no times on Sundays/Bank Holidays.

The application form states that the existing business employs 25 FTE staff and the proposal would retain this.

Relevant Planning History

Multiple histories against the wider site and the relevant case is below;

EPF/0346/00 - Erection of boiler house and glasshouses – Approved with Conditions

Development Plan Context

Local Plan and Alterations 1998 & 2006 (LP)

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006)

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

CP2 Protecting the Quality of the Rural and Built Environment
CP3 New Development
CP4 Energy Conservation
CP6 Achieving Sustainable Urban Development Patterns
CP8 Sustainable Economic Development
CP9 Sustainable Transport
GB2A Green Belt
GB7A Conspicuous Development
GB8A Change of Use or Adaptation of Buildings
RP5A Adverse Environmental Impacts
DBE1 Design of New Buildings
DBE4 Design in the Green Belt
DBE9 Loss of Amenity
ST4 Road Safety
E13B Protection of Glasshouse Areas

National Planning Policy Framework 2021 (Framework)

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

1. approving development proposals that accord with an up-to-date development plan without delay; or
2. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraphs 84 & 85
Paragraph 110
Paragraphs 126 & 130
Paragraphs 137 & 147 - 150
Paragraph 180

Epping Forest District Local Plan Submission Version 2017 (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

Following the Examination Hearing Sessions for the emerging Local Plan, the Council has prepared a number of changes, known as Main Modifications, to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional Main Modifications (MMs), significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

SP6 Green Belt and District Open Land
T1 Sustainable Transport Choices
E1 Employment Sites
DM2 Epping Forest SAC and the Lee Valley SPA
DM4 Green Belt
DM9 High Quality Design
DM15 Managing and reducing flood risk 100
DM16 Sustainable Drainage Systems
DM20 Low carbon and renewable energy
DM21 Local environmental impacts, pollution and land contamination
DM22 Air Quality

Summary of Representations

Number of neighbours consulted: 14. 1 response(s) received
Site notice posted: Yes

CEDAR LEA - Objection – Summarised as:

- Intensification of use; and
- Drainage concerns

NAZEING PARISH COUNCIL – Resolved: To object to the proposal on the following grounds:

- 1) The roads in Nazeing are all either B-roads or lanes by name and nature and are not suitable for use by heavy lorries. There is already overuse of these roads by this type of vehicle, which has caused a rapid deterioration and subsequent hazardous conditions for users. This would be exacerbated by the proposed change of use.
- 2) The Lea Valley is well known for being a long-standing centre for salad and vegetable growing for the country and the greenhouse industry. Turning these greenhouses into warehouses is completely against this concept and will adversely alter the dynamics of the local community.
- 3) In the event that permission is granted, the Council considers that a condition should be attached that the warehouses are used only in connection with the existing greenhouses.

The Council have requested that District Cllrs Bassett and Pugsley call in this application.

Planning Considerations

The main issue for consideration in this case are;

- a) The impact on the Green Belt;
- b) Landscape/Visual Impact;
- c) Highway Safety;
- d) Living Conditions with particular regard to noise disturbance; and
- e) The Impact on the Integrity of the Epping Forest Special Area of Conservation (EFSAC).

Green Belt

The relevant exception to development in the Green Belt is Paragraph 150 (d) the re-use of buildings provided that the buildings are of permanent and substantial construction, and (e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds). The proposed welfare block would be ancillary to the proposal so can be considered under the above 2 exceptions.

Para 150 (e) is a closed list, so the proposed change of use would not meet this exception. In terms of Para 150 (d) to establish whether the proposal would be acceptable depends on the building and the impact on the openness of the Green Belt, which has a spatial aspect as well as a visual aspect.

The accompanied structural report states the following;

Having carried out our structural appraisal we are satisfied the existing structures can be utilised for the proposed change of use to business-type units. Glass to be removed cladding to be placed over the frame with no structural effect.

So, based on the above, the existing buildings would be of a permanent and substantial construction, suitable for conversion.

Turning to the impact on the openness. In spatial terms, it is commonly accepted that a proportionate increase over the size of the original buildings is acceptable. Having said this, an assessment of a development on the Green Belt is not a purely mathematical exercise as reaffirmed by the recent High Court Judgement; in *Sefton MBC v SoS (2021) EWHC 1082*.

Notwithstanding the above, the proposal would result in a decrease of built form in volume terms on the site, so in spatial terms the impact would be negligible. No elevation plans have been submitted for the proposed welfare block, however it is assumed to be a single storey structure and given the reduction in

built form on the wider site, this would unlikely have any material spatial impact to the openness of the Green Belt.

However, the proposal; by reason of the solid form due to the additional cladding and materials, the increased hardstanding, parking spaces, and the increased associated activity and vehicle movements, will have a material visual impact to the openness of the Green Belt.

Members will note that Glasshouses fall within agricultural use, so are acceptable development within the Green Belt, and are generally lightweight buildings that are primarily glazed, which lessens their visual impact. However, a solid structured warehouse, even when reduced in scale, would be far more solid and appear at odds with the Green Belt.

Due to the above it is considered that the proposed development would be inappropriate development within the Green Belt since it would not meet the exception of para 150 (d), and the proposal would result in further harm derived from loss of openness. As such the proposal is harmful to the Green Belt and should not be approved except in very special circumstances.

'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. This matter will be discussed later in the report.

Loss of glasshouses

The District has long been home to a major part of the Lea Valley glasshouse industry because of its favourable location in terms of topography, rich soil, ample water supply and good proximity to London. The application site is situated within a designated E13A site, which seeks to protect the Lee Valley Glasshouse industry. Adopted plan policy E13B clearly states:

The Council will refuse any application that it considers is likely to:

- (i) Undermine its policy approach of concentrating glasshouses in clusters to minimise damage to visual amenity and loss of openness of the Green Belt; and/or
- (ii) harm the future vitality and/or viability of the Lea Valley glasshouse industry.

Since the proposal would result in the loss of an existing glasshouse within a designated glasshouse area, the development would clearly be contrary to policy E13B and fails to support the Lea Valley Glasshouse industry.

The LPSV includes Policy E 3 (Food Production and Glasshouses) which is supportive of new or replacement glasshouses subject to a number of criteria. In addition, the supporting text to Policy E 3 sets out that 'Following a period of difficult trading conditions the market opportunities for home grown products, together with concern about food security and the widening gap between what the nation produces and requires is leading to renewed aspiration and real opportunities for growth in the sector. The industry appears to have good growth prospects, and food has been agreed as one of the sector priorities for the London Stansted Cambridge Corridor.' Policy E 3 of the LPSV is supported by several evidence-based documents including The Lea Valley Food Task Force Final Report 2018 (EB615). The proposal would therefore undermine one of the objectives of the Local Plan which is to support the diversification of the agricultural economy including the expansion of the glasshouse industry, which Policy E 3 of the LPSV facilitates. It is also noted that Government published its Food Strategy in 2022 which focuses on longer-term measures to support a resilient, healthier, and more sustainable food system that is affordable to all.

Landscape/Visual Impact

The proposed development will result in an increase in the level of solid built development, hardstanding, and general activity on the site, resulting in an unacceptable intensification and urbanisation of the existing site that harms the wider landscape and character of this rural area, which predominantly consist of Glasshouses, contrary to policy CP2 of the adopted Local Plan and Policy DM9 of the LPSV, and the NPPF 2021.

Sustainability

The application site is situated within a rural location outside of any established settlements.

It is appreciated that this application is for a commercial business as opposed to new housing development and there would be a general expectation that the users of this business would use vehicles, however the proposal would include approx. 20 units with some 52 parking spaces. On this basis the proposal would lead to the promotion of further unsustainable patterns of growth where there are limited public transport choices. The proposal should be in a more sustainable location that allows for shorter vehicular trips than would occur from this rural setting.

Accordingly, the proposal would not comply with Policies CP1, CP3 and CP9 of the adopted Local Plan, Policy T1 of the LPSV, and the NPPF that seek to reduce reliance on the use of the private car, reduce the need to travel, ensure access by sustainable means of transport and generally promote sustainable patterns of development.

Highway Safety

The accompanied transport assessment incorrectly assesses the existing Horticulture use as B2 – Light Industrial and concludes that the proposal would generate less vehicle trips than existing. There are also further issues with the whole application. The application form & Design & Access statement describes the existing horticulture use as Sui Generis, whilst the Structural report describes the Glasshouses as agricultural buildings.

For clarity, horticulture falls within Agricultural use as defined under s336 of the Town & Country Planning Act 1990 below;

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;

The Highways Officer has also raised concerns regarding the existing access and as the applicants have incorrectly concluded that there would be less vehicle movements, they do not consider this to be an issue, so no changes, in their view, would be required to the existing access. Based on the information above, the Highways Officer has been unable to fully consider the impact of the proposal and whether there would be harm to the safety operation of the highway network.

Living Conditions with particular regard to noise disturbance

Officers have considered the potential impact to neighbouring properties from the increased activity including the level of noise that would be generated from the Scheme. The accompanied noise survey concludes that there would not be any material impact, and the Councils Noise Team have raised no objections to this survey. Too add, a condition restricting the use of the site in terms of operating hours and delivery would also further mitigate any harm.

As such it is considered that the proposal would have no significant impact to the neighbouring residents that warrants a further reason for refusal.

Epping Forest Special Area of Conservation (EFSAC)

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV).

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concludes that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development).

Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of parts of the methodology underpinning the appropriate assessment HRA 2019, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently, the Council, as competent authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

1. Recreation activities arising from new residents (recreational pressures); and
2. Atmospheric pollution as a result of increased traffic using roads through the EFSAC

As this application is for non-residential development it has been screened in relation to the atmospheric pollution Pathway of Impact only and concludes as follows;

- The development has the potential to result in a net increase in traffic using roads through the EFSAC and therefore could have a likely significant effect on the EFSAC in relation to the atmospheric pollution impact pathway.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to the atmospheric pollution Pathway of Impact.

Stage 2: 'Appropriate Assessment'

In order to be able to draw a conclusion of no adverse effect on the integrity of the EFSAC in relation to atmospheric pollution, the Council has adopted an Air Pollution Mitigation Strategy (APMS). In light of this, the application does not provide sufficient Annual Average Daily Traffic (AADT) information to be able to properly assess impacts on the EFSAC in this regard. The applicant has also incorrectly assessed the Horticulture use as B2 – Light Industrial and concluded that there would be a reduction in vehicular movements from the proposed use.

Thus, for the reasons set out above, the Council cannot be certain beyond reasonable scientific doubt that the proposed development either alone, or in combination with other developments within the District would not cause harm to the integrity of the EFSAC with particular regards to air quality. As such

the proposed development fails to comply with the requirements of the Habitats Regulations 2017, Policies DM2 & DM22 of the LPSV 2017, and Paragraph 180 of the Framework 2021.

Other Considerations

Officers note the drainage concerns raised by the neighbouring resident; however, the Councils Drainage Officer has raised no objections to the proposal, nor requested any conditions be attached should Permission be granted.

Planning Balance & Conclusion

The applicants have concluded that the proposal is acceptable in Green Belt terms, so did not consider that any 'very special circumstances' (VSC) would be necessary.

Having reviewed the case as whole, the core argument seems to be that the existing business is no longer sustainable and cannot operate due to the increased energy and labour costs including costs of sales. No evidence has been provided on whether the site has been marketed to other potential business owners including a financial appraisal.

Para 84 of the Framework acknowledges that Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. However, Para 85 goes on to state; in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements should be encouraged where suitable opportunities exist.

To conclude, the Council disagrees with the applicants conclusions on Green Belt, Highway safety and EFSAC grounds, and for these reasons Para 84 & 85 of the Framework, including the impact on neighbouring amenity are afforded neutral weight. Officers note the multiple permissions quoted within the Design & Access statement, however, each case is assessed on its own merits, so these are afforded limited weight.

Members will be aware that the protection of the Green Belt is a matter of legitimate wider public interest. The same applies as regards character and appearance, and location of the development. This is reflected in both the development plan and national planning policy.

Thus, the proposed development constitutes inappropriate development in the Green Belt, when assessed against the Framework, which, by definition, would be harmful to the Green Belt and should not be approved except in very special circumstances. The development would also be contrary to at least 1 (Para 138 c) of the identified purposes of the Green Belt. The Framework is clear that substantial weight should be given to any identified harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The Council consider that the cumulative reasons advanced by the applicant do not amount to very special circumstances to clearly outweigh;

1. The harm by reason of inappropriate development in the Green Belt, the additional harm derived from loss of openness (in visual terms), and conflicting with fundamental purposes of including land within it;
2. The harm from the loss of glasshouses contrary to policy E13B;
3. The harm by reason of its location, in that it is not a sustainable location;

4. The harm to the safety operation of the highway network; and
5. The Council, as competent authority, cannot be certain beyond reasonable scientific doubt that the proposed development will not adversely affect the integrity of the EFSAC with particular regards to air quality.

Consequently, the 'very special circumstances' necessary to justify the development do not exist. The proposal would therefore be contrary to the Framework, to the policies of the adopted Local Plan, the LPSV, and the Habitats Regulations.

Thus, the application of policies in the Framework that protect the Green Belt and Habitats Sites provide a clear reason for refusing the development proposed (as per footnote 7). Paragraph 11 of the Framework – the presumption in favour of sustainable development is not therefore engaged.

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

If you wish to discuss the contents of this report item please contact the case officer by 2pm on the day of the meeting at the latest. If no direct contact can be made please email:

contactplanning@eppingforestdc.gov.uk

Case Officer | Muhammad Rahman | mrahman@eppingforestdc.gov.uk

Refusal Reason(s): (5)

- 1 The application site is located within the Metropolitan Green Belt and the proposed development would constitute inappropriate development harmful to the Green Belt, including harm derived from loss of openness. No very special circumstances exist that clearly outweighs the harm from the development and therefore the proposal is contrary to Policies SP5 & DM4 of the Epping Forest District Local Plan 2011 - 2033 (2023) and Paragraphs 137, 147 - 150 of the NPPF 2021.
- 2 The proposed development would result in the loss of existing glasshouses undermining the policy approach of protecting the Lea Valley glasshouse industry, contrary to Policy E3 of the Epping Forest District Local Plan 2011 - 2033 (2023) and the NPPF 2021.
- 3 The proposed development will result in an increase in the level of hardstanding and general activity on the site, resulting in an unacceptable intensification and urbanisation of the existing site that harms the wider landscape and character of this rural area, which predominantly consist of Glasshouses, contrary to Policy DM9 of the Epping Forest District Local Plan 2011 - 2033 (2023), and the NPPF 2021.
- 4 The proposed development, due to its unsustainable location, would result in a reliance on the use of the private vehicles and lead to the promotion of unsustainable patters of growth where there are limited public transport choices, contrary to Policy T1 of the Epping Forest District Local Plan 2011 - 2033 (2023), and the NPPF 2021.
- 5 The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative

reasons of overriding public interest why the proposed development should be permitted. In the absence of such information, and including any mitigation measures, the proposed development is contrary to Policies DM2 and DM22 of the Epping Forest District Local Plan 2011 - 2033 (2023), Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

Informatives: (2)

- 6 The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority has a formal post-application advice service. Please see the Councils website for guidance and fees for this service - <https://www.eppingforestdc.gov.uk/planning-and-building/apply-for-pre-application-advice/>. If appropriate, the Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development through this service.

- 7 This decision is made with reference to the following plan numbers: 1467_300B Rev A, 1467_301A Rev A, 1467_302A Rev A, 1582_310A Rev A, 1582_311, 1582_320A Rev A, 1582_321, and Supporting Documents.